

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	182950 - CONSTRUCTION OF AN EXTERNAL 3G ARTIFICIAL TURF PITCH (ATP) WITH FENCING AND A STORAGE CONTAINER AT TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA For: Mr Chance per Mr Nick McLaren, 1a Perth House, Corbygate Business Park, Corby, NN17 5JG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182950&search=182950
Reason Application submitted to Committee - – Staff Member Interest	

Date Received: 7 August 2018

Ward: Widemarsh

Grid Ref: 350709,240855

Expiry Date: 21 December 2018

Local Members: Councillor PA Andrews

1. Site Description and Proposal

- 1.1 The site lies to the north of Hereford City and adjacent to Widemarsh Common. It is within the Widemarsh Common Conservation Area and Flood Zones 2 and 3. Presently the site comprises a full size competitive standard grassed football pitch with associated fencing, floodlighting and car parking and the Herefordshire FA's headquarters. To the northwest of the site lies the rear elevation of the Lads Club building, which fronts Widemarsh Common and a pair of semi-detached dwellings, known as North View and South View. Adjoining to the north is a hard surfaced car park and building and to the east, beyond the disused railway line which is a Site for Importance for Nature Conservation (SINC) and a potentially contaminated land use, lie dwellings and commercial properties along the western side of Millbrook Street and within Chester Close. Moor Walk, a public right of way and cycleway linking the area to the city centre, adjoins to the southwest beyond the application site boundary, which is denoted with fencing and mature planting. Beyond to the southwest lies Moor House Playing Fields, Moor House (Grade II listed building) and Westfields Football Club grounds.
- 1.2 It is proposed to construct an external 3G artificial turf pitch (ATP) on the siting of the existing grass pitch, which is aligned northeast to southwest. This would accommodate a 11 v 11 football pitch (sized 106m x 70m) and a variety of youth football pitches, mini soccer pitches and training areas. The existing dug outs, spectator fencing and floodlighting would be replaced and the existing spectator stand would remain. The scheme includes the provision of fencing around the pitch (including 8m high ball stop fencing to the goal ends (replacing existing netting) and 4.5m high fencing to boundaries to replace existing – dark green polyester powder coated), spectator viewing and a storage container (height of 2.59m) to be sited within the fenced area.

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

Existing floodlighting would be retained. The existing associated car parking area adjoining the pavilion would continue to serve the existing and proposed facilities. This has been confirmed to provide 63 car parking spaces.

- 1.3 The application has been supported by a Flood Risk Assessment, Design and Access Statement, information about the surfacing materials (rubber crumb) used and a Noise Assessment.
- 1.4 It is stated that the hours of use would be 9am to 10pm every day (weekdays and weekends), including Bank Holidays.

2. Policies

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

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
HD1	-	Hereford
HD3	-	Hereford movement
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
OS3	-	Loss of open space, sports and recreation facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste water treatment and river water quality

- 2.2 National Planning Policy Framework 2018 (NPPF)

Chapter 1	-	Introduction
Chapter 2	-	Achieving Sustainable Development
Chapter 4	-	Decision-making
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making efficient use of land
Chapter 12	-	Achieving well-designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment
Annex 1	-	Implementation
Annex 2	-	Glossary

- 2.3 National Planning Policy Guidance (NPPG)

- 2.4 Hereford Area Plan - is at drafting stage and for planning application decision making it cannot be afforded any weight.

3. Planning History

- 3.1 160232/F - Proposed 100 person seated stand. A one metre wide concrete walk way all around football pitch. One pay box building. Six floodlights and netting behind goal and on railway side – approved 20.4.2016

4. Consultation Summary

Statutory Consultations

4.1 Highways England

Recommend that planning permission not be granted for a specified period (see Annex A – further assessment required)

The development site is that of an existing grass sports pitch which is stated as being in use by Westfield Football Club and is located to the south of the A49 Trunk Road at Widemarsh Common in Hereford.

The status of the road which provides access to the site varies. A section of the road is understood to be part of the local cycle network and publicly maintained by Herefordshire Council, while the connection to Priory Place appears to be a private street.

The application proposes the replacement of the existing grass sports pitch with an Artificial Grass Pitch (AGP) with associated facilities and infrastructure, including ball-stop fencing.

It is stated that the AGP will utilise the existing system of floodlighting and that the development will allow an increase in use in comparison with the current grass pitch.

No relevant background information appears to be available for the application site, however, a concurrent planning application (Herefordshire Council reference P182431/F) for the development of the former Sportsman Public House site, situated between the proposed AGP and the A49 Trunk Road, may be relevant in terms of vehicular access proposals.

Paragraph 3.10 of the submitted Design and Access Statement with Planning Statement identifies the use of the “established vehicular entrance” which is not defined on the submitted drawings and is somewhat vague in terms of the local road network. A review of Google Street View (April 2015) shows a locked barrier within the access road to the northeast of the site at the approximate boundary of the former Sportsman Public House, a site which is the subject of a concurrent planning application for residential development and includes the closure of the direct access to the A49 Trunk Road.

The alternative vehicular access is to the northwest of the site via Chave Court Close which connects with the A49 at the Priory Place/Holmer Road/Newtown Road roundabout. The currently submitted information and drawings do not contain any information concerning the rights of access/use of the road given its status as a private street.

The image on page 5 of the submitted Site Photographs identifies the temporary use of the section of road to the northeast of the site and the current direct access to the A49 Trunk Road (Newtown Road) for construction traffic. This is not considered to be appropriate due to the geometry of the road and junction which has previously been identified as being unsuitable for vehicular access to serve development. The direct access has sub-standard visibility onto the A49 and insufficient width to allow the two-way flow of traffic and its permanent closure forms part of the adjacent site redevelopment proposals under planning application P182431/F. This development also proposes improvements to Widemarsh Common Road through the construction of passing bays.

We conclude that the proposed development may be acceptable subject to the access route to the northeast of the site and associated direct access to the A49 Trunk Road being strictly controlled and not being available for use either by construction traffic or upon completion of the AGP.

At present, the extent of the applicant's ownership, control or rights of access/use in terms of the current vehicular access routes are not clear from the submitted information and drawings and are considered to require clarification.

