

# A G E N D A

## Planning Committee

Date: **Friday, 30th September, 2005**

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Time: **10.00 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

*For any further information please contact:*

*Pete Martens, Members Services, Tel  
01432 260248*

*e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,  
D.J. Fleet, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde,  
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,  
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and  
W.J. Walling

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 26 August 2005.	1 - 10
5. <b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6. <b>NORTHERN AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 7th September, 2005.	11 - 12
7. <b>CENTRAL AREA PLANNING SUB-COMMITTEE</b> To receive the attached report of the Central Area Planning Sub-Committee meeting held on 25th August, 2005.	13 - 14

<b>8. SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	15 - 16
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 14th September, 2005.	
<b>9. DCCW2005/2163/N - RETENTION OF EARTH BUND AT HEREFORD CITY SPORTS CLUB, GRANDSTAND ROAD, HEREFORD, HR4 9NG FOR: HEREFORD CITY SPORTS CLUB PER TBA CONSULTING ENGINEERS, PITCH FARM, DILWYN, HEREFORD, HR4 8JH</b>	17 - 24
Ward: Three Elms	
<b>10. DCCW2005/2654/F - CHANGE OF USE TO PUBLIC OPEN SPACE AND PROVISION OF PLAY EQUIPMENT AND KICKABOUT AREA AT LAND BEHIND 10 - 80 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZP FOR: HEREFORDSHIRE COUNCIL PER PARKS &amp; COUNTRYSIDE, QUEENSWOOD, P.O. BOX 41, LEOMINSTER, HEREFORDSHIRE, HR6 0ZA</b>	25 - 32
Ward: Belmont	
<b>11. WHITECROSS HIGH SCHOOL DEVELOPMENT BRIEF</b>	33 - 34
To consider a draft development brief for the Whitecross High School site in Hereford.	
<i>A copy of the Brief is enclosed separately for Members of the Planning Committee.</i>	
Ward: Holmer	
<b>12. STATEMENT OF COMMUNITY INVOLVEMENT</b>	35 - 38
To inform members of the Statement of Community Involvement (SCI) which is currently being produced.	
Ward: Countywide	
<b>13. ALMELEY PARISH PLAN</b>	39 - 42
To consider the Almeley Parish Plan for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan (UDP).	
<i>A copy of the Parish Plan is enclosed separately for Members of the Planning Committee.</i>	
Ward; Castle	
<b>14. DATE OF NEXT MEETING</b>	
To note that the next meeting of the Committee is scheduled to take place at 10.00 a.m. on Friday 25th November, 2005	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 26th August, 2005 at 10.00 a.m.**

**Present:** Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice Chairman)

**Councillors:** Mrs. P.A. Andrews, B.F. Ashton, M.R. Cunningham, Mrs. C.J. Davis, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor and W.J. Walling

**In attendance:** Councillors T.M. James and P.G. Turpin

**30. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors DJ Fleet, PJ Dauncey and Mrs SJ Robertson.

**31. NAMED SUBSTITUTES (IF ANY)**

Councillor Mrs PA Andrews was appointed named substitute for Councillor D.J. Fleet and Ms G Powell for Mrs SJ Robertson.

**32. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
PE Harling	Agenda Item 9 – DCNE2005/0709/F - demolition of existing home and new build extra care home and day centre, with associated facilities at Leadon Bank Old Peoples Home, Orchard Lane, Ledbury, Herefordshire, Hr8 1DQ  For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH	Prejudicial and left the meeting for the duration of this item.
JB Williams	Agenda Item 10 – DCSW2005/0720/F - demolition of existing buildings and erection of 24 houses with parking and/or garages, together with associated roads and sewers, land at Whitehouse Farm, Kingstone, Herefordshire.  For: Jennings Homes per K.C. Humpherson Ltd, The Corner House High Street, Wombourne, WV5 9DN	Personal and remained in the meeting for the duration of this item.

**33. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th July, 2005 be approved as a correct record and signed by the Chairman, subject to the replacement of 'spoke against' with 'spoke in favour' in the second paragraph of Minute 29.

**34. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

**STAFFING AND RECRUITMENT**

Mr Peter Yates the new Development Control Manager joined the Council on 15th August, 2005 and was welcomed to his first meeting of the Planning Committee.

**THE PLANNING AND COMPULSORY PURCHASE ACT 2004**

The Act introduced Regional Spatial Strategies (RSS), Local Development Schemes (LDS) & Local Development Documents (LDD) replacing Local Plans and Unitary Development Plans.

It introduced the Statement of Development Principles designed to first work alongside, and then eventually replace, Outline Planning Permission, and envisaged as a formalising of informal opinions given by planning officers. A SoDP did not give consent but acted as a material consideration to a planning application and lasted for 3 years once issued.

In Development Control there were numerous changes to the system designed to speed up the process and reduce the burden upon LPAs. These included the power to decline to determine repeat and "twin-tracked" applications and a reduction in the length of planning permissions from 5 to 3 years.

The reforms to the Compulsory Purchase system included increasing the compensation payable to property owners affected by Compulsory Purchase Orders, thereby reducing the time taken to assemble land by avoiding lengthy inquiries instigated by those who felt that they had not been treated fairly

**35. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 13th July and 10th August, 2005 be received and noted.

**36. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 27th July, 2005 be received and noted.

**37. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 3rd August, 2005 be received and noted.

**38. DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH**

The Legal Practice Manager said that a request had been received from Ledbury Town Council for a referendum in respect of the Planning Application and he outlined the legal requirements for a referendum to be held. He said that in this instance the Town Council had not complied with those requirements.

In accordance with the criteria for public speaking Mr Watts of Ledbury Town Council said that there was no objection to the principle of the care home but that the Town Council objected to its design and location. Mr Kerridge spoke against the application and Mr Hehir, the applicants agent, spoke in favour of the application.

Councillor BF Ashton one of the Local Ward Members said that there were some deep seated concerns within the local community about the new unit. There was little objection to the principal of the proposals but the design and location was felt to be over dominant and too close to the main road. The criteria for the home had not changed from the existing unit which was a care home and not a residential unit but that these were not issues for the Planning Committee. Careful consideration had been given to the accommodation that could be provided within the new unit to build in preparation for an increase in the elderly population of Herefordshire. It had not been possible to locate the unit elsewhere on the site but the applicants had taken care in the design of the unit to meet the accommodation needs and planning requirements.

The height had been reduced from 16 metres to 13.4 meters and the Northern Team Leader pointed out that it would not be much higher than a large residential dwelling. Councillor Mrs PA Andrews said that the existing unit no longer met the residential requirements for a care home and it would have individual rooms of a reasonable size for each resident. She felt that the applicants had made a number of compromises in trying to meet the needs of the unit and to overcome the objections of the complainants. Councillor RI Matthews said that as much as possible should be done to overcome objections by the careful use of building materials and the provision of comprehensive landscaping.

Having considered all the aspects in relation to the application, the Committee was satisfied that it should be approved.

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

**1 - A01 (Time limit for commencement (full permission))**

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

**2 - A09 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

**3 - B01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings.**

**4 - F16 (Restriction of hours during construction)**

**Reason: To protect the amenity of local residents.**

**5 - F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**6 – F48 (Details of slab levels)**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**7 - G01 (Details of boundary treatment)**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**8 - G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**9 - G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**10 - H29 (Secure cycle parking provision)**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**11 - H27 (Parking for site operatives)**

**Reason: To prevent indiscriminate parking in the interests of highway safety.**

**12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.**

**Reason: To promote sustainable forms of transport.**

**13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.**

**Reason: To ensure adequate parking provision is made for emergency vehicles.**

**Informative:**

**1. N15 – (Reasons for planning permission)**

**39. DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE**

The Southern Team Leader said that the consideration of the application had been deferred at the previous meeting at the request of the applicants to enable the results of ecology surveys to be obtained. He advised that these have now been received and appear to be in order and that he would need to consult with the Council's Ecologist Officer to confirm.

