

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	4 JULY 2025
TITLE OF REPORT:	<p>242911 - PROPOSED EXTENSIONS TO THE EXISTING PRIMARY SCHOOL TO PROVIDE 2 ADDITIONAL CLASSROOMS AND ASSOCIATED LEARNING RESOURCE AND SUPPORT SPACES, EXTENSION OF THE EXISTING CAR PARK AREA, RELOCATION OF 2 NO. STORAGE SHEDS, AND ASSOCIATED HARD AND SOFT LANDSCAPING AND BIODIVERSITY IMPROVEMENTS AT HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT</p> <p>For: Mrs Marshall per Mr Nathan Liu, DB3 Architecture And Design, 3rd Floor, 2 Callaghan Square, Cardiff, South Glamorgan, CF10 5BT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242911
Reason Application submitted to Committee – Council Application/Owned Land	

Date Valid: 20 February 2025
Expiry Date: 17 April 2025

Ward: Eign Hill

Grid Ref: 353010,239780

Local Member: Cllr Elizabeth Foxton
 Adjoining Member: Cllr Jim Keynon

1. Site Description and Proposal

- 1.1 The application site relates to an established primary school with associated amenity/playing field areas, outbuildings and parking. It is located north-west of the Church Road (U80129) with Hampton Dene Road (U80137) mini-roundabout in the Eign Hill area of Hereford. Boundary treatments comprise mesh security fencing to three sides with hedgerow, trees and high-close board fencing forming the north-west site boundary. Topography very gently falls across the site from north-west to south-east. Land uses hereabouts are predominately residential although other educational establishments are in close proximity including St. Paul's C of E Primary School to the east and Bishops' High School further north-east.
- 1.2 Vehicular and pedestrian access is taken directly off Church Road. There are no heritage or landscape designations affecting the site. The 'Church of St Paul' (Grade II Listed Building) and 'Hampton Manor and Attached Walls and Gate Piers (Grade II Listed Building) are nearby, although the application site lies beyond their respective 'settings'. The site also lies in Flood Zone 1 and is not constrained by pluvial flooding on mapping.
- 1.3 The school itself is broken down into two distinct elements. At the north-east of the site and to the immediate south of the existing staff/visitor car park is the main school building which comprises brick walling under a mixture of a bitumen flat roof and concrete tiled roof. Linked by way of an L-shaped open canopy, the other school building comprises a single-storey element of similar

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

materials which has been previously extended to facilitate a new language and communication centre. The existing playing fields, including marked-out sports fields, encompasses the west and south-west of the site, with existing playing equipment found to the south-east and north-east of site, the latter of which has extensive hard surfacing as a playground area.

- 1.4 This application seeks full planning permission for a proposed extension to the south-east of the existing languages and communication centre, with a focus on Special Educational Needs and Disabilities (SEND) students. This includes 2 new classrooms with group rooms/learning resource/support spaces, offices, a therapy room, quiet room, additional toilets, covered external play areas and sensory gardens. The classrooms would be finished in yellow brick in stretcher bond and soldier course and timber effect cladding under an anthracite grey zinc standing seam roof and bitumen flat roof.
- 1.5 To facilitate the 16 extra school places created, a proposed extension to the south-west of the existing staff/visitor car park will provide additional parking, finished in tarmac to match existing.
- 1.6 As a result of the proposed car park extension, the application also proposes the relocation of 2 existing storage sheds further south-west. Associated hard and soft landscaping and biodiversity enhancements are also sought within the application including learning and play areas, such as covered soft play areas being accessible through the new classrooms, sensory gardens and planters for outdoor learning.
- 1.7 A copy of the proposed site plan and elevations of the new classroom extension is provided in Figures 1 and 2 below:



Figure 1 – Proposed Site Plan



Figure 2 – Proposed South-West, North-East and South-East elevations in relation to proposed classroom extension

- 1.8 Following validation, a re-consultation period has been undertaken in relation to an amended location plan. The re-consultation period expires on 20 June 2025. Any representations received following publication of the officer report will be provided through the publicised Schedule of Updates along with any changes to the officer recommendation that may result from any further representations received.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted October 2015 (CS)

- SS1 – Presumption on favour of sustainable development
- SS4 – Movement and transportation
- SS5 – Employment provision
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- SC1 – Social and community facilities
- OS1 – Requirement for open space, sport and recreation facilities
- OS2 – Meeting open space, sport and recreation needs
- OS3 – Loss of open space, sport and recreational facilities
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 34 of the revised National Planning Policy Framework (NPPF) require a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. The CS policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

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

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP)

SP1 – Resource Management

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

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan/5>

2.3 National Planning Policy Framework (NPPF) – revised on 12 December 2024

(Please note that the NPPF was subsequently amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024):

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

The NPPF sets out the government's planning policies for England and how these are expected to be applied in both plan-making and decision-making. The revised NPPF can be viewed using the following link:-

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

2.3 National Planning Practice Guidance (NPPG)

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. Planning History

- 3.1 S113005/CD - Provision of new language and communication centre. additional roof lights, sun pipes, windows and canopy, also new extension for new classrooms, toilets, offices, plant room, stores, canopies and fencing for play areas, link canopy between existing – Approved with conditions
- 3.2 S101334/CD - Replace existing pre-school nursery mobile accommodation with a new mobile in same location, and provide signage at pedestrian gate entrance – Approved with conditions
- 3.3 CE092177/CD - Remove 2 existing mobile classrooms, and make good with hard & soft landscaping, and provide 2 new mobile classrooms in new location – Approved with conditions
- 3.4 DCCE2008/0614/F - Proposed Cycle Shelter – Approved with conditions
- 3.5 CE2002/2411/F - Formation of an additional playground area – Approved with conditions
- 3.6 CE1999/2139/F - Erection of single storey classroom extension – Approved with conditions

- 3.7 SC990076QZ - Formation of Proposed Pedestrian Access Gate to Hampton Dene Road – Approved with conditions
- 3.8 HC940263JZ - Provision of a Double Mobile Classroom Unit for a Period up To 5 Years – Approved with conditions
- 3.9 HC910287JZ – Alteration of Existing School Buildings to Provide Additional Administrative Accommodation – Approved with conditions

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 **Sport England – Objection**

1st consultation 12 March 2025

“Thank you for consulting Sport England on the above application.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England’s Playing Fields Policy, which is presented within our ‘Playing Fields Policy and Guidance Document’: www.sportengland.org/playingfieldspolicy

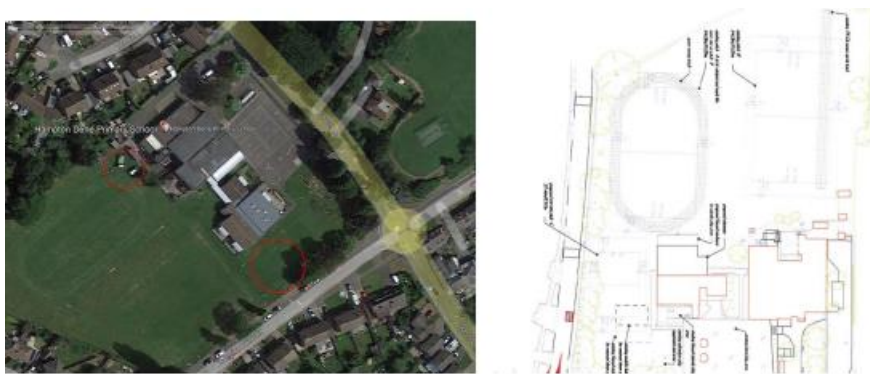
Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or*
 - land which has been used as a playing field land remains undeveloped, or*
 - land allocated for use as a playing field*
- unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.*

The proposal and impact on playing field

The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth image. It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).

Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land, which appear to encroach on the athletics track displayed in the submitted site plan. It may also impact on the playing pitch which has been marked out at the site to.



Assessment against Sport England's Playing Fields Policy and NPPF

The proposed school building, which is for a non sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different football pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.

No details have been submitted demonstrating that the playing field land proposed to be lost is surplus to requirement (for both curricular and community usage) with the Council's Playing Pitch Strategy demonstrating that there are deficits in pitch provision. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4. In relation to the biodiversity improvements at the site Sport England consider the provision will partially impact on the ability to mark out pitches (winter and summer pitch markings), with there being alternative options for the provision elsewhere on the site.

