

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>10 AUGUST 2022</b>
<b>TITLE OF REPORT:</b>	<b>220369 - INSTALLATION OF A NEW 1.03KM CLOSED CIRCUIT CYCLE TRACK WITH ASSOCIATED EXTERNAL WORKS INCLUDING PERIMETER FENCING, LEARN TO RIDE AREAS, SKILL BASED OFF ROAD AREAS AND PERIMETER LIGHTING. THE INSTALLATION OF A SOCIAL HUB COMPRISING OF THREE INDIVIDUAL REUSED SHIPPING CONTAINERS WITH ASSOCIATED OUTDOOR SEATING AREA AT HEREFORD LEISURE CENTRE, 37-39 HOLMER ROAD, HEREFORD, HEREFORDSHIRE, HR4 9UD</b>  <b>For: Mr Preece per Mr George Lucas, 10 South Parade, Leeds, LS1 5QS</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220369&amp;search-term=220369">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220369&amp;search-term=220369</a>
<b>Reason Application submitted to Committee – Council Land</b>	

**Date Received: 4 February 2022**

**Ward: Widemarsh**

**Grid Ref: 350317,241562**

**Expiry Date: 27 July 2022**

Local Member: Cllr Polly Andrews

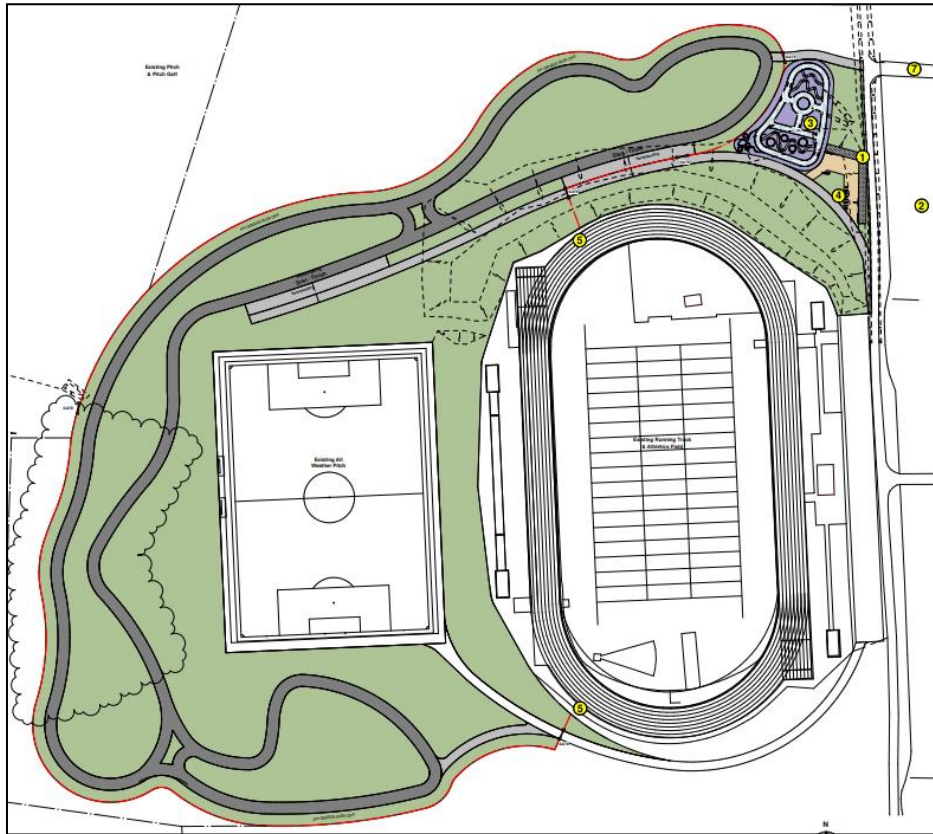
## **1. Site Description and Proposal**

- 1.1 The 3ha site comprises land within the Hereford Racecourse, set inside the horse racing track. It forms part of the Hereford Leisure Centre, a wider sporting complex.
- 1.2 The subject land sits alongside existing recreational facilities all contained inside the race track, including the Halo Golf Course, Hereford Athletic Track, an all weather sports pitch together with various natural grassed sports/playing fields. To the east is the Halo Leisure Centre which fronts Homer Road (A49). The Hereford Skate Park is north of the Leisure Centre. South of the Leisure Centre is the Holmer CE Academy. Residential development is located to the north, west and south of the site, beyond the race track, with the Spurs Retail Park located to the east, beyond Holmer Road.
- 1.3 Pedestrian access is gained via traversing the horse racing track.
- 1.4 The application seeks full planning permission to develop the land with a 1.03km closed circuit cycling facility that will be managed by Halo Leisure Services Limited. The undulating 6m wide circuit is designed to British Cycling Standards and features three internal loops, technical elements and flatter faster areas with sections to suit all cyclist levels and abilities. The circuit is located between the golf course and the all weather sports pitch and athletics track.
- 1.5 The proposed cycle facility comprises four principal areas, described by the applicant as follows:
  - Off-road Skill Areas - These areas will include a variety of natural based elements which will gradually improve the riders of all skill levels and abilities.