In accordance with the criteria for public speaking, Mr Bell spoke against the application.

Councillor PG Turpin the Local Ward Member had a number of concerns about the application, feeling that the density proposed was unacceptable and that the pond should be retained as an important landscape feature. He said that a density of twenty dwellings including eight affordable units would be more in keeping with the surrounding residential area.

Councillor RI Matthews supported the suggestion to reduce the number of dwellings and to make a feature of the pond. The Southern Team Leader said that the site of the pond would be used as open space because it was barren and not of ecologic interest to retain. The proposed density was at the lower end of that stipulated by planning guidelines and that if the application was refused it would be difficult to sustain defence of an appeal on the grounds of density.

The Committee discussed all the aspects of the application and the points that had been put forward. They had concerns about the safety issues if the pond was retained and did not consider the proposed density to be excessive. It was therefore decided to approved the application.

**RESOLVED That:**

- i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools, affordable housing and any additional matters and terms as considered appropriate**
- ii) upon completion of the aforementioned planning obligation and the resolution of the issue of ecology, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:**
  - 1. A01 (Time limit for commencement (full permission) )**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  - 2. A06 (Development in accordance with approved plans )**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials )

Reason: To ensure that the materials harmonise with the surroundings.

4. G01 (Details of boundary treatments )

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5. G04 (Landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

6. G05 (Implementation of landscaping scheme (general) )

Reason: In order to protect the visual amenities of the area.

7. W01 (Foul/surface water drainage )

Reason: To protect the integrity of the public sewerage system.

8. W02 (No surface water to connect to public system )

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

9. W03 (No drainage run-off to public system )

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

10. F47 (Measures to deal with soil contamination )

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

11. F17 (Scheme of foul drainage disposal )

Reason: In order to ensure that satisfactory drainage arrangements are provided.

12. F26 (Interception of surface water run off )

Reason: To prevent pollution of the water environment.

13. Soakaways shall only be used where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.

Reason: To prevent pollution of controlled waters.

14. Details of the means of infilling the pond, i.e. material, shall be the subject of the prior written approval of the local planning authority.

**Reason: In the interests of the environment.**

**Informative(s):**

**1. N15 - Reason(s) for the Grant of Planning Permission**

**40. DCNE2005/1352/F - CONVERSION OF BARNs TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNs, PUTLEY, HEREFORDSHIRE. HR8 2QR FOR: MESSRS D J PARDOE PER MR N J TEALE, BRAMBLES FARM, NAUNTON, UPTON-UPON-SEVERN, WORCESTERSHIRE WR8 0PZ**

In accordance with the criteria for public speaking Mr Pugh the agent acting on behalf of the applicants spoke in favour of the application.

Councillor RM Manning the Local Ward Member felt that there was merit in the application being approved because of on an agricultural need and material planning considerations. He gave an outline of the family circumstances of the applicant and why additional accommodation was needed in connection with the operation of the business. The applicant produced organically grown fruit for a national supermarket and door-to-door sales and required on-site accommodation for a manager to supervise growing, harvesting and packaging of the produce. The application was for the conversion of an existing building which he felt had considerable merit in itself and which did not constitute a new dwelling in the open countryside.

The Northern Team Leader said that the proposal was contrary to a number of the Council's planning policies and that the buildings were not considered to be of significant historic and architectural quality to warrant retention and conversion to residential use. He also said that the existing dwelling on the farm was satisfactory to meet the requirements of the business as outlined by Councillor Manning. Councillor BF Ashton supported this view and felt that if an additional dwelling was needed, an existing one could be purchased nearby on the open market.

The Committee considered all the merits of the application and felt that the applicant had demonstrated sufficient evidence about the functional agricultural use of the farm and agricultural diversification. The views of the Officers were noted but it was felt that the applicants had demonstrated a functional need for the dwelling as part of the running of the fruit production and packaging business. It was felt that permission could be granted if the dwelling was tied to the business and permitted development rights were removed.

**RESOLVED: That planning permission be granted subject to the following conditions and any further conditions felt to be necessary by the Head of Planning Services:**

- (i) the proposed dwelling being tied to the agricultural business;**
- (ii) removal of permitted development rights; and**
- (iii) material considerations.**

41. **DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: WICKS CONSULTANCY PER MR STEPHEN FUNGE, ARCHITECTURAL DESIGN, DARTMOOR VIEW, QUEEN STREET WINKLEIGH, DEVON, EX19 8JB**

In accordance with the criteria for public speaking Mr Jackson of Leintwardine Parish Council and Mr Kerr spoke against the application.

The objectors had made reference to the density of housing proposed on the site and the Northern Team Leader said that the density for Burnside was in keeping with similar developments in other villages. Councillor BF Ashton had a number concerns about such densities not being in keeping with rural areas. The Legal Practice Manager said that although the Committee was not bound by guidance on housing densities, it was a matter which should be a material consideration and there was a need to bear in mind the recent views of the public enquiry inspector about acceptable densities.

Having considered all the issues in respect of the application the Committee decided that it should be approved.

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

- 1 - **A02 (Time limit for submission of reserved matters (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 2 - **A03 (Time limit for commencement (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3 - **A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

- 4 - **A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 5 - **B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 6 - **E16 (Removal of permitted development rights )**

**Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.**



7 - E18 (No new windows in specified elevation )

Reason: In order to protect the residential amenity of adjacent properties.

8 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme )

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

10 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

11 - H13 (Access, turning area and parking )

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 - H27 (Parking for site operatives )

Reason: To prevent indiscriminate parking in the interests of highway safety.

13 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

**42. DCNE2005/2182/T - 14.7M HIGH SLIMLINE TELECOMMUNICATIONS MONOPOLE, 2 NO. ANTENNAE, CABINETS AND ANCILLARY DEVELOPMENT AT THE OLD ROAD ADJACENT TO A449, CHANCES PITCH, COLWALL, MALVERN, WR13 6EJ**

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it related to Council owned land.

The meeting ended at Time Not Specified

**CHAIRMAN**



PLANNING COMMITTEE

30TH SEPTEMBER, 2005

## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 7th September, 2005

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### Membership:

**Councillors:** Councillor J.W. Hope M.B.E (Chairman)  
Councillor K.G. Grumbley (Vice-Chairman)  
Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,  
P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt,  
T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,  
R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and  
J.B. Williams (Ex-officio).

### PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 8
  - (b) applications refused as recommended - 1
  - (c) applications refused contrary to recommendation - 0
  - (d) applications approved contrary to recommendation – 0.
  - (e) deferred - 0
  - (f) site inspections - 0
  - (g) number of public speakers – 4 (0 supporters, 3 objectors, 1 parish council)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 1 appeals received and 4 determined (2 withdrawn and 2 dismissed).

**J.W. HOPE M.B.E**  
**CHAIRMAN**  
**NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 7th September, 2005**



PLANNING COMMITTEE

30TH SEPTEMBER, 2005

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 24th August and 21st September, 2005

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### Membership:

**Councillors:** Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (Ex-officio), Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (Ex-officio) and R.M. Wilson.

### PLANNING APPLICATIONS

1. The Sub-Committee has met on two occasions and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 12
  - (b) applications refused contrary to recommendation (but not referred to Head of Planning Services) - 5
  - (c) applications deferred for further information - 1
  - (d) applications deferred for site inspections - 5
  - (e) number of public speakers - 16 (parish - 2, objectors - 8, supporters - 6)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals that had been received and 2 appeals that had been determined (1 allowed, 1 dismissed).