The vehicular access concerns may be resolved by the determination of planning application P182431/F (former Sportsman Public House site) which proposes the permanent closure of the direct vehicular access to the A49 Trunk Road and provision of passing bays to Widemarsh Common Road. At present, however, there is no certainty that this development will be permitted and the closure of the direct access to the A49 Trunk Road secured. The potential for the additional traffic associated with the construction and use of the AGP to utilise the substandard direct access from the A49 Trunk Road is, therefore, of concern in terms of highway safety.

Further information concerning the Applicant's legal rights of access/use of the roads should also be provided, with specific reference to the permanent closure of the direct access to the A49 Trunk Road proposed under planning application P182431/F.

The above comments are considered to be appropriate and in accordance with the Department for Transport Circular 02/2013.

Following the above comments, it is recommended that this application is not determined for a period of up to three months, in order that the applicant may have time to submit the further supporting information required.

4.2 Highways England – comments on additional information

Recommend that conditions should be attached to any planning permission that may be granted (see Annex A – highways England recommended Planning Conditions)

It is worth noting that Highways England has previously reviewed this application with our most recent comments provided in October 2018.

In October 2018, Highways England undertook an initial review of this application in which concerns were raised related to the use of the access road and direct access to the A49 Trunk Road to the northeast of the site adjacent to the former Sportsman Public House Site. A Holding recommendation was issued that would allow for additional information to be submitted by the applicant in support of the planning application.

In November 2018, additional information in the form of an Email correspondence dated 19 October 2018 and a "Hereford FA Artificial Turf Pitch Highways" (Drawing No. 07) were submitted and then reviewed by Highways England.

From Highways England's review of the submitted information it was determined that proposed development is acceptable, subject to an appropriately worded planning condition that appropriately prevent the use of the access route and direct access to the A49 Trunk Road to the northeast of the site by construction traffic and upon completion of the development.

Therefore, in light of the above comments, it is recommended that the following planning condition be applied to any planning consent which may be granted:

Condition:

The means of vehicular access to the development hereby permitted shall only be as defined within "Hereford FA Artificial Turf Pitch Highways" (Drawing No. 07) for the full period of construction and when completed/operational.

Reason:

In order to ensure the safety of users on the A49 and enable it to continue to be effective part of the Strategic Road Network in accordance with Section 10 (2) of Highways Act 1980.

4.3 Sport England

Sport England - Statutory Role and Policy

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

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

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

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

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

The Proposal and Impact on Playing Field

This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch used for football by Westfields Football Club. The existing grass pitch is floodlit and surrounded by a spectator fence. The floodlighting would be retained. The proposed development involves the provision of a pitch to accommodate a full size adult pitch of 106m x 70m including run-off, and a variety of youth and mini football pitches and training areas over-marked to maximise its potential use across all age ranges. There would be new 8m high ball stop fencing to the end goal areas to replace existing netting, new 4.5 metre high ball stop fencing around the perimeter of the AGP to replace existing fencing, a new 1.2 metre high spectator barrier to replace the existing fence around the edge of the pitch, new hard standing areas for pedestrian access, goals storage, spectator viewing etc, and a new maintenance equipment store.

The existing site also contains a pavilion building to the north and an additional floodlit stadia grass pitch to the west, which also includes spectator facilities which would remain. An associated car parking area adjoining the pavilion would continue to serve the existing and proposed facilities.

Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'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.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The Design and Access statement explains that the proposal has been developed by Hereford FA to meet an identified need for 3G pitches in Hereford. The intention is that proposed 3G pitch will not only provide home ground facilities for the existing club to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/matchplay to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising the risk of fixtures being cancelled due to unplayable pitch conditions.

Sport England also notes the contents of the Design and Access Statement which explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting matchplay and training activities.

A planning application has also been submitted for a 2nd AGP at Pegasus Juniors FC site at Old School Lane, for which I have commented separately. Both sites are located within the north of Hereford and so would be likely to serve a similar catchment. Sport England is aware that the Council have been working with Hereford FA for several years following the completion of the Playing Pitch Strategy in 2012 to identify suitable sites for 3G pitch investment to meet identified local needs. Both of these pitches are required and so should not be seen as alternatives for investment.

Sport England have consulted the Football Foundation who have commented as follows:

Football Foundation Comments

- The pitch is being delivered through the FF/FA 3G Pitch Framework, and therefore the proposed specification is in line with The FA and Ground Grading requirements.
- Although Herefordshire does not have a current or up to date Playing Pitch Strategy. Herefordshire Council produced a Sports Investment Strategy in 2012 which has continued to be updated and refreshed biannually. This document specifically identified the need for a further 2 full size 3G pitches in Hereford, in addition to the existing (and recently refurbished) 3G pitch at Hereford Academy. The Pegasus FC site was identified as a potential location for delivery, along with a pitch at either Herefordshire FA (County Ground) or Hereford Leisure Centre. The demand for 3G pitches in the county is unquestionable, as only one pitch is currently available (Hereford Academy) and on the FA Pitch Register. Based on the number of affiliated teams in the county (circa 250, 2018/19) and using the FA ration of 1 pitch for every 42 teams, at least another 5 pitches are required to be provided in the county to meet current demand.
- The applicant will be making an application to the Football Foundation for funding towards this project, and has been prioritised for investment, and as such will be required to provide guaranteed community access to the facility as part of the submission. Any grant award will be subject to an agreed business plan, programme of use and site development plan.
- The Football Foundation, on behalf of The FA, is fully supportive of this project and it has been prioritised to receive Football Foundation investment. The project should be subject to the following conditions:
 - Construction Quality - The pitch is constructed and maintained to FIFA Quality Concept for Football Turf – FIFA Quality
 - Testing - The 3G pitch is tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.
 - Pricing - Pricing policies must be affordable grass roots football clubs and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches.
 - Sinking fund - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain 3G pitch quality in the long term. The Football Foundation recommend £25K per annum.

Sport England notes the comments made and concurs that the proposed development accords with known priorities for development of 3G pitches in Hereford. It is understood that whilst it is likely that the club will receive investment from the Football Foundation, with some match funding to be provided by Hereford FA, there is likely to be a funding shortfall to deliver this pitch, and that there are section 106 funds that have been earmarked to support the delivery of this development.