Sport England's position

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF.

Potential to overcome the statutory objection

Sport England consider that there are alternative locations (purple area displayed in the Google Earth image below) for the new build which would not result in the loss of playing field land capable of accommodating pitches. Similarly, the areas shaded blue displayed below would be acceptable locations for biodiversity improvement which would not impact on the ability to mark out pitches.



In terms of the car park extension and relocated sheds Sport England would welcome a plan indicating that U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track

displayed in the image below can still be accommodated, albeit moved to the west slightly. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:

www.sportengland.org/playingfieldspolicy

2nd consultation 21 May 2025

"Thank you for consulting Sport England on the above application."

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':
www.sportengland.org/playingfieldspolicy

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

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

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth images (noting flexibility of the site to contain 2no U9/10s football pitches). It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).

Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land, which appear to encroach on the athletics track displayed in the submitted site plan. It may also impact on the playing pitch which has been marked out at the site to.



Assessment against Sport England's Playing Fields Policy and NPPF

The proposed school building, which is for a non sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.

The additional information submitted by the applicant states that the mini pitch is not used by the school and that PE/sports can be accommodated by using the other football pitch, athletics track and hard courts (facilities not available for community use with other sites available for such use). The applicant also highlights that the Playing Pitch and Outdoor Sports Strategy (PPOSS) identifies that the Hereford analysis, where the site is located within, has sufficient provision for 7v7 and 5v5 football provision, with the larger pitch sizes being where there is a shortfall.

In relation to the car parking encroachment on to usable playing field land, Sport England requested a plan which indicated that a U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track can still be accommodated, albeit moved to the west slightly. The applicant response states that the car park extension and relocation of the sheds will not affect the existing playing fields, and that a minimum 2-meter gap between the car park and the pitches for a runoff zone.

Sport England note the playing field site will be encroached upon by the development, the areas impacted have been used for sport/physical activity with the playing field being marked out for different activities throughout the years to meet demand i.e. U9/10s and a mini pitch marked out where the building is proposed. The location of the development will encroach on usable playing field land marked out for sport/physical activity

Sport England acknowledge that the Council's PPOSS identifies that there is sufficient capacity for mini soccer within the Hereford analysis area. It is also noted that the Council's Open Space Planning Officer consultee comment highlights that there are sites within the analysis area which could accommodate pitches to meet current and future demand. However, it should be noted that football team numbers have increased within the authority since the PPOSS was published from 287 to 413 teams (2024/25 season). Further to this, some of the sites which were identified as having additional capacity are either within flood zones (supply discounted due to this in PPOSS), reduction in capacity (impact of the introduction of a cycle route) or no additional pitches being provided at sites as envisaged i.e. Belmont Wanderers.

The applicant has also not provided details as to whether the retained playing field land would meet the requirements of the school (i.e. minimum BB103 outdoor soft PE areas still being achieved following development) and whether playing pitches (for example two U9/10s football pitches) with the appropriate run off areas can still be accommodated.

For playing pitch dimensions please view:

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fpublic/comparative-sizes-outdoor.pdf>

Based on the above, it is considered that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4.

Sport England's position

Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:

www.sportengland.org/playingfieldspolicy

3rd consultation 13 June 2025

"Thank you for consulting Sport England on the above application.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':
www.sportengland.org/playingfieldspolicy

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

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

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and impact on playing field

The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth images (noting flexibility of the site to contain 2no U9/10s football pitches). It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).

Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land. Previously this appeared to encroach on the athletics track displayed though the updated plan now removes this area with further biodiversity improvements to the north of the playing field site. The retained area to the south may impact on the ability to mark out an u9/10s football pitch, which has previously been marked out alongside the pitch to the north.



Assessment against Sport England's Playing Fields Policy and NPPF

The proposed school building, which is for a non-sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.

The previously submitted additional information stated that the mini pitch is not used by the school and that PE/sports can be accommodated by using the other football pitch, athletics track and hard courts (facilities not available for community use with other sites available for such use). The applicant also highlighted that the Playing Pitch and Outdoor Sports Strategy (PPOSS) identifies that the Hereford analysis, where the site is located within, has sufficient provision for 7v7 and 5v5 football provision, with the larger pitch sizes being where there is a shortfall.

Sport England note the playing field site will be encroached upon by the development, the areas impacted have been used for sport/physical activity with the playing field being marked out for different activities throughout the years to meet demand i.e. U9/10s and a mini pitch marked out where the building is proposed. The location of the development will encroach on usable playing field land marked out for sport/physical activity.

Sport England acknowledge that the Council's PPOSS identifies that there is sufficient capacity for mini soccer within the Hereford analysis area. It is also noted that the Council's Open Space Planning Officer consultee comment highlights that there are sites within the analysis area which could accommodate pitches to meet current and future demand. However, it should be noted that football team numbers have increased within the authority since the PPOSS was published from 287 to 413 teams (2024/25 season). Further to this, some of the sites which were identified as having additional capacity are either within flood zones (supply discounted due to this in PPOSS), reduction in capacity (impact of the introduction of a cycle route) or no additional pitches being provided at sites as envisaged i.e. Belmont Wanderers.

The applicant has failed to provide details as to whether the retained playing field land would meet the requirements of the school (i.e. minimum BB103 outdoor soft PE areas still being achieved following development) as previously requested by Sport England. The applicant has also failed to demonstrate that two U9/10s football pitches) with the appropriate run off areas can still be accommodated following the development.

In relation to the car parking encroachment on to usable playing field land, Sport England requested a plan which indicated that a U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track can still be accommodated, albeit moved to the west slightly. The revised plan now displays a U9/10s mini soccer pitch albeit the dimensions appear to be short by 1m in width when measuring from the plan. Though Sport England acknowledges that is likely to be capable of being accommodated, though it would assist if the applicant confirmed this point alongside the provision of a further U9/10s mini soccer pitch and athletics provision. For playing pitch dimensions please view:

<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fspublic/comparative-sizes-outdoor.pdf>

Based on the above, it is considered that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4.

Sport England's position

Given the above, Sport England maintains its statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF.

As previously requested, Sport England would welcome the submission of a Plan which demonstrates that the retained playing field would still be capable of accommodating 2no U9/10s football (inclusive of run off areas) and summer pitch markings; and details as to whether BB103 outdoor PE space would be met following the development.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
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Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:

www.sportengland.org/playingfieldspolicy

4.1.2 Dwr Cymru Welsh Water – No objections; conditions recommended

1st consultation 19 March 2025

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

FOUL WATER

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

SURFACE WATER

Turning to surface water drainage, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. However, in this instance, we would advise that there is no agreement to communicate surface water flows into the public surface water or combined sewer and there has been little information submitted to show infiltration has been explored and exhausted. Furthermore, the National Planning Policy Framework highlights the need to help improve local

environmental conditions, including water quality (187), and ensure that risks can be managed through suitable adaptation measures, including through sustainable drainage systems (164).

Accordingly, as a material consideration within the planning process and notwithstanding the submitted application form, we recommend a condition that specifies no surface water flows shall communicate directly or indirectly to the public sewerage system. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

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.

Advisory Notes

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

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation."

2nd consultation 19 May 2025

"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Having reviewed the submitted Technical note reference 50804-BUR-XX-XX-T-C0002_DCWW_SurfaceWaterDrainage we can see that the surface Water Hierarchy as per Part H Building regulations has been explored and exhausted. With this in mind we are content for the proposed connection of surface water flows from the proposal to discharge into the surface water sewer at a maximum rate of 2.5l/s and therefore provided the below amended response.

FOUL WATER

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 l/s.

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

Advisory Notes

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

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence."

4.2 Internal Council Consultations

4.2.1 **Area Engineer (Transportation)**

1st consultation 19 March 2025

"The Local Highway Authority (LHA) has reviewed the proposed extension to Hampton Dene Primary School, which seeks to accommodate an additional 16 pupils with SEND and 10 additional staff members. The proposal includes an extension to the car park to provide 4

additional spaces; however, based on the submitted plans, the actual increase appears to be 3 spaces.