**D.J. FLEET  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 24th August and 21st September, 2005**



PLANNING COMMITTEE

30TH SEPTEMBER, 2005

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 31ST August, 2005

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**Membership:**

**Councillors:** Councillor Mrs. R.F. Lincoln (Chairman)  
Councillor P.G. Turpin(Vice-Chairman)  
Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis,  
G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio),  
Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

**PLANNING APPLICATIONS**

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 6
  - (b) applications refused contrary to recommendation – 0
  - (c) applications approved contrary to recommendation – 0
  - (d) site inspections – 0
  - (e) deferred applications – 0
  - (f) number of public speakers – 3 (2 Supporters and 1 Objector)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 2 appeals received and 6 determined (1 upheld, 1 withdrawn, and 4 dismissed).

**MRS. R.F. LINCOLN  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 31st August, 2005.**





## **9 DCCW2005/2163/N - RETENTION OF EARTH BUND AT HEREFORD CITY SPORTS CLUB, GRANDSTAND ROAD, HEREFORD, HR4 9NG**

**For: Hereford City Sports Club per TBA Consulting Engineers, Pitch Farm, Dilwyn, Hereford, HR4 8JH**

**Date Received: 4th July 2005**

**Ward: Three Elms**

**Grid Ref: 50120, 41415**

**Expiry Date: 29th August 2005**

Local Members: Councillors Mrs. P.A. Andrews; Mrs. S.P.A. Daniels and Ms. A.M. Toon

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

1.1 The site is located in the central southern part of the City Sports Club, Grandstand Road, Hereford. Part of the racecourse adjoins it.

1.2 The proposal is to retain an earth mound approximately 600 metres long, about 13 metres wide and varies from 1.5 metres to 3 metres high, averaging about 2 metres high. It forms an irregular three sided enclosure around four sports pitches and a floodlit training area within the playing field/racecourse site. The fourth side, adjoining the racecourse by Grandstand Road is open.

1.3 In support of the application the agent states:

"One of the problems that the Club has always faced has been the lack of a proper boundary to the ground defining the soft playing area exclusive (in theory) to the Club. When in the 1970's the ground was fenced it took very little time before it was damaged.

The lack of definition has led to the random trespass of both people and animals across the playing areas. The exercising of dogs and the associated fouling had been common practice up until the bund was completed since which there has been a noticeable drop off in the uninvited activities of both man and dog. This has made the playing and coaching of the field sports both a more pleasant task, aside from the significant reduction in the risk to children (and adults to a lesser degree) of Toxocarid from dog fouling....."

That when coaching sport it is very desirable to have a defined area in which to teach and that the presence of the bund has attracted favourable comments from coaches, that with the statutory requirements of today, "for the Club to fulfil its objectives, the bund or its equivalent is almost mandatory."

1.4 The Club's intention is to landscape the bund with a low growth grass mixture and wildflowers. A mix which would require a single annual growth cut. The offer is made to plant shrubs on the outer faces of the bund but not on top in order to leave the sight lines required by the Racecourse Company.

**2. Policies**

## 2.1 Regional Spatial Strategy:

QE1	-	Conserving and Enhancing the Environment
QE3	-	Creating a High Quality Built Environment
QE4	-	Greenery, Urban Greenspace and Public Spaces
QE7	-	Protection of Character of Areas

## 2.2 Hereford and Worcester County Structure Plan:

Policy WD3	-	Sites for the Disposal of Waste
Policy CTC7	-	Landscape Features
Policy CTC9	-	Development Control Considerations

## 2.3 Hereford Local Plan:

Policy R1	-	Public Open Space
Policy CON19	-	Protection of Townscapes, Setting and Vistas
Policy R9	-	Retention of Racecourse etc. as Open Areas
Policy ENV14	-	Design
Policy ENV16	-	Landscaping

## 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S8	-	Recreation, Sport and Tourism
Policy S10	-	Waste
Policy S11	-	Community Facilities
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy DR10	-	Contaminated Land
Policy LA6	-	Landscaping
Policy HBA9	-	Protection of Open Areas
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST4	-	Safeguarding existing Recreational Open Space
Policy W8	-	Waste Disposal for Land Improvement
Policy CF6	-	Retention of Existing Facilities

**3. Planning History**3.1 Adjoining, within Open Space

HC960328PF	Club house renovation, bowling green, tennis courts. Granted 6th January, 1997.
CW1999/1331/F	Change of use for motorcycle training. Granted 8th July 1999.
CW1999/3155/F	Canter down/service track to racecourse. Granted 24th January 2000.
CW2002/0163/F	Erection of floodlights. Granted 15th March 2002.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency: Comments that the site is a minor aquifer which potentially provides baseflow to surface water features in the area and/or a resource for supply in the area. There are a number of abstractions in the area. The Agency therefore considers it to be a potentially sensitive location with respect to the protection of controlled wastes.
- 4.2 The Agency has no objection to the use of top soil as a bund for this purpose. However there was some suggestion that the material that has been used is not clean topsoil and may even be contaminated. Previous samples were insufficient to draw any conclusions on the suitability of the material or the risks it may pose to controlled waters. On this basis it is requested that the applicant carries out further investigations. If permission were to be granted the Agency recommends that conditions are imposed to assess the nature of the material, extent of possible risks to ground and surface waters and proposals to remediate these

#### 5. Representations

- 5.1 Hereford City Council: Are opposed to the application on visual grounds and in respect of the materials that have been used.
- 5.2 Four letters of objection have been received from Mr. A. Talbot, Head of Technical Services at Halo Leisure Service Ltd; Mr. & Mrs. Jennings, 1 Highmore Street, Westfields, Hereford, HR4 9PE; B. Lawson, 34 The Vines, Grandstand Road, Hereford, HR4 9NW and J. Lawson, 34 The Vines, Grandstand Road, Hereford, HR4 9NW.

The main points of objection being:

- The potential hazard exposed concrete rubble, steel reinforcement and timber within the bund might cause.
- Risks from erosion.
- That one accident has already occurred on site.
- The need for soil cover and appropriate seeding.
- The visual and practical effects of dividing the site with a "rampart".
- Reduction in the enjoyment of all users of the site.

- 5.3 A letter of support has been received from Mr. G. Robinson, P.E. Coach at The Brookfield School.

The main points being:

- Wholehearted support for the application because it encloses sports facilities and for the first year ever we have been able to allow the students onto the field for various breaks, secure in the knowledge that they are safe.

- That the presence of the bund enabled the police to apprehend a suspected trespasser during the Spring term.
- 5.4 A letter has been received from W.T. Davies, 41 Highmore Street, Hereford, HR4 9PG requesting that the bund be planted with wildflowers and grasses.
- 5.5 The applicant's agent has forwarded two letters from Mr. N. Clarke, National Events Executive, Cancer Research UK, Cardiff, CF23 8R thanking the City Sports Club staff for their assistance in the Hereford Race for Life (but not commenting on the bund) and a copy of a standard letter, not addressed to anyone or referring to the site or application in any way from the Herefordshire Council's Sports Development Officer thanking people for their help in ensuring that the Herefordshire Youth Games 2005 were such a success.