Sport England notes that the site is located in flood zone 3 and as such is at high risk of fluvial flooding. Whilst this is not ideal, it is not considered that this warrants objection from Sport England's perspective, nonetheless it is important that the applicant makes appropriate provision for suitable insurance to cover the cost of replacing the artificial surface, since a

flooding event would be likely to result in damage to the surface resulting in the need to replace it.

In order to ensure that the design and specification of the pitch is completed to the required standard to meet the above requirements and be fit for purpose it is recommended that the following planning condition be imposed:

Condition 1

Use of the development shall not commence until :

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,
- b) Confirmation that the facility has been registered on the Football Association's register of Football Pitches

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

REASON : To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policies ** of the Development Plan.

INFORMATIVE : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

In order to secure an appropriate arrangement of community use in accordance with the proposals set out in the Design and Access Statement to meet local needs (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance), and to justify the loss of the grass pitch under exception E5 it is recommended that a community use agreement is secured by condition as follows:

Condition 2

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.

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

INFORMATIVE: Guidance on preparing Community Use Agreements is available from Sport England at : <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an

objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application.

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

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

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

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

4.4 Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES
As submitted, the application could have potential significant effects on River Wye Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment
- The majority of artificial grass football surfaces are filled with particulate materials. These are normally either granulated rubber polymers or mixes of rubber and sand. The rubber granules are produced from recycled tyres (source The FA Guide to Artificial Grass Pitches). The composition of tyres can contain toxic materials. We require clarification on the amount and type of rubber crumb infill material being used, as well as the potential amount to be lost into the wider environment through normal use.
- Clarification on the method of surface water disposal. We note from the Design and Access statement that the proposed option is a soakaway system pending further tests. We require clarification on the final method of surface water disposal. We advise that proposed drainage solutions should take into consideration potential water quality and water quantity implications to the nearby Widemarsh Brook (Tributary of the River Wye Special Area of Conservation).
- The application site is within Flood Zone 3 therefore we require clarification of the measures that will be put in place to prevent rubber infill particles mentioned above and other pollutants entering the Widemarsh Brook in the event of flooding.

Without this information, Natural England may need to object to the proposal.
Please re-consult Natural England once this information has been obtained

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta. Read the case (ref: C-323/17).

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent

authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Natural England's advice on other issues is set out below

Internationally designated site

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) a European designated site (also commonly referred to as Natura 2000 sites), and the River Wye Site of Special Scientific Interest (SSSI) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Due to the nature of the proposal and the potential pathways to the protected designated sites, we advise that you undertake a Habitats Regulation Screening assessment and consider whether there is a likely significant effect either alone or in combination.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

4.5 Natural England – HRA AA response

NO OBJECTION

Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest. Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, we agree with the thought process demonstrated to reach the assessment conclusions. Providing that all mitigation measures proposed are appropriately secured in any permission given. Natural England concurs that there should be no adverse effects on the integrity as a result of the above proposal. This should include suitable design solutions to address potential water quality impacts through well designed and maintained SuDs, in accordance with CIRIA SuDS Manual (2015) C753 guidance.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A in our previous response dated 08 October 2018 ref 258173.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Internal Council Consultations

4.6 Conservation Manager (Landscape)

No objection

4.7 Conservation Manager (Historic Buildings)

Recommendation:

There is no heritage objection to the proposed scheme.

Background:

The proposed site is situated within 200m of the Grade II listed Moor House, and is part of the Widemarsh Common Conservation Area.

Comments:

With the existence of a football facility on this site already it is considered the impact of the upgrade works would not be substantial given the degree of screening provided by mature tree planting between the site and Moor House; and although the enhanced fencing will have some visual impact on its setting, the design and colour specified should minimise its presence.

Impact on the setting of a listed building also includes experiential aspects such as noise and light pollution; and whilst the site is currently used for football, consideration should be given to the potential increase in noise and activity when determining this application; planning conditions may be the best way to minimise the impact of these elements.

4.8 Conservation Manager (Ecology)

Subject to formal approval of the Habitat Regulation Assessment – Appropriate Assessment submitted to Natural England the following conditions are suggested to ensure the relevant and appropriate mitigation is secured.

Habitat Regulations (River Wye SAC) – Surface Water

Prior to commencement of any works approved under this decision notice a fully detailed surface water management and Sustainable Drainage Scheme (SuDS) shall be supplied and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

Habitat Regulations (River Wye SAC) – Materials

Prior to the commencement of any construction works approved under this decision notice details of the type of infill materials to be installed into the 3G artificial pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork/vegetable) shall be submitted to and be approved in writing by the local planning authority. The approved surface shall be implemented prior to the first use of the pitch and no other alternative surface shall be used at any time without the prior written consent of the local planning authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD1-3 and to ensure that the surfacing of the pitch would comply with the industry guidance that has considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

4.9 Conservation Manager (Trees)

Further information required

After conducting a site visit and viewing the plans there is a little more information I require.

The two silver birch trees which are closet to the North western boundary will be within 1.5-2.5m of the edge of the pitch. To date I don't think there are any details available which detailed whether excavation is needed to install the hardstanding. If this is the case then the roots of these two trees in particular will be compromised.

The 4.5m perimeter fence will also require pits so that it can be secured, I would like to know at what depths and intervals these will need to be as there is also threat of damage to tree roots in these places, particularly along the north west boundary.

4.10 Conservation Manager (Trees) – further information

We will need a tree protection plan and tree method statement which can be submitted as a pre-commencement condition.

Protection during Construction

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and

thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason - To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Method Statement

Prior to the commencement of any works a method statement for trees in the north western corner of the proposed pitch or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.

Reason - To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

No trees have been identified for removal in the plans submitted to date. The site is within the Widemarsh Common conservation area, therefore any tree works or felling will require a separate notification submitted to the LPA prior to commencement.

4.11 Public Rights of Way Manager

No objection.

4.12 Open Spaces Planning Officer

Open Space and Outdoor Sport Facilities.

Proposal: This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch (floodlit) used for football by WestfieldsFC at the county ground, Widemarsh Common. It will result in the loss of a usable grassed playing pitch.