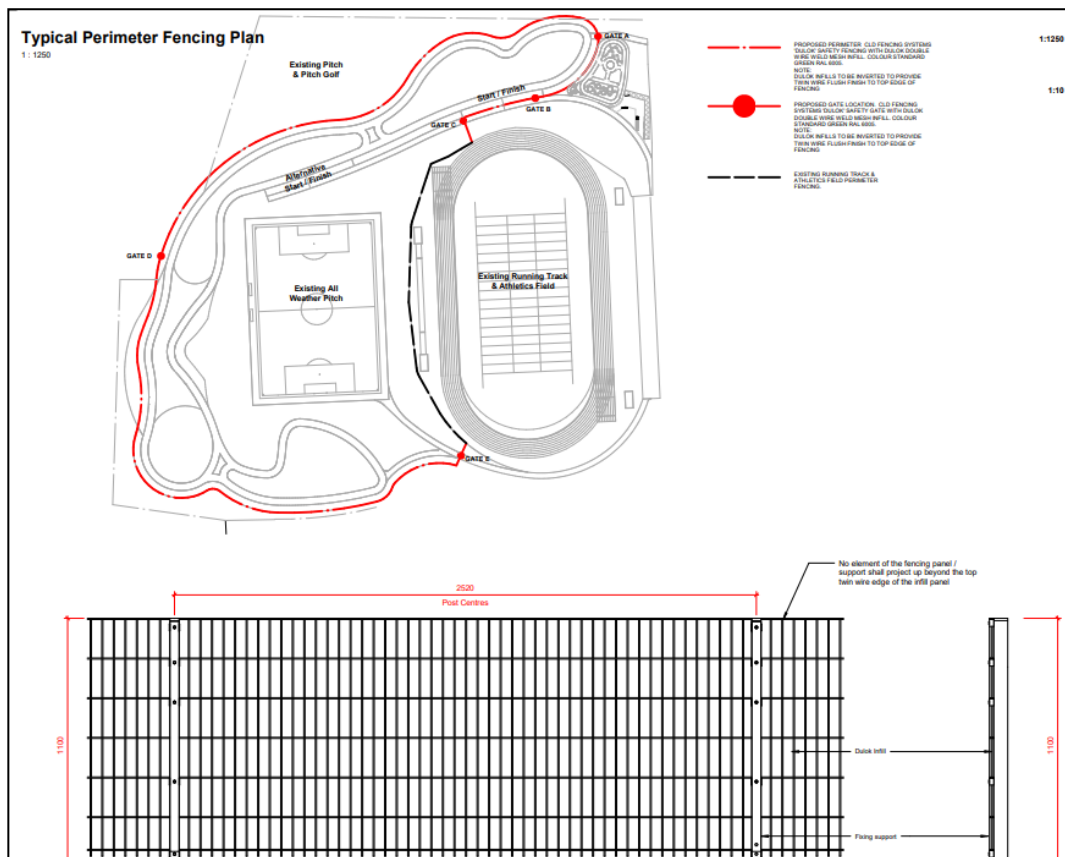
---

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

- General Pathways – Improved pathways run throughout the site to allow people to easily navigate across the cycle circuit and trails. It also provides access for those using the existing all weather sports pitch.
  - Learn to Ride – Two large areas which include mini road layout with road junctions, roundabouts and crossing, balance bike area and confidence routes.
  - The Social Hub will provide a social area with additional kitchen area open to the public as well as users of the facility, and includes opportunities for training and volunteering.
- 1.6 The cycle facility has been sited in a manner that allows for three full size football pitches and one 7 side football pitch to be accommodated on the balance of the grassed playing field land should they be required in the future. The development results in the loss of one full size playing pitch.
- 1.7 A social hub is proposed to the north-eastern corner of the site, north of the athletics track. The hub features three shipping containers extending to 77sqm floor area, repurposed for use as a seating/social space, site changing facilities and bike storage facility. External timber decking surrounds the containers and will accommodate external seating. The containers are externally treated with vertical timber cladding with new openings finished in dark grey aluminium joinery.
- 1.8 Patrons of the facility will rely on the existing Leisure Centre car park for vehicle parking. Pedestrian and cycle access is via the existing pedestrian access. No new pedestrian/cycle access points are proposed.
- 1.9 A 1.1m high, wire weld mesh perimeter fence finished in green, including gates where appropriate, is proposed for security and safety barrier reasons. The existing athletics track fencing is retained and will serve as the eastern perimeter enclosure to the facility.
- 1.10 A large mound, located just north along the athletics track will be removed to create a relatively flat entrance and final straight for the track.
- 1.11 External lighting is proposed, with fifty 8m high lighting columns set behind the perimeter fencing or a minimum 3m from the cycle track.
- 1.12 The application is supported by a Community Use Agreement, Impact Assessment and Statement – Loss of Playing Field Provision, Mode of Transport and Patronage to Access Report, Flood Risk Assessment, Intrusive Ground Investigation Report, Design and Development Guide and draft Method Statement.
- 1.13 The proposed site plan, images of the social hub and fencing details are provided overleaf.



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



## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- SC1 - Social and community facilities
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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



## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Sports England

Many thanks for re-consulting Sport England on this application. A meeting was held with the applicant to discuss Sport England's objection, and in particular discussions have taken place to address the two substantive points raised. Additional information has now been submitted, by way of an additional pitch layout plan, and a statement to provide a commitment to submitting for approval a community use statement. I have commented below on the additional information submitted:

#### **Pitch layouts**

Drawing 15671-DB3-S01-XX-DR-A-90013 Rev B (site football pitch locations) now acceptably demonstrates that the proposed closed road cycle track will have an acceptable relationship with the remainder of the playing field, maintaining the capacity to provide 3 adult football pitches and a 7v7 pitch.

This acceptably addresses the first point raised and reflects the discussions that have taken place, and so this can be agreed.

