

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 AUGUST 2023
TITLE OF REPORT:	<p>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 AT LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HR2 8BL</p> <p>For: Ms Foti per Mr Ian Kilby, 41-43 Shiretown House, Broad Street, Hereford, HR49AR</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223281&search-term=223281
Reason Application submitted to Committee - Council Owned land	

Date Valid: 29 September 2022	Ward: Newton Farm and Wormside	Grid Ref: 349473,237420
Expiry Date: 18 August 2023		
Local Members: Cllr Carwardine (Newton Farm) & Cllr Thomas (Wormside) (in both)		

1. Site Description and Proposal

- 1.1 The application site forms part of an area which covers approximately 9 hectares and is located on the southern edge of Hereford City. The application site is located to the south of Grafton Court Close. The 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 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 / cyclepath 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 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. This is currently agricultural land divided into one large and two smaller fields. The footpath/cycle way connects Hereford through to Grafton Lane bisecting the field and then runs parallel to the railway before joining Grafton Lane.



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.
- 1.6 The application is made in Outline with all matters with the exception of the means of access, reserved for future consideration. The application seeks permission for the construction of a new purpose built facility on a green field/recreation field site to provide:-
 - Fully accessible community hub building with changing facilities, classrooms and education space and cafe
 - 3G sports pitch
 - The establishment of an accessible community owned market garden
 - Polytunnels
 - Erection of a food and horticultural skill centre
 - Ancillary Farm Shop
 - Educational garden/kitchen garden
 - Associated parking including disabled parking spaces and cycle storage provision
 - Packing shed/machinery/crop/cold store/office and kitchen building

- On-teaching rooms for gardening, wildlife, horticulture, art and other workshops as well as private hire events, parties, seminars, meeting and classes
- on site toilets, cloak room and storage facilities

The application has been supported by the following:

- Public Consultation Report
- Application Form
- Noise impact Assessment Report
- Transport Statement
- Travel Plan
- Landscape and Visual Appraisal
- Landscape Character and Designations
- Ecological Appraisal
- Flood Risk Assessment
- Aboricultural Impact Assessment
- Drainage Strategy
- Planning Statement
- Design and Access Statement
- Road Safety Audit Stage

1.7 An Illustrative layout/framework plan (see fig 3) has been produced which demonstrates how the proposal can be delivered on the site along with car parking, landscaping and associated infrastructure (suds). The application is also accompanied by a range of supporting material as detailed above. Albeit the masterplan below (figure 3) does include areas outside of the application red line boundary as detailed in figure 1.



Figure 3 illustrative Masterplan of the Site

- 1.8 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application. For this application Access is being considered.

Access: In relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

The following matters are reserved for future consideration

Appearance: Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Landscaping: In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Layout: Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

Scale: Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

- 1.9 This application and 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. 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
- OS1 - Open Space
- MT1 - Traffic management, highway safety and promoting active travel

- 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 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

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. This was completed in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

2.2 Neighbourhood Development Plan

Callow and Haywood Neighbourhood Development Plan (Made 1 December 2016)

- Policy CH1 Protect and Enhance Rural Landscape
- Policy CH2 Design and Access
- Policy CH4 Urban Fringe Sensitivity
- Policy CH8 Provision and Protection of Local Community Facilities

2.3 National Planning Policy Framework (2021) (NPPF)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 9: Promoting sustainable transport
- 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

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Sport England: Amended comments: July 2023: No objection

Many thanks for re-consulting Sport England on this application, and further to our recent meeting with the applicant, Sport England understands that the applicant has revised the application description to remove layout as a matter under consideration within the outline application, such that layout will now form a reserved matter, and that the submitted masterplan is to be treated as an illustrative plan.

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

We would reiterate our advice provided previously that Sport England are supportive of the proposal to develop the 3G AGP and associated facilities within the existing playing field. We commented previously:

As such, the principle of developing a 3G AGP at this site is accepted as being required to meet local needs. Sport England would therefore wish to see this given significant weight in the assessment of the application.

The broad location of the 3G AGP is acceptable, providing an appropriate configuration of grass pitches on the remainder of the site. The size and dimensions of the AGP does need to be clarified, as does the proposed technical specification of the AGP, including the overall dimensions including run-off areas, the provision of associated hard surfaced areas for goal storage and spectators, the proposed carpet pile length, shockpad specification, infill material containment and de-contamination zones, sports fencing design, proposed pitch line markings for various pitch sizes to be provided, sports lighting design etc. If these details cannot be provided at this stage, they will need to be conditioned. The size and dimensions of the AGP will have an impact on how it can be used for football and rugby. For instance, as shown on the masterplan, the AGP is likely to be suitable for senior rugby training activities and for some mini and junior rugby activities, but would be too small for use for senior rugby matchplay. In addition, the dimensions of the AGP will have a bearing on the options for overmarked football pitches.

There is also insufficient details in respect of the design of the communal building as no detailed floor plans have been provided at this stage. There will be a need to ensure that the changing rooms and associated facilities are designed in accordance with relevant guidance from Sport England and relevant NGB's. Also, the changing rooms will be required to service the AGP so it will be important to secure their implementation prior to the first use of the AGP to ensure they are available when needed.

A community use agreement will need to be secured to ensure that the proposed 3G pitch and ancillary pavilion facilities is made available for wider community use so that this benefits users wider than the host football club. Without this, we would be unable to agree to the 3G AGP under Exception E5 of our Playing Fields Policy. A suitable condition is recommended.

So, subject to the various conditions listed below to address these points, we consider that the proposed 3G AGP can be agreed under Exception E5 of our Playing Fields Policy and that the pavilion can be agreed under Exception E2. The car parking is agreed under both E2 and Exception E3.

Sport England's understanding is that with the amendments now made to the description of the development, the conditions recommended previously could now be agreed with the applicant and the LPA. I have adjusted the wording of conditions 1 and 2 to reflect the change made. These are on the basis that the layout of the site now needs to be agreed. As such we wish to raise no objection subject to the inclusion of the following conditions:

Condition 1

No development of the proposed 3G Artificial Grass Pitch (AGP) shall commence until full details of the siting, design and specification of the AGP have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The submitted details shall include plans and information to show the proposed location of the AGP within the existing playing field (based upon the approved illustrative masterplan no ***) the overall AGP dimensions including run-off areas, proposed hard-surfaced areas for goal storage, spectator viewing/circulation, the proposed carpet pile length, shockpad specification, infill material containment and de-contamination zones, sports fencing design, proposed pitch line markings for various pitch sizes to be provided, and detailed sports

lighting design. The AGP shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

Informative : The submitted details should demonstrate that the AGP meets relevant design guidance from FA and RFU to meet relevant requirements for training and matchplay use (where relevant).

Condition 2

No development shall commence until details of the siting, design and internal layout of the proposed communal building/pavilion have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The communal building/pavilion and proposed additional car parking shall not be constructed other than in accordance with the approved details and shall be made available for use prior to the approved Artificial Grass Pitch (AGP) being first brought into use.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy **.

Condition 3

Use of the development shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

Condition 4

Before the 3G AGP is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This shall include proposed measures to ensure the replacement of the Artificial Grass Pitch when the surface needs to be replaced. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G AGP.

Reason: To ensure that a new facility/ies is/are capable of being managed and maintained to deliver [a facility/facilities] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy **.

Condition 5

No development of the 3G AGP shall commence until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports lighting, and measures to ensure sports lights are switched off when not in use, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall accord with [Sport England's "Outdoor Sports Lighting" Briefing Note published in 2012].

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

After commencement of use of the 3G AGP the sports lighting shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the [playing field/sports facility] for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with Development Plan Policy **.

Condition 6

The 3G AGP and its associated sports lighting shall not be used outside the hours of:

- a) [8 a.m.] and [10 p.m.] Monday to Friday;
- b) [8 a.m.] and [8 p.m.] on Saturday; and
- c) [8 a.m.] and [8 p.m.] on Sunday [and public holidays].

Reason: To balance illuminating the [playing field/sports facility] for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with Development Plan Policy **.

Condition 7

Use of the 3G AGP shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to 3G AGP, associated communal building/pavilion and car parking and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

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

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Conclusion

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exceptions E2, E3 and E5 of the above policy. The absence of an objection is subject to the above condition(s) being attached to the decision notice should the Local Planning Authority be minded to approve the application:

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

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

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

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

Previous sport England's comments (March 2023) can be viewed via the link below: <https://myaccount.herefordshire.gov.uk/documents?id=8f6750bb-dd0b-11ed-9068-f1a77d314b00>

4.2 **Network Rail: Comments: No objection**

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its fixture maintenance and renewal without encroachment upon Network Rail land. Network

Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels — if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

CHILDRENS PLAY AREAS/OPEN SPACES/AMENITIES

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculu Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. A glint and glare study should be submitted as part of the reserved matters application.

4.3 Welsh Water: Comments: No objection

We can advise that Eign WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority. We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We advise that a connection should be made at or downstream of chamber reference S049373646.

It seems the proposal is to utilise sustainable drainage to manage surface water on this site, Dwr Cymru Welsh Water have no objection to this however we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

POTABLE WATER SUPPLY

We anticipate this development will require the installation of a new single water connection to serve the new premises, we are currently unsure to whether our network can sufficiently supply the proposed development without causing detriment to existing customers' water supply. The provisions of Section 45 of the Water industry Act 1991 apply. We therefore rely on the Local Planning Authority to control the delivery of any required reinforcement works by way of planning condition at planning application stage.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed

development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the development is served by a suitable potable water supply.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at: or downstream of manhole reference number S049373646 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. No building shall be occupied until it is served by the approved connection.

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 proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

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

Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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 11) 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. The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

Internal Council Consultations

4.4 **Principal Natural Environment Officer (Landscape): Amended comments: No objection**

It is my understanding that proposed masterplan is illustrative, and that my comments are in relation to principle of the access only (with access details and other matters reserved).

In terms of landscape, there are no obvious impacts due to the access. There are trees within close proximity to the access, and these should be accessed in terms of possible harm to roots and health, with suitable mitigation put in place if needed.