The proposed 3G ATP is full size (senior), 106m x 70m including run-offs. It will have a variety of youth and mini football pitches and training areas over-marked to maximise its potential use across all age ranges.

The existing dug outs, spectator fencing and floodlighting would be replaced and the existing spectator stand would remain.

The Design and Access statement confirms that the pitch is being delivered through the Football Foundation (FF) 3G Pitch Framework, and the proposed specification is in line with the FF and Ground Grading requirements.

My comments relate only to the requirement for such a facility in meeting both national and local planning policies including that of Sport England. All other considerations such as access, transport, landscape, conservation etc. will be dealt with by the Planning Officer.

Planning Policy: The following policies will apply.

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

alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) 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
- Core Strategy policy SS1: presumption in favour of sustainable development. Supports proposals which improve social, economic and environmental conditions in the county taking into account any adverse impacts in granting permission which would significantly and demonstrably outweigh the benefits.
- Core Strategy Policy OS3: Loss of Open Space, Sport or Recreation facilities. The loss of sports facilities results in an equally beneficial replacement for the local community.
- Sport England Policy on Planning Applications affecting playing fields E5: the proposed development is for an outdoor facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing fields.

Assessment of need: The Hereford Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2017 provide the evidence base as required by the NPPF and Core Strategy Policy OS3. The Outdoor Sports Investment Plan is overseen by a partnership of Herefordshire Council, Sport England, County Sports Partnership and the National Governing Bodies for football, cricket, hockey and rugby and it is by this mechanism that data, priorities and need are kept up to date. Sport England supports this approach.

Evidence in these documents shows that there is deficit of football facilities for training (senior and junior) and dedicated junior football pitches in Hereford. As such the Outdoor Sports Investment Plan 2017 contains a number of projects to address deficiencies including the provision of 2 x 3G AGPs in Hereford in recognition that AGPs are more sustainable than grass pitches and are beneficial to growing the sport. This is underpinned by work undertaken by the Football Foundation to establish how many (AGPs) would be required in the county in addition to those already in place to accommodate the deficiencies identified for football. This concluded that an additional 2 x AGPs are needed and can be sustained in Hereford City.

This work also established that the most sustainable solution to benefit the local clubs will be to locate the 2 new facilities north of the river given the catchment areas of the Hereford based clubs. The only existing 3G AGP is at the Hereford Academy (south of the river) and is used by clubs both south and north of the river. By freeing up space this will help to meet unmet demand south of the river.

3Gs provide greater use to the benefit of the sport in meeting identified deficiencies. The Design and Access statement explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting match-play and training activities. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/match play to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising the risk of fixtures being cancelled due to unplayable pitch conditions. This accords with Sport England's, exception E5 as described above.

In accordance with the NPPF and Core Strategy policy SS1, the provision of a 3G AGP at the County Ground, Widemarsh Common will be sustainable, deliverable and manageable. Finding a suitable location has proved to be difficult. In order to deliver effective management arrangements the proposal will be located on an established site. Other sites have been considered including Aylestone School and the Hereford Leisure Centre. Aylestone School was not acceptable in planning terms and the Leisure Centre provides the only artificial turf pitch suitable for hockey (sand based) in this part of the county. This surface is not suitable for football.

The site is currently used by Westfields FC. In order to meet the policy requirements set out above, the proposed 3G will need to provide wider community access. The Design and Access statement explains that the intention is that the proposed 3G pitch will not only provide home ground facilities for the existing club to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. Both the Herefordshire Football Association (HFA) and the Football Foundation (FF) are supporting this proposal with grants and there is a requirement from both for the facility to be available to all members of the community from juniors through to veterans, male and female, disability groups etc, and for this to be demonstrated through a five year development plan and a five year business plan.

In order to meet the community use proposals set out in the Design and Access Statement it is recommended that a community use agreement is secured by condition. This is in accordance with Core Strategy policy OS3 and associated evidence bases and Sport England exception policy E5. This will ensure that an appropriate arrangement of community use (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance) is secured.

It is noted that there isn't a standard condition. Sport England has provided comments on this application in which they have helpfully included a non-standard condition.

4.13 Environmental Health Manager (Contamination)

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

Given what's proposed, I've no comments to make

4.14 Environmental Health Manager (Noise/lighting)

My comments are with regard to potential noise and nuisance issues that might arise from development.

This proposal is on an existing site used for football. A change of surface to an all weather pitch and new floodlighting is likely to lead to a significant intensification of use. There are neighbouring residential premises to the south east of the site

Noise

The applicant is requested to supply a noise assessment for the proposal which examines likely noise impacts on neighbours for an appropriate character correction to be included to reflect likely noise characteristics.

Please advise the applicant that we do not support the proposal for a condition which allows for a pre notified exemption condition for use of the site beyond 10.00pm in limited circumstances as suggested.

As we are of the opinion that this would not be workable in practice and would be inconsistent with floodlighting restrictions imposed on other sports facilities in the county also in residential areas. Our recommendation is likely to be that there is an automatic switch off of the floodlights at 22.00 hours Monday to Sunday.

Please note that are also likely to recommend a condition that there be a prohibition on noise amplification at the site.

4.15 Environmental Health Manager (Noise/lighting)

Noise Assessment response

My comments are with regard to potential noise and nuisance issues that might arise from development. Further to my response of 5th October our department is now in receipt of a Noise Impact Assessment.

The applicant has supplied predicted noise levels based on data gathered from the use of other Artificial Grass Pitches and supplied modelling maps which predict noise propagation from the site.

The initial noise modelling recommends a 3 meter high acoustic fence along the north eastern boundary of the pitch outside the line of perimeter fencing to provide noise attenuation to the rear gardens and ground floors of the houses immediately to the north east.

The predicted noise modelling shows that with this mitigation the highest predicted noise at the ground floor façade of the closest residential property is 47dB LAeq. It will be more at rear bedroom height and there is no comparison supplied against background noise levels. The predicted noise levels at ground floor are compared against World Health Organisation's guidelines for Community Noise which are 50dB LAeq outside. The shielding provided by the residential properties construction is such that with an open window a 10 to 15dB reduction can be anticipated such that internal noise levels at ground floor levels will be approximately 32dB which is below the BS8233 standard for noise in bedrooms and living rooms in the daytime. I conclude therefore that from the proposed Artificial Grass Pitch may be audible in the gardens and inside the bedrooms in the evening, although not at night time however it is very unlikely to be a Statutory Nuisance.