#### **Community Use**

The submitted document provides a written commitment to agree to formalising community use for the proposed cycle track, which is important for the proposal to be agreed under Exception E5 of Sport England's Playing Fields Policy. Whilst the statement is generally acceptable, Sport England would wish to comment that the length of time of the commitment to community use being 10 years is a relatively short period of time. We would normally seek for a community use agreement to be in perpetuity. The commitment to an annual review is good. Overall, Sport England are happy with what has been provided, and subject to the imposition of the following condition to secure the community use statement, we would wish to remove our objection to this application:

*The Use of the cycle track and its associated facilities shall not commence until a community use statement, prepared in consultation with Sport England and shall been submitted to and approved in writing by the Local Planning Authority. The Community Use Statement shall be based upon the document dated \* submitted on \*, which provides a commitment to providing a community use statement for this facility. The Community Use Statement shall address the items listed and shall include details of pricing policy, hours of availability, timetable and programme of use for access by community clubs/other community users, management responsibilities and a mechanism for review. Once agreed, the development shall not be used otherwise than in strict compliance with the approved statement. Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport to outweigh the loss of playing field, and to accord with Development Plan Policy \*\*.*

Given the above assessment, Sport England wishes to remove our objection to this application as it is now 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 condition 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.

## 4.2 Environment Agency

Comments 13/07/22:

We are satisfied with the amended fencing proposal ('Response relating to comments ref Fencing and Flood Risk', dated 13th April 2022) and the amended cycle track levels (ref: 15671-DB3-S01-XX-DR-A-90005, dated 24th June 2022). We note that the latest amendment to the cycle track levels plan removes the previously proposed land raising to the west of the site which is located within Flood Zone 3. The Plan states that 'All track levels are to be equal to or below existing site levels'. This clarifies that no land will be raised within Flood Zone 3, therefore we would not seek flood storage compensation as previously stated. This was further clarified in the attached email from Richard Preece (dated 11th July 2022). We therefore remove our previous objections and wish to make no further comments.

Comments 21/04/22:

Flood Risk:

The site is predominantly located in Flood Zone 3, the high risk Zone, on the Flood Map for Planning (Rivers and Sea) as defined in Table 1 of the Planning Practice Guidance (Paragraph 065). Eastern portions of the site are located in Flood Zones 2 and 1, the medium and low risk zones respectively. As the Environment Agency has no model for the watercourse, Flood Zone designations are based on a national, generalised flood mapping technique called JFLOW and is best available data.

The watercourse that is culverted under the golf course is Ayles Brook and designated 'ordinary watercourse' and therefore regulation falls to Herefordshire Council as the lead Local Flood Authority (LLFA). The flood zones are based off LiDAR measurements of the topography, so demonstrate the route that the floodwater would be expected to follow in the event of a culvert blockage at the upstream end.

Flood Risk Assessment (FRA):

No model is supplied as part of the Flood Risk Assessment (FRA) by Brown Fisher Environmental (Report Ref: 215729FRA). Due to the scale and nature of the proposed development, and its classification as 'water compatible', we would recognize that producing a model would not be proportionate in this instance.

The Environment Agency holds no information on Environment Agency assets or third End 2 party-maintained assets in the vicinity of the site.

Whilst we have no fundamental concerns with the proposed development we do require some clarity on proposed elevations as the FRA states that the proposed track is 'at or slightly below ground level so it will not displace flood water or cause an obstruction to flood flows'. However, the site plan (ref: Proposed Site Plan, Appendix 1) indicates an area in the western extent, approximately 2,250 m<sup>2</sup>, that will be raised by approximately 2-3 m (ref: Proposed Track Sections, Appendix 2). Although the area of raised land forms a relatively small area of the total site, it is located in Flood Zone 3 and there is a possibility this could affect localised flood water flows and storage. We would therefore request further information regarding the volume of raised area, identification of any risks associated with its location in the flood plain and mitigation measures that would reduce this risk (flood storage compensation). Alternatively, the raised land could be moved to an area of the site that is located in Flood Zone 1 where any risk will be reduced.

The proposed development includes the installation of a perimeter fence. To ensure that the risk of the fence blocking and diverting flood water is minimised, we would request mesh fence with spacing of at least 100mm be utilised. This will bring the design in line with Environment Agency

guidance of installing fencing in a floodplain. A maintenance plan should also be in place detailing the clearing of debris from the fence following a flood event.

#### 4.3 **National Highways**

No objection.

#### 4.4 **Welsh Water**

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. Condition No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

#### 4.5 **Cadent Gas**

No objection.

#### 4.6 **Natural England**

No response.

#### Internal Council Consultations

#### 4.7 **Ecology**

The site is within the River Wye SAC catchment. This proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

Sufficient and detailed information will be required to be submitted with any future outline or full applications to allow the authority to assess the proposal through its Duty of Care under NERC Act and Habitat Regulations. Natural England will also need to be a statutory consultee and will require sufficient information, like ourselves, to formally undertake a Screening Assessment for 'Likely Significant Effects' and then subsequently undertake a relevant Appropriate Assessment to determine and recommend relevant and appropriate Conditions to secure that the development(s) will have NO 'likely significant adverse effects' on the relevant SAC.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

#### *Notes in respect of HRA*

The proposal is for a new closed circuit cycle track with supporting infrastructure



No facilities creating any additional foul water flows are proposed under this development. There is no change in nutrient flows created by this development and this potential effect can be considered as 'screened out' from requiring any further consideration or assessment.

All additional surface water can be managed through onsite Sustainable Drainage Systems and no additional surface water flows in to the local mains sewer network are proposed. There is no change in nutrient flows created by this development and this potential effect can be considered as 'screened out' from requiring any further consideration or assessment.

With no identified effects from the project/development alone there are no in-combination or cumulative effects identified.

The project can be screened out at Phase 1 of HRA appropriate assessment and no full appropriate assessment is triggered. No formal consultation on HRA with Natural England is triggered.