Given the increased pupil and staff numbers, further clarification is required to ensure the site can safely accommodate the additional transport demand. Please provide further details on the following:

- *Pupil Transport Arrangements* – How will the additional pupils travel to and from school? Given the nature of the provision, it is likely that many pupils will not live within walking distance and may require dedicated transport.
- *Minibus Provision* – Will a minibus be used for pupil transport? If so, how many vehicles are anticipated, and is there sufficient on-site space for safe turning, drop-off, and pick-up?
- *Parking Provision* – How has the proposed level of parking been determined? With 10 additional staff, an increase of only 3 spaces may be insufficient. Clarification is required on staff travel patterns and any measures to manage on-site parking demand.
- *Site Circulation and Drop-off Arrangements* – If multiple vehicles are expected to arrive at peak times, how will these be accommodated on-site to avoid congestion on surrounding roads?

Additionally, the submitted Construction Traffic Management Plan (CTMP) has been reviewed. While the measures proposed aim to minimise highway impacts, the following points require further confirmation:

- *Delivery & Parking Management* – Further details on the on-site parking plan for construction operatives and assurances that no waiting will occur on public roads.
- *Temporary Traffic Restrictions* – Confirmation that required applications for a Section 184 Agreement (for temporary access adjustments) and a TTRO (to prevent obstructive parking near the site) will be submitted in a timely manner.

Summary of Required Actions:

- Provide clarification on pupil transport arrangements, including the need for and management of minibuses.
- Justify the proposed parking provision and consider whether further spaces are required.
- Confirm site circulation and drop-off arrangements to prevent congestion.
- Submit further details on construction parking.

This additional information is required to ensure the development supports safe and efficient access without negatively impacting the local highway network.

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

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

2nd consultation 8 May 2025

"Thank you for the additional information submitted in response to the Local Highway Authority's (LHA) previous comments. Upon review, the LHA provides the following updated response:

Pupil Transport Arrangements

The applicant has stated that they are unable to confirm how the additional pupils will travel to and from the school. Given the specific nature of the provision—catering for pupils with SEND—it is reasonable to expect that a significant proportion will require dedicated transport, such as school transport minibuses or taxis. While exact details may not be known at this stage, a broad assessment or anticipated scenario should have been provided to enable the LHA to assess the impact on the local highway network.

Minibus Provision

The applicant has confirmed that minibuses will use the existing lay-by outside the school gates for drop-off and collection. However, no details have been provided regarding the number of vehicles anticipated or how their use will be coordinated. It must therefore be presumed that on-the-ground management by the school will be essential to avoid congestion or unsafe conditions at peak times.

Parking Provision

The applicant has now clarified that the proposed staff increase is 8 (not 10), and the amended site plan confirms a total of 9 additional car parking spaces. The LHA is therefore satisfied that this element of the proposal is acceptable and adequately addressed.

Site Circulation and Drop-Off Arrangements (Pupils)

The applicant has misunderstood this request and provided information relating to construction-related deliveries. To clarify, the LHA sought details on pupil drop-off arrangements, particularly for those SEND pupils who may be unable to access the school from the public highway and require on-site drop-off. The applicant has confirmed that there is no facility for this on-site. The LHA is concerned that the absence of on-site drop-off provision may present access and safety challenges for pupils with more complex needs. Clarification is requested on how this will be accommodated and whether any areas within the car park could be temporarily allocated for this purpose without impacting staff parking capacity.

Construction Traffic Management Plan (CTMP)

The applicant has stated that contractor parking cannot be accommodated within the site and that public highway parking will comply with local authority and police requirements. The LHA does not consider this acceptable. Parking on the public highway during school hours, particularly near a SEND facility, risks obstructing visibility, pedestrian access, and general highway safety. Contractor parking must be managed within the site or an appropriate off-site arrangement must be identified and secured in advance.

Summary of Required Actions:

- *A general assessment of expected pupil transport modes, including likely use of dedicated transport, should be provided.*
- *Clarification is required on how drop-off for SEND pupils unable to access from the highway will be managed on-site, and whether this will interfere with staff parking.*
- *The CTMP must be updated to ensure that all contractor parking is accommodated on-site or an appropriate, managed off-site solution is identified.*

This additional information is required to ensure the development supports safe and efficient access without negatively impacting the local highway network.”

3rd consultation 5 June 2025

“Thank you for the additional information submitted in response to the Local Highway Authority’s (LHA) comments. Upon review, the LHA offers the following updated response:

Pupil Transport Arrangements

The applicant has now provided a useful breakdown of current and projected pupil transport modes. Based on the data, the proportion of pupils requiring dedicated taxi or minibus transport is expected to remain broadly similar, with an anticipated increase of two additional dedicated vehicles. While this is not a significant uplift, the LHA welcomes the clarification and the commitment to staggering arrival times and staff assistance to support efficient drop-off. The existing layby appears to have some operational capacity to accommodate this increase, provided on-site management remains in place.

SEND Drop-Off Provision

The updated response confirms that up to five parents of SEND pupils are currently permitted to use the school car park for drop-off and pick-up, with additional accessible spaces proposed as

part of the extension. The LHA acknowledges the explanation provided regarding staff parking being completed before pupil arrivals and the on-site barrier system that enables real-time car park management. This is a welcome clarification and is considered a workable arrangement, provided it continues to be actively managed by the school.

Construction Traffic Management Plan (CTMP)

The revised CTMP now confirms that contractor parking will be accommodated within the site compound, using ground protection matting to enable temporary use of grassed areas. The LHA welcomes this revision, which addresses previous concerns regarding parking on the public highway. The commitment to just-in-time deliveries and encouraging car/van sharing is also noted and supported.

Conclusion

The LHA is now satisfied that the applicant has addressed the key issues raised in the previous response. Subject to the following conditions, the LHA raises no objection to the proposed development:

- Re-instate the temporary access to an agreed standard either by completion of building works or within 12 months.
- Provide an updated Travel Plan
- CB2 – Secure, covered cycle storage”

4.2.2 **Ecologist – No objections; conditions recommended**

1st consultation 15 April 2025

“Habitat Regulation Assessment

The application site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’)) as being of international importance for its aquatic flora and fauna. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process. The HRA process must be based on a demonstration of legal and scientific and be undertaken with a ‘precautionary’ approach.

Notes in respect of HRA

- *The proposal is to for a extension of two class rooms, office, therapy room, a quiet room, additional toilets, covered external play areas and sensory gardens, including extension to the existing car park area and relocation of 2no. lightweight storage sheds*
- *As agreed with Natural England where commercial/industrial applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.*

Any nutrients created by staff/visitors and pupils to the school can be considered as already being ‘accommodated’ and accounted for within the residential foul water flows of those staff/visitors that are considered for this specific ‘local’ commercial operation as being existing residents of the local area/catchment. Therefore, no additional or expedited nutrient pathways are expected as a result of the proposed development and this application can be considered as ‘screened out’ at Stage 1 of HRA appropriate assessment.

Ecology

I have read the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated November 2024. The survey found no evidence of protected species however,

recommends avoidance measures in Section 4.5 which should be followed and this will be secured via condition

Biodiversity Net Gain

I have looked through the BNG Metric and Biodiversity Net Gain Report undertaken by Aware Ecology dated November 2024, I am happy that this provides the required minimum of 10% gain across the site, this will be secured via standard condition

Conditions

Please include the following conditions on the decision notice

Nature Conservation – Implementation

The recommendations set out in the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated November 2024, should be followed in relation to protected species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types, ONE House Martin/Swallow cups, ONE House Sparrow terrace and TWO bat roost features as well as hedgehog highways and boxes, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981.), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

Details of external lighting

Details of any external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

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

2nd consultation 13 June 2025

"The supplied plans amending the proposed development including area of new parking/sealed surface and formal creation of two sports pitches on existing general playing field are noted. The ecology plans have been updated but these do not appear to consider the degradation of existing

grassland when it is formally managed as proposed sports pitches. A full revised Statutory BNG scheme and Metric should be undertaken based on final approved development plans. This updated scheme and metric with full details of how the required minimum 10% gain will be delivered and managed for 30 years within the development boundary (or by use of off-site habitat units that are legally secured and on the national register) must be supplied and approved by the LPA subsequent to planning permission being granted but PRIOR to any permitted works commencing onsite. No ecology objection is raised and planning permission can be granted although the applicant must be aware of the requirements to update the final statutory BNG submission made to 'discharge' the statutory BNG condition that applies on any grant of planning permission."

