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| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>            | <b>12 MARCH 2014</b>  |
| <b>TITLE OF REPORT:</b> | <p><b>131899/F - EXTENSION OF TIME TO PLANNING PERMISSION DMCW100570/F - GOLF DRIVING RANGE, GOLF SHOP, FENCING &amp; FLOODLIGHTS. AT HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD</b></p> <p><b>For: Halo Leisure per Mr M Copson, 3 Land Oak House, 411 Chester Road North, Kidderminster, Worcestershire, DM0 1TB</b></p> |
| <b>WEBSITE LINK:</b>    | <a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131899">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131899</a>   |

**Date Received: 10 July 2013**

**Ward: Three Elms**

**Grid Ref: 350331,241650**

**Expiry Date: 9 October 2013**

Local Members: Councillors PA Andrews, EM K Chave and C Nicholls

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

- 1.1 The application site lies to the west of Holmer Road (A49) and comprises the leisure centre building together with its associated facilities that are sited within the race course. These include the golf course, running track and floodlit artificial football pitch and other sports pitches.
- 1.2 This application takes the form of an extension of time to implement a previously approved application CW100570/F) for the erection of a building that would accommodate a golf pro shop, café / circulation area (locker room), office and repairs area along with a video room and club fitting, teaching bay and 14 bay driving range.
- 1.3 The proposed building would be sited to the north west of the leisure centre building and directly to the north of the running track. The building itself would be single storey, the main section having a footprint of 28.5m by 8m with a smaller part extending to form an L having a footprint of 6.6m by 6m.
- 1.4 The driving range bays then extend to the rear along the full the length of the building and beyond having a total length of 49.5m. The eaves height of the building is 3 m with a maximum height of 4.4m (to top of driving range bay facing out into the race course).
- 1.5 The proposal also requires a 10m high net to be erected around the perimeter of the driving range and lights are also proposed to illuminate the driving range.

## 2. Policies

2.1 National Planning Policy Framework.

2.2 Herefordshire Unitary Development Plan:

|      |   |   |
|------|---|---|
| S2   | - | Development Requirements                                |
| DR1  | - | Design  |
| DR2  | - | Land Use and Activity                                   |
| DR3  | - | Movement  |
| DR7  | - | Flood Risk  |
| RST1 | - | Criteria for Recreation, Sport & Tourism Development    |
| LA2  | - | Landscape Character and Areas Least Resilient to Change |
| LA5  | - | Protection of Trees, Woodlands and Hedgerows            |
| HBA9 | - | Protection of Open Spaces & Green Spaces                |

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1 CW093190/F - New golf driving range, shop, 10 metre ballstop fencing and ground floodlighting – Withdrawn

CW100570/F - New golf driving range, shop, ballstop fencing, ground floodlighting - Approved with conditions 29<sup>th</sup> September 2010.

## 4. Consultation Summary

### Statutory Consultees

4.1 The Environment Agency raise no objection and comment that since the initial application the flood map has been updated (Nov 2012) and as such, the driving range and shop are confirmed as being in Flood Zone 1 – the low risk zone).

### Internal Consultation Responses

4.2 The Transportation Manager raises no objection and recommends that previous conditions should apply.

## 5. Representations

5.1 Hereford City Council raises no objections.

5.2 A letter of objection has been received from Burgess Salmon, on behalf of Arena Racing Corporation Limited (operator and leasehold occupier of Hereford Racecourse) who makes the following comments:

- There has been a change in policy since the last decision with the introduction of the NPPF and its requirements in relation to the three roles of sustainable development;
- The client still holds race meetings 'Arabian Race days' between June and September;

- The client currently benefits from an uninterrupted line of sight around the racecourse and the proposed development could have a significant impact upon the success of the racecourse in the future as it will impede views onto the back straight. The siting of the building and ball stop fence will be incongruous and disproportionate where there are no other large structures.
- The frequency of the use of the driving range as proposed and impact of lighting will adversely affect the ability to hold race meetings
- As this was not implemented since 2010 would question the need for such a development?
- The building is isolated and will dominate the vistas and openness of the area
- The fencing is likely to be seen as a solid structure which will restrict all views
- The introduction of such a development will prejudice future use and set a precedent for a strategic development of the area.
- The area is set in a Flood Zone 3 and has not adequately considered the flooding issues.
- A continuous, unimpaired and uninterrupted view of any race is vital for race goers. Should the quality of the racing experience at Hereford be compromised because of the visual impact of the development, it could have repercussions on the popularity of any future racing events at the racecourse which will, in turn jeopardise the economic success of the clients business. The dis-benefits of the development outweigh the benefits.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key issues for consideration are:

- The principle of development
- Impact upon the character of the area and open space
- Parking issues and highway safety
- Flood Risk