#### *Other ecology comments*

The wider site is known to support reptiles and amphibians – including protected species – slow worms and Great Crested Newts. The LPA has no reason to consider that the proposed development will impact these local populations of protected species. The applicant and their contractors would have their own legal obligations to wildlife protection and consideration as afforded under the Wildlife & Countryside Act that lies above the planning process, and if breached would be potential wildlife crime investigated and enforced by West Mercia Police. A relevant advisory note is suggested to remind the applicant/contractors of their obligation.

#### *Wildlife Protection Informative*

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

The supplied lighting and illumination plan is noted. This supports the consideration that the development will not have a significant effect on the local illumination levels. It is unclear if the lighting will be used permanently during the whole night or only when the track is open for use and being used. It would be hoped that for benefit of carbon reduction and ensuring minimum impact on the dark skies of the City that the lighting will only be operational during 'operating hours' or for maintenance purposes.

#### **4.8 Landscape officer**

Comments 20/04/22:

In consultation with my colleague and in reference to his previous comments (dated 18/03/2022), we are disappointed that no green infrastructure can be added, however accept the reasoning at this point in time. No further information or landscape conditions are therefore required. Ideally green infrastructure, planting and biodiversity could be revisited for Halo on a site wide approach in the future, in order to work with the Council towards the Climate and Biodiversity Emergency action plans.

Comments 25/02/22:

In principle I support the development, as the existing land use is focused on recreation and leisure, and this development 'fits' into this land use.

I do think there could be an improvement in terms of green infrastructure, and enhancement of the landscape as an integrated system, that 'grounds' or connects the development with the surrounding landscape 'nature' areas and trees (Refer to figure 1).

The development seems to 'land' onto the site without considering the relationship with its surroundings. Refer to the figure 2 (the orange circle), where the development cuts the 'natural' area and leaves a gap of maintained grass, that will be difficult to maintain and mow. It is recommended to consider linking and integrating the 'natural' areas into the development, and plant trees (i.e. around the 'hub' that will link with other trees. As the site is relatively open, trees will assist in providing shelter from the wind, and in summer shade.

My other comment relates to the fence. I understand there may functional, security and safety reasons for the perimeter fence, however the fence is within close proximity to the track, and it may feel uncomfortable, or perhaps mundane riding along this fence for most of the track. Can there be variation in the width between the fence and the track; planting added to create variation; or are there alternatives, such as hedgerows; or is the fence needed at all?

Apart from the fence, that requires substantiation, conditions such as the provision of a soft landscape plan (with written specification, outlining species, heights and planting conditions) with a management plan, and maintenance schedule for a period of 10 years would be suffice to address the landscape comments.



Figure 1: Landscape 'nature' areas and trees within the maintained grass field.



Figure 2: Consider drawing in, or introducing landscape 'nature' areas, and trees within the development area.

#### 4.9 **Transportation**

Further to the previous highways comments on this application an assessment has now been provided of parking capacity for the leisure centre car park and details of the anticipated transport modes to the proposed facility. The detail is considered appropriate for the parking provision from a local highway authority perspective, taking into account the content of Herefordshire Council's Highways Design Guide.

In terms of the detail of the access to the site, this should be commented on by National Highways as the A49 is part of the national strategic road network under their control.

There are no objections to the proposal from the local highway authority.

#### 4.10 **Land Drainage**

We have no objections to the proposed development and note that a new FRA will not be required. As previously requested, under the original planning application (163552), we request that infiltration test results are submitted in order to correctly size the infiltration SuDS features.

#### 4.11 **Environmental Health (Noise)**

No objection.

#### 4.12 **Minerals and Waste Officer**

No objection.

#### 4.13 **Environmental Health Contamination**

Our records indicate that the development may encroach an area of land previously subject to consideration of risks from contamination. With a precautionary approach in mind, it would be therefore be appropriate to undertake a review of the available information to understand whether these records are relevant to the application. As such, the standard contamination/remediation condition should be appended with a recognition that it may be obviated by submission of appropriate authoritative information.

### 5. **Representations**

#### 5.1 **Hereford City Council**

No response.

#### 5.2 **Hereford Racecourse**

The following represents the comments, representations and objections by Hereford Racecourse on the above planning application for the Proposed Development that is currently out for consultation. Hereford Racecourse occupy the land and operate a successful business adjacent to the site of the Proposed Development. We have had the benefit of legal advice and are aware that you are confined to considering (in addition to policy) material planning considerations of which is the current NPPF and of course the NPPG. We are aware of your statutory obligation to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Hereford Racecourse has a number of concerns (business and practical) relating to the Proposed Development being built in the centre of Hereford Racecourse and the impact that this will have on the business. The objections and observations on the planning application for the Proposed Development are as follows:

##### Drainage

Hereford Racecourse has lost five fixtures (racedays) in the past three years due to waterlogging on the racecourse. The impact of water on the racing surface cannot be underestimated as it can cause false / dangerous ground that leads to the abandonment of a raceday (and loss of lucrative media rights) on grounds of safety. The Proposed Development will therefore need to either be of a permeable surface material or at the minimum be able to absorb and store/discharge the resulting water (be it rain or otherwise) within the site of the Proposed Development. It is clear from the NPPF at paragraph 167 that, when determining a planning application, you should ensure that flood risk is not increased elsewhere and that development should only be allowed in areas at risk of flooding (which this is) where it can be demonstrated that it (at a minimum) incorporates sustainable drainage systems and risk of flooding can be managed.

We no doubt don't need to remind you (as we will add to below) of the Agent of Change principle at paragraph 187 of the NPPF which states:

'187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

This in our view applies not just to noise and sound but also to flooding and other impacts. The Proposed Development should fit with the existing business at Hereford Racecourse and not be a burden or cause any detriments to the business or running of Hereford Racecourse. The

Proposed Development needs to deal with its own water and nuisances that come from the site and as Local Planning Authority it is your obligation (if you were minded to approve) to add sufficient and robust planning conditions/obligations to deal effectively with drainage and its long-term maintenance to ensure no water is discharged off the site or has an impact on the business of Hereford Racecourse.