4.2.3 **Open Spaces Planning Officer – Qualified Comments**

1st consultation 6 May 2025

"Open Space Requirements.

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

National Planning Policy Framework (NPPF):

Paragraph 103: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Paragraph 104: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Core Strategy(CS)

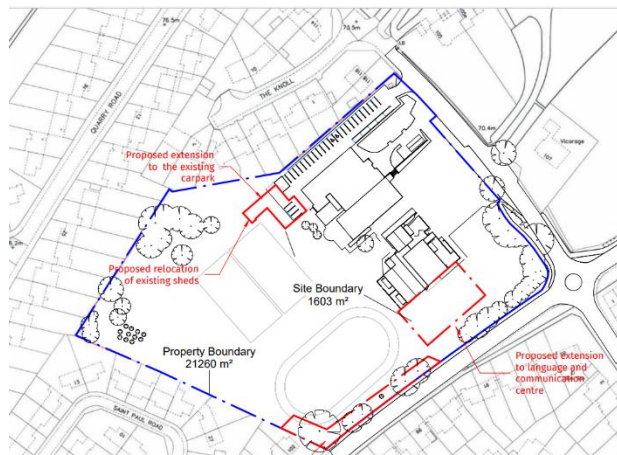
OS3: Loss of an Open Space/Sports and Recreation Facilities.

Core Strategy Evidence Base

- *Herefordshire Playing Pitch and Outdoor Sports Assessment September 2022 (PPOS)*
- *Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 (PPOS)*

Loss of Playing field:

The proposal is for an extension to the existing school accommodation at Hampton Dene Primary school to accommodate both indoor and outdoor facilities and classrooms for Special Education Needs. It also proposes an extension to the existing car parking area in support of the staffing requirements. The proposal will affect existing school playing field as shown edged in red below on the site plan drawing no. 17517-DB3-B01-00-DR-A-90001 submitted with the application.



I attach a screenshot of Google earth maps showing summer track and field markings.



To assess the level of harm the proposed development will have upon the existing playing field provision the impact of its loss will be considered at two levels, firstly school use and secondly community use.

In accordance with both the NPPF paragraph 104 and CS policy OS3 criteria 1) clear evidence is required to demonstrate that the open space is surplus to all applicable standards and latest evidence bases for open space, sport and recreation. The relevant Core Strategy (CS) evidence is the Herefordshire Playing Pitch and Outdoor Sports Assessment September 2022 (PPOS) and Herefordshire Playing Pitch and Outdoor Sports Strategy and Action Plan Feb 2023 (PPOS). The evidence base is compliant with Sport England Playing Pitch Strategy Guidance Stage E – Keep the strategy robust and up to date.

1) School Use: Hampton Dene Primary School

In respect of school use: The Google Earth map shows summer sport track and field usage and from the proposed plan it looks like it can still be accommodated but regarding winter sports it is not clear.

Whilst the school has confirmed in the submitted supporting information supplied by the applicant that the car park extension and relocation of the sheds will not affect the existing playing fields suggesting that a minimum 2-meter gap between the car park and the pitches for a runoff zone can be provided, I can see no detail of this.

Whilst the school has confirmed in the submitted supporting information that the area proposed for the school extension is not currently used by the school for PE / sports confirming that the school curricula use is accommodated on the remaining playing field and hardcore courts the resulting loss is an area which could accommodate a small sided 5 v 5 mini football pitch and I

am concerned that the school has not demonstrated with supporting evidence that it is not required for school use.

Conclusion: I would recommend that confirmation is sought from the school that the football pitches required for school curricula use including run offs can be accommodated on the remaining school playing fields as pitch sizes are not shown on the site plan drawing no.17517-DB3-B01-00-DR-A-90001. The pitch size for u9 and u10s (7 v 7) is 66 x 46 yards and for u7s (5 v 5) is 46 x 36 yards including run off safety areas as recommended by the Football Association. The school use should also consider the quality of the pitches. The PPOS - see table below – indicates existing provision to be of poor quality which could be a result of high usage.

2) Community Use: Wider Community Needs

Hampton Dene Primary School is included in the CS evidence base for playing pitches (PPOS). The school falls within the Hereford Analysis area. The findings of the PPOS show that the school pitches are not available for community use, and that using Sport England methodology, there is sufficient capacity to provide 7 v 7 and 5 v 5 community use football pitches within existing community use provision. The findings are detailed below:

PPOS Hampton Dene Primary School Mini Football Pitch Provision.

Community Use	Management	Security of tenure	Pitch Type/Size	No of pitches	Agreed Quality Rating	Current Play	Site capacity	Capacity balance	Spare Capacity Peak times
No	Education	Unsecure	7 v 7	2	Poor	0	4	4	2

The pitches are of poor quality and non-community use.

The PPOS indicates that most poor-quality pitches are generally located at education sites. Education pitches are heavily used for, curricular and extracurricular activities meaning they have less time to remediate and are not deemed to have actual spare capacity due to the low carrying capacity of the pitches.

The supporting information confirms that the school has no has no intention to make school pitches available for community use. The PPOS confirms that community use agreements are reliant on the school. The reasons for not allowing community use varies: the most common example is that the schools want to protect pitches for curricular and extra-curricular purposes due to existing quality issues.

PPOS Supply and Demand Hereford Analysis Area:

Non community use facilities are not included in the supply and demand modelling.

Supply: Summary of grass football pitches available to the community – youth players u7s, u9s and u10s

Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	17	15

Demand: Summary of competitive teams currently playing in Hereford Analysis Area

Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	30	27

Capacity: Summary of actual spare capacity - a pitch can only be said to have actual spare capacity if it is available for community use and available at the peak times.

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

Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	0.5	1

Overplay and Capacity: This is when there is more demand (teams) accommodated on a pitch than it can sustain. Taking into account Gorsty Lane which provides 1 x 7 v 7 pitch which is overplayed by 0.5 match equivalent sessions (MES) per week, there is sufficient capacity for 7 v 7 pitch demand and space capacity for 5 v 5 pitch demand including both current and future demand. This is set out in the table below.

Sport	Analysis Area	Current Demand		Future Demand
		Pitch Type	Current Capacity total in MES	Future Capacity total in MES
Grass Football Pitches	Hereford	Mini 7 v 7	Sufficient quantity	Sufficient quantity
		Mini 5 v 5	Spare capacity of 1 match equivalent session	Spare capacity of 1 match equivalent session

Unmet or Latent Demand: The PPOS concludes that any unmet or latent demand can be met through existing sites with community use and identifies unused provision within the Hereford Analysis area, including sites that have previously been marked with more football pitches than they currently provide, or no longer have football pitches on-site. These include Hereford Leisure Pool (King George V Playing fields which in recent years has accommodated two youth pitches which are not currently marked out and Belmont Wanders FC who are currently working towards the development of its home site at Newton Farm. There are also opportunities at Hereford Leisure Centre.

Conclusion: The school site does not provide community use of its football pitches. In considering the wider community needs there is sufficient capacity in the existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1)

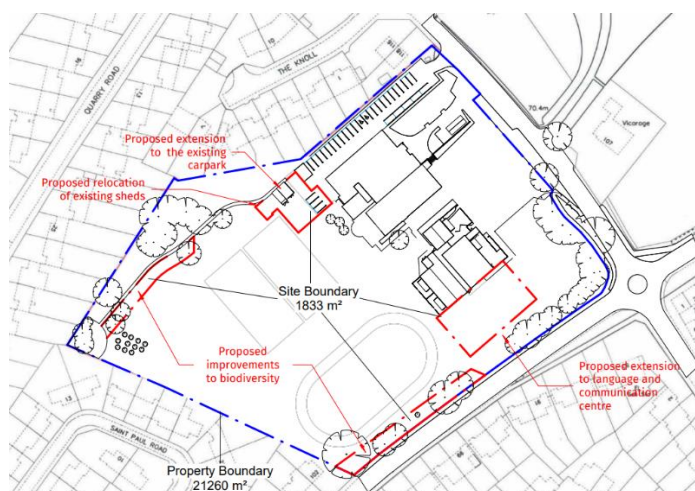
Further Information Required: In support of school curricula requirements, and to demonstrate that provision can be provided on the remaining school playing fields, a plan showing proposed football pitch layout use for school uses should be submitted. Details should accord with the recommended pitch size including run off safety areas as recommended by the Football Foundation for the appropriate age groups (u9 and u10s and u7s).