6.2 The application site lies within the area designated by saved policy RST4 of the Herefordshire Unitary Development Plan (UDP) as being 'Safeguarded existing recreational space'. This policy restricts proposals that would result in the loss of public or private open space with recreational value. It is considered that this proposal would enhance the existing use of this land as a golf course, with the facilities providing a wider choice of leisure and sports facilities rather than result in a loss. This approach is also supported, in principle, by policy RST1 of the UDP, on the basis that the proposal is considered to be appropriate to the needs of the community it serves; would not harm amenities of nearby residential properties and would respect environmental character and offer a choice of modes of transport. In this context, it is considered that the saved policies of the UDP are consistent with the broad principles of sustainable development set out in the National Planning Policy Framework (NPPF) given that it would support both social and economic roles without compromising the environmental qualities of the area. Section 8 of the NPPF recognises the importance of the planning system in facilitating social interaction and creating healthy, inclusive communities. The provision of enhanced facilities would in your officers' opinion meet these aims in a well connected location.

6.3 This application requests an extension of time to implement an identical application that was previously approved. This previous application followed a period of consultation and discussions with Council officers relating to where structures were erected and this process involved consideration of vantage points from the concourse and buildings at the Race Course to ensure that views of the 'jumps' were not obstructed and that there was minimal impact on the racing use

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

and character of the area. The plans detail the site lines from key positions within the racecourse complex and following the receipt of the objection, photographs were supplied by the applicant that identify the structure and how this was considered.

- 6.4 It is acknowledged that the building is of quite significant size and scale but it is considered that its minimal height and relatively discrete location are such that it will be read in the context of the other buildings, sports pitches, tracks and fencing alongside the leisure centre building, race course and stands and as such would not be out of character with, or cause significant harm to the character of the surrounding area. There are no residential properties that would be directly affected by the development.
- 6.5 Concern has also been raised about the height and impact of the netted structure. Although this is 10m in height, it is designed to be demountable during races or at other times if required and this is detailed on the plans. The nature of the netting / fence would not be intrusive or harmful to the character of the area.
- 6.6 The floodlighting, when read against the other floodlit sports facilities would not be uncharacteristic and it is considered that neither the building or its use would adversely affect the amenities of the residents, whose properties are a considerable distance away in any case. The application includes details of the hours of operation of the facility and hours of lighting (previous condition restricted this as follows: The floodlighting/external lighting hereby permitted shall not be switched on outside of the following times: - 7.15 am - 9.45 pm Mondays to Fridays, 7.15 am - 5.30 pm on Saturdays and Sundays). As with all other activities within the Race Course, these do not take place during race meets. As such the proposal complies with policy DR14 of the UDP.
- 6.7 In order to provide car parking for the additional / complementary use, the application requires the provision of car parking. Whilst this has not been included in this application it has been provided through the submission of a separate application (CW/100824/F) for 22 additional car parking spaces. Accordingly, this application is considered to be acceptable, subject to conditions, and it is suggested that any approval of this proposal be tied to the provision of the otherwise approved car parking and access improvements prior to its first use. These works also included improvements to the access that have been undertaken as part of the footway/ cycleway improvements.
- 6.8 The proposed driving range formerly lay within Flood Zone 2 and 3. However the Environment Agency has reassessed these maps and confirms that the buildings now lie within a Flood Zone 1. The applicants had previously addressed the concerns against the higher risk Flood Zone and officer's consider that the flooding of the site would be negligible and as such they raise no objection. As such the proposal would comply with the requirements of policies DR7 and those of the National Planning Policy Framework.
- 6.9 In conclusion, it is considered that this identical proposal to one previously approved accords with the saved policies of the UDP and that whilst the publication of the NPPF is an additional material consideration now, it is consistent with the UDP on the provision of recreational facilities in sustainable locations and as such the recommendation is for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. No development shall take place until details or samples of materials to be used**

externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

4. Prior to the first use of the building hereby permitted, the improvements identified in the drawing entitled "Job - Golf Range Visibility Splay" at Hereford Leisure Centre, Dated July 2010 shall be implemented in full.

**Reason:** In order to ensure that vehicles accessing and existing the site ensure the safety of users on the A49 having regard to Policy DR3 of the Herefordshire Unitary Development Plan.

5. Prior to the first use of the building hereby permitted the car parking approved under application number DMS/100824/F on the 28 September 2010 shall be implemented in full.

**Reason:** To prevent indiscriminate parking on the highway in the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

6. None of the existing trees and/or hedgerows on the site other than those specifically shown to be removed on the approved drawings (plan received 30 July 2010) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the Local Planning Authority.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

7. No development shall take place until a scheme of hedge planting has been submitted to and approved in writing by the Local Planning Authority as per the scheme detailed in the letter dated 29 July 2010 and plan received 30 July 2010. All hedge planting shall be carried out in accordance with those details and shall be carried out concurrently with the development hereby approved and shall be completed no later than the first planting season following the completion of the development.