The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The application is retrospective. Members of the Council's Central Area Planning Sub-Committee held a site inspection on 18th April, 2005.
- 6.2 The site is owned by Herefordshire Council and leased to the City Sports Club. In accordance with the Council's recent amendments to the Constitution it is therefore brought to this Committee for determination.
- 6.3 Members may well sympathize with the problems the applicant claims regarding dog fouling and trespass over the pitches the Club rents. The solution they have adopted, the reuse of waste materials is itself reasonable and if it were to be acceptable would be in accordance with the Council's BPEO for this waste stream. Officers question however whether the mound created is really effective in deterring unwelcome people. It only encloses three sides of the site, the fourth is open and may be entered at any time. It may well also attract children as a climbing/play feature. Officers are also concerned at the height of the bund (nearly 3 metres in places) which means that it restricts views across the racecourse and potentially impedes the rapid response of the emergency services to riders, horses or other participants who might be seriously injured. The steepness of the bund is itself significant. At present it is almost at the natural angle of repose for soil and is only just stable. This must be a potential health and safety risk and it has already led to one injury claim against the Hereford City Council. Its construction is itself also problematic. It clearly contains building and demolition waste as well as soil. This is inherently dangerous. All of these matters count against the proposal.
- 6.4 The issues are further complicated by issues about whether the bund contains contaminated material. The Council has commissioned contamination checks to assess the condition of the bund and to determine the presence of hazardous constituents that might have a potential to cause harm. An earlier assessment found evidence of PAH (poly nuclear aromatic hydrocarbons) and slightly elevated cadmium levels. In summary however a second report found that:

“The resulting tests do not suggest that the material represents a significant hazard or that it has the potential to cause harm in the current environment. With regards to contamination, the soil may be regarded as ‘fit for use’ and classified as non hazardous commercial waste.”

- 6.5 All of the above considerations count against the proposal. Members should be aware however that if they were minded to grant permission that conditions could be imposed to require it to be lowered and reprofiled, to require more detailed assessments of the materials and any further action required if considered necessary, including the removal of materials other than soil or subsoil and covering it with soil and seeding it.
- 6.6 Members should be aware however that the Council’s Parks and Countryside Manager does not consider that the bund is a particularly effective way of preventing dog fouling or trespass, is visually unacceptable, dangerous, inappropriate and objects to it. They should also be aware that a specific planning policy exists for the racecourse/playing field site which seeks to keep the site open viz:  
Hereford Local Plan Policy R9

“The City Council will seek to retain the Hereford Racecourse and areas of ancillary land as open areas.”

The supporting text states:

“Hereford Racecourse is an important recreational asset to the City which the City Council will seek to retain. The racecourse incorporates several areas of open land ..... these are of significant amenity value; they will be retained as open land.”

Officer’s advice is that the bund is wholly contrary to the letter and spirit of this policy and should be refused in principle on those grounds. In terms of wider planning policies they also consider that it is inconsistent with the open character of the playing field/racecourse site and creates an unnatural boundary within the playing fields area. They consider that unnatural quality is likely to be worsened by the fact that the bund surface is highly unlikely to be able to support the grass mixtures used on the playing fields in the long term and will be very difficult to maintain in the same way as the grass surface around it. They are concerned that in the long term other grass species are likely to emerge and that all such species will dry out more quickly than adjoining land, will then appear a different colour and will stand out even more in the landscape with a wholly undesirable effect.

- 6.7 Other policies in the Development Plan although not specific to the racecourse, emphasize the need for proposals to respect the appearance, characteristics and features and topography of their setting (e.g. Hereford Local Plan Policies R1 and ENV14 and Hereford and Worcester County Structure Plan Policies CTC7 and CTC9). The proposal also conflicts with these.
- 6.8 The Herefordshire Unitary Development Plan (Revised Deposit Draft) includes Policies RST1, RST4 and HBA9 which emphasise inter alia that proposals affecting existing recreation facilities should be appropriate, not harm the amenity of nearby residents, respect environmental character and be complementary to the main uses of the open space. Officers’ advice is that the bund is none of these.

6.9 In conclusion although Members may sympathize with the difficulties the Sports Club faces from dog fouling and unwelcome trespass, Officers advice is that the bund is contrary to Regional, Structure Plan, Local Plan and emerging Unitary Development Plan policies and that permission should be refused. Members should be aware that if enforcement action were taken, the cost of removing the bund would be substantial (the contamination survey estimates "somewhere near £30,000"). The fairness of planning decisions is a material consideration and should be borne in mind. In general however the planning system does not exist to protect organisations from the consequences of their decisions and harsh although it seems, Officers do not consider that the possible effect on the Club of a decision to refuse permission here justifies going against the Council's own planning policies. The land is under the Council's control and if Members thought appropriate other decisions could be taken in other forms to assist the Club.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**The proposed development would be of a scale, layout and design which does not respect and is inconsistent with the existing open character and quality of the site, would create an unnatural boundary between like activities within a public open space, would be visually intrusive in both landform and in the kind and colour of grasses likely to dominate it, would adversely affect the maintenance and enjoyment of the site, restrict views across the site and the racecourse itself and potentially impede the rapid response of the emergency services, as such it would be contrary to Hereford and Worcester County Structure Plan Policies CTC7 and CTC9, Hereford Local Plan Policies R1, R9 and ENV14 and emerging Herefordshire Unitary Development Plan Policies RST1, RST4 and HBA9 and because there are no other overriding material considerations that would justify the granting of planning permission.**

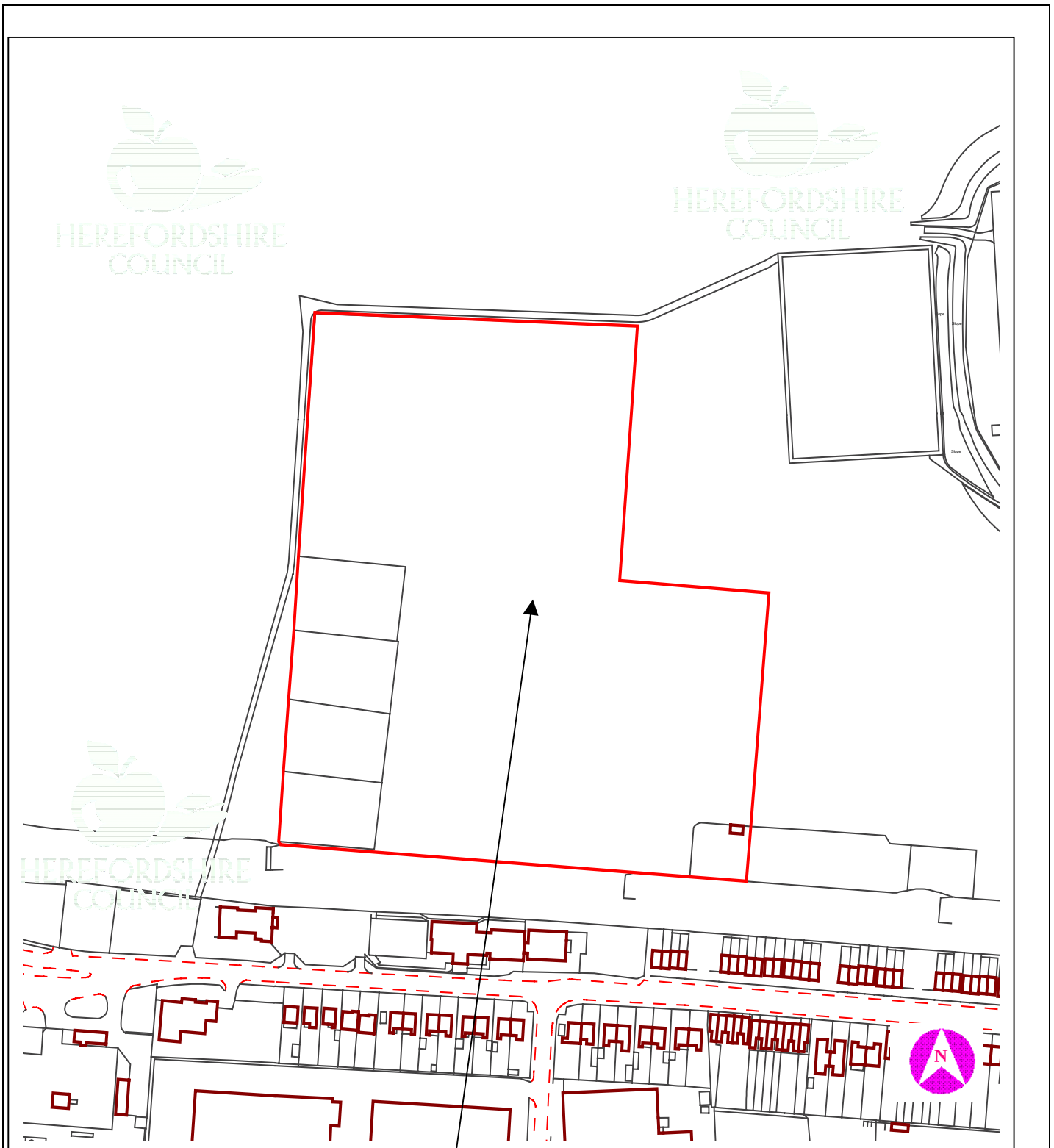
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2163/N