No objection

Previous comments: March 2023

In principle the ambition to provide sport, recreation, leisure, community and local food production is supported in accordance with NPPF, chapter 8: Promoting healthy and safe communities, however I am not convinced the development achieves the details of inclusive and safe places in accordance with the policies, 92 b and c.

There does not seem to be an inclusive and safe pedestrian strategy. I see roads and a car park, but no footpaths to the building. I see a public building, but no appropriate pedestrian access from the local residential area (i.e. John Tarrant Close) that would serve users of the building. I see a path that cuts through or goes around the back of the communal building (awkwardly) and then goes to the community farm building, but then stops short of the building.

In terms of appearance and visual impacts, the buildings are exposed, light masts are introduced, and general lighting will impact dark skies contrary to Local Plan, Core Strategy policy LD1. This is not to say that with quality architectural design, and integrated landscape this could not be influenced. Lighting could be addressed with timing controls, and appropriate 'thin' engineered infrastructure, fittings and colour to reduce visual impacts.

There is evidence of some tree planting to the sports precinct that would account for some degree of compensation for soil sealing (hard surfacing of natural ground) in accordance with LD2 and LD3. However there are no trees associated with the community farm area, offering no mitigation to the exposed building and polytunnels viewed from a range of receptors.

It is not a holistically resolved masterplan, and missing the cohesive pedestrian orientated community spirit, a project of this nature should demonstrate.

I provide further detailed comments, and recommendations:

Sports Fields

Access

The access from the existing car park is within close proximity to an existing tree, and would require an arboricultural survey, and method statement as per BS5837:2012 'Trees in relation to design, demolition and construction – recommendations'.

Provide tree root protection zone (RPA) and mitigation proposals

The road crosses a pedestrian and cycle path, and would cause potential pedestrian safety conflicts.

Provide further details and a drawing to how conflict is avoided. The transport report discusses this interface, but in a general way. A drawing or detail would be beneficial to understand the proposal. Is there a change of material, tactile paving for the blind and

visually impaired, barriers, and signage etc.? What stops people driving onto the grass, or onto the pavement?

How to pedestrians get from John Tarrant Close to the Communal Building in an inclusive and safe way? In general the pedestrian circular needs to be reviewed.

Provide a pedestrian circulation strategy as part of the application.

Layout

In terms of the layout of the carpark and functionality, is this provision suitable for the realistic use of the Communal building (i.e. buses, drop-off and collect, turnaround and servicing). As it is drawn, it appears that pedestrians are required to walk along the road to get to the communal building. This is unacceptable, particularly as children and groups would be using the facility.

Provide information outlining the traffic and pedestrian circulation rationale.

The disabled car park, and service area is located in the best place (in my view) to observe both sports fields north-west/ south-east.

Confirm the building programme in relationship with its context and users.

The building is central to the precinct, but appears to put its back onto the existing playing field (flexible grass pitches) and therefore the building is not visually a centralised focus for people arriving from the north (The main access off Vernon Williams Close), and does not welcome or invite people to the building. This seems to be a missed architectural opportunity.

Provide an explanation of the building brief as an important communal building and enhancement to place making.

The attenuation pond is within close proximity to the car park and the pedestrian path. There are level differences and this does not seem to be taken into account. The main concern is safety between pedestrians and potentially water depths and edge conditions that could be unsafe.

Provide further detail of grading and levels, including sections. Is the pond ecological? Is the pond integrated as part of the park amenity with seating?

In general there is a lack of detail in relation to earthworks to form pitches and interfaces.

Provide further detail of grading and levels (cut and fill), with slopes and access.

Community Farm

Access

There does not appear to be vehicle service or emergency access to the building (that is to contain storage, kitchen and café).

Provide further information to explain servicing and emergency access to the building (and the precinct in general).

Layout

The landscape and visual appraisal states there is a medium/ low sensitivity to change, and the nature of effect is negligible adverse impacts at completion and +15 years. This is difficult to ascertain as the buildings and polytunnels are exposed, and there is no mitigation of any sort within the red line boundary.

Confirm the foundation of the landscape and visual appraisal.

The layout is schematic, it would be useful to have an understanding of the look and feel and the atmosphere of the community farm and facilities. What is the vision of the picnic/ play area? What is an education garden?

Provide further detail.

How can the layout of the new gravel path to allow maintenance access to market gardens be defined (by a red line boundary), when the detail of the actual spaces/use surrounding the path has not been designed? The path comes to a dead end. Are maintenance type vehicles turning at this point? The pedestrian path joins directly onto this maintenance path how are pedestrians or cyclist able to negotiate this path as it turns into a maintenance track, when the perceived path of travel would be to connect onto the existing path.

- Provide further detail regarding the function and design of the external spaces and uses, including an understanding of pedestrian circulation.

4.5 **Principal Natural Environment Officer (Trees): no objection**

The drawings show arboreal constraints on this site are low. This is reinforced in the tree report, which describes that two trees will be affected by a new footway but this is likely to have little impact on the long term viability of either tree.

The recommended tree protection measures will ensure trees are suitably protected for the entirety of development.

No objection.

Condition.

Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Bearwood Associates Ltd – BS5837:2012 Arboricultural Impact Assessment Oct 2022

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4.6 **Principal Building Conservation Officer: No objection**

The Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

The proposal is 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, poly tunnels café and kitchen, at Ashley Farm Grafton Court Close.

There are no listed buildings on the site, however a number surround the site namely;
UID 1196833 Grafton Lodge on Grafton Lane a mid C19th Villa
UID 1280105 Grafton Bank on Grafton Lane a mid C19th Villa
UID 1167443 Merryhill Farmhouse C18th farmhouse probably with earlier origins
UID 1099674 Stables NW of Merryhill Farmhouse – now dwellings.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed and does not affect any special architectural or historic interest. This national legislation is repeated in Core Strategy Policy LD4 which seeks to protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance.

The application is made in outline with the detailed design of the building to be submitted at reserved matters stage, however it is noted that a single storey building was supported subject to details at pre-application stage. It is therefore assumed that the building will be single storey. Landscaping is also deferred for reserved matters stage.

The site is large comprising of 8.126ha with the northern area retaining 2 flexible grass pitches, and the existing car park. constructing a 3G pitch and 2 smaller pitches along with the communal building.

The existing tree cover that surrounds the site is to be retained, with some additional planting.

The south will provide a growing area , 4 polytunnels, and a small Store/Office/packing building.

The football pitches and building will be separated from UID 1196833 Grafton Lodge and UID 1280105 Grafton Bank by a line of trees to the SW of the site adjacent to the railway line, and both properties are in relatively large gardens with mature planting.

As such it is not considered that the proposal would harm the visual setting of these 2 buildings. I note that setting also includes less tangible elements such as noise, light and other pollution that contribute to the experience of a sense of place. However as these matters are to be considered by other more relevant regulators in respect of the dwellings in closer proximity to the proposal I shall defer consideration of these matters to the relevant consultees.

UID 1167443 Merryhill Farmhouse is on an elevated site which affords views over the countryside. There is limited existing planting between this listed building and the southern section of the site, with the northern area screened by the existing trees. It is noted that the proposed polytunnels have been located to the northern section of the site where there is some existing tree cover. As the proposal is to grow produce in the southern most part of the site, and noting the fields between the site and the listed Merryhill Farmhouse are a mixture of arable and pasture, it is not considered that the proposal would harm the visual setting of Merryhill Farmhouse.

UID 1099674 Stables NW of Merryhill Farmhouse are sited to the west of Merryhill Farmhouse, and is not readily viewed with the application site, as such it is not considered that the proposal would harm the visual setting of this group of buildings.

Noting the distance and screening between the development site and the nature of the proposal, I would raise no objections on the grounds of setting of listed buildings.

4.7 **Team Leader Area Engineer: Updated comments: No objection**

Further to the local highway authority's (LHA) previous consultation response further information has been submitted to address the issues raised, including the provision of a Stage 1 Road Safety Audit. In response to the additional submissions the LHA has the following comments:

- It is noted that an assessment of available pedestrian routes to the site has been undertaken and this highlights that that most pedestrians would arrive at alternative access points to the Vernon Williams Close access. Therefore the proposed access arrangement from Vernon Williams Close is considered acceptable.
- A Stage 1 Road Safety Audit has been undertaken and no issues directly related to the safety of the scheme have been raised. Recommendations were made in relation to the design of the crossing of Shaw's Path so that it appeared to be more of a standard Zebra. The LHA note though that cyclists should dismount to use a Zebra crossing which isn't appropriate in this instance, therefore it is recommended that national guidance provided by LTN 1/20, TfL and the DfT is considered, alongside designs for the new style Zebra/Tiger crossings prior to the S278 being submitted.

To conclude, the LHA has no objection to the application subject to the below conditions.

Conditions: CAE, CAJ, CAP (crossing of Shaw's Path), CAR, CAT (including how interaction with Shaw's Path will be managed), CB2, CB3. A condition should also be included which requires the funding of a TRO if parking restrictions are found to be required on Vernon Williams Close following the opening of the site

Previous comments May 2023

The application is for a range of uses including a new 3G pitch, changing facilities, café, kitchen, classrooms and allotments/market garden served by two car parks, one where the existing car park is located and another to the south of the footway/cycleway known as Shaw's Path with disabled parking/delivery area provided adjacent to the building housing the changing rooms and café.

The site is ideally situated to be accessed by a range of non-car modes including walking, cycling and public transport with off-road cycle access available from the City Centre via the Great Western Way/National Cycle Network Route 46 and Shaw's Path. Travel to the site by sustainable modes is to be further promoted via a Travel Plan which will increase awareness of and encourage the use of travel by non-car modes or car sharing.

The Transport Statement submitted details of the likely attendance at various events, classes and groups that the site would support and a rationale for the proposed car parking numbers is provided. Whilst the Local Highway Authority (LHA) agree that in the main the number of parking spaces being proposed is adequate there may be times when careful management may be required, for example, when seasonal Growing Local weekend events occur, potentially at the same time as a tournament or match day. In the interests of not over-providing car parking, particularly if it is not required regularly every day/week, it is deemed appropriate for the users of the site to manage event timings to ensure such clashes do not occur. Considering this the LHA are accepting of the number of car parking spaces being proposed.