In addition, given the PPOS findings on existing quality at the school, they should provide supporting information to demonstrate that usage would not result in overplay and poor quality. As recommended in the PPOS the FA has set a standard number of matches that each grass pitch type should be able to accommodate without adversely affecting its quality, this is set out below for mini pitches. For example, a good quality mini pitch can sustain 6 matches per week, but a poor quality only 2 per week.

Pitch Quality	Matches per week
Good	6
Standard	4
Poor	2

2nd consultation 17 June 2025

“Existing site plan: It is noted that some changes have been made to the site plan as shown on the submitted amended plan to accommodate the proposed extensions for classrooms, car-parking, re-location of sheds and biodiversity net gain.



School Use: In respect of school curricula use further information was requested from the applicant to demonstrate that provision can be provided on the remaining school playing fields with a plan showing these details. The applicant has submitted the amended plan shown below as requested.



The amended plan demonstrates that 2 pitches can be accommodated to meet the Football Association recommended sizes including run off safety areas for u9 and u10s (7 v 7) is 66 x 46 yards (60.350m x 40.062m) and for u7s (5 v 5) is 46 x 36 yards. (40.062m x 32.918m)

I can find no supporting information regarding school usage to demonstrate that they can sustain the amount of use in support of the PPOS findings on existing quality at the school. Information was previously requested from the applicant to demonstrate that usage would not result in overplay and poor quality. As recommended in the PPOS the FA has set a standard number of matches that each grass pitch type should be able to accommodate without adversely affecting its quality, this is set out below for mini pitches. For example, a good quality mini pitch can sustain 6 matches per week, but a poor quality only 2 per week.

Pitch Quality	Matches per week
Good	6
Standard	4
Poor	2

Community Use: My previous comments concluded that in considering the wider community needs the PPOS Strategy 2023 clearly demonstrates that there is sufficient capacity in the

existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1).

Whilst I do not change my position, I note the objection submitted by Sport England and in particular the issue raised by them regarding the football teams from the time of the PPOS assessment 2022 was produced to March 2025 when new data became available in the latest Local Football Facilities Plan (LFFP) for Herefordshire. The LFFP is prepared by the Football Association in March 2025 in consultation with key stakeholders including the Local Authority and Sport England. This data shows an increase in team number from 287 to 412. Whilst this data is the most up to date, the LFFP is clear in that this is the number of teams countywide and of all ages from senior down to mini.

In relation to the application site and the issue of community use mini football pitches, the LFFP also provides the latest data on mini soccer and shows that there has only been a slight increase from the 2022 data from 97 to 122 teams. However, with no detail as to where the 25 mini soccer teams are based the LFFP cannot be used further to provide an analysis of supply and demand associated with the application site. The LFFP is clear in that it does not provide supply and demand detail and cannot be used as a replacement for a PPOS and as such cannot be used as an evidence base for as site change of use or disposal.

The PPOS provides this evidence based on a robust assessment of need which considers future growth in line with the Core Strategy. The PPOS show 57 mini soccer teams based within the Hereford Analysis Area, which may have sustained a small increase in accordance with latest LFFP data, which would be expected in accordance with the population growth arising from new housing.

Herefordshire Sports Partnership (HSP) is the body responsible for overseeing the delivery of the PPOS and its recommendations and for providing up-to-date information on clubs and facilities on a bi-annual basis. Wessington Junior Football Club are one such club that has sustained growth. They are based at Victoria Park Hereford and are seeking additional facilities to accommodate their growing club and junior team numbers. Supported by the Herefordshire Football Association (HFA) who sit on the HSP, the club has recently secured a lease for 1 year initially to play at Withington Playing Fields which is owned and maintained by the Parish Council. As a facility impacted by Covid and the loss of a senior team, the use of this facility is of benefit to both the club, the Parish Council and local community. The 2 sites are less than 4 miles apart and both are within the Hereford Analysis Area. The HSP through the HFA are not aware of any other clubs seeking additional junior facilities in the Hereford Analysis Area currently and as demonstrated by the PPOS other sites would be potentially available if clubs came forward."

4.2.4 Environmental Health (Contaminated Land) Technical Officer – No objections; conditions recommended

1st consultation 7 May 2025

"Context

We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

The report below has been submitted by the applicant:

"Geotechnical and Geoenvironmental Report. Site: Hampton Dene Primary School." Prepared by Terra Firma, Issue Date: August 2024, Job No.: TF-24-277-CA

Comments

The overarching conclusions of the report are that 'all substances tested for were found to be at concentrations below their respective human health threshold levels.' It goes on to advise that

any imported soils be demonstrably clean and suitable for use but makes no recommendations for further assessment with regard to contamination at the site.

There are minor uncertainties with regard to ground gases outlined in the report which should be addressed (as only a single round of monitoring had been completed at the time of issue). We would also mention that it has been commissioned and drafted as a combined desk study and site investigation and does not fully accord with good practice guidance.

It is recommended that addendum reporting be submitted with regard to ground gases and that the LPA ensure any soils imported to site accord with the reports recommendations.

Recommendation – Additional Information

Given the date of the report, we would anticipate that the outstanding ground gas monitoring has now been completed and reporting issued to that effect. As such, we would advise that this be submitted prior to determination to potentially negate the requirement for pre-commencement conditions (albeit a condition could be appended if required)."

2nd consultation 16 June 2025

"We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

Our advice of 7th May recommended addendum reporting to address minor uncertainties around ground gases and proposed validation of imported soils. Further to this additional ground gas monitoring data has been submitted. This should be accompanied by interpretative reporting alongside the proposed validation plan – albeit it is recognised validation does not constitute a remediation scheme and is considered good practice rather than essential to the project.

As such, we'd recommend the condition below be appended to any approval. The condition is recommended in the absence of addendum reporting and includes the desk study element given the scope of the report submitted. However, we do not anticipate this will require a revisit of the originally submitted report(s)

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.
Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in

writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.”

5. Representations

- 5.1 Hereford City Council – No response received; no extension of time for comments requested.
- 5.2 At the time of publication, no other third party representations have been received. Please note that the re-consultation period in relation to an amended location plan expires on 20th June 2025. Any additional representations received will be provided through the publicised Schedule of Updates along with any changes to the officer recommendation that may result from any further representations being received.
- 5.3 All consultation responses received can be viewed on the Council’s website using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242911

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

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

6. Officer’s Appraisal

Policy Context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP). The National Planning Policy Framework (NPPF) is a significant material consideration.

- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the NPPF also requires a review of local plans to be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The CS was adopted in October 2015 and a decision to review the CS was taken in November 2020.
- 6.4 In reaching a decision, the level of consistency of policies in the adopted development plan with the NPPF will need be taken into account by the decision-maker. From reviewing those policies within the CS which are applicable to the determination of this application, these are consistent with the guidance contained within the NPPF. As such, and in accordance with Paragraph 232 of the NPPF, significant weighting should still be afforded to these policies.
- 6.5 Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS, sets out a presumption in favour of sustainable development. For decision-taking on planning applications, Paragraph 11d states that where there are no relevant development plan policies, or the policies which are most important for determining the application are 'out-of-date', to grant planning 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 (Paragraph 11di); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (Paragraph 11dii).
- 6.6 Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Principle of development

- 6.7 The UK Government's Policy Statement on Planning for Schools Development and Paragraph 100 of the NPPF is supportive of the expansion and/or alteration of schools. Paragraph 100 of the NPPF states that, *'it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.'*
- 6.8 Policy SC1 of the CS recognises that proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported in principle. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport. Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).
- 6.9 The proposal is considered to create a sustainable and well-integrated environment which enhances existing educational and community infrastructure, improving facilities through the provision of a new educational environment. The proposal would extend the existing primary school to provide 2 new classrooms which is specifically tailored for SEND provision and accommodate 16 additional pupil places, together with associated play spaces, landscape/biodiversity enhancements and additional parking spaces. The proposal would, by virtue of its proposed siting, result in the loss of two parts of existing playing field at the school.