The area of track nearest to the cycle track naturally lies wet and is a challenge for Hereford Racecourse staff to manage, even before this Proposed Development.

There needs to be an understanding that no water should fall outside of the site of the Proposed Development and sustainable drainage features/conditions/obligations need to be in place if the Local Planning Authority are minded to approve this.

A failure to deal with this and take into consideration of the NPPF on drainage and the Agent of Change principle could lead to the subsequent decision being challenged in the Courts via Judicial Review.

### Crossings

Woodchip crossings over the Hereford Racecourse are more complex and critical than some understand. Their below-ground structure and drainage is critical to ensure horses can gallop safely over the woodchip without risk of injury, and likewise the strips of ground either side of the crossings must be maintained to ensure safe, consistent, sound 'going.'

Woodchip on the crossings is generally replaced every couple of seasons at a cost of circa E2.5K per crossing (three crossings on site) with Halo usually agreeing to contribute half of the amount for the crossing they use for golf course machinery and pedestrian access. However ironically the reality with their existing crossing is that it is their usage over it (not ours) that compromises its quality for us and as footfall and machinery has increased, and will continue to do, the below surface structure is failing and needs improvement; new drain, tarmac and lining before woodchip added on top.

We currently 'manage' this but investment will soon be needed and the increased usage in this area will have a significant impact on our business. If investment is not made to strengthen and support the increase in footfall and traffic then it will degenerate and potentially risk losing us fixtures. We therefore make reference again to the Agent of Change principle as this Proposed Development should not have an adverse impact on the business at Hereford Racecourse and the Local Planning Authority has the ability to condition schemes prior to implementation of the development that can deal with matters adjacent to the site. These being in the form of Grampian conditions (i.e. not to occupy/use/take some step in the development unless and until...).

We ask that our representations on the crossings are fully considered in the determination and safeguards put in place to prevent further damage as a result of the Proposed Development.

### Main Road Access

We have considerable concerns as to the construction traffic and method for the Proposed Development as it will be over Hereford Racecourse and you will see our comment above regarding crossings. This needs careful consideration and at a minimum (if it were minded to be granted) a construction scheme condition to be approved by the Local Planning Authority prior to commencement of the Proposed Development. This needs to be carefully prepared and approved not to have any impact on the business of Hereford Racecourse or any race meetings.

The 'tracks' we have in place are basically hardcore and not intended for heavy machinery or day to day usage and will become damaged. We use them 14 days a year for racedays and our concern is that the Applicant for the Proposed Development is requesting access which would open up our site access considerably.

There would be a cost to our business to prevent degeneration of the access from Grandstand Road and a risk of open site access seeing an increase in trespass and antisocial behaviour on track and in our enclosures. This will again impact on the business and of course new development cannot do that. A greater volume of footfall is to be expected and public will then naturally use the open site as a cut through walking to town, have access into Groundsman barns during our operating hours leading to security risk.

An open site increases the risk of Travellers which is why we operate a locked down site day to day. The cost of removing Travellers from our site last year was £14,000. Any open vehicle gates pose an increased and unwelcome risk to our site from this community.

#### Footfall Horse

Racing at Hereford Racecourse can only operate with a safe, level and non-compacted racing surface for horses to gallop on.

The increased footfall in centre course see more people walk on our track, cut corners on our track and cause wear and tear and compaction (as experienced with other stakeholders like City Sports). This is already a problem with golfers and dog walkers as flagged to Halo and risks us losing fixtures due to waterlogging, compaction or frozen ground due to no grass cover.

Investment will be needed as a result of the Proposed Development to ensure critical parts of the track are protected and centre course users only able to access on agreed access areas.

This is of course an impact on Hereford Racecourse which should in principle be an issue for the Applicant of the Proposed Development rather than the operator of a current successful business. This is what is set out in the NPPF.

The increase in footfall also increases the challenges of us maintaining our site safely with machinery usage such as mowing and watering. This impact on our business is substantial in terms of increase Health and Safety risk and ensuring the racing surface does not become compromised through unsolicited usage and unofficial walkways. Solutions will need to be efficient also for our Grounds team and not add significantly to the amount of time it takes them to prepare the track through moving barriers, fencing etc as a direct result of this proposed cycle track.

Current centre course usage does not cause us significant challenges. However, any increase in footfall from the reasons aforementioned will impact on our business and it is unfair to expect Hereford Racecourse to change its ways of operating due to the proposed development.

By way of summary the concerns of our business (Hereford Racecourse) are:

- Drainage
- Crossings
- Compromise in racing surface
- Site access

### 5.3 Hereford and District Wheelers Club

This application for a cycle track at Hereford Leisure Centre, will provide an amazing facility for cyclists, of all ages, to ride, learn to ride and improve their riding skills in a traffic free environment. This facility will also offer the opportunity for local, regional and national cycle track competitions to come to Hereford, thus promoting the sport at a local level through its accessibility.

## 5.4 Hereford Triathlon Club

I am writing on behalf of The Hereford Triathlon Club, in my role of Club Secretary, to give the Club's full support for this planning application. The proposed closed circuit cycle track will not only enhance the existing recreational facilities available via Holmer Road but will also provide much needed safe cycling opportunities, facilities and support for the local community and throughout Herefordshire. The cycle track design, including social hub building and skills area, and the perimeter fencing have all been extremely well thought out and the overall finish will be aesthetically pleasing. There will be low impact on green space and habitats, low noise and disturbance, with the raised grass areas and the cycle track being sited within an existing area of recreational activities. As parking and vehicle access already exists into area of the proposed site, there will be little travel impact to the community and surrounding areas. We fully support and endorse this application.