As mentioned during pre-app the LHA are concerned that if car parking should overspill onto the neighbouring streets or if existing on-street parking causes access issues then this could be addressed via a TRO to prevent on-street parking. This is not deemed necessary from the start but a period of time, for example, 12 months from opening, should be allowed to see how the site operates. However, it is necessary for some form of mechanism such as a condition to be attached to planning consent, should it be granted, to secure the funding of a TRO should it become necessary.

It is noted that the access from Vernon Williams Close is to allow two-way traffic by opening up the full width, whilst this is beneficial for vehicular traffic there isn't any provision for pedestrians. It is necessary to understand where the most popular pedestrian links to the site likely to be located to establish if this access point should be provided with some sort of pedestrian facility.

The main concern for the LHA is the crossing of Shaw's Path by the access road to the overflow car park and delivery area/disabled parking. A Stage 1 Road Safety Audit was requested during pre-app and it is stated in the Transport Statement that one will be provided during the course of the application, however, to date one has not been received. The LHA will need sight of the Audit prior to deciding on the acceptability of the crossing.

It is noted that give-way markings require vehicles to give-way to pedestrians/cyclists on the path, however, in our experience vehicles often do not observe this instruction and assume pedestrians/cyclists will wait for them. Interestingly, there are two examples very close to each other on the same stretch of cycleway (the Great Western Way) whereby one has a much higher rate of compliance than the other. The first is located at Aldi where the cycleway crosses the entrance to the car park and has give-way markings as proposed here as well as a raised table but it is poorly observed by cars. However, a different arrangement has been provided upon the entrance to the neighbouring Sainsbury's store car park whereby the crossing is in the form of a Zebra crossing and has a much higher rate of vehicles giving way to cyclists. Would it be possible for a similar arrangement (which complies with the necessary standards/regulations to enable cyclists to use it) to be looked at here and included as an option in the Safety Audit brief. Consideration should also be given to moving the path southwards so that it does not cross the access road so close to the northern car park because it is likely that vehicles will be pre-occupied with finding a space when exiting almost immediately onto the path and therefore may be distracted.

To conclude, in general the LHA is supportive of the proposals, however, a Stage 1 Road Safety Audit will need to be received before a recommendation of no objection can be considered.

4.8 Archaeology advisor comments: No objection.

In view of the essentially negative results of the archaeological assessment and exploratory works on site, I have no objections or further requirements to advise.

4.9 Open Spaces Planning Officer: Amended comments No objection. July 2023

Comments: Open Space

Amendments: It is understood that the applicant has revised the application description to remove layout as a matter under consideration within the outline application, such that the layout will now form a reserved matter and that the submitted masterplan is to be treated as illustrative plan.

Sports 3G and community hub: I have no further comments to make and I remain in support of the principal of the proposed community hub and 3G. Picking up my previous comments regarding the details for these facilities I can see that these have been considered by Sport

England in their response following a meeting they had with the applicant and the Case Officer. I was unable to attend the meeting.

I understand that based on the amendments now made to the description of the development that Sport England has provided recommendations accordingly on the basis that the layout of the site now needs to be agreed as conditions to meet with their exceptions E2, E3 and E5.

I support the conditions proposed by Sport England.

GI, SuDs, Car parking: I have no further comments to make and I remain in support of the principal of the proposal and associated GI to support people, place and nature. Picking up my previous comments in relation to details, it is understood that the proposed masterplan is illustrative only with all details reserved matters, and this should include the proposed picnic/play area and educational garden.

Previous comments April 2023

Relevant Policies: In this instance the following national and local planning policies are relevant.

National Planning Policy Framework (NPPF)

- Chapter 8: Promoting healthy and safe communities.

Core Strategy (CS)

- SC1: Social and Community Facilities:
- OS3: Loss of Open Space, Sport and Recreation Facilities.
- LD3: Green Infrastructure:

Evidence Bases

- Football Foundation: Local Football Facility Plan for Herefordshire (LFFP):
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023

Proposal

This planning application is for "The Southside Project" which has 3 key elements and has been developed as part of the Herefordshire Council's programme of Towns-fund Projects. I have previously commented on at pre-application stages as follows:

Pre-applications:

- 21812 - Proposed community hub building 950 sq metres in size. Relates to 211796/CE
- 212797 - Addition of 4g pitch and improvement of parking on the facility
- 211796 Proposed community owned market garden, food and horticultural skills centre, café, farm shop and an educational garden.

The scheme is a collaborative proposal between the 3 end users: Growing Local, Belmont Wanderers FC and NMITE with the intention to support communities across the South of the city and provide better access to facilities which provide sports, leisure, education and health and well-being opportunities. This intention is supported by NPPF chapter 8 paragraphs 91, 92 and 96 and Core Strategy Policy SC1, which support development proposals that enhance existing community infrastructure where they are close to settlements and have considered the potential for co-location of facilities and are safely accessible.

The proposal is for a mixed used development comprising a 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 building to provide changing facilities,

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

classrooms, equipment storage, café and kitchen. The community hub will be multi-functional, to accommodate the needs of the 3 partners.

The proposed site location forms two halves (north and south) bisected by an existing line of mature hedgerow and trees which will remain untouched.

My comments will deal with the northern and southern halves separately given the nature of the proposal.

Northern site: To the north the site consist of a large area of POS and recreation grounds with a mature belt of trees to the boundary. It provides amenity open space for the adjacent residential areas and ultimately links through to the Belmont country park to the NW of the site forming part of the wider Green Infrastructure (GI) in the area. The open grassed areas are used by Belmont Wanderers Football Club and provides for up to 5 pitches of different sizes across the space.

Loss of Open Space: NPPF Chapter 8 Paragraph 98: requires provision of what open space, sports and recreational opportunities are required in a local area to be based on robust assessments of need.

As shown on the masterplan for the site (drawing HA43595_PL_02_L) the proposed community hub will be located in the northern side along with the 3G AGP requirements for Belmont Wanderers FC and the car-parking.

Both the community hub and 3G AGP will both involve the loss of Open Space which will impact on both land currently being used as grass playing pitches and the wider GI.

In accordance with Core Strategy policy OS3, in determining the appropriateness of proposals which result in the loss of open space, sports or recreation facility the principals of Core Strategy Policy OS3 need to be taken into account.

Community Hub: The proposed siting of the communal building sits on land that has been previously used to provide a mini football pitch, so there is some quantitative loss of playing field to accommodate this building. The proposed car parking is located on land incapable of forming a playing pitch.

In accordance with Core Strategy Policy OS3 the provision of a new community hub will need to demonstrate that:

- The loss of open space, sports or 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 and function uses.

The community hub will provide improved ancillary facilities for football. Both the PPOS and the LFFP recommend improved changing and ancillary facilities at Newton Farm and support facilities which can benefit the wider sporting and community offer. The current facility has been audited as “poor” in the PPOS.

On this basis the principal of the community hub is supported. Details of the building have not been submitted with this application. In order to be policy compliant the design of the changing rooms and associated facilities will need be in in accordance with relevant guidance from Sport England and relevant NGB’s and in particular Football Foundation technical standards.

Insufficient details have been provided to agree the layout and design of the communal pavilion building. A condition is recommended to secure these details, unless the applicant wishes to provide further design details at this stage.

3G AGP: The proposed siting of the 3G AGP will replace an existing area of grass playing field that is capable of accommodating a senior grass pitch.

In accordance with Core Strategy Policy OS3 the provision of the 3G AGP will need to demonstrate that:

- The loss of open space, sports or recreation facility results in equally beneficial replacement or enhanced existing facility for the local community

The provision of a 3G AGP at Newton Farm is supported in both the LFFP and in the PPOS.

In detail the PPOS reports for the Hereford Analysis Area which includes Hereford City that for football there is:

- Current Shortfall Provision:
 - 1 x 3G full size
 - Grass pitches: Adult x 5, Youth 11 v 11 x 3, Youth 9 v 9 x 1.5
- Current Spare Capacity
 - Grass pitches: Mini 5 v 5 x 1
- Future Shortfalls 2041
 - 1 x 3G full size
 - Grass pitches: Adult x 5.5, Youth 11 v 11 x 3.5 Youth 9 v 9 x 1.5
- Spare Capacity 2041
 - Grass pitches: Mini 5 v 5 x 1

Although there are shortfalls in grass pitches in the Hereford Analysis Area, the PPOS goes on to say that for the most part, they can be met by better utilising current provision, such as through improving quality, installing additional floodlighting, improving ancillary facilities and through pitch re-configuration (or re-designation), or through provision of suitable AGPs to accommodate more demand. With resources to improve the quality of grass pitches being limited, an increase in 3G provision could also help to reduce grass pitch shortfalls through the transfer of play, which in turn can aid pitch quality improvements. The shortfall of 3G pitches can only be met through increased provision.

It is important that the provision of any 3G pitch is compliant for football match-play to accommodate the demand from the loss of the grass football pitch. Belmont Wanderers have been consulted for the PPOSS to understand their future aspirations for growth and reported the potential for 5 additional teams across adult, youth and mini age groups. The proposal will allow the existing football club to develop.

Rugby Union The provision of a World Rugby (WR) compliant 3G pitches for rugby is supported in the PPOS. There are currently no WR compliant 3G AGP's in Herefordshire and there is an identified need for Hereford RFC and Greyhound RFC to access additional 3G AGP's for rugby training in the Hereford Analysis Area.

The PPOS 3G site options indicate that Newton Farm and Hereford Leisure Centre are both preferred sites to develop full size 3G pitches. Each has been confirmed through the PPOS process as suitable locations via consultation for accommodating both football and rugby union.

From a rugby union perspective, having the capacity to accommodate fixtures is of high importance to address issues at Hereford RFC, and Greyhound RFC. The propose 3G AGP at Newton Farm is conveniently located to both these clubs who would benefit from securing access to help meet their training needs.