- 6.10 The application site is a long-established school in this part of the east of Hereford. The proposed SEND classrooms would meet an identified need for SEND provision within the area where Herefordshire more widely has a significant shortfall in places. Herefordshire Council also has a commitment to delivery of the special educational needs and disabilities (SEND) strategy 2023-26. It would serve as a valuable teaching resource for the school and thereby contribute to the school's role as a community facility. This is considered to be a significant benefit in favour of the proposal, namely in providing places which addresses some of the critical SEND shortfall.
- 6.11 The principle of development is established through Paragraph 100 of the NPPF and CS Policy SC1, subject to technical considerations when assessed against the development plan policy, the NPPF and other material considerations.

Proposed loss of playing fields

- 6.12 Paragraph 103 of the NPPF states that *'Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.'*
- 6.13 Paragraph 104 of the NPPF states that *'Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*
- 6.14 Policy OS3 of the CS states that,
- "In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:*
- 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;*
 - 2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;*
 - 3. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;*
 - 4. the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor."*

6.15 In terms of background to Policy OS3, there are two relevant paragraphs,

"5.1.49 Any proposals resulting in a loss of an open space, sports or recreation facility should be able to clearly demonstrate that the facility is not only surplus currently, but taking into account the population needs of the community over the plan period. Proposals which also lead to the 'thinning out,' isolation or fragmentation of green infrastructure networks will also be resisted. "Equally beneficial replacements" of open space refers to quantity and quality in a suitable location.

5.1.50 In some cases, the loss of an open space sports and recreation facility may be appropriate where a proposal is for the purpose of providing ancillary open space, sports and recreation uses which are necessary to enable the continued viability, functionality or useability of the facility.

Ancillary facilities will also need to meet applicable policies regarding appropriateness and siting of the development.”

- 6.16 The proposed development would be sited on playing field land which in part has been marked out for pitches, noting the flexibility of the application site to contain 2no U9/10s football pitches but also to accommodate different sports throughout the school year e.g. athletics track, ball sports or rounders. It should be noted that the mini pitch where the proposed classroom extension is to be sited was identified as replacement pitch provision for the previously approved language and communication centre (S113005/CD).
- 6.17 There are also proposed biodiversity improvements, required as part of delivering on-site mandatory biodiversity net gain, which will be sited on playing field land. Based on the submitted plans, the total area of playing field which would be lost by virtue of the proposed development sought would be approximately 1030 square metres. To provide some context as to the current status and use of the land, a couple of photographs of the area of the proposed classroom and car park extension are provided below (taken on 17 June 2025):



Figure 3 – Photograph of existing storage sheds and playing field where proposed car park extension would be located



Figure 4 – Photograph of south elevation of Hampton Dene Primary School where the proposed classroom extension would be located

- 6.18 Sport England are a statutory consultee. They have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, as well as Sport England’s Playing Fields Policy, which is presented within their ‘Playing Fields Policy and Guidance Document’: www.sportengland.org/playingfieldspolicy. They have raised an objection to the application due to the proposed loss of playing fields which is not considered to accord with

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

any of Sport England's' exceptions as outlined within their Playing Fields Policy and consider the application to be contrary to Paragraph 104 of the NPPF.

- 6.19 They opine that the proposed school building is for a non-sporting use and is not an ancillary facility supporting the use of the playing field. As such they advise that this will result in the loss of a mini pitch, as well as the proposed car park extension which will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. This is also the case for loss of existing playing field which is proposed to be secured as part of mandatory Biodiversity Net Gain commitment (discussed separately under the relevant header). It is viewed by Sport England that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed and accordingly, an objection has been raised.
- 6.20 The Council's Open Spaces Planning Officer has also been consulted given the nature of the proposal. The applicant has proposed amendments to the site location plan and proposed site plan which demonstrates that 2 pitches can be accommodated to meet the Football Association recommended sizes including run off safety areas for u9 and u10s. Turning to community use, in considering wider community needs, the Playing Pitch and Outdoor Sports Strategy 2023 demonstrates that there is sufficient capacity in the existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect, the Council's Open Spaces Planning Officer views that the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1), however one must note the objection received from Sport England as the statutory consultee.
- 6.21 In the view of officers and applying Paragraph 104 of the NPPF, there is a lack of assessment undertaken to demonstrate the open space is clearly surplus to requirements. Furthermore, the proposed loss resulting from the development would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The development is not for alternative sports and recreational provision. It is therefore acknowledged that the proposal, as submitted, does not comply with the requirements of Paragraph 104 of the NPPF. However, having regard to the comments of the Council's Open Spaces Planning Officer, it is not considered that the proposed loss of the playing field would negatively impact on the vitality and viability of the local area.
- 6.22 In the balance also is the fact the proposal would represent a significant enhancement to the existing school facilities, whilst helping to meet an identified need for SEND facilities and providing a greater variety of facilities in the local area. This needs to be weighed against the proposed loss of playing field.
- 6.23 As the proposed development would result in the loss of part of a playing field, and has attracted an objection from Sport England, the application falls within the scope of the Town and Country Planning (Consultation) (England) Direction 2024. Under this Direction, local planning authorities are required to consult the Secretary of State before granting planning permission for development that is likely to lead to the loss of land currently used as a playing field and there has been an objection from Sports England. This safeguard allows the Secretary of State the opportunity to consider whether the application should be called in for their own determination, in view of the potential wider public interest or impact on national planning policy objectives. This procedural matter is reflected in the recommendation below.

Design and impact on character and appearance of area

- 6.24 Relevant policies for consideration on design and impacts upon the townscape and character and appearance of the area are Policies SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF.
- 6.25 The proposal involves the extension to the existing communication and language centre. The proposed extension has a total floor area of 374.76 square metres though this excludes the hard landscaping around the buildings and sensory gardens. It measures 2.86 metres to eaves and has a ridge height at 5.14 metres. Materials comprise a mixture of a standing seam pitched roof and bitumen flat roof over yellow multi brick, timber effect cladding and white curtain walls with blue solid panels to match existing. The proposed building would have enclosed areas surrounding it providing SEND play space.
- 6.26 The proposed classroom extension would be set within the school site and given its location, would be visible from the public realm from both Church Road and Hampton Dene Road and visible from residential properties on Hampton Dene Road. With its simple and contemporary response, the proposal is not considered to adversely harm the character and appearance of the area, reinforcing local distinctiveness. The proposal is considered to sit comfortably within the site and is sympathetic to the character and appearance of the area in accordance with the aforementioned policies and guidance.
- 6.27 It is noted that as part of the required construction works, a temporary access onto Hampton Dene Road will need be created. The proposed Construction Traffic Management Plan shows that the access is to be located adjacent to several well established trees along the southern boundary. Impacts to the trees can be limited by the use of temporary tree protection fencing to restrict construction activities within the root protection area. A tree protection plan, which includes setting out measures for protection during construction can be secured by condition, together with further details of the reinstatement of the land following completion of the development.

Impact on residential amenity

- 6.28 Having regard to Policy SD1 of the CS and Paragraphs 135f and 198 of the NPPF, the site shares a boundary with residential properties on The Knoll, Quarry Road, St. Paul's Road and opposite Hampton Dene Road. The school is some distance from the boundaries of these properties. The proposed classroom extension would bring development closer to residential properties on Hampton Den Road although approximately 32.5 metres away from the dwellinghouses principal elevations. The existing boundary treatments between the site and residential properties is a mixture of security fencing with a modest tree screen between the proposed classroom extension and residential properties.
- 6.29 Whilst there are several openings at the proposed south-east elevation with proposed windows and doors facing residential properties, having regard to the potential for overlooking and loss of privacy, it is considered that given the separation distances, the safeguarding of residential amenity would be maintained.
- 6.30 Both the classrooms and car park extension are likely to result in an increase in noise and disturbance post-construction. However, given that it is an existing playing field area in relation to the wider use as an educational establishment, it is considered that this impact would not be unacceptable. The proposal accords with the aforementioned policies.