5.5 14 supporting representations have been received. Grounds of support are summarised as follows:

- Resurgence in healthy living
- Enhance the profile of the sport
- Greater awareness of using roads safely
- Benefit to various groups – children, new and potential cyclists, those with disabilities, established cyclists

5.6 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=220369&search-term=220369](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220369&search-term=220369)

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

- 6.4 There is clear local and national planning policy support for the proposed cycle facility. The facility, co-locating with other well-established sporting and recreational facilities, will enhance local community infrastructure, giving direct effect to CS Policy SC1. Co-locating the facility with the existing leisure centre is an effective and efficient use of land, consistent with the NPPF. The proposal represents an alternative sports and recreational option, broadening the local recreational offering. The applicant has demonstrated that the facility can be accommodated whilst providing for three full sized football pitches and one 7 v 7 football pitch. The proposed social hub represents a significant social benefit for the local community. As indicated in the supporting representations, the facility will substantially improve the health and social wellbeing of many, through increasing participation in cycling. The impact on existing facilities at the Leisure Centre are minimal, essentially limited to the loss of one football pitch, and this is outweighed by the health and social wellbeing benefits associated with the enhanced opportunities for cycling, compliant with NPPF paragraph 99(c).
- 6.5 Sport England are a key statutory consultee. Following initial concerns raised, the applicant met with Sport England and provided additional information. Sport England has subsequently retracted its original objection, subject to a condition requiring the submission of a community use statement. The applicant has signalled their intent to provide a full and detailed community use statement.
- 6.6 For the reasons above, and noting permission has previously been granted for a similar cycling facility at the subject location and is therefore a material consideration, the principle of the proposed development is accepted.

#### *Landscape Character*

- 6.7 CS Policy LD1 seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, and nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. This policy also states that development should make a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design.
- 6.8 The site forms part of a well-established leisure centre. The existing facilities, including athletics track and all weather sports pitch, are floodlit. Additional external lighting will therefore have a relatively minimal visual impact. Owing to the nature of the development, with the exception of the social hub built form, the proposed works are of a very low profile, largely utilising the existing site topography. The facility requires relatively limited landform modification. Whilst greater tree planting would be welcomed, it is appreciated that landscape planting opportunities are limited owing to horse racing sightline restrictions and existing ground elevations. This said, there is opportunity for lower level soft landscaping and these details, together with matters relating to landscape management/maintenance, can be secured by planning conditions as recommended by the Landscape Officer.
- 6.9 Given the central siting of the works within the racecourse facility and the track's low profile, the circuit will be barely visible from vantage points external to the racecourse. The social hub buildings, referred to as the 'container combo', are modest and unobtrusive single storey structures of contemporary appearance. There is no definitive architectural style characterising the area. The site is not a sensitive one in built and landscape character terms; it is able to absorb a contemporary design approach without adversely impacting local character. The proposed fencing is low level and is not out of keeping with the recreational character of the area, noting its consistency with the existing perimeter fencing that extends around neighbouring facilities. The proposed green colour finish to the fencing is visually recessive and appropriate.



- 6.10 Subject to conditions, the development is considered to effectively assimilate into the existing leisure centre visual environment and in so doing deliver an appropriate landscape and built character outcome, in accordance with CS Policy LD1.

#### *Residential Amenity*

- 6.11 CS Policy SD1 requires development proposals to safeguard residential amenity for existing and proposed residents.
- 6.12 The facility is set a substantial distance away from the nearest residential properties, separated from them by the horse racing track. The light spill plan demonstrates that light spill will be limited to the cycling circuit only, with no light spill beyond the wider site. Given the non-motorised nature of pedal cycling, noise is unlikely to present as a nuisance. Noteworthy in this regard is the absence of objection from Environmental Health (Noise).
- 6.13 Given the site context and nature of the proposed use, the proposal will not unduly compromise the amenity of the nearest neighbouring residents and the requirements of CS Policy SD1 are satisfied.

#### *Highway Safety*

- 6.14 CS Policy MT1 seeks to ensure that developments, amongst other matters, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport. Generally, the principles of the development plan are consistent with the advice set out within the NPPF.
- 6.15 The facility is to be served by the existing vehicle access from Holmer Road with no changes proposed. It also relies on the existing car park serving the Halo Leisure Centre. Users will park in this car park and access the facility on foot via the two existing pedestrian access points which access the inside of the horse racing track.
- 6.16 The Highways Engineer does not object to the scheme, noting the quantum of parking available in the Halo Leisure Centre is deemed appropriate to serve the intended use. Highways England does not object to the scheme. The application accords with CS Policy MT1.
- 6.17 The concerns of the Hereford Racecourse regarding construction traffic and potential impacts on racecourse infrastructure, and day to day operations, are noted. In particular are the concerns raised regarding potential damage to the wood chip crossings. In response, the applicant has submitted a draft Method Statement. It outlines that all construction traffic will be via the existing northern access point, between the Leisure Centre car park and Skate Park. The site compound will be located at the northern end of the site, north of the proposed social hub. To fully protect the woodchip crossing the statement proposes using aluminium panels ([www.trackwaysolutions.co.uk](http://www.trackwaysolutions.co.uk)). The method would be as follows:
1. Take up the existing wood chip/ bark surface, with a rubber tracked excavator, and remove.
  2. Take up geotextile membrane, if there is one under the woodchip, and set aside for re-use.
  3. Provide and install aluminium trackway to the crossing to spread the weight of all site traffic entering the works to protect the ground beneath.
  4. The trackway would be installed via a hi-ab lorry to ensure the lorry only drives on the trackway laid in front of it.
  5. The trackway would be laid with the smooth side against the soil.
  6. If there is a racing fixture within the timescale for the project, the trackway will be lifted 48 hours prior to the race fixture and set aside for re-use and reinstate the area as it was found using new woodchip.
  7. We would then repeat the sequence of operations 1,2 and 3 to continue the work.