**SCALE :** 1 : 2615

**SITE ADDRESS :** Hereford City Sports Club, Grandstand Road, Hereford, HR4 9NG

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**10 DCCW2005/2654/F - CHANGE OF USE TO PUBLIC OPEN SPACE AND PROVISION OF PLAY EQUIPMENT AND KICKABOUT AREA AT LAND BEHIND 10 - 80 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZP**

**For: Herefordshire Council per Parks & Countryside, Queenswood, P.O. Box 41, Leominster, Herefordshire, HR6 0ZA**

**Date Received: 11th August 2005    Ward: Belmont    Grid Ref: 48871, 38501**

**Expiry Date: 6th October 2005**

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

**1. Site Description and Proposal**

- 1.1 The site measures 1.46 hectares (3.6 acres) and is currently open land on the north side of Nos. 10 to 80 Dorchester Way. The land was, at some stage in the past, occupied in part by a pond associated with earlier quarrying work. On the north side runs a stream beyond which is a former landfill site which is now capped and grassed over.
- 1.2 It is proposed to take the land into public ownership by means of a Compulsory Purchase Order and then lay it out as public open space to serve the locality. There would be a play area and a kickabout area on part of the site. Most of the site would be open as at present.

**2. Policies**

2.1 National Planning Policy Guidance:

PPS1 - Delivering Sustainable Development  
 PPG17 - Public Open Space  
 "Safer Places: The Planning System and Crime Prevention" (Joint publication by the ODPM and the Home Office).

2.2 South Herefordshire District Local Plan:

GD1 - General Development Criteria  
 R1 - Provision of New Recreational Facilities  
 R2 - Shortfalls in Outdoor Playing Space  
 R3C - Calculation of Open Space  
 R3E - Provision and Maintenance of Public Open Space and Play Areas  
 R5 - Improvement to Existing Recreational Land and Public Open Space  
 Proposal 1 Open Space at Belmont Part 2

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

RST1 - Criteria for Recreation, Sport and Tourism Development  
 RST4 - Safeguarding Existing Recreation Open Space  
 RST5 - New Open Space

## 2.4 Haywood Country Park Management Plan

**3. Planning History**

3.1 The relevant planning history of the site is as follows:-

- 3.2 SH830970/PO Outline planning permission for residential and commercial development, roads and sewers on land off the A465 Trunk Road, Belmont. Approved 23rd October 1985.
- 3.3 SH941208/PF Variation of condition 1b on planning permission SH830970/PO to extend submission time of reserved matters from 10 to 14 years. Approved 27th June 1995.
- 3.4 CW1999/1887/R Residential development of 80 new dwellings, estate roads and open space. Approved 27th January 2000.
- 3.5 CW2001/2675/F Provision of aquatic/wetland area, landscaping terraced decking area with 5 detached dwellings. Refused 3rd December 2001 (Appeal dismissed 4th December 2002).
- 3.6 CW2002/0822/F Provision of aquatic wetland area, landscaping terraced decking area with 5 detached dwellings. Refused 15th May 2002 (Appeal dismissed 4th December 2002).

**4. Consultation Summary**Statutory Consultations

- 4.1 The Environment Agency note that the site is within Flood Zone 1 where they rely on standing advice to local planning authorities. In the absence of an increased flood risk the standing advice makes no recommendations.

Internal Council Advice

- 4.2 The Forward Planning Manager advises as follows:

"Within the South Herefordshire Local Plan the site was designated as Proposed Recreation Land, as illustrated on Map 2a in the SHDLP part 2 as part of the Council's listing of shortfall areas named in policy R2 Through this policy, the Council sought to rectify open space provision shortfalls.

Proposal 1 of the SHDLP part 2 dealt specifically with the shortfall at Belmont and stated that 'in accordance with district policy R.3, the Council will ensure that 25 acres of public open space be provided at Belmont in the form of suitably laid out amenity and recreation land'.

The proposal accords with this policy aim, making use of this open space through the introduction of play equipment and appropriate surfacing, along with landscaping and the siting of a kick about area. Policy R1 also supports the provision of new facilities which provide a range of recreation and leisure opportunities providing they are environmentally acceptable and accord with other relevant policies. In sustainability terms, the site is accessible to a large area of potential users by means other than the

private car and immediately accessible to a large amount of users on the adjacent existing residential area.

The proposal accords with Policy RST5 of the Revised Deposit Draft UDP, specifically in regards to the Haywood Country Park. Reference is made to the Haywood Country Park Management Plan which covers recreation, open space and landscape issues in this area. Within the Haywood Country Park area, it is identified that there is a need for an adventure type playground, along with formal recreation field provision. The proposal accords with the aims of the Haywood Country Plan Management Plan and for the meeting of some of these identified needs for the area. The HCPMP was adopted in 2000 following public consultation.

Herefordshire Unitary Development Plan (Revised Deposit Draft):

The site is designated under UDP policy RST4 as protected open space. This designation is subject to objections seeking that the site is designated as part of the established residential area thus enabling housing development to take place there. This objection does not have a material impact on this application as the proposals accord with the UDP allocation. (Furthermore the appeal decision in 2002 reinforces the case for resisting development for purposes other than open space.)

Policy RST1 lists the criteria for proposals for the development of new facilities or the change of use, improvement or extension of such facilities. The criteria include consideration of the amenities of nearby residents and the Forward Planning Manager considers that the proposals meet the policy.”

- 4.3 The Traffic Manager has no objections but suggests the provision of cycle stands to serve the new park.
- 4.3 The Environmental Health and Trading Standards Manager has been monitoring the adjoining former landfill site and reports that methane gas is present.

A site investigation of the development site has been undertaken and concludes that :-

The Tier 1 preliminary risk assessment identified plausible pollutant linkages associated with potentially contaminated soil at the site:

- *If contaminated soil were present at the surface of the site, there could be a plausible linkage to future site users and surrounding residents through direct contact, ingestion or wind blown dust, or to surface waters by contaminated run-off;*
- *If contaminated soil were present in the subsurface beneath the site, and the site were to be developed as active open space, there could be a plausible linkage to site workers, future site users and surrounding residents through direct contact, ingestion or wind blown dust, or to controlled waters by leaching of contaminants;*

The Tier 2 risk assessment identified no significant contamination in the surface or subsurface soil at the site. Therefore, based on the proposed end use of site as public open space we consider that the recorded concentrations of contaminants, including PAHs, are unlikely to pose a significant risk to future users of the site or controlled waters.

The Tier 1 preliminary risk assessment also identified plausible pollutant linkages associated with gas in the ground at the site:

- *Gas is known to be present in elevated concentrations in the ground at the site, and could present a risk to site users if future site developments included any spaces in which gas could build up (for example buildings, service ducts)*
- *Site investigations prior to development of surrounding areas suggested that in the site's current condition, gas from the site was not significantly impacting adjacent developments. However gas migration patterns might be changed if the site were to be covered in unvented hardstanding, resulting in a possible risk to surrounding properties. Based on the proposed end use of the site as public open space without buildings or hard coverings, the presence of landfill gas in the ground at the site is not considered likely to pose a significant risk to users of the site or surrounding areas. It is concluded that, with the proposed end use, there are unlikely to be grounds for determining the site as Contaminated Land under Part IIA.*

The site is therefore considered suitable for the proposed use.