Highway and pedestrian safety

- 6.31 Turning to highway and pedestrian safety, Policies SS4 and MT1 are relevant to the consideration of such matters, which is consistent with Section 9 of the NPPF. The proposal would continue to use the existing vehicular and pedestrian access to the school off Church Road with provision

made by way of a modest extension to the existing car park to accommodate the inevitable increase in staff. The proposal would provide a net 8 additional parking spaces. Their layout and scale comply with the requirements of the Herefordshire Highways Design Guide for New Developments 2006.

- 6.32 Following a request from the Area Engineer, the applicant has provided a useful breakdown of current and projected pupil transport modes. Based on the data, the proportion of pupils requiring dedicated taxi or minibus transport is expected to remain broadly similar, with an anticipated increase of two additional dedicated vehicles. While this is not a significant uplift, the Local Highway Authority has acknowledged the clarification and the commitment to staggering arrival times and staff assistance to support efficient drop-off. The existing layby appears to have some operational capacity to accommodate this increase, provided on-site management remains in place.
- 6.33 Up to five parents of SEND pupils are permitted to use the school car park for drop-off and pick-up, with additional accessible spaces proposed. The Area Engineer acknowledges the explanation provided regarding staff parking being completed before pupil arrivals and the on-site barrier system that enables real-time car park management. This is considered a workable arrangement, provided it continues to be actively managed by the school.
- 6.34 The revised Construction Traffic Management Plan confirms that contractor parking will be accommodated within the site compound, using ground protection matting to enable temporary use of grassed areas. This addresses previous concerns regarding parking on the public highway, which is appreciated to be very much an issue locally, particularly given the close proximity with both St. Paul's Primary and Bishops.
- 6.35 The Area Engineer is now satisfied that the applicant has addressed the key issues raised in previous responses and raises no concerns subject to conditions. As a result, the proposal is considered to be acceptable from a highway perspective and in accordance with Policy MT1 of the CS. Paragraph 116 of the NPPF is not considered to be engaged.

Ecology and Biodiversity

- 6.36 In having regard to Policies SS6 and LD2 of the CS which is consistent with Sections 12 and 15 of the NPPF, the applicant has submitted a Preliminary Ecological Appraisal & Biodiversity Net Gain Report. The survey found no evidence of protected species. However the report recommends avoidance measures which should be followed and will be secured by condition.
- 6.37 As identified in the NPPF, NERC Act, CS Policy LD2 and action within Herefordshire Council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant condition is suggested to secure these enhancements, together with details of any external lighting proposed to illuminate the development.
- 6.38 In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 6.39 Full details of how the required minimum 10% gain will be delivered and managed for 30 years within the development boundary (or by use of off-site habitat units that are legally secured and on the national register) must be supplied and approved by the Local Planning Authority subsequent to planning permission being granted but PRIOR to any permitted works commencing

onsite. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. As raised by the Council's Ecologist, the supplied plans do not appear to consider the degradation of existing grassland when it is formally managed as proposed sports pitches. A full revised Statutory BNG scheme and Metric should be undertaken based on final approved development plans although this should not prevent the determination of the application by the committee.

Habitat Regulations Assessment

- 6.40 The application site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process. The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.
- 6.41 As agreed with Natural England where commercial/industrial applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process. Any nutrients created by staff/visitors and pupils to the school can be considered as already being 'accommodated' and accounted for within the residential foul water flows of those staff/visitors that are considered for this specific 'local' commercial operation as being existing residents of the local area/catchment. Therefore, no additional or expedited nutrient pathways are expected as a result of the proposed development and this application can be considered as 'screened out' at Stage 1 of HRA appropriate assessment. Paragraph 195 of the NPPF is not engaged.

Drainage and Flood Risk

- 6.42 Having regard to Policies SD3 and SD4 of the CS, which is consistent with Section 14 of the NPPF, the site lies within Flood Zone 1 according to Environment Agency mapping, which has a less than a 1 in 1000-year chance of flooding each year. It represents the land least susceptible to flooding. In principle, the NPPF also prefers that any new development is directed to land in Flood Zone 1. For clarity, the site is less than 1 hectare, and it has not been identified as having critical drainage problems by the Environment Agency. There is no requirement for a site-specific Flood Risk Assessment in this instance.
- 6.43 The proposed Drainage Strategy proposes to deal with foul water with a connection to the mains sewer, in accordance with Policy SD4 of the CS. Turning to surface water, Welsh Water are content with a condition limiting surface water flows from the development with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 l/s. This is 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. The proposal provides a viable means of foul and surface water drainage, in line with CS Policies SD3 and SD4, which is consistent with Section 14 of the NPPF.

Heritage

- 6.44 In having regard to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, together with Policies SS6 and LD4 of the CS, which is consistent with Section 16 of the NPPF, the nature of the proposals are not considered to affect the setting, significance or experience of

'Church of St Paul' (Grade II Listed Building) or 'Hampton Manor and Attached Walls and Gate Piers' (Grade II Listed Building). For context, their location and proximity to the application site is shown below in Figure 5:



Figure 5 – Historic England Map of identified designated heritage assets

Other considerations

- 6.45 As raised by Environmental Health (Contaminated Land), the applicant has provided additional supporting information to address minor uncertainties around ground gases and proposed validation of imported soils. Additional ground gas monitoring data has been submitted subsequently. This should be accompanied by interpretative reporting alongside the proposed validation plan – albeit it is recognised validation does not constitute a remediation scheme and is considered good practice rather than essential. It is advised a relevant pre-commencement condition is recommended in the absence of addendum reporting and includes the desk study element given the scope of the report submitted, to satisfy Policy SD1 of the CS. This is in the interests of human health and ensure new development does not contribute to contamination.
- 6.46 In accordance with the MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. The matter can be dealt with by way of condition.

Planning Balance/Conclusion

- 6.47 In terms of decision-making, Paragraph 11d of the NPPF applies, though there is a need to remain mindful of Paragraph 12. Officers acknowledge that the proposal results in the loss of a modest portion of existing playing field provision. This carries a degree of harm, particularly in light of tension with Policy OS3 of the CS and Paragraph 104 of the NPPF. The loss, while not substantial in overall area, contributes incrementally to the erosion of recreational space at the school. Therefore, this harm is considered to be afforded moderate weighting. Mitigation measures, such as provision of SEND play space and quality of remaining spaces have been considered, but do not offset the proposed loss.
- 6.48 The primary driver for this application is the urgent need to expand and enhance SEND provision at Hampton Dene Primary School. Current facilities do not meet demand and the requirements of students with moderate complex needs, for which there is now a critical shortfall across Hereford and the county more widely. This aligns directly with the government's commitment to inclusive education and provision of appropriate facilities for vulnerable children.

- 6.49 The National Policy Statement on Planning for Schools Development emphasises that local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in planning decisions. In this case, the proposed development would directly contribute towards addressing some shortfall in SEND provision, enabling the school to provide a more supportive and effective learning environment for students. The need to provide appropriate and accessible education for vulnerable children is a paramount consideration, essential for wellbeing and development of students. The proposal will enable the school to foster inclusivity and promote educational attainment, providing considerable social and environment benefits, with additional biodiversity and landscape enhancements brought forward. This benefit is considered to be afforded substantial weight.
- 6.50 All other material considerations are viewed to be acceptable. No other tension with the adopted development plan has been identified with ability to mitigate the development to an acceptable degree through conditions.
- 6.51 The substantial benefits arising from enhanced SEND provision outweighs the moderate harm resulting from the loss of playing field provision. Whilst this would amount to a significant material consideration which would mean taking a decision which departs from the development plan and a statutory consultee who has objected, it would reiterate this Council's commitment to delivery of the Council's SEND strategy 2023-26. Subject to conditions, the application is recommended for approval.
- 6.52 Should Committee resolve to approve the proposal, then the Secretary of State will need to be consulted in accordance with The Town And Country Planning (Consultation) (England) Direction 2024. A resolution is required on which to base any decision.

RECOMMENDATION

That subject to there being no further representations raising material considerations prior to the reconsultation period, the Planning & Regulatory Committee resolve to approve the proposal subject to the following list of conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers and that the application is referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024.