The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

**Reason:** In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

8. The floodlighting/external lighting hereby permitted shall not be switched on outside of the following times: - 7.15 am - 9.45 pm Mondays to Fridays, 7.15 am - 5.30 pm on Saturdays and Sundays.

**Reason:** To minimise the impact of the floodlights and to protect the residential

amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

9. The proposed floodlighting shall be carried out strictly in accordance with the proposed plan (UKS6328 - Berm Lighting) and the details supplied in the Abacus Lighting Limited Technical Report received on 9 April 2010.

Reason: In the interests of local amenity having regard to Policy DR15 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

10. Notwithstanding condition 9, no light source shall be visible from outside the extremities of the application site or produce more than 1 Lux of horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

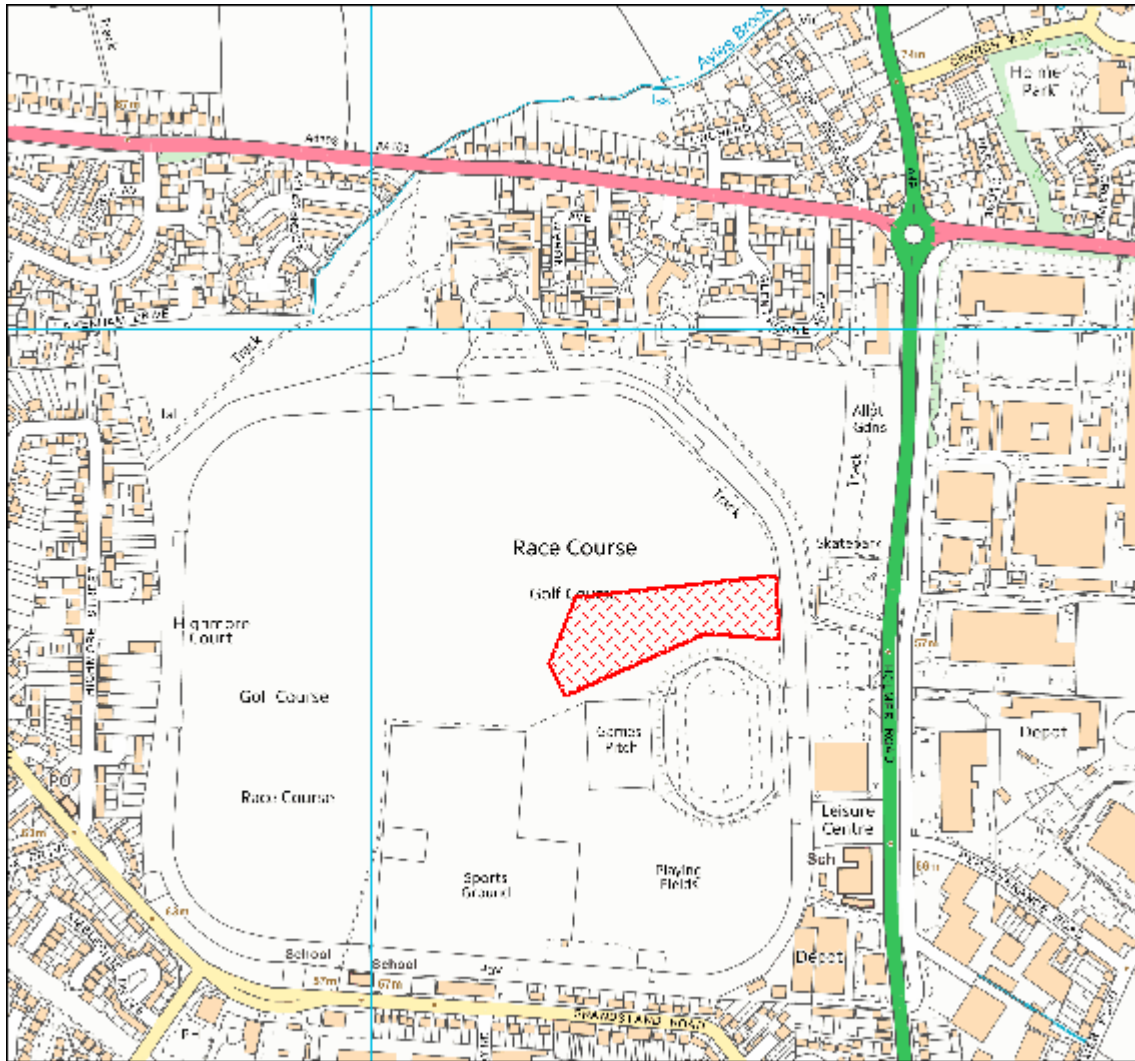
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 131899/F

**SITE ADDRESS :** HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD

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