In order to support local rugby union demand in the area for both the short and long term, the PPOS proposes that:

- opportunities for a 3G pitch compliant for WC22 match play are explored at Hereford Leisure Centre
- the 3G proposed at Newton Farm will be required for training only. In accordance with WR Law 1 this is not required to be WC22 compliant. Training sessions can therefore only be held on this facility.

3G AGP Provision: As such, the principle of developing a 3G AGP at this site is accepted as being required to meet local needs.

The broad location of the 3G AGP is acceptable, providing an appropriate configuration of grass pitches on the remainder of the site.

However, the size and dimensions of the AGP does need to be clarified, as does the proposed technical specification of the AGP. The size and dimensions of the AGP will have an impact on how it can be used for football and rugby union training.

Insufficient details have been provided to approve the layout and design of the AGP. A condition is recommended to secure these details, unless the applicant wishes to provide further design details at this stage.

SuDs pond and Car parking: It is noted that an attenuation pond is proposed within close proximity to the car park and the pedestrian path. There are level differences and this does not seem to be taken into account. The main concern is safety between pedestrians and potentially water depths and edge conditions that could be unsafe. Health and Safety issues of standing water need to be taken into account, particularly if the pond is to be integrated into the public open space. Further detail is requested showing appropriate gradients.

Future Management and Maintenance: I can see no details of any management or maintenance of the new facilities including the 3G AGP, community building and associated car-parking. A condition is recommended to secure these details, unless the applicant wishes to provide further design details at this stage.

Green Infrastructure: Although the proposal does include the loss of open space as described above, in accordance with CS Policy OS3 the loss is not seen to result in the fragmentation or isolation a site which is part of a GI corridor and network in this area of the city and the central hedgerow will be retained.

Southern Site: To the south the site is currently agricultural and will be utilised by the Growing Local project as shown on the masterplan for the site (drawing HA43595_PL_02_L).

The intention is supported by NPPF Chapter 8 Paragraph 96 which acknowledges that access to a network of high quality open spaces for physical activity is important for the health and well-being of communities. This is supported by CS Policy LD3 which supports development proposals which enhance the existing GI networks, the development of the Growing Local Project to the south of the site will add social benefits to the GI in support of garden food production, education opportunities and improved health and well-being.

The proposal is located within close proximity to South Wye one of the most socially deprived areas in the county. It forms an extension to the existing GI network and will be accessible via existing walking and cycling networks. It will support healthier active lifestyles, help reduce inequalities and promote inclusivity and active travel. The council's Physical Activity Strategy - Active and Healthy Herefordshire March 2021 recognises that food can play a big part in the health of the county and one of the strategy's aims is to bring partners together to develop a local strategic approach to food, for example by encouraging more green space and allotment provision.

The principal of the Growing Local Project is supported. It is noted that a picnic/play area and educational garden are proposed. Further design details will need to be provided to approve these elements. A condition is recommended to secure these details, unless the applicant wishes to provide further design details at this stage.

4.10 **Principal Natural Environment Officer (Ecology): May 2023 comments**

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

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires all information to be beyond doubt and legally and scientifically certainty in order to complete the HRA process that must be completed with a precautionary approach.

Notes in respect of HRA:

The proposal for a 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 and new buildings to provide changing facilities, classrooms, equipment storage, poly tunnels cafe and kitchen.

- There is a mains sewer connection available to this development to manage foul water flow.
- At this location the mains sewer system is managed through DCWW's Rotherwas (Hereford) Wastewater Treatment Works.
- The Rotherwas WWTW discharges in to the 'lower middle' section of the River Wye SAC.
- DCWW have not made any comments to indicate that a connection to their mains sewer system cannot be achieved.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- The additional nutrient loading can be accommodated within the allowance currently secured through the Core Strategy.

- In relation to surface water management infiltration test results indicate that the site has insufficient levels of permeability to support soakaway SuDS components.
- Therefore, a positive discharge system with attenuation is proposed with the rates of discharge controlled to at or below greenfield rates.
- It is proposed that roof water from the proposed community hub building will be conveyed to a piped system discharging from the other SuDS components running to a flow-through attenuation basin located at a lower part of the site within the existing community open space.
- Runoff from other buildings and the polytunnels is intercepted for with overflows from any storage tanks discharging to stone filled trenches surrounding each structure to promote infiltration.
- Flows will be discharged either to a watercourse ditch located north east of the site or to an existing surface water sewer

The LPA has no reason to consider that the foul and surface water management schemes cannot be achieved at this location.

Subject to a no objection response by Natural England to the HRA appropriate assessment completed by the LPA there are no identified unmitigated effects from this development on the River Wye SAC.

Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved by this permission shall discharge through connection to the local mains sewer system managed by Welsh Water

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

Habitat Regulations (River Wye SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a suitably designed SuDS scheme.

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

Additional ecology comments:

The Preliminary Ecological Appraisal by Acer Ecology dated May 2022 is noted. It should be noted that further ecology surveys may be required in support of a final application submission as outlined in the PEA.

Much of the site is characterised by modified grassland with scattered trees and shrubs with existing pedestrian footpaths and sports pitches - the habitats are of very low ecological value with a low distinctiveness. Belmont Meadows LNR lies adjacent to the north-western boundary of the site which comprises grassland habitats with scattered scrub surrounded by Broad-leaved woodland.

The River Wye SAC/ SSSI lies 1.34km to the north of the site.

There are a number of Local Wildlife Sites within 0.5km of the site including Woodland South of Newton Farm which is located within the site boundary. This is a narrow woodland with oak standards with bramble and bluebells underneath and has high ecological value at the county level and is currently proposed for removal. However, the loss of this habitat will be compensated through a detailed landscape design which will aim to achieve 10% biodiversity net gain in line with NPPF. The proposed works are considered to have little impact on the long term viability of retained trees on site.

The site is of high quality for foraging and commuting bats while a number of trees were recorded as having roosting potential for bats. If any of these trees are to be removed a bat assessment will be required to support a full application. If bats are found utilising the above trees, survey effort may need to be increased to gain an understanding of the bat roost present, and to provide enough information for a Natural England (NE) European Protected Species (EPS) Development Licence.

While no signs of dormice were recorded on site, although a targeted survey for this species was not undertaken. The hedgerows on site are heavily managed and regularly flailed and as such are unlikely to provide an adequate fruit or flower food source but would provide a commuting corridor and sub-optimal shelter and nesting habitat. If any hedgerow or woodland is to be removed a nest tube and nest box survey should be undertaken in order to determine the presence/ likely absence of dormice on site.

The majority of habitats on site were assessed as being generally unsuitable for great crested newts, although it is considered that woodland and hedgerow habitats on site are highly suitable for resting terrestrial phase GCN during both the active and hibernation seasons. There are two ponds within 500m of the site, although these were not assessed for GCN. Generally, the potential for impacts upon GCN is considered to be low, although the PEA recommends that reasonable avoidance measures should be adopted.

Biodiversity Net Gain

Prior to any construction a detailed specification and location plan for 'hard' habitat enhancement features including provision of bat roosting features (such as bat boxes or bricks), bird nesting boxes (mixed types) and provision of hedgehog homes and hedgehog highways through any impermeable boundary features shall be approved in writing by the planning authority. The approved scheme shall be implemented in full prior to any occupation of approved dwellings and be hereafter maintained unless otherwise approved in writing by the local planning authority.

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

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species commuting/foraging in wider locality. A condition to ensure all local nature conservation interests are not impacted and external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested:

Protected Species and Dark Skies (external illumination)

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 Construction Environmental Management Plan

Construction Environmental Management Plan (CEMP)

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

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

Reason: *To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.*

4.11 Environmental Health Service Manager (Noise / Nuisance): Updated comments July 2023: No objection.

These comments are regarding the re-consultation of this application, which removes the layout as a matter under consideration. Therefore the proposed masterplan is now taken as purely illustrative. My concern remains with the sports facilities. In my previous comments dated 8th May 2023, I discussed the noise impact assessment report which had been submitted and the essential need for the proposed mitigation to be installed. If the sports facilities proposed location changes from the position on the illustrative masterplan, a new/revised noise assessment will be required, along with any details of proposed mitigation.

Once again, our preferred location for the 3G pitch would be on the part of the site furthest away from residential properties i.e. where the community garden is shown on the illustrative masterplan. The applicant will also need to provide a noise management plan, as outlined in my previous comments.

Also as stated previously, lighting scheme conditions have been put forward by Sport England and I suggest that these are included in any permissions granted to avoid a nuisance being caused to local residents. Reason: In order to protect the amenity of local residents so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Previous comments: May 2023

I have reviewed the application and also comments made in the various pre-apps by my colleague, Susannah Burrage. My comments concern the sports facilities. I do not have any concerns with the other areas of the proposal.

Noise:

I still have some concerns regarding the potential for noise nuisance that might arise from the new all-weather sports pitch. I agree with Susannah's assessment that it would be preferable that the all-weather pitch be re-sited to where the community gardens are proposed to be located. However, I note that this has not been put forward in this outline application.

A noise impact assessment report has been provided with this application. The report has been written by acoustic consultants, NoiseAir. The assessment takes into account the specific acoustic guidance produced by Sport England in relation to artificial grass pitches, which includes the WHO Guidelines on Community Noise, and also takes into account the cumulative noise impact of the proposals. The assessment concludes that whilst the proposal is within the recommended noise tolerances, the levels are likely to exceed residual levels at some areas surrounding the site. Furthermore, the use of the 3G pitch may create additional noise issues from the nature of its extended usage and therefore a noise barrier around the 3G pitch perimeter is suggested. Given that many local authorities' experience noise and nuisance complaints in relation to these pitches, I would consider the proposed mitigation as essential to any permissions are granted.

I would therefore suggest the following condition is added to any permissions granted:

A noise barrier to be erected around the 3G pitch perimeter as outlined in and in accordance with Noise Impact Assessment Report reference P5446-R1-V1 dated 16th June 2022, produced by NoiseAir.