The Local Planning Authority shall subsequently not grant planning permission until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing they have received notification and if, before the expiry of the 21 day period, the Secretary of State has notified the authority that they do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may determine the application.

Standard Conditions

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

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

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

- 17517 - DB3 - B01 - 00 - DR - A – 90003 Revision P12 (Proposed Site Plan);**

- 17517 - DB3 - B01 - ZZ - DR - A – 20702 Revision P07 (Proposed Building Elevations);
- 17517 - DB3 - S01 - 00 - DR - A – 90005 Revision P05 (Proposed Ecology Plan);
- 17517 - DB3 - B01 - 00 - DR - A – 20103 Revision P04 (Proposed 00 Level Plan);
- 17517 - DB3 - B01 - RF - DR - A – 20104 Revision P04 (Proposed Roof Level Plan);
- 17517 - DB3 - B01 - 00 - DR - E - 63002 Revision P03 (External Lighting Layout);
- 17517-DB3-B01-XX-DR-A-40100 Revision P02 (Proposed External Finishes Palette);
- 17517-DB3-B01-00-DR-A-20106 Revision P01 (Proposed Car Park Plan);
- 50804-BUR-XX-XX-D-C-10101 Revision P3 (Proposed Car Park General Arrangement);
- 50804-BUR-XX-XX-D-C-10503 Revision P1 (Proposed Foul Water Drainage General Arrangement); and
- 50804-BUR-XX-XX-D-C-10502 Revision P1 (Proposed Surface Water Drainage General Arrangement)

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

Pre-Commencement Conditions

3. No works, including any site clearance or groundworks shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. No works, including any site clearance or groundworks, shall take place until details of a site waste prevention plan and management measures has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

5. No works, including any site clearance, shall take place until a tree protection plan is submitted to and approved in writing by the Local Planning Authority. The plan shall also include measures for protection during the construction phase of the development. The

approved plan shall thereafter be implemented for the duration of the construction phase of the approved development until the approved development is completed.

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

6. The development shall be carried out in accordance with the Outline Construction Traffic Management Plan by Burroughs dated 4 March 2025, as amended by further information received from Burroughs on 28 April 2025 and 27 May 2025, and shall be implemented throughout the duration of the construction phase of the development.

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

Pre-Occupation Conditions

7. The Remediation Scheme, as approved pursuant to condition 3 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. The recommendations set out in the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated April 2025, shall be followed and implemented in relation to protected species.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to first use of any development approved under this planning permission, evidence of the suitably placed installation on the approved classroom extension, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types, ONE House Martin/Swallow cups, ONE House Sparrow terrace and TWO bat roost features as well as hedgehog highways and boxes, shall be submitted to and acknowledged by the local authority; and shall be maintained thereafter.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981),

National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

11. Prior to the first use of the classroom extension hereby approved, an updated Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the approved development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented, in accordance with the approved details, within one month of the first use of the classroom extension.

A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the first use of the car park or classroom extension, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the application site 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 to which this permission relates to. Thereafter these facilities shall be maintained for the lifetime of the development.

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

13. The classroom extension shall not be occupied until the foul and surface water drainage works have been completed in accordance with drawing numbers 50804-BUR-XX-XX-D-C-10503 Revision P1 (Proposed Foul Water Drainage General Arrangement) and 50804-BUR-XX-XX-D-C-10502 Revision P1 (Proposed Surface Water Drainage General Arrangement).

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

14. Details, including specification, of any additional external lighting proposed to illuminate the proposed classroom extension and/or car park, other than otherwise shown within drawing number 17517 - DB3 - B01 - 00 - DR - E - 63002 Revision P03 (External Lighting Layout) shall be submitted to and approved in writing by the local planning authority before first use of the classroom extension.

Development shall be carried out in accordance with the approved details.

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

15. The temporary construction access onto Hampton Dene Road shall be re-instated to an agreed standard within 12 months of first use of the car park extension or classroom extension, whichever is sooner.

Further details, including an annotated proposed site plan, of the agreed standard shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, in consultation with the Local Highway Authority.

The agreed standard shall thereafter be reinstated as per the timescales stated above.

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

On-going monitoring/compliance Conditions

16. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 litres per second.

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, in accordance with Policies SS1, SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “high status protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
3. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

4. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.
5. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the 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 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 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 the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.
6. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

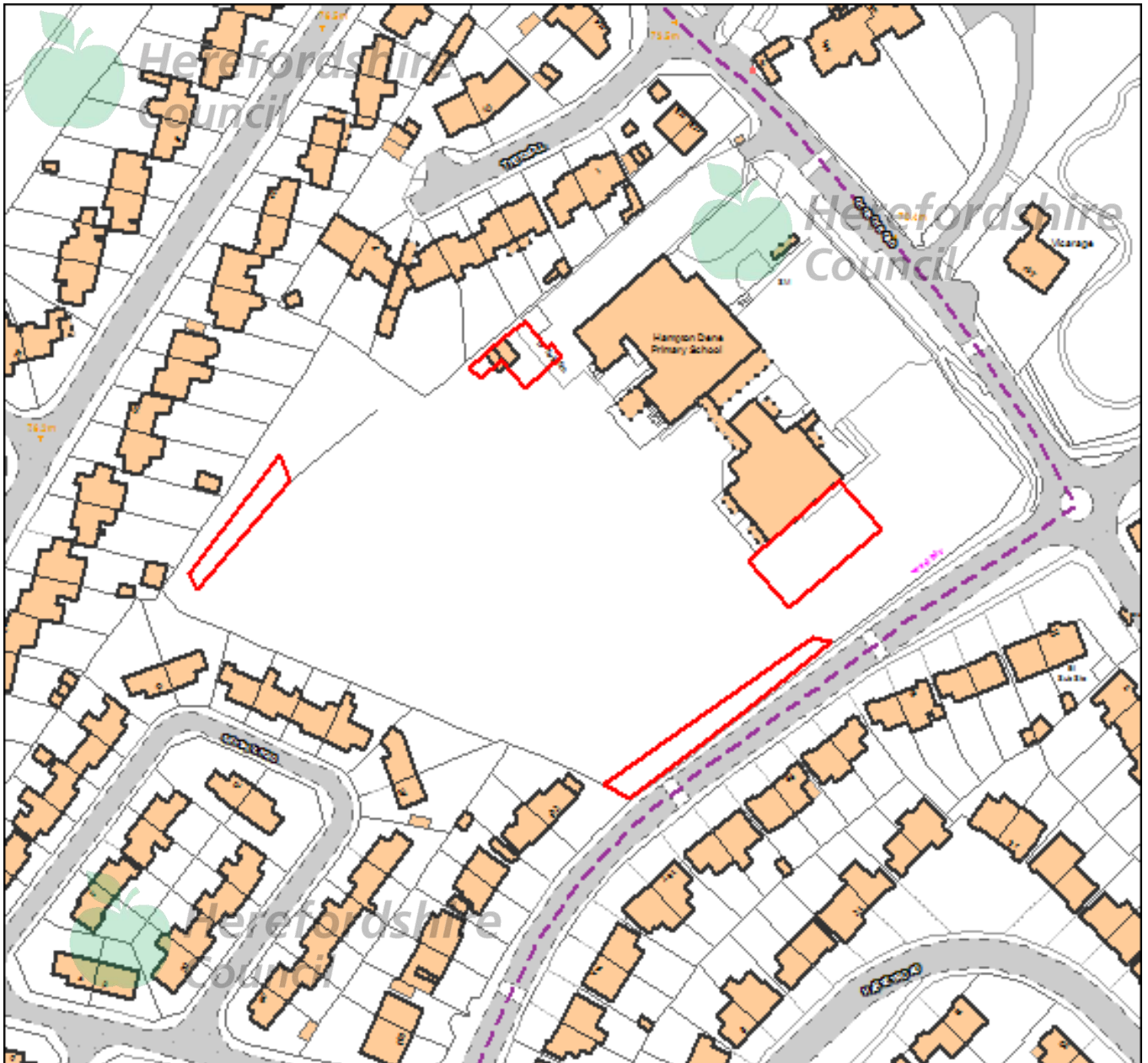
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 242911

SITE ADDRESS : HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD,
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