- 4.6 The Minerals and Waste Team Leader has no objections to the proposal and defers to the Environmental Health Officer concerning the former landfill site to the north.

## **5. Representations**

- 5.1 Belmont Rural Parish Council do not support the provision of play equipment being concerned at possible noise nuisance and property damage from children playing, vandalism by older youths accessing the area and the lack of suitable parking. They comment that "A more natural recreational area which can be used by families was seen as a more favourable use of the land."
- 5.2 Of the 31 properties on Dorchester Way which back directly on to the site 24 had written individual letters of objection at the time of preparing this report. I have also received a petition signed by six residents of Dorchester Way who do not give their house numbers. Four other letters of objection from other nearby properties. The letters of objection and the petition all take a consistent line of strong objection to the provision of a play area and/or kickabout area, but strong support for leaving the site as open space largely unchanged from its current state and allowed to develop as a wildlife area to which the public could have access for passive recreation.
- 5.3 Two companies with an interest in the land, Sonnic Ltd and Belmont Sand and Gravel Co. (Hereford) Ltd., have also commented, although in fact the two letters have the same author. They amount to a holding objection pending the anticipated compulsory order proceedings.
- 5.4 The Parks and Countryside Service have submitted the following information in support of the application.

"Throughout the whole Belmont Development area there is a lack of suitable space for play or sport purposes. This is the only remaining land within the Development suitable for erecting play equipment or for developing sports facilities.

Of the 6.6 hectares of public open space within the Belmont Development Area only 0.65 hectares is actually useable for play or sport, the remainder being made up of the stream bed and banks, footpaths, verges to roads or footpath or areas.

A recent consultation regarding the use of a small area of land at the junction of Dorchester Way and Stanbrook Road suggested that more play space was needed especially as that land was considered to be too small and too close to residential property.

The proposed play equipment is constructed predominantly of timber and will be kept in its natural colour to make little impact on the landscape. All items will be placed at least the minimum NPFA suggested distance from residential buildings.

The layout of the very simple style play equipment takes into account the fact that much of the land falls within the 50 metres limit of a closed landfill site and, in order to protect the children from any possible exposure to landfill gases it has been agreed that only land outside the 50 metre limit will be used for play equipment or ball games where children would be encouraged to spend longer periods of time. The remainder of the site will be allowed to naturalise or could be landscaped for wildlife at a later date.

When looking at the land it is apparent that the land falls to form a natural bank behind the properties 10 to 56 Dorchester Way. This bank in itself would help to absorb some of the possible noise from children and young people playing. This will also be enhanced by a thick band of planting on the bank.

The proposed play equipment is a series of complementary timber units that form an Adventure Play Trail for the 6 to 12 year old age range, a raised shelter that could also serve as a hide for viewing wildlife in the future, and a level area with small sized goalmouths (3 metres wide by 2 metres high) for children and teenagers to use for football games.”

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Committee meeting.

## **6. Officers Appraisal**

- 6.1 There is unanimity that the site should be used for public open space and should not be developed, even in part, for further housing or other built development. Planning permission is required to change the use of the land formally to public open space. The principal question is, therefore, should this public open space be exclusively for low-key passive recreation or should it be equipped and laid out to encourage more active use. There is a further, more minor issue raised by some residents and the Parish Council concerning parking provision.
- 6.2 The statement of the Parks and Countryside Service is quite firm in stating that this is the last opportunity in the locality to provide any significant size of equipped play area or kickabout area. The choice is therefore reduced to satisfying an identified need for play facilities for this locality or leaving that age group who would be most likely to use these facilities with no provision in Belmont.
- 6.3 Residents' concerns about the risk of vandalism are material, partly as a result of Section 17 of the Crime and Disorder Act 1998 which requires all local authorities "... to exercise their functions with due regard to their likely effect on crime and disorder". PPS1 sets this in the planning context with the statement that development should "... create safe and accessible environments where crime and disorder or fear of crime does not undermine or quality of life or community cohesion" and should also: "address the needs of all in society."

- 6.4 The ODPM and the Home Office have jointly provided a guide entitled "Safer Places: The Planning System and Crime Prevention" which gives specific further guidance. This, for example, commends public open space which is overlooked in order to provide passive surveillance and "is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times."
- 6.5 Drawing this advice together it can be seen that this site is the best, indeed the only, site available to provide for the casual recreational needs of older children in this locality. The site is at the back of the houses on Dorchester Way where private rear curtilages will be potentially vulnerable. Any design measures to strengthen this boundary will, by the same measure, reduce the passive supervision of the play area and kickabout area. It must, therefore, be conceded that the design does not conform to the best current design advice for the layout of public open spaces. Use of the more active play facilities, especially the kickabout area does have the potential to create noise nuisance to nearby residents. However, the constraint to keep the main play facilities outside a safety margin from the landfill site prevent the kickabout area being set at the far side of the site from the houses.
- 6.6 In defence of the layout it must be conceded that the equipment is sited in accordance with the relevant guidelines quoted by the Parks and Countryside Service above. Furthermore, assuming that the CPO succeeds the site will be owned and managed by the Council who will, in the future, have the control necessary to remove any equipment which becomes vandalised and/or, in the light of experience, can be shown to contribute to noise and disturbance to local residents.
- 6.7 In respect of the question of the level of car parking provision (raised by the Parish Council and some of the objectors) it should be noted that the Traffic Manager does not raise any objections. Furthermore the site is intended for local use only where car parking provision should not be necessary. I have passed the suggestion of cycle parking provision on to the Parks and Countryside Service to consider.

## RECOMMENDATION

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

- 1. A01 (Time limit for commencement (full permission)).**

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

- 2. The development hereby approved shall be laid out in accordance with the details submitted with the planning application unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3. G04 (Landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

- 4. G05 (Implementation of landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

**5. H29 (Secure cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**Informative:**

**1. N15 - Reason(s) for the Grant of PP.**

Decision: .....