The applicant has not provided a Noise Management Plan. Good management of this site will be important in controlling noise and nuisance to nearby residents and should cover all potential noise sources. Therefore, I suggest the following condition be added:

Prior to first commencement of any use hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following points as a minimum:

- statement of intent
- a brief summary of the premises / site / activities
- a location / site plan
- an inventory of potential noise sources, including noise from voices
- detail of noise controls and limits (e.g. site rules)
- site noise monitoring and / or evaluation
- responding to complaints (including actions to be undertaken and recorded)
- management command, communication, and contact details
- periodic NMP review

The noise impact assessment report does not cover any external fixed plant or equipment in the proposal and therefore I suggest the following condition is added to any permissions granted:

A BS4142:2014 assessment (methods for rating and assessing industrial and commercial sound) to be carried out and provided to the local planning authority in relation to any external fixed plant or equipment, prior to any installation.

Lighting:

I note that several lighting conditions in relation to lighting design, submission of a lighting scheme along with hours of use, have already been proposed by Sport England and I further recommend the inclusion of these conditions to any permissions granted.

4.12 Land Drainage: Updated comments: No objection

A revised surface water drainage strategy which takes into account the points made in the below email has not been provided. Within the rebuttal email from the Agent (dated 26th May 2023), several options are discussed, and reference is made to numerous flow controls within the system.

The concerns raised regarding an offsite surface water discharge to a watercourse/ditch due to increased flood risk to the area should be accounted for with the provision of attenuation and a restricted discharge rate in order to mimic the greenfield run-off rate.

We would also like to note that recent infiltration testing undertaken at 0.8mBGL on a nearby development site proved viable ground conditions to support a surface water discharge to ground.

A statement has been made within the rebuttal email whereby conventional foul water drainage infrastructure with an indirect foul water discharge to the public sewerage network could be provided. Welsh Water have confirmed that the additional foul flows associated with the proposed development can be accommodated within the public sewer network.

Although we require more clarity on the final surface water and foul water drainage arrangements, prior to planning being granted, if this is not viable due to time constraints, appropriate pre commencement drainage conditions can be applied to ensure that an acceptable surface water and foul water drainage system is established. Due to the point made above regarding nearby acceptable shallow infiltration test results, we would also look to condition further shallower infiltration testing to be undertaken onsite to explore the option of an infiltration basin.

Previous comments: March 2023

Having reviewed the submitted information, we note proposals for an attenuation basin with a controlled discharge to the Welsh Water surface water sewer. We appreciate that Welsh Water have not yet responded to the offsite discharge proposed to their sewer, however from past experience Welsh Water may not accept this proposed connection.

If there is another offsite surface water discharge point from the development, such as a watercourse which we believe may be indicated in the Drainage Strategy, we advise the Applicant/Agent to proceed with this option.

We note that attenuation is proposed in the form of permeable paving beneath the 3G pitch and the car parking area, however the surface water should be directed to the larger attenuation feature (attenuation basin). Also, it must be noted that a single flow control should be provided for the whole site, within the surface water drainage system prior to the outfall from the attenuation basin. We will not accept numerous small flow controls throughout the network as it will likely result in blockage.

A compost toilet is also proposed for the community garden area of the site. However, we do not accept compost toilets, particularly in this case given the size and likely frequent use of the site. We ask that a conventional treatment and discharge method is implemented for this area of the site.

4.13 **Public Rights of Way Manager comments: updated comments: No objection**

There are no rights of way within the site. There is a Prohibition of Driving Order on byway GF7 and HA14, so these cannot be used by vehicles to access the site.

5. **Representations**

5.1 Callow Parish Council:

The Parish Council Support the application in principle, however the PC have the following concerns which they ask are taken into account. The Byway open to all traffic (BOAT) The traffic coming into the development via the main access point at Vernon Williams Close Newton Farm must not be able to access , connect or link in anyway with Grafton Lane or Merryhill Lane, whether across the site itself, via the existing BOAT, or in any other way.

The reason for this is that Grafton Lane is already adversely affected by unsuitable through traffic and that connecting the two ends of the site would almost certainly significantly increase traffic on Grafton Lane. We would appreciate it if the Parish Council's concerns and views are conveyed to PROW so that they are aware of them when making their decision concerning the boat access.

5.2 Representation received from 13 local residents (7 support & 5 object and 1 general comment)

Objections: main areas of concerns:

- Surface water flooding which already exists. Will be further exacerbated
- Local properties at a lower level greater risk of flooding
- New drainage infrastructure?
- Parking area for 50 new cars currently park on field when a tournament (against Council's own policy).
- Car parking on the green area will lead to further surface water run off
- Not sure why this money is being spent at this site/area. Other sites have not received any funding/support
- Hedgerows to be removed
- What will the building be constructed off?
- Noise and air pollution from extra vehicles

- Floodlights from sports pitches
- Loss of walking routes and pedestrians having to give way to vehicles
- Attraction of undesirable people
- An eyesore
- Financial cost not viable at this time
- Site is currently well maintained. Application could hinder the appearance of the area and increase traffic, increase litter, noise and general industrialising the area that is currently a beautiful spot for people to enjoy, walking their dogs, playing football and having picnics
- Wrong site for allotments
- The South of the city has been developed enough in terms of offering community hubs, green spaces and playing fields, don't remove our current green spaces to build a cafe.
- Reversible establishment of soccer as the sole sport apparently to be played on the Belmont recreation fields.
- Put a permanent Astro turf pitch in the position suggested will for example prevent cricket from ever being played on this field again.
- My main concern is the dearth of TENNIS facilities in Hereford, and that the Planners will allow this opportunity to pass without remedying this shortfall.
- Hereford, a county town, has no flagship tennis centre and no publicly provided facility where the general public can book a tennis court. Equally pathetic is how Hereford has no indoor tennis facility and no prospect it seems of having any.
- Mixed sports provision at Belmont,
- Protection of Merryhill Lane (and the route 46 cycle way) is important – it cannot be allowed to become a vehicular access to the allotments planned in this project.
- The Eastern area, nearest the existing housing, will be altered irrevocably for the worse.
- The grassed areas will be reduced through the building of the community centre, and further reduced by the roads necessary for access to the centre, the market garden area and new parking provision. Allowing vehicles to access the areas used by large numbers of pedestrians, some of whom are elderly, is highly questionable on safety and environmental grounds.
- The vehicle access point is from Vernon Williams Close, a short and narrow cul de sac which exists to service the local residents and no more.
- Any increase in traffic will severely and adversely impact on immediate residents more frequently than at present.
- Removal of one if not two wooded areas within the proposed development, with the obvious consequences for flora and fauna, which may also affect the perimeters. This at a time when the creation of grassed and open spaces is being encouraged by the Council
- Apart from the road needed the area to the West, designated for the market garden and associated horticulture activities, is currently a meadow, which does not raise so many problems

Support:

- Exciting and important project. A worthy cause
- Only a few of its kind in the whole country/innovative project
- Benefits of the Growing Local part of the project will be far reaching and include all age groups. Hugely valuable for local community
- Educating people of all ages on good nutrition for themselves and their families - cooking, growing
- new building will provide the means to teach children and adults these essential healthy lifestyle choices.
- Opportunity to volunteer
- Partnership working - environmental, health, educational and community cohesion.
- Value for money contracts will still need to be managed well to ensure genuine community outcomes.
- Positive effect on community wellbeing/improvement in personal positivity

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

- Community activity has health benefits

5.3 Hereford and Worcester Fire and Rescue Service

With regard to the attached planning application, Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety Department would make the following comments:

If the proposed new building will be subject to Building Regulations approval, then the Fire Service will be consulted by either Local Authority or Approved Inspector Building Control bodies accordingly, for their comments on Building Regulations requirements and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1. In particular – there should be Fire Service vehicle access for a Fire Appliance to:

- 15% of the perimeter of the building, OR
- Within 45 metres of every point of the footprint of the building.
- Access road must be in accordance with ADB 2019 Vol. 1 Table 15.2.

Water for firefighting purposes should be provided in accordance with: ADB 2019 Vol. 2 B5, section 16.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223281&search-term=223281

Internet access is available:

<https://www.herefordshire.gov.uk/community-1/public-access-computers-wifi-map>

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 and the 'made' Callow and Haywood Neighbourhood Development Plan (NDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan. Only the southern part of the site falls within the Neighbourhood Development Plan area is the Callow and Haywood Group Neighbourhood Development Plan. The majority of the site falls within the Hereford City area which has not progressed a NDP.

- 6.3 Policy SC1 supports development proposals that enhance existing social and community infrastructure. NPPF paragraph 120 states that planning decisions should recognise that some undeveloped land can perform many functions including recreation. NPPF paragraph 99 states that existing sports land should not be built on unless, amongst other scenarios, the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. NPPF paragraph 93 seeks to provide social and recreational facilities the community needs, to improve the health, social and cultural wellbeing for all sections of the community. The proposal is supported by NPPF chapter 8 paragraphs 91,

92 and 96 and CS Policy SC1, which support development proposals that enhance existing community infrastructure where they are close to settlements and have considered the potential for co-location of facilities and are safely accessible.