Should it be minded to grant permission I recommend the following conditions:

The provision of a 3 meter high acoustic fence of solid rigid material with a minimum density of 10 kg per m² along the north eastern boundary of the pitch as shown in Figure 6 of the noise report.

The use of the proposed Artificial Grass Pitch and associated floodlighting shall be restricted to the following hours:

Monday to Friday 09:00 to 22:00 hours Saturday and Sunday 09: to 22:00 hours.

Prior to the use of the site for sporting purposes a Community Use Management plan and a Noise Management Plan shall be submitted and approved in writing by the local authority. This will incorporate issues set out in para 4.8.2 of the applicant's Design and Access statement.

A prohibition of the use of amplified music at the site.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

4.16 Transportation

I have now had the opportunity to review the information provided. Please see below my comments and recommendation.

- Highways England have provided comments in which they state that the proposal is acceptable subject to a condition which prohibits use of the access from the A49, the applicant has provided a plan (drawing no. 07) which demonstrates that this access will not be utilised.
- The applicant recognises that the proposals will result in an increase in usage and therefore there will be an intensification of the Chave Court Close access. A visibility splay of approx. 43m eastbound and 93m westbound is achieved from a setback of 2.4m, this is in keeping with the standards set out in MfS2 for a 30mph road. There are no proposed changes to the existing access arrangements.
- The applicant states that congestion in the parking area and on the local highway network will aim to be mitigated by ensuring fixtures/events do not overlap, by managing on-site traffic during events and by the promotion of car sharing, public transport and walking and cycling to the site, this should include the provision of a Travel Plan. There are bus stops on Priory Place and Newtown Road within 200m of the site, it is also stated that new cycle stands have recently been installed at the site.
- It is stated in the application form 75 car parking spaces are proposed which represents an increase of 12 spaces, the applicant has not provided a plan showing the location or design of these additional spaces which is required. The Herefordshire Design Guide Parking Standards state that for team games areas 1 car space is required per 2 team members. It is estimated that the maximum number of players utilising the ATP at any given time is 40, meaning 20 spaces are required according to the standards. The provision of 75 spaces is considered acceptable as it means that the on-site parking provision should be able to accommodate the max number of vehicles expected to be at the site at any given time, meaning overflow parking on nearby residential streets should be avoided.
- An assessment of 'crashmap' has demonstrated within the past five years no incidents have occurred near the site access. Also, only one 'serious' incident has occurred within the vicinity of the site and there are no obvious clusters of incidents which would suggest an underlying issue with the highway layout.
- The applicant has provided detail of the drainage strategy in the submitted Planning Statement. The applicant should ensure that no water discharges onto the highway.

Recommendation

This application is recommended for approval, subject to the following conditions.

CAL - Access, turning area and parking

The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Core Strategy

CB3 - Travel plans

Prior to the commencement of the development a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the 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, on the first occupation of the development. 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 Policy MT1 and SS4 of Herefordshire Core Strategy

I05 – No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

I11 – Mud on highway

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.

I35 – Highways Design Guide and Specification

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'.

I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

5. Representations

5.1 Hereford City Council

Hereford City Council Planning Committee objected to Planning Application 182950. Councillors are concerned that the materials used to create artificial pitches of this nature are hazardous to children. Several Councillors had done research into this area and were troubled by the

possibility of allowing potentially dangerous exposure to toxic materials. Can the applicant guarantee that their materials are not hazardous to the health of those who use their pitches? Please could Councillors also receive further information and reassurance that every measure has been taken to ensure maximum safety.

5.2 One objection from a local resident (Holmer Road) and two letters of support, one on behalf of Herefordshire FC, have been received. In summary, the main points raised are:

Objection:

- Traffic/parking issues – due to extended hours, along an unadopted road/public footpath, which is single track width for 90% of its length and limited parking provision
- Concerns re: highway safety for pedestrians and vehicles
- Indiscriminate parking when there are home games (at adjacent Westfields FC)
- Impact of constant, excessive artificial light from 6 sets of floodlights – only used about twice a week at present, not every night as proposed
- Existing lights are very bright and I object to increased use
- Noise and disturbance
- Loss of grass
- Impact on Conservation Area
- Impact on local residents from increased vehicular movements
- Widemarsh Common is a designated ‘village green’ with War Memorial, Cricket pavilion and play area
- Herefordshire FA does not have any changing facilities of their own, does this mean another application will be submitted for them? This would reduce parking provision.
- Artificial pitches are known to contain dangerous/toxic substances – impact on Conservation Area.

Support:

- Local facilities need to be improved for various reasons:
 - Increased participation for physical and mental health benefits (as encouraged by Central Government and the NHS)
 - Inadequate for increased use due to playing surface
 - Undersupply and are expensive
 - Proposal is likely to be cheaper for local clubs (as a HFA facility)
 - Boost to sport, schools and colleges in Hereford
 - Could reduce unsociable behaviour
- Hopefully few objections, as not in close proximity to housing (compared to the Aylestone application)
- Hereford FC supports and encourages more artificial grass pitches to enable best possible chance of participation
- During the winter dozens of matches are postponed across age groups due to unplayable grass surfaces
- Severe limitation of number of existing artificial grass pitches means there is often no alternative venue available
- Several age groups spent 2 months without playing a match, due to waterlogging and freezing temperatures
- Hereford FC has over 130 registered under 18 players, which is planned to expand rapidly over coming years provided that there are facilities to enable it
- Senior sides train in Gloucestershire due to lack of artificial pitches in Herefordshire
- Will benefit local sporting community, tourism and platform for local sport people to reach the national stage and bring greater publicity to the County