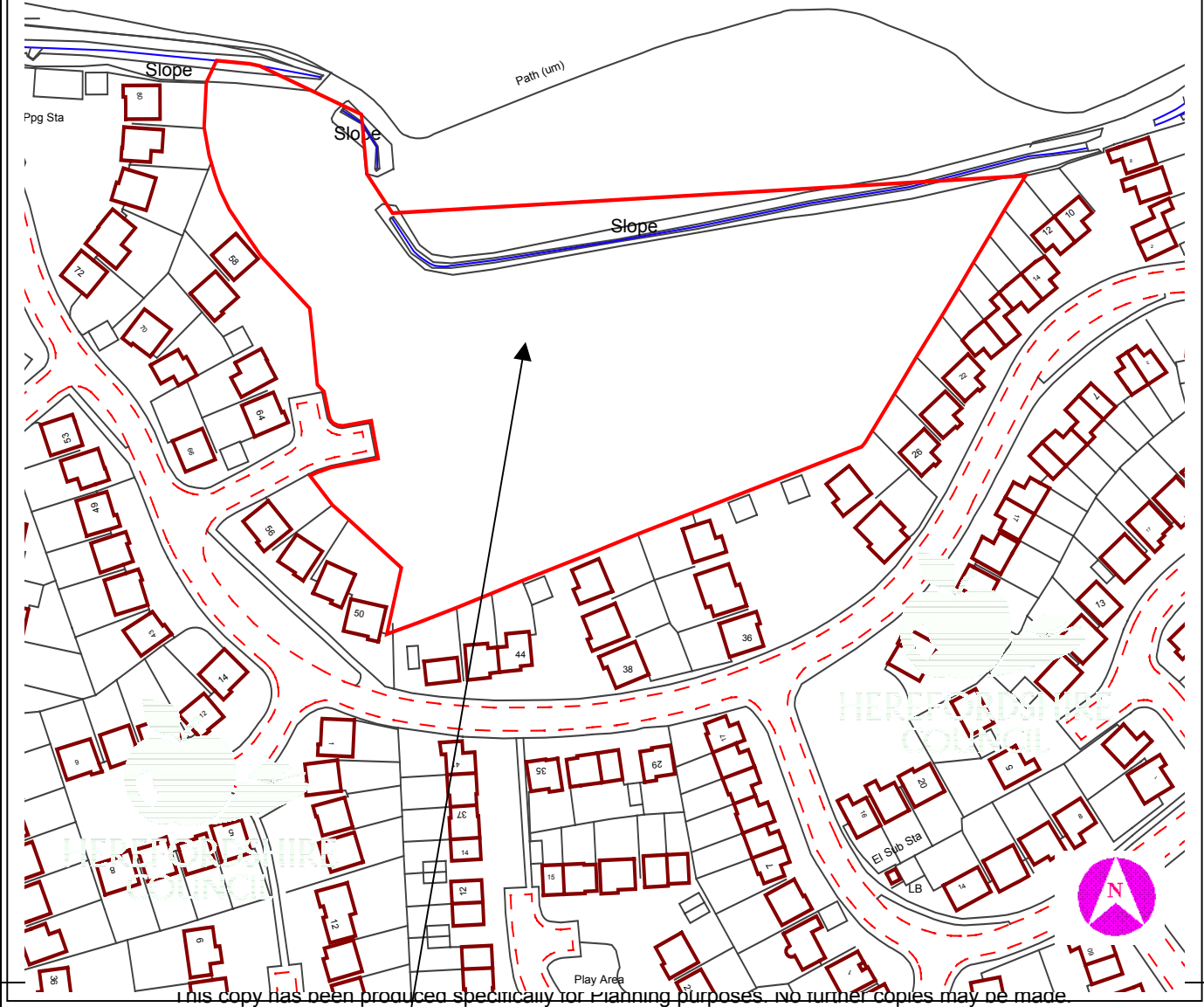
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**Background Papers**

Internal departmental consultation replies.

Haywood Country Park Management Plan



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**APPLICATION NO:** DCCW2005/2654/F

**SCALE :** 1 : 1656

**SITE ADDRESS :** Land behind 10 - 80 Dorchester Way, Belmont, Hereford, HR2 7ZP

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## 11 DRAFT DEVELOPMENT BRIEF FOR WHITECROSS HIGH SCHOOL, HEREFORD

Report by: the Forward Planning Manager

### 1. Wards Affected

Holmer Ward

### 2. Purpose

- 2.1 To present to Members a draft development brief for the current Whitecross High School site in Baggallay Street, Hereford and to gain approval for it to be sent out for public consultation. Whitecross High School is proposed for redevelopment in Policy H2 of the Revised Deposit Draft Unitary Development Plan. Results of the consultation on the brief will be reported back to members at a later committee meeting.

### 3. Background

- 3.1 This draft development brief outlines how the existing Whitecross High School site at Baggallay Street, Hereford (see Figure 1 of the attached brief) should be redeveloped for **housing, new educational provision and open space**. Members will be aware that Whitecross School is being relocated to a new site at Three Elms Road, Hereford – to be completed in September 2006.
- 3.2 In compliance with Policy H2 of the UDP, the draft brief proposes approximately 60 new dwellings on the northern section of the site, 21 of these comprising affordable housing to meet local needs. It is also proposed that the site could accommodate a new educational establishment to fulfil the community element of the scheme (Paragraph 10.5.17 of the Revised Deposit UDP). Whilst it is now apparent that the site cannot provide for full public usage of the playing fields owing to a restricted educational covenant, it is anticipated that the redevelopment of the site will enable improvements to, and dual-usage of, the remaining open space at the site to the benefit of the wider public. Initial consultation with Sport England has indicated that they have no concerns with the minimal loss of existing playing fields to provide for the new educational facility on this basis. It should be noted that the new school site at Three Elms Road would also provide for a plethora of publicly available sporting facilities.
- 3.3 It is also envisaged that the new educational provision could act as an “extended school” providing a range of services beyond the school day to help meet the needs of pupils, their families and the wider public.
- 3.4 It is considered that the draft brief fully describes Herefordshire Council’s vision for a sustainable redevelopment of the Whitecross High School site for housing, new educational provision and open space and will help prospective developers achieve a high quality development and maximise the site’s contribution to the local area.

## **4. Process**

- 4.1 Following a six-week consultation period involving all interested parties and the general public, any comments received on the draft brief will be considered and reported to a later committee with suggestions for any amendments. Once approved by the Cabinet Member (Environment), the brief will form the basis of an Interim Supplementary Planning Document (SPD) for the Whitecross High School site and will be a material consideration in the determination of planning applications for its development.

## **RECOMMENDATION**

**THAT the Cabinet Member (Environment) be recommended to approve the draft development brief for Whitecross High School for consultation purposes.**

### **Background Paper**

Revised Deposit Draft Herefordshire Unitary Development Plan

## 12 STATEMENT OF COMMUNITY INVOLVEMENT

### Report By: the Forward Planning Manager

#### 1. Wards Affected

Countywide

#### 2. Purpose

- 2.1 To inform members of the Statement Of Community Involvement (SCI) which is currently being produced. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

#### 3. Background

- 3.1 The Planning and Compulsory Purchase Act 2004 has recently introduced a new planning system which will affect the way development plans are made and how planning applications are delivered. This new system is intended to:

- Speed up plan preparation
- Be more effective in involving the community
- Produce shorter, more flexible plans that are more responsive to change
- Draw together those strategies of other agencies which influence the nature of places and how they function.

- 3.2 As part of this new system the Council is required to prepare a Local Development Framework (LDF) which is a folder of Local Development Documents (LDDs) that sets out how the local area may change over the next few years. Planning Policy Statement 12 provides detailed guidance on developing the new framework. The SCI will form an LDD when it has been produced.

- 3.3 This new planning system through its SCI looks to overcome the traditional reactive way people have previously become involved in the planning system by recognising that people who are affected by proposals should in the future be encouraged to participate more directly in the preparation of planning documents. This will help strengthen the evidence base as well as encourage a sense of local ownership and commitment to plan policies and their delivery. It is also hoped that this front loading approach will help to resolve conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken by inquiries and revisions in the later stages.

- 3.4 The framework explaining how the Council will consult on planning documents and planning applications is laid down within the SCI.

## 4. Aims

4.1 The role and purpose of this Statement of Community Involvement is to:

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan taking and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any conflicts early in the process and can generate a sense of ownership early in the process and on agreed outcomes.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

## 5. Process

5.1 The process by which an SCI is prepared is laid down in the by Government in the Town and Country Planning (Local Development)(England) Regulations 2004. The following provides a summary of some of the key regulations:

- Reg 25 – Initial consultation: regional planning body, adjoining LPA, the Highways Agency
- Reg 26 – Draft SCI for public consultation
- Reg 27 – Consider and amend SCI as appropriate
- Reg 28 – Submit to Secretary of State
- Reg 34 – Possible public examination
- Reg 35 – Binding Inspectors report
- Reg 35/36 – Publish inspectors report and adopt the revised SCI.