- 6.4 There is clear local and national planning policy support for the proposed facility. The facility, co-locating with other well-established sporting and recreational facilities, will enhance local community infrastructure, giving direct effect to Core Strategy Policy SC1 as well as an effective and efficient use of land, consistent with the NPPF. The proposal represents an alternative sports and recreational option, broadening the local recreational offering. The applicant has demonstrated that the facility can be accommodated via the masterplan. The proposal represents a significant social benefit for the local community. As indicated in the supporting representations, the facility will substantially improve the health and social wellbeing of many. The impact on existing facilities are minimal, essentially limited to the loss of the football pitches, and this is outweighed by the health and social wellbeing benefits associated with the enhanced opportunities for the 3G pitch, compliant with NPPF paragraph 99(c).
- 6.5 Sport England are a key statutory consultee. Following initial concerns raised, the applicant met with Sport England and agreed to remove 'layout' from the proposal. Sport England has subsequently retracted its original objection, subject to a suite of conditions.
- 6.6 A range of Core Strategy policies, referred to in section 2 above are considered to be relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.7 It is therefore appropriate to consider the sustainability of the sites location and its relationship with the city. The site lies immediately adjacent to the existing edge of the built form of the city, close to Newton Farm and built environs of Hereford City as a whole; albeit it is noted that the railway line does act as barrier. In locational terms and in terms of sustainability, Officers are content that the sites location, spatially, is one that is acceptable.
- 6.8 However, the site location forms only on part of the assessment as to whether the proposed development represents 'sustainable development' which is central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.9. Paragraph 130 outlines that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Decision making and key issues

- 6.10 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.11 The report therefore considers the following key issues and their associated policies:
- Highways and Access
 - Public Rights of Way
 - Flooding and Drainage
 - Ecology, Biodiversity/HRA
 - Heritage Assets
 - Landscape Character and Appearance
 - Design and Amenity
- 6.12 This is an application in outline form; it therefore only seeks to establish the principle of the development and the access thereto. Access as set out in the NPPG, means: the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.13. Whilst 'layout', is a reserved matter, the site can readily accommodate an appropriate layout. Layout means - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 6.14 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.
- 6.15 Whilst spatially, the sites location is one that is considered to be acceptable, the development of the site must be considered having regard to the other policies of the Core Strategy, and the NPPF taking into account any material considerations as appropriate.

Highways and Access

- 6.16 As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.17 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate Operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network.

- 6.18 NPPF 105 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 110 refers to the need to ensure developments generating significant amount of movements should take into account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 111).
- 6.19 The application and the matter of Access is not reserved for future consideration. As such, full details of the proposed access are to be assessed as part of this application. Internal access arrangements are not under consideration within this application and this would be fully assessed at reserved matters stage as part of 'layout'. However, the submitted illustrative plan demonstrates how the site can be delivered.
- 6.20 The application submission included a Transport Statement and Travel plan (link: <https://myaccount.herefordshire.gov.uk/documents?id=fc0baad0-b9c8-11ed-9068-005056ab11cd>). Also following initial comments from the Highway Engineer a Road Safety Audit was submitted.
- 6.21 It is recognised that the site is well connected to both existing walking and cycle routes. A long distance cycle path connects the site with the city centre utilising a former railway line. The existing field access lane off Grafton Lane is a Byway Open to All Traffic (BOAT). It is acknowledged within the supporting submission that this existing access is retained for the purposes of maintaining the land only with the principal access points either by the existing cycle and footpath network or via Vernon Williams Close. As identified by the Highway Engineer in their comments the site is ideally situated to be accessed by a range of non-car modes including walking, cycling and public transport as well as travel to the site by sustainable modes to be further promoted via a Travel Plan which will increase awareness of and encourage the use of travel by non-car modes or car sharing.
- 6.22 The Highways Engineer does not object to the scheme, noting the quantum of parking available is adequate although there may be times when careful management may be required, for example, when seasonal Growing Local weekend events occur, potentially at the same time as a tournament or match day. It is deemed appropriate for the users of the site to manage event timings to ensure such clashes do not occur. It is noted that the access from Vernon Williams Close is to allow two-way traffic by opening up the full width, and although this is considered beneficial for vehicular traffic no provision had been provided for pedestrians. A further assessment of available pedestrian routes to the site was undertaken and submitted and this highlights that that majority of pedestrians would arrive at alternative access points to the Vernon Williams Close access. Therefore the proposed access arrangement from Vernon Williams Close is considered acceptable.
- 6.23 Following the submission of the Stage 1 Road Safety Audit, no issues directly related to the safety of the scheme have been raised. Albeit recommendations were made in relation to the design of the crossing of Shaw's Path and this will be secured via a condition securing section 278 works.

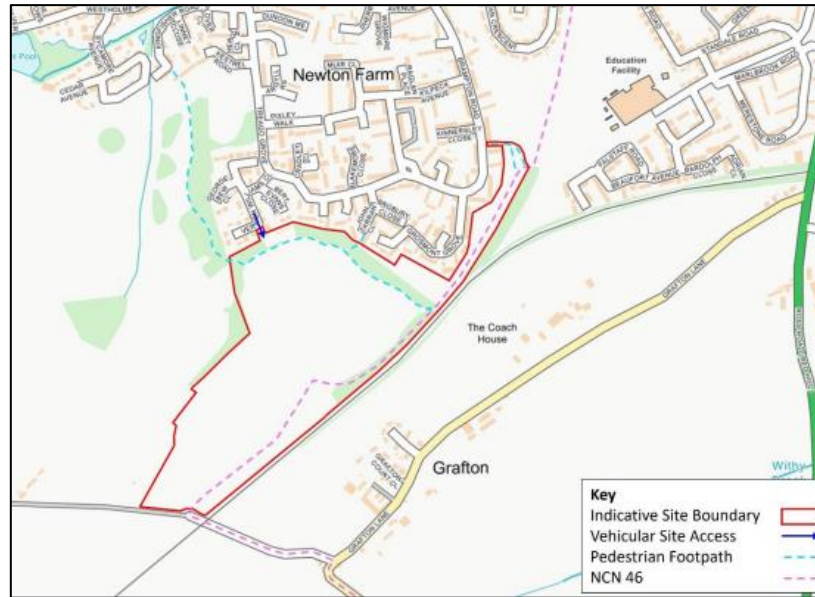


Fig 4: existing accessible infrastructure and routes on site (as detailed within the Transport statement submitted)

- 6.24 As highlighted above the Transportation Manager have raised no objection and are content that the submitted arrangement is suitable to issue Outline Planning Permission subject to appropriately conditions. They are content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. A number of conditions have been suggested below that will manage construction traffic. It is therefore considered that the proposal would provide a safe and suitable vehicular access in accordance with Core Strategy policy MT1 and the requirements of para 110 of the NPPF.

Public Rights of Way

- 6.25 The application site is surrounded by public footpaths and the proposal does not impact directly on any PROW and it is noted that the Public Rights of Way manager has not objected to the proposal.

Flooding and Drainage

- 6.26 The Council's Land Drainage Team (Local Lead Flood Authority) has been consulted on the application as have Welsh Water. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to accompany this planning application. Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.27 The application site falls entirely within Flood Zone 1, which is classified as low probability of flooding. The application is has been reviewed by Council's drainage consultant and Welsh Water. Neither consultee raise an objection to the scheme. It is noted that a revised surface

water drainage strategy has not been provided albeit several options have been provided within a further submission of detail and reference is made to numerous flow controls within the system. Also a statement has been made within submission in regards to foul water drainage with indirect foul water discharge to the public sewerage network could be provided. Welsh Water have confirmed that the additional foul flows associated with the proposed development can be accommodated within the public sewer network. It is noted that the Council's drainage consultant still require more clarity on the final surface water and foul water drainage arrangements this can be addressed by planning condition to ensure full compliance with core strategy Policy SD3 and SD4.

Water Supply

- 6.28 It is noted that Welsh Water have stated that the proposal will require the installation of a new single water connection and they have advised that they are unsure to whether the network can sufficiently supply the proposed development without causing detriment to existing customers' water supply. They have advised a planning condition is added to this regard.

Ecology and Biodiversity

- 6.29 Policy LD2 of the Core Strategy seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.30 The application is supported by an Ecological Appraisal Report by Acer Ecology dated May 2022. The Council's Ecologist has been consulted and considers the submitted ecology report which includes appropriate surveys is relevant and appropriate albeit has noted that further ecology surveys may be required. As identified within the ecology comments a large part of the site is characterised by modified grassland with scattered trees and shrubs with existing pedestrian footpaths and sports pitches and as such the habitats are of very low ecological value with a low distinctiveness. Also it is noted that the proposed works are considered to have little impact on the long term viability of retained trees on site. However, the site is of high quality for foraging and commuting bats while a number of trees were recorded as having roosting potential for bats. Subject to the conditions which have been suggested by the Council's Ecologist the proposed development is considered to comply with 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.

Habitats Regulations Assessment (HRA)

- 6.31 The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered. That assessment must satisfy beyond all reasonable scientific doubt that there would not be an adverse effect on the integrity of the River Wye. The HRA screening and appropriate assessment was completed by the Local Planning Authority and this identified 'No likely significant effects' and no Appropriate Assessment required and planning permission can be legally granted. A consultation with NE is not required where a proposal is 'screened out'

Heritage Assets

- 6.32 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.33 The proposed development site does not lie within a Conservation Area and there are no listed building within or abutting the site albeit there are a number surround the site namely:
- UID 1196833 Grafton Lodge on Grafton Lane a mid C19th Villa
 - UID 1280105 Grafton Bank on Grafton Lane a mid C19th Villa
 - UID 1167443 Merryhill Farmhouse C18th farmhouse probably with earlier origins
 - UID 1099674 Stables NW of Merryhill Farmhouse – now dwellings.
- 6.34 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*
- 6.35 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.36 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’
- 6.37 Paragraphs 194 to 198 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 190 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.38 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into

the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

- 6.39 Policy LD4 'Historic environment and heritage assets', requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct effect on any designated or non-designated heritage assets.
- 6.40 As identified by Historic Buildings Officer the proposed football pitches and building will be separated from Grafton Lodge and Grafton Bank by a line of trees to the SW of the site adjacent to the railway line, and both properties are in relatively large gardens with mature planting. As such it is not considered that the proposal would harm the visual setting of these 2 buildings. In regards to Merryhill Farmhouse this is on an elevated site it is noted that the proposed polytunnels have been located to the northern section of the site where there is some existing tree cover. As the proposal is to grow produce in the southernmost part of the site, and noting the fields between the site and the listed Merryhill Farmhouse are a mixture of arable and pasture, it is not considered that the proposal would harm the visual setting of Merryhill Farmhouse. The Stables NW of Merryhill Farmhouse are sited to the west of Merryhill Farmhouse, and is not readily viewed with the application site, as such it is not considered that the proposal would harm the visual setting of this group of buildings. It is acknowledged that the Historic Buildings officer has not raised an objection on heritage grounds
- 6.41 In regards to issues relating to archaeology it noted that the Council's Archaeological advisors have confirmed no objection due to the negative results of the archaeological assessment and exploratory works on site, Having considered the merits of this scheme, it is officer's opinion that the proposed development is unlikely to cause harm to any heritage assets or their setting. As such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy, and with the guidance set out in the National Planning Policy Framework (Chapter 16).