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182950&search=182950

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

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS policy SS1 advises that *'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.'* It continues that it will seek to secure development that improves the social, economic and environmental conditions in Herefordshire. It also confirms, in accordance with the statutory duty that planning applications that accord with the policies in CS will be approved, unless material considerations indicate otherwise. The text on the 'Vision for social progress in Herefordshire' also advises that the opportunities and benefits from sport, amongst other things, will be maximised, enabling more active lifestyles and an improved quality of life for all.
- 6.4 NPPF Chapter 2 – Achieving sustainable development advises that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) to secure sustainable development. The three overarching objectives, are economic, social and environmental. These include helping to support growth, strong vibrant and healthy communities with accessible open spaces that reflect current and future needs, supporting communities' health, social and cultural well-being and contributing to the protection and enhancement of the environment, including effective use of land and minimising waste and pollution.
- 6.5 Policy SC1 of the CS supports the improvement of existing community facilities, which the existing use falls within the definition of as it comprises a recreational/sports facility operated by the community/voluntary sector. This policy states that *'Development 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. 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.'* The pre-text to the open space, sport and recreation facilities policies (OS1, OS2 and OS3) recognises that such facilities are an essential part of sustainable communities, need to stand the test of time, be where people want to live, and enable people to meet their sporting and recreational aspirations and potential (paragraph 5.1.42). Where a proposal results in the loss of a sports facility CS policy OS3 sets out four principles to be taken into account. These are:
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.

6.6 Chapter 8 of the NPPF promotes healthy and safe communities. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. In terms of open space and recreation it states that access to high quality facilities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that:

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*

6.7 In addition to local and national planning policies the Sport England Policy on Planning Applications affecting playing fields E5 is relevant.

6.8 In terms of the principle of the replacement of grass pitches with an artificial turf to provide a full sized adult pitch and smaller pitches for junior games, training etc, it is considered that in accordance with Sport England's advice and that of the Open Space Planning Officer the improvement to the facility outweighs the loss of the existing. The benefits of a more durable, weather resistant surface are clearly expressed in the representations from Herefordshire Football Association, which includes a reduction in the cancellation/postponement of fixtures and the opportunity for increased useage for a range of teams. The latter including community groups and not just the current club (Westfields FC) that uses the site. To ensure that the community use is maintained, in the public interest and to accord with policy requirements, it is considered that Sport England's recommended conditions are reasonably related to the development proposed, necessary and enforceable in accordance with paragraph 55 of the NPPF. In principle the proposal accords with CS policies and paragraph 97 of the NPPF, along with Sport England Policy.

6.9 With regards matters of detail these are the highway impacts, the affect on neighbouring uses, the impact on heritage assets, trees and drainage (including the SSSI impact zone and Flood zones 2 and 3).

Highways

6.10 CS policy MT1 requires development to provide safe and suitable access, encourage active travel behaviour and demonstrate that the strategic and local highway network can absorb traffic impacts, amongst other considerations. At paragraph 108 of the NPPF similar requirements are set out and in addition it cautions, at paragraph 109, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.11 As clarified by the applicant, the proposal would retain both the existing access and parking arrangements. Highways England has no objection to this. The site is considered to be in a sustainable location, where visitors have the opportunity to reach the facilities on foot, cycle or partly on public transport. There is existing secure cycle storage within the site. Moreover, the nature of the use, for team sports, gives rise to the increased potential for shared modes of transport. Although the proposal seeks permission for extended hours of use it would not increase the capacity of the use of the site at any one time. That said, the artificial surface would facilitate both a greater number of days useage per year and increased hours per day. The increased number of days would not adversely impact on the road network, but the increased hours could give rise to more 'change over' periods between sessions of use, resulting in potential conflict between those leaving the site and those arriving. It is considered that this would not result in a 'severe' impact and in light of both the Transportation Manager's and Highway England's responses it is considered that the scheme would not lead to harmful highway impacts and as such accords with policy requirements. The requirement for a Travel Plan to promote active travel patterns and minimise potential conflict at change over times is considered to proportionately address any arising impacts and can be reasonably controlled by condition.

Impact on neighbouring uses

- 6.12 The potential impacts on neighbours result from noise, lighting and comings and goings. CS policy SD1 requires developments to safeguard residential amenity and ensure they do not contribute to adverse impacts arising from noise or light contamination. Paragraph 127f) of the NPPF states that developments should create places that have a high standard of amenity for existing users.
- 6.13 With regards noise impact, firstly it must be borne in mind that the lawful use of the site is for sports pitches and this generates noise. Secondly, the proposed use would not increase the number of users of the facility at any one time. Thirdly, there is an existing tannoy system in place, which is a requirement for competitive league matches. As a consequence, the application must be assessed in this context, whilst accepting that the improved durability of the playing surface would lead to increased duration of use. The Design and Access Statement advises that during the winter the need to protect the playing surface means that it is used for up to three evenings per week. As proposed the use would be for every day. The requested hours are 9am until 10pm, with floodlighting facilitating this when required. The Design and Access Statement advises that a community use management plan would be utilised to ensure the correct operation of the premises. It states that this would include day to day management, booking procedures, on site car parking for the community use and local resident communications. In addition a Noise Management Plan with procedures to minimise potential noise impact on local residents is proffered by the applicant.
- 6.14 A Noise Assessment has been submitted and the Environmental Health Manager accepts its findings. Subject to the requirement for Noise and Community Use Management Plans to be approved prior to first use and implemented when the 3G pitch is in use, along with the requirement for an acoustic fence and a restriction on amplified music there is no objection with regards noise.
- 6.15 Turning to the impact of the floodlighting, as raised in the objection, these are existing and approved (reference: 160232), The Environmental Health Manager has not objected to an increase in the number of days they are used. Furthermore, it is noted that the planning permission pertaining to the existing floodlights only limits their hours of use (7am to 10pm) and not the number of days of use. It is appreciated that the existing grass surface by default operates as a limitation, but in this context it is considered that the amenity of local residents would be safeguarded, compared to the current context and lawful use of the site in accordance with CS policy SD1.

- 6.16 Lastly, the increased use in terms of hours per day and days per year would result in more comings and goings and this could have an impact on residential amenity. This should be assessed against the established use of the site and bearing in mind that there is no conditional planning restriction on the hours/days of use, albeit that the grass surface acts as an informal, self regulating limitation. There have been no objections from local residents that share the access to the site. It is considered that the proposal would give rise to the opportunity for more prolonged 'comings and goings' over an increased number of days, both per week and over the year. This may be discernible compared to the existing comings and goings and thus result in a degree of adverse impact on the living conditions of those that share the access. The Travel Plan would enable this to be mitigated to some degree.
- 6.17 To conclude on this issue, it is considered that the proposal may have some degree of adverse impact upon existing residential amenity due to the prolonged activity compared to the existing. It is noted that there is no objection from the local residents who share the access and given the longstanding use of the site this may be because occupiers are used to these activities, such that their sensitivity to the potential increase is reduced. There is some degree of tension with CS policy SD1 and the NPPF in this regard.