## **6. Who Will Be Involved In The Consultation?**

- 6.1 The above Regulations and PPS12 (Annex E) set out those bodies that the Council must consult with on planning matters. In addition to these groups the SCI will identify all those groups which the Council will consult with as appropriate depending on the subject matter of the LDD or planning application.
- 6.2 The Council's understanding of the different groups and organisations within the County is based largely on those groups which it has had previous contact with over matters concerning planning and preparation of other Council strategies. The main groups are Central, Regional, Local Government organisations, statutory bodies, community, voluntary, resident and interested groups, members of the public, Councillors, Parish/Town Councils, Local Businesses, members of the Local Strategic Partnership, and Developers/Agents.
- 6.3 The aim of this SCI is to give everyone an equal opportunity to become involved in the plan making process and to ensure that no one is disadvantaged or precluded from taking part and making their views known. The SCI will identify those groups of people that are at risk of exclusion and will look at ways of involving them in the planning process.

## **7. Links With Other Strategies**

- 7.1 The new planning system aims to promote greater integration between the various strategies produced by local authorities and other organisations and the land use planning system. Links will be made between the Council's Corporate Plan, Community Involvement Strategy and its Customer Service Strategy as well as the Herefordshire Partnership's Community Strategy, the Herefordshire Plan. Whilst these plans and strategies will not form part of the LDF they will continue to be a major influence on LDD development within the County.

## **8. Community Involvement Methods and Techniques**

- 8.1 The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. In order to widen the involvement of the community and especially those at risk of exclusion a broad range of methods will be used. In preparing the SCI a range of formal and informal community involvement methods and techniques will be included that address the community profile issues that exist in the County.

## **9. Timetable for production**

- 9.1 The Local Development Scheme (LDS) which forms a three year workplan for the policy section is required as part of the new planning system. The LDS has established that the SCI needs to be completed by July 2006. The timetable below indicates the various stages that need to be undertaken to achieve this end date.

AUGUST – SEPTEMBER 05	<ul style="list-style-type: none"> <li>• Compilation of SCI database</li> <li>• Preparation of leaflet / questionnaire (i.e. pre-submission consultation) and list of consultees with covering letter</li> <li>• Piece of text on the website</li> </ul>
OCTOBER – NOVEMBER 05	<ul style="list-style-type: none"> <li>• Pre-submission consultation (6 weeks) [Reg. 25 (2)]</li> </ul>
DECEMBER 05 – JANUARY 06	<ul style="list-style-type: none"> <li>• Consideration of responses</li> <li>• Prepare draft SCI</li> </ul>
FEBRUARY 06	<ul style="list-style-type: none"> <li>• Publish draft SCI (i.e. formal pre-submission participation) [Reg. 26]</li> <li>• 6 weeks statutory consultation period</li> </ul>
MARCH – JUNE 06	<ul style="list-style-type: none"> <li>• Consideration of responses</li> <li>• Responses made available to public i.e. web</li> </ul>
JUNE – JULY 06	<ul style="list-style-type: none"> <li>• Submission to Secretary of State [Reg. 28]</li> <li>• Public deposit / public consultation</li> </ul>

## 10 Next stage

- 10.1 As the timetable indicates a first round of consultation on the SCI will be undertaken in October/November 2005. The aim of this consultation is to inform people of the new planning system and of the requirement to produce an SCI. In addition a questionnaire will be sent out asking for feedback on how Planning Services have consulted on planning matters in the past and how improvements could be made. This information will then be fed into the preparation of a draft SCI for Herefordshire which will be subject to further consultation in February 2006.

## RECOMMENDATION

**That it be recommended to the Cabinet Member (Environment) that the SCI be produced as identified in the report and in line with the Town and Country Planning (Local Development)(England) Regulations 2004.**

### Background papers

The Planning and Compulsory Purchase Act 2004  
 Town and Country Planning (Local Development)(England) Regulations 2004.  
 Planning Policy Statement 12

**13 ALMELEY PARISH PLAN****Report By: Forward Planning Manager****Wards Affected**

Castle

**Purpose**

To consider the Almeley Parish Plan – Appendix 1 for adoption as further planning guidance to the emerging Herefordshire Unitary Development Plan (UDP).

**Background**

The Government's White Paper 'Our Countryside, the Future' (2000) proposed that all rural communities should develop 'Town, Village and Parish Plans' to identify key facilities and services, to set out the problems that need to be tackled and to demonstrate how distinctive character and features could be preserved. Parish Plans form one of the four initiatives of the Vital Villages Programme. They should address the needs of the entire community and everyone in the parish should have an opportunity to take part in their preparation. Local Planning Authorities are encouraged to adopt the planning components of Parish Plans as Supplementary Planning Guidance.

The Planning and Compulsory Purchase Act 2004 has recently come into force. It introduces a new system of development plans, which at local level will require Local Planning Authorities to replace UDP's (or local plans) with Local Development Frameworks (LDF's). Supplementary Planning Documents (SPD's) will supplement policies and proposals in the LDF's and provide additional guidance to applicants and developers. Herefordshire Council is in the final stages of the production of the UDP. The next step will be to prepare a LDF in accordance with the requirements of the new Act. During this transitional period (UDP to LDF), Parish Plans are to be adopted as further planning guidance to the UDP, since old style Supplementary Planning Guidance (SPG) can no longer be formally adopted. The further planning guidance should, however, be afforded the same weight by both the Herefordshire Council and the Government's Planning Inspectors since they will be produced in the same way as former SPG's.

**Adoption by Herefordshire Council**

Parish Plans will not have any statutory powers. They will however be definitive statements about local character and issues. For a Parish Plan to be adopted as further planning guidance, it must be consistent with planning policy and prepared in wide consultation with the community and interested parties. Only elements of Plans relevant to land use and development can be adopted as further planning guidance.

Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village/parish. The Parish Plan will be used as a material consideration in the determination of planning applications and be of assistance at their earlier compilation and pre-application stages.

Given the publication of the Revised Deposit Draft UDP, it is now more appropriate to consider, wherever possible, Parish Plans as further planning guidance against the emerging UDP rather than existing local plans, where they are broadly consistent with the UDP policies and to adopt them as such. The adoption of Parish Plans as further planning guidance will confirm their status in the Council's overall planning policy framework and is in line with Government and Countryside Agency guidance and UDP policy.

This Parish Plan is the ninth to be presented to Members for consideration as further planning guidance (or SPG).

### **Almeley Parish Plan**

The Almeley Parish Plan was initiated by the Parish Council and the Parish Plan Steering Group first met in May 2003. This group was set up to manage the process of producing the Almeley Parish Plan, which included the setting up of several suggestion boxes, the circulation of questionnaires, the gathering of other relevant local information and discussions at local meetings. The final version has been produced following consultations with the Herefordshire Council's key contacts and the Countryside Agency.

The purpose of the Almeley Parish Plan is:

- To set out the hopes and concerns of parishioners and proposals for meeting them over the next ten years;
- To guide the policies of the Parish Council in its work for the residents and in its dealings with outside bodies and individuals.

Appendix 1 of the Almeley Parish Plan (Guidance for Future Planning of the Parish) is the section of the plan submitted for adoption as further planning guidance by Herefordshire Council. Its purpose is to show how the policies of the Herefordshire UDP can best be applied to Almeley Parish.

This guidance first sets out the context of the Parish Plan guidance within the statutory planning system of Regional Planning Guidance for the West Midlands and the Herefordshire Unitary Development Plan. It then goes on to discuss both the landscape and built form of Almeley parish and lists the UDP policies that are relevant. The desires of the parish for future development are set out for different parts of both Almeley village and other parts of the parish. These cover various aspects of development including housing, open spaces, landscape, design and community facilities. The appendix identifies the parish needs and provides a guide for future work and more detailed local information to guide planning decisions.

Appendix 1 of the Parish Plan conforms to the emerging UDP and contains sufficient detail to be used as material consideration in planning decisions and issues.



## **RECOMMENDATION**

**THAT** It be recommended to the Cabinet Member (Environment) that the planning elements of the Almeley Parish Plan (in Appendix 1) be adopted as further planning guidance to the UDP and as an expression of local distinctiveness and community participation.

### **Background Paper**

Almeley Parish Plan – Appendix 1