Landscape Character and Appearance

- 6.42 Policy LD1 in the Core Strategy seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. This policy also states that development should make a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design.
- 6.43 Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.44 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that the proposal is acceptable.
- 6.45 Policy CH1 in the NDP specifically identifies measures to protect and enhance the rural landscape.
- 6.46 The site comprises of an existing greenfield site but has no national landscape designations assigned to it. Core Strategy policy SS6 states that development proposals should be shaped

through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness, biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity, agricultural and food productivity.

- 6.47 'Landscaping' is a matter reserved for future consideration but it is necessary to consider the impact of the development on the landscape character. It is noted the site is not covered by any designations relating to character or quality.
- 6.48 The application site includes an area of land defined as "Principled Settled Farmlands" and the southern, agricultural part of the site is highly representative of these published character areas, however the northern area has a markedly different character typical of urban edge public open space. As part of the submission a landscape and Visual Impact Assessment has been prepared and supports the application which in its conclusion identified that the effects of the proposal are predicted to provide permanent negligible adverse effects on landscape character, and beneficial effects that range from neutral to minor beneficial for the vegetation and topography of the site, the Belmont Meadows Local Nature Reserve and the footpaths and cycle ways on the site. Also, it identified that the northern part of the site is almost entirely contained by mature vegetation and there is extremely limited visibility of it beyond the site boundaries. Topography and mature vegetation in the study area means that visibility of the site from publicly accessible areas is limited. The Market Garden element can potentially introduce landscape benefits, such as the creation of orchards.
- 6.49 The landscape officer has confirmed there are no obvious impacts due to the access and raised no objection. The tree officer has also reviewed the application and Arboricultural Impact Assessment and confirmed no objection subject to conditions.
- 6.50 Officers are satisfied that the development can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. Officers are satisfied that, on the basis of the information provided, a scheme, can be delivered that is in compliance with Policy SS6, LD1, LD2 and LD3 of the Core Strategy and NDP policy CH1 and CH4.

Design and Amenity

- 6.51 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.52 The application submission is in outline form only, which reserves all details apart from access for further consideration. A number of issues will need to be considered at the Reserved Matters Stage, such as design, character and amenity in particular the relationship with the existing the residential properties adjoin the site to the north.
- 6.53 As highlighted above there are residential properties in close proximity of the site and representation has been received from immediate neighbours raising concerns in regards to anti-social behaviour, noise and lighting. As part of the submission a noise assessment to assess the impact of the development to the existing adjacent residential area and which

examines potential noise arising from the development during day and night to include a full description of the acoustic environment and actual or predicted 24 hours worst case scenario noise levels has been prepared and provided.

- 6.54 Environmental Health officers have reviewed the submission noted that the proposed masterplan is purely illustrative. They have identified concerns in respect to the proposed sports facilities. They have identified that they have reviewed the noise impact assessment report and proposed mitigation to be installed but if the proposed facilities changes from the position on the illustrative masterplan, a new/revised noise assessment will be required, along with any details of proposed mitigation. They also highlighted that they would prefer the location for the 3G pitch to be sited furthest away from residential properties for example where the community garden is shown on the illustrative masterplan. They also highlighted the requirement of a noise management plan and lighting scheme conditions to avoid a nuisance being caused to local residents.
- 6.55 It is considered that subject to an appropriate conditions the proposal can be acceptable on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the Core Strategy. The wording of the proposed condition has been amended to ensure compliance moving forward. It is also noted that no flood lighting for the sports provision has been applied for as part of this application and this would require a new application.
- 6.56 Officers would note that there is potential for the introduction acoustic fencing subject to an appropriate layout at the Reserved Matters stage, officers are content that any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of neighbour dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 130 of the NPPF.

Design and Character

- 6.57 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any buildings should respond to the character within the locality and the wider area. The design of the building will be considered when a detailed scheme comes forward under the reserved matters application, however, it is likely that a proposal that protects the amenity of neighbouring dwellings can be achieved and Officers would conclude that the proposals, being considered at this stage, accords with the requirements of Policy SD1 and SS6 of the Core Strategy and NDP policy CH2.

Climate Change

- 6.58 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.
- 6.59 A condition has been added to ensure electric vehicle charging points will be considered at the reserved matters stage.

Other Matters

Loss of Open Space

- 6.60 Chapter 8 of the NPPF (Para 98) requires what provision of open space, sports and recreational opportunities are required in a local area to be based on robust assessments of need. As shown on the masterplan for the site (drawing HA43595_PL_02_L) the proposed community hub will be located in the northern side along with the 3G pitch requirements for Belmont Wanderers FC and the car-parking. Both the community hub and 3G pitch will both involve the loss of Open Space which will impact on both land currently being used as grass playing pitches and the wider area. In accordance with Core strategy Policy OS3 the provision of a new community hub will need to demonstrate that:

The loss of open space, sports or 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 and function uses.

- 6.61 It is noted that the community hub will provide improved ancillary facilities for football and as such the principal of the community hub is supported and no objection has been raised by the planning open space officer in this regard. In regards to the south the site is which will be utilised by the Growing Local project again this is green infrastructure, the development of the Growing Local Project to the south of the site will add social benefits due to garden food production, education opportunities and improved health and well-being. The principal of the Growing Local Project is supported.

Conclusion

- 6.62 The application is for outline permission with all matters reserved except for Access and therefore it is only the principle of development that is to be assessed. The development is considered capable of being accommodated on the site but the detail of this is not currently under consideration. The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The relevant policies of the development plan are afforded full weight for decision making. In this case, the adopted development plan comprises of the Core Strategy.
- 6.63 The provision of a mixed use development to provide a community hub with recreation facilities and the change of use of land from agricultural to allotments and productive gardens, classrooms and polytunnels as well as a cafe and kitchen has numerous benefits, not least being an efficient use of land. The proposal will deliver health and social wellbeing benefits that outweigh the more modest dis-benefit relating to the loss of open space. The development accords with the social dimension of sustainable development. The proposal gives positive effect to Policy SC1 and the NPPF as well as the aspirations of NDP policy CH8. Noteworthy is the absence of objection from Sport England, a key statutory consultee.
- 6.64 The development can successfully assimilate into the local environment, maintaining landscape character.
- 6.65 There are a number of local residents who have raised a matters of concerns, some of which are appropriately addressed by planning conditions. Other matters are considered more operational or will be addressed with the submission of the reserved matters applications. There are a number of matters that can be readily satisfied with suitable worded conditions. These conditions will need to be read alongside and inform the Reserved Matters – that will look more closely at Layout, Appearance, Scale and Landscaping and be considered against the policies and guidance in place.

- 6.66 The general support from statutory consultees together with the significant health and social wellbeing benefits that will result the scheme is considered to accord with the relevant policies of the development plan. The proposal represents sustainable development and it is recommended that permission be granted, subject to the conditions set out below.

RECOMMENDATION

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

Standard Conditions / Reserved Matters submission requirements

- 1 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.

- 2 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.

- 3 Approval of the details of the layout, scale, appearance 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, LD1, LD2, LD3, MT1, SC1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 4. The development shall be carried out strictly in accordance with the approved plans:**

- **Location Plan: HA 43595_PL_01_D**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, LD1, LD2, LD3, MT1, of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework.

- 5. The reserved matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details relating to the of the ancillary farm shop / café and educational / skills facility as follows:**

- a) Retail Floor Area**
- b) Hours of opening**
- c) Hours of Delivery**
- d) Waste Management Arrangements**

Reason: Reason: In order to allow further assessment of impacts of the proposed uses having regard to residential amenity, retail impact and highways safety having regard to policies SD1, MT1 and E5 of the Herefordshire Local Plan – Core Strategy and the National

Planning Policy Framework. (to inform whether a sequential approach should not be applied and ensure the proposal adheres to Para 90 of the NPPF).

6. **The Reserved Matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details of a submission of surface water and foul water drainage design details (including but not limited to details of shallow infiltration test results).**

Reason: To ensure drainage conforms with Policies SD3 and SD4 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework

7. **The reserved matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details relating to the of the sports facilities and associated buildings or uses as follows:**

- a) **Hours of use**
- b) **Hours of Delivery (if applicable)**

Reason: In order to allow further assessment of impacts of the proposed uses having regard to residential amenity and highways safety having regard to policies SD and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. (to inform whether a sequential approach should not be applied and ensure the proposal adheres to Para 90 of the NPPF).

Pre-commencement Conditions

8. **No development shall commencement until a map based phasing plan that identifies the following:**

- **Timing of delivery of on-site highway works (including but not limited to on site roads, footways and cycleways including crossing of Shaws Path)**
- **Timing of delivery of car park(s)**
- **Timing of delivery the foul and surface water drainage arrangements including any off site works**
- **Timing and delivery of off Site Highway works**
- **Any other known phases of the development (e.g buildings / structures or pitches)**

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan.

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure to serve the proposed uses. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2.

9. **The Reserved Matters submission relating to layout, scale, appearance and landscaping for the development of the 3G Artificial Grass Pitch submitted pursuant to Condition 3 shall be accompanied by the following details (see informative below):**

- **Siting**
- **Design**
- **Specification of the AGP**
- **Noise Mitigation measures**

Reason: To ensure that the proposed development is fit for purposes and sustainable and that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

- 10. No longer than twelve months prior to any works or site preparation commencing a full, Construction Environmental Management Plan (CEMP) – including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be submitted to and agreed in writing by the Local Planning Authority.**

The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the Local Planning Authority.

If works are to be undertaken in phases, then the CEMP should clearly identify this.

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.