The above methodology, including access point, compound location and track protection system, is considered suitable and appropriate. It is recommended that the submitted method statement is incorporated into a broader construction management plan and that this is required by planning condition. As noted by the applicant, construction activity within the racecourse centre has been undertaken previously, including the athletics track construction (1988), all weather surface track construction (1991), and the Racecourse's construction of a canterdown in 2000. Clearly there is scope to provide for further construction activity without negatively impacting the racecourse infrastructure or operations.

### *Ecology*

- 6.18 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets.
- 6.19 The site is within the River Wye SAC catchment. As noted by the ecologist, there is no change in nutrient flows created by this development and all additional surface water can be managed through onsite Sustainable Drainage Systems and no additional surface water flows into the local mains sewer network are proposed. The ecologist confirms the development can be screened out at Phase 1 of the HRA appropriate assessment and no full appropriate assessment is triggered. No formal consultation on HRA with Natural England is required.
- 6.20 There is no evidence or indicators to suggest that the development will adversely impact protected species in the wider site, including slow worms and Great Crested Newts.
- 6.21 As noted above the light spill plan demonstrates very limited light spill from the proposed lighting columns. To minimise the impact on the dark skies of the city, it is recommended that the proposed external lighting is limited to operational times only. This can be addressed by planning condition.
- 6.22 There is no identified conflict with CS Policy LD2.

### *Flooding and Drainage*

- 6.23 The Hereford Racecourse raises concern regarding drainage and the need to incorporate sustainable drainage features.
- 6.24 Parts of the site are within Flood Zones 2 and 3 although the proposed development would fall within the definition of "water compatible" so there is no fundamental objection to the proposal in the context of managing flood risk. The application is supported by a Flood Risk Assessment which has been reviewed by Council's drainage consultant and the Environment Agency. Neither consultee raise an objection to the scheme. The drainage consultant requests infiltration testing in order to correctly size the infiltration SuDS features. This can be addressed by planning condition to ensure full compliance with CS Policy SD3.

### **Conclusion**

- 6.25 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay.
- 6.26 The relevant policies of the development plan are afforded full weight for decision making. In this case, the adopted development plan comprises the Core Strategy.

- 6.27 Although now lapsed, the site did benefit from a previous planning permission for the development of a 1.55km cycle circuit. The provision of a cycle circuit enhances the quality of sporting provision at the existing leisure centre site whilst not compromising the use of existing facilities and pitches. Co-locating recreation facilities has numerous benefits, not least being an efficient use of land. The significant increase in cycling participation will deliver health and social wellbeing benefits that outweigh the more modest disbenefit of losing one full sized football pitch. The development accords with the social dimension of sustainable development. The proposal gives positive effect to CS Policy SC1 and the NPPF. Noteworthy is the absence of objection from Sport England, a key statutory consultee.
- 6.28 The development can successfully assimilate into the established leisure centre environment, maintaining landscape character. More comprehensive landscape planting would usually be a requirement, however the horse racing sightline requirements heavily restrict landscaping opportunities and for this reason only low level planting is to be required by condition. Residential amenity, highway safety and biodiversity impacts are negligible. Conditions can adequately manage outstanding matters in relation to drainage, noting the absence of objection from the Environment Agency and drainage consultant. Managing the construction process is a critical element of the scheme given the integral relationship of the site with the racecourse and other facilities and this too can be addressed by condition. Contamination is satisfactorily addressed by standard conditions.
- 6.29 The Hereford Racecourse raises a number of concerns, some of which are appropriately addressed by planning conditions. Other matters are considered more operational rather than a reasonable condition requirement given the particular site context, noting the intimate physical relationship between the course and the leisure centre.
- 6.30 Having regard to the site's planning history, the general support from statutory consultees, the way in which the design responds to the site's constraints and opportunities, together with the significant health and social wellbeing benefits that will result, overall the scheme is considered to accord with the relevant policies of the development plan. The proposal represents sustainable development and it is recommended that permission be granted, subject to the conditions set out below.

## **RECOMMENDATION**

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

**1. Time limit for commencement (full permission)**

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

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

**2. Development in accordance with the approved plans**

**The development shall be carried out strictly in accordance with the approved plans, drawing no's:**

- **15671-DB3-S01-XX-DR-A-90013 received 24.06.22**
- **15671-DB3-S01-XX-DR-A-90006 received 24.06.22**
- **15671-DB3-S01-XX-DR-A-90005 received 24.06.22**
- **15671-DB3-B01-XX-DR-A-90003 received 24.06.22**
- **15671-DB3-B01-XX-DR-A-90002 received 24.06.22**

- 15671-DB3-S01-XX-DR-A-90001 received 24.06.22
- 15671-DB3-B01-00-DR-E-63001 received 13.04.22
- 15671-DB3-B01-00-DR-E-63002 received 13.04.22
- 15671-DB3-S01-XX-DR-A-90007 received 11.4.22
- 15671-DB3-S01-XX-DR-A-90004 received 11.4.22
- 15671-DB3-S01-XX-DR-A-90000 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20301 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20202 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20201 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20200 received 11.4.22
- 15671-DB3-S01-XX-DR-A-20000 received 11.4.22
- 15671-DB3-S01-00-DR-A-20100 received 11.4.22

except where otherwise stipulated by conditions attached to this permission.