Impact on heritage assets

- 6.18 The site is located within the Widemarsh Conservation Area, which is a designated heritage asset. The Conservation Manager has also identified the siting of Moor House, a Grade II listed building, to the southwest of the site.
- 6.19 Firstly, these heritage assets, are afforded a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These sections require the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (in the case of listed buildings – s66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (in the case of a Conservation Area – s.72). In practice this means that when undertaking a planning balance the weight afforded to preserving the building, its setting or features of special architectural or historic interest and preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them.
- 6.20 Secondly, in planning policy terms CS policy LD4 requires developments to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance. At chapter 16 the NPPF provides advice on assessing the impacts of development on heritage assets, and where harm is identified, the relevant tests depending on its severity.
- 6.21 The Conservation Manager has no objection to the scheme, due to the existing use and development on the site, the existing landscaping and the nature of the proposal. A caution is given in respect of experiential aspects, but it is opined that as the proposal only relates to extended periods of use, in a context that already comprises multiple sporting facilities, that this would not have a harmful impact on these heritage assets. It is considered that the proposal would conserve the identified heritage assets and thus accords with policy requirements

Trees

- 6.22 CS policy LD3 states that proposals should protect, manage and plan for the preservation of existing green infrastructure. Existing trees and vegetation provide filtered views of the site from the public right of way/cycleway along the western site boundary. The Conservation Manager (Trees) initially raised concern regarding the potential impact of any excavation required for the pitch and fencing on two silver birch trees, closest to the northwest boundary. The agent has confirmed that a no dig method can be employed as a solution for the hardsurfaced area and

post spacing for the fencing and attendance by an arboriculturalist during erection would address these concerns. The Conservation Manager (Trees) has advised that the existing trees to the northwestern part of the site can be proportionately and reasonably protected by way of a pre-commencement condition.

Drainage (flood risk and SSSI impact zone)

- 6.23 The site lies wholly in flood zone 3, but not within an area known to be at risk of surface water flooding. The Environment Agency's mapping for long term risk of flooding suggests that floodwater would back up from the culvert under the former railway line, so would be held back on the site side of the railway. The proposal would not alter the land use of the site, which as an outdoor sports and recreational facility falls within the 'water-compatible development' of the flood risk vulnerability classification. Such a use is appropriate in flood zone 3. The proposal would not change ground levels, nor introduce new buildings. On this basis, in particular giving weight to the existing use of the site, it is considered that the proposal would not result in increased flood risk. With regards the potential for material migration, the Ecologist's Habitat Regulation Assessment – Appropriate Assessment notes that the site would be designed to be compliant with 1:100 flooding requirements and this would mitigate, as far as is practicable, any wash-out from the surface. Sport England has commented that whilst it is not ideal for such a surface to be within Flood Zone 3 they do not consider it warrants refusal of the application, rather it would be for the applicant to make appropriate provision for suitable insurance to cover the cost of replacing the surface if such a flooding event occurs.
- 6.24 CS policies SD3 and SD4 state that developments must demonstrate that a sustainable system of surface water drainage is achieved without increased runoff or contamination, such that it would undermine the achievement of water quality targets for rivers within the county. The proposal would not result in any additional foul water and surface water is stated to be to soakaways, managed through a suitable sized SuDS system with storage and management, both within the pitch structure and through an external underground 'cellular system'. Following Natural England's initial comments a Habitat Regulation Assessment – Appropriate Assessment has been undertaken and this concludes that the proposed development would not have significant adverse impacts on the designated sites. Natural England has confirmed that they concur with this assessment, subject to conditions. A drainage condition requiring submission and approval of a full final design to ensure suitable capacity is recommended.

Other matters

- 6.25 The City Council has raised objection to the proposal on the grounds that the surfacing material may be unsafe for users, due to its potentially contaminated nature. The agent has provided further information, which states that the installation of the recycled rubber tyre material (SBR) is subject to a procedure of testing in accordance with all relevant standards and requirements, prior to being deposited on site. The agent has recommended a condition is imposed to ensure compliance, and whilst there may be a degree of duplication with other legislation in doing so, to ensure the well-being if users of the proposed facility it is considered to be reasonable and relevant. In addition, as per the Conservation Manager (Ecology) comments, this will also limit the risk in terms of the HRA – AA.
- 6.26 There is a current application for the provision of a 3G pitch at Old School Lane, Hereford (reference 182893), which is also before Committee for determination. As confirmed by the Open Space Planning Officer and endorsed by the representations from the Herefordshire FA, there is a demand for two additional facilities in Hereford City, as calculated from the number of registered football teams within the County. On this basis, one scheme would not prejudice the other.

Conclusion

- 6.27 The proposal represents an enhancement to the useability of the pitches, both in terms of duration and range of users. This is a positive social gain and weighs in favour of the scheme. It is located where users would have a real choice on how they travel to the site and although there may be some degree of adverse impact on the amenity of local residents due to the increased hours and days of activity on the site, these would be outweighed by the benefits. Subject to a satisfactory surface water drainage scheme there would be no adverse environmental impacts. When considered against the CS as a whole and taking into account other material considerations, namely the NPPF and the Sport England Policy on Planning Applications affecting playing fields E5, the proposal is considered to be sustainable development that accords with the Development Plan. In the absence of any material planning considerations that indicate a decision being made other than in accordance with the Development Plan, as per the statutory duty, paragraph 11c) of the NPPF and CS policy SS1 it is recommended that permission is granted, subject to conditions.

RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
 - 2. B02 Development in accordance with approved plans and materials**
 - 3. Use of the development shall not commence until :**
 - a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,**
 - b) Confirmation that the facility has been registered on the Football Association’s register of Football Pitches**

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy OS3 of the Development Plan.
- 4. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.**

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Development Plan.
- 5. Prior to commencement of any works approved under this decision notice a fully detailed surface water management and Sustainable Drainage Scheme (SuDS) shall**

be supplied and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full as approved and prior to first use of the 3G pitch hereby approved.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

6. Prior to the commencement of any construction work details of the type of infill materials to be installed into the 3G artificial grass pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork / vegetable) shall be submitted to and approved in writing by the local planning authority. The approved surface shall be implemented prior to first use of the pitch and no other alternative surface shall be used without prior written consent of the local planning authority.

Reason: To ensure that the surfacing of the pitch would comply with industry guidance that has considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals and so as to ensure a safe environment for users of the facility in accordance with Herefordshire Local Plan – Core Strategy policy SD1 and the requirements of the National Planning Policy Framework

7. Prior to the first use of the 3G pitch hereby approved a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the 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, on the first use of the development. 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 Policy MT1 and SS4 of Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

8. The means of vehicular access to the development hereby permitted shall only be as defined within “Hereford FA Artificial Turf Pitch Highways” (Drawing No. 07) for the full period of construction and when completed/operational.

Reason: In order to ensure the safety of users on the A49 and enable it to continue to be an effective part of the Strategic Road Network in accordance with Section 10 (2) of Highways Act 1980 and policies SS4 and MT1 of the Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

9. Prior to the first use of the 3G pitch hereby approved a 3 metre high acoustic fence of solid rigid material with a minimum density of 10 kg per m² shall be erected along the north eastern boundary of the pitch, as shown in Figure 6 of the noise report. The specification and appearance of the fence shall have first been submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details. The fence shall be retained thereafter whilst the 3G pitch is in use.

Reason: : In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason - To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11. Prior to the commencement of any works a method statement for trees in the north western corner of the proposed pitch or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.**

Reason - To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP1**
- 2. I05 – No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3. I11 – Mud on highway**
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. I35 – Highways Design Guide and Specification**
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. I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice

scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

6. **Sport England INFORMATIVES** : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

7. **Guidance on preparing Community Use Agreements** is available from Sport England at: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

8. **No trees have been identified for removal in the plans submitted to date. The site is within the Widemarsh Common Conservation Area, therefore any tree works or felling will require a separate notification submitted to the Local Planning Authority prior to commencement.**

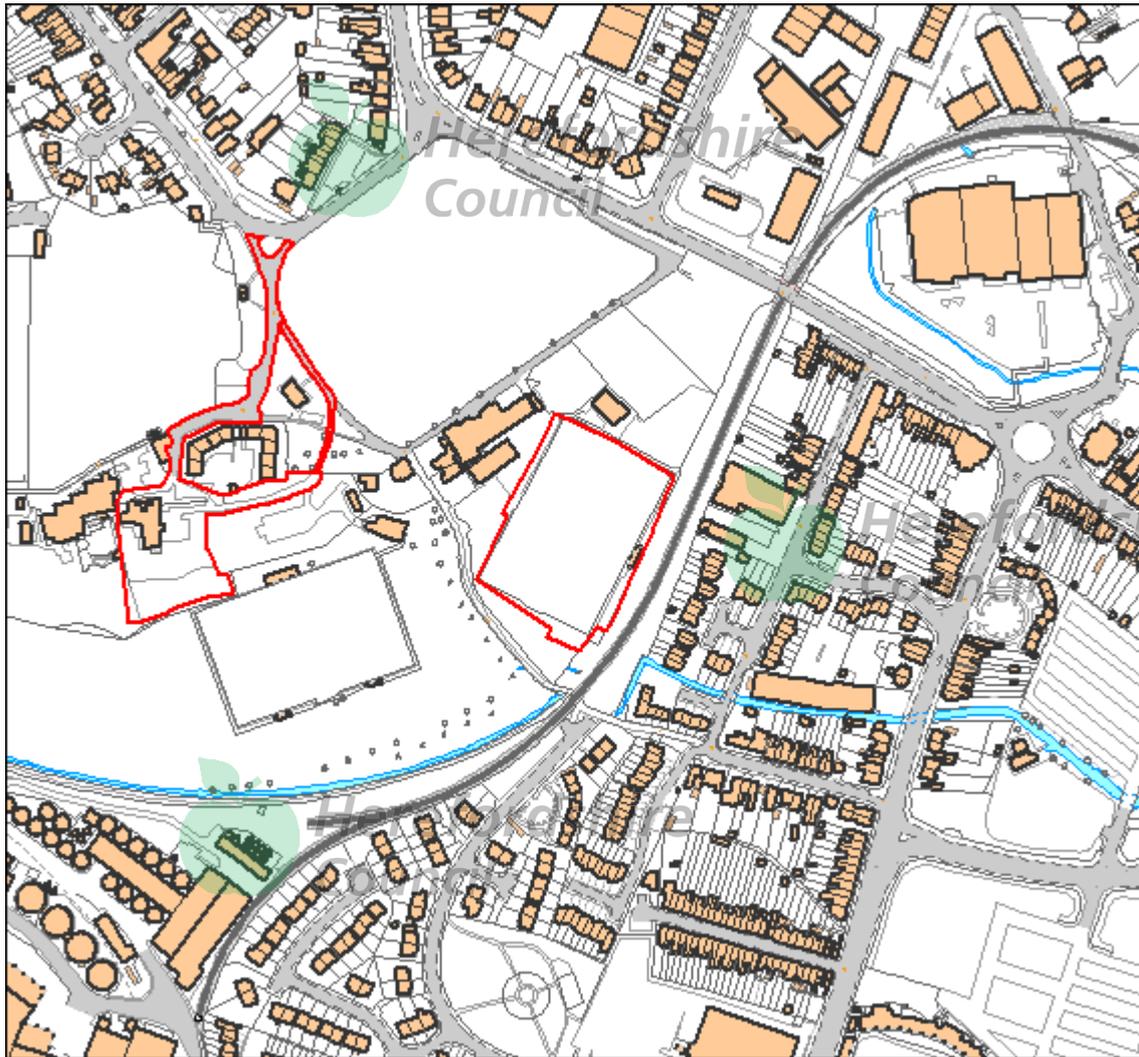
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182950

SITE ADDRESS : TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE,
HR4 9NA

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