- 11. Prior to the commencement of any phase of development a Construction Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan (s) shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:**

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;**
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;**
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;**
- d) measures for managing access and routing for construction and delivery traffic;**
- e) hours during which construction work, including works of site clearance, and deliveries can take place.**
- f) Tree / hedge protection plan for the phase of development**
- g) Construction Traffic Management Plan**

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, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, LD2, and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy

- 12. Development shall not begin in relation to any of the specified improvements / works necessary to provide access from the nearest publicly maintained highway or other works related to the crossing of Shaw's Path until details have been submitted to and approved in writing by the Local Planning Authority following the completion of the technical approval process by the Local Highway Authority.**

The development shall not be first used or occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

Pre-occupation / Pre Use Conditions

13. No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the development is served by a suitable potable water supply in accordance with the requirements of policy SD3 of the Herefordshire Local Plan Core Strategy.

14. Prior to the first use of or occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities to serve the proposed uses shall be submitted to the Local Planning Authority for their written approval.

The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

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 SS7, SD1, MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The use of the Artificial Grass Pitch hereby permitted shall not commence until:
- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
 - (b) confirmation that the facility has been registered on the Football Association’s Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Herefordshire Local Plan Core Strategy Policy OS2

16. Before the 3G AGP hereby approved is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This shall include proposed measures to ensure the replacement of the Artificial Grass Pitch when the surface needs

to be replaced. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G AGP.

Reason: To ensure that a new facility/ies is/are capable of being managed and maintained to deliver [a facility/facilities] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Herefordshire Local Plan Core Strategy Policy OS2

17. No development hereby permitted shall be brought into use until written and illustrative details of the number, type/specification and location of electric vehicle charging point, shall be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be installed in accordance with the approved details and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

18. Prior to first commencement of any use hereby permitted, a noise management plan for that use or phase shall be submitted to, and approved in writing by the Local Planning Authority.

The Noise Management Plan (NMP) should address the following points as a minimum:

- statement of intent
- a brief summary of the premises / site / activities
- a location / site plan
- an inventory of potential noise sources, including noise from voices detail of noise controls and limits (e.g. site rules)
- site noise monitoring and / or evaluation
- responding to complaints (including actions to be undertaken and recorded)
- management command, communication, and contact details
- periodic NMP review

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

19. A BS4142:2014 assessment (methods for rating and assessing industrial and commercial sound) in relation to any external fixed plant or equipment shall be carried out and submitted to and approved in writing by the Local Planning Authority prior to any installation. Works and installation shall be carried out in accordance with the approved details prior to first use and shall be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework

20. Prior to first commencement of any use hereby permitted a detailed specification and location plan for 'hard' habitat enhancement features including provision of bat roosting

features (such as bat boxes or bricks), bird nesting boxes (mixed types) and provision of hedgehog homes and hedgehog highways through any impermeable boundary features shall be approved in writing by the planning authority. The approved scheme shall implemented in full prior to any occupation of approved dwellings and be hereafter maintained.

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

21. Prior to first installation of any external lighting to illuminate the development (e.g building / car parking footways) a detailed specification and location plan shall be submitted to and approved in writing by the Local Planning Authority. This excludes sports related flood lighting (see informative below).

Reason: To allow consideration of the impacts of the proposed lighting on biodiversity, amenity, landscape character, pedestrian, highway and rail safety having regards to the requirements of policies SS6, SD1, MT1 of the Herefordshire Local Plan – Core Strategy.

Compliance Conditions

22. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

23. All surface water flows created by the approved development shall be managed through relevant Sustainable Drainage System (SuDS). The approved SuDS shall be hereafter maintained and managed as approved. No surface water shall be discharged to any mains sewer system.

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

24. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at: or downstream of manhole reference number S049373646 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. No building shall be occupied until it is served by the approved connection.

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.

25. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 26. Any farm shop hereby permitted as shall be used for Class E (a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The Local Planning Authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 27. Any café hereby permitted shall be used for Class E (b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The Local Planning Authority wish to control the specific use of the and/premises, in the interest of local amenity and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 28. In the event that the polytunnels hereby permitted become redundant and all other associated development shall be removed and the land reinstated to its original condition within nine months.**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 29. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**

Bearwood Associates Ltd – BS5837:2012 Arboricultural Impact Assessment Oct 2022

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP2 - Application Approved Following Revisions**
- 2. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007**
- 3. The submitted details should demonstrate that the AGP meets relevant design guidance from FA and RFU to meet relevant requirements for training and matchplay use (where relevant).**

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is

recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

4. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk
5. The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.
6. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 other Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. 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.

7. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
8. In accordance with National Planning Policy Framework (Edition 11) 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. The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.
9. As the proposed orchard planting shown on the masterplan is currently outside the application boundary no condition to ensure the detailed specifications for provision planting and management of the orchard area are currently relevant. As an advisory any application to include the orchard planting should demonstrate that it will be a Traditional "standard" Orchard with all trees on fully vigorous rootstocks and include a range of fruit types and varieties – including heritage varieties of local distinctiveness. The understorey should be a traditional wildflower rich seed mixture. A relevant minimum 30 year establishment and maintenance plan should be provided that recognises the extensive formative care and pruning that will be required and specialist nature of the pruning and management of fruit trees.

10. There is a Prohibition of Driving Order on byway GF7 and HA14, so these cannot be used by vehicles to access the site.
11. 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, 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.
12. The applicant’s attention is drawn to the comments of Sport England who will require (either as part of the Reserved Matters or discharge of condition) details to include plans and information to show the proposed location of the AGP within the existing playing field, the overall AGP dimensions including run-off areas, proposed hard-surfaced areas for goal storage, spectator viewing/circulation, the proposed carpet pile length, shockpad specification, infill material containment and de-contamination zones, sports fencing design, proposed pitch line markings for various pitch sizes to be provided, and detailed sports lighting design. The AGP shall not be constructed other than in accordance with the approved details.

The application submission for the development of the 3G AGP did not propose (within plans or documents) the use of flood lighting and as such a separate planning permission would be required. The applicant’s attention is drawn to the comments received from statutory and non-statutory consultees in respect of impacts of lighting for the proposed development.

13. The applicant’s attention is drawn to the comments of Network Rail.

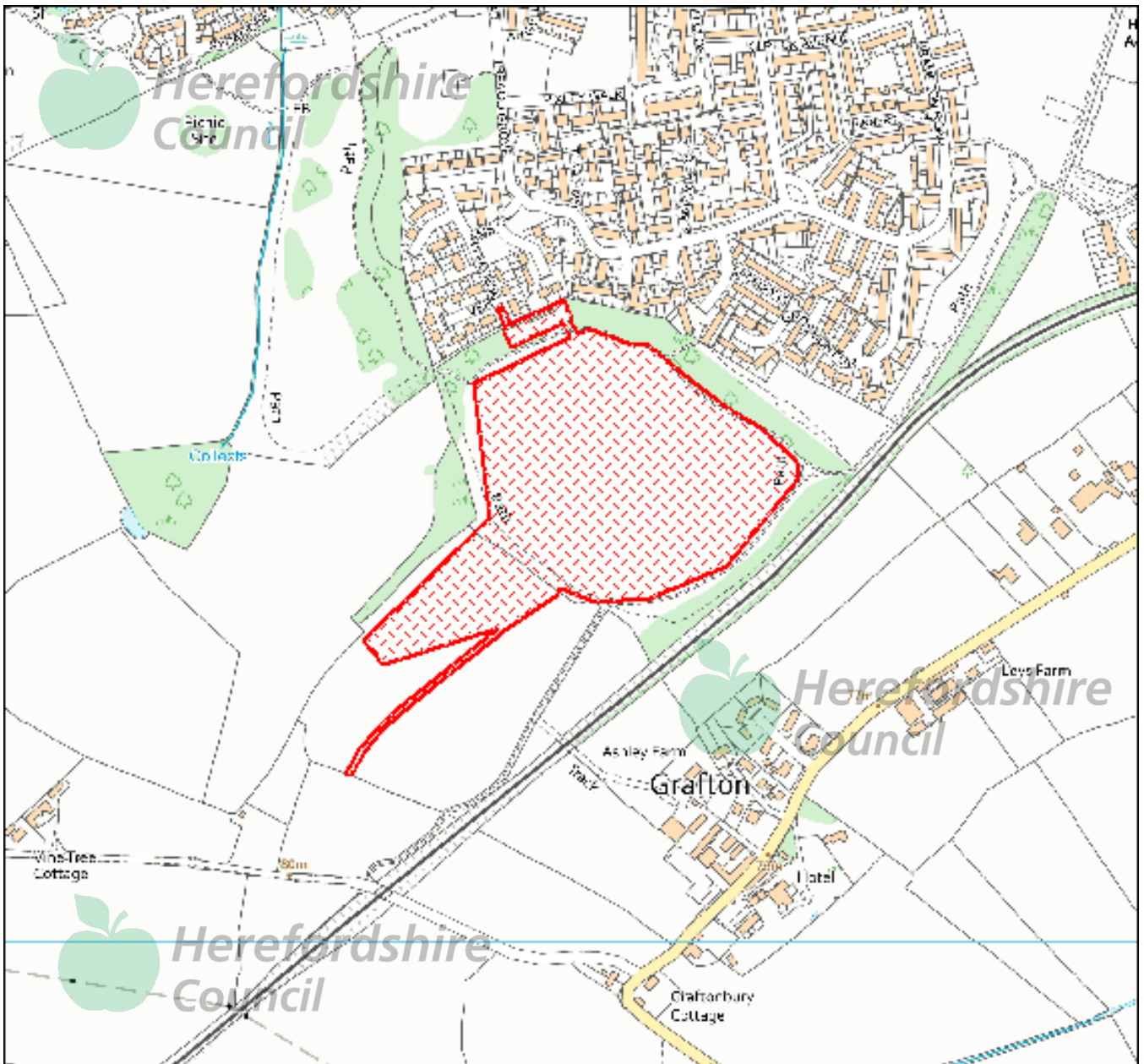
Decision:

Notes:

.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 223281

SITE ADDRESS : LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005