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

### **3. Landscaping Plan**

With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme is submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

**Reason:** To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework 2021.

### **4. Landscaping Implementation**

The hard and soft landscape works shall be carried out in accordance with the approved details (insert drawing no if appropriate) before any part of the development is first occupied / brought into use in accordance with the agreed implementation programme.

The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.

**Reason:** To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

**5. Landscape Maintenance Plan**

Before the development is brought into use, a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework 2021.

**6. Surface Water Drainage Works**

No development approved by this permission shall be commenced/occupied until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development hereby approved. The scheme shall detail infiltration testing results in order to correctly size the infiltration SuDS features.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**7. Community Use Statement**

The use of the cycle track and its associated facilities shall not commence until a community use statement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The community use statement shall be based on the document titled 'Hereford Cycling Circuit' received by the Local Planning Authority on 24.06.22 which provides a commitment to providing a community use statement for this facility. The community use statement shall address the items listed and shall include details of pricing policy, hours of availability, timetable and programme of use for access by community clubs/other community users, management responsibilities and a mechanism for review. Once agreed, the development shall not be used otherwise than in strict compliance with the approved statement.

Reason: to secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport to outweigh the loss of playing field and to accord with Policy SC1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2021.

**8. External Lighting Hours**

The external lighting hereby permitted shall be restricted to use only during the operation and maintenance periods of the cycle facility. No external lighting, except for security lighting, shall operate out of business/maintenance hours.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18).

## **9. Construction Management Plan**

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan
- Incorporation of the undated draft Method Statement received 18.07.22.

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2021.

## **10. Contamination**

No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

## **11. Contamination Remediation Scheme**

The Remediation Scheme, as approved pursuant to condition 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

## **12. Unexpected Contamination**

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

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

## **13. Surface Water**

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

### **INFORMATIVES:**

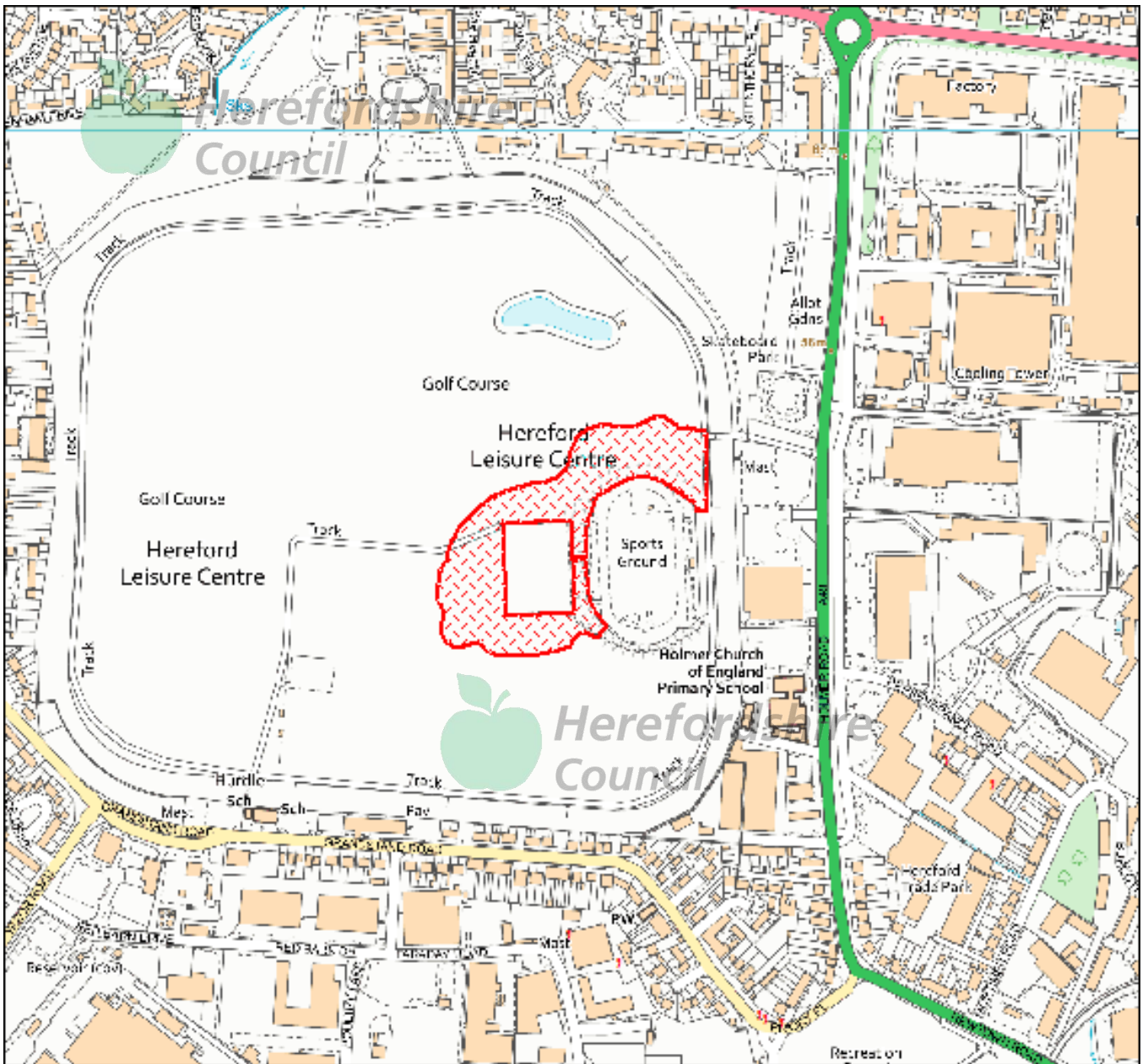
- 1. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.**
- 2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

Decision:

Notes:

### **Background Papers**

None identified.



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

**APPLICATION NO:** 220369

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

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