

MEETING:	PLANNING COMMITTEE
DATE:	13 March 2013
TITLE OF REPORT:	S123545/CD - REMOVAL OF CONDITIONS 5A AND 5B OF PLANNING PERMISSION S113513/CD AT WATERFIELD ROAD CAR PARK, WATERFIELD ROAD, HEREFORD, HR2 7EL For: Herefordshire Council per Parks and Countryside, Herefordshire Council, Po Box 41, Leominster, Herefordshire, HR6 0ZA
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123545&NoSearch=True

Date Received: 19 December 2012

Ward: Belmont

Grid Ref: 349280,237920

Expiry Date: 28 February 2013

Local Members: Cllr PJ Edwards, Cllr GA Powell and Cllr AN Bridges

1. Site Description and Proposal

- 1.1 The application site comprises part of the Belmont Hayward Country Park that continues to be established to the south west fringes of the city, accessed to the east of Waterfield Road and via the newly constructed Cedar Avenue and Sycamore Avenue and from the west from Haywood Lane.
- 1.2 In February 2012, planning permission was granted for the provision of a car park and cycle / footway linking through to the eastern side of the Country Park. These works were undertaken and the car park was opened in August last year.
- 1.3 Following concerns raised by the Planning Committee about the potential for anti-social behaviour and the impact on the amenities of local residents a condition was attached to this permission that related to the management of the car park. The condition states:

Prior to the commencement of development a detailed management plan, that includes the following information shall be submitted to and approved in writing by the local planning authority:

- a) *Hours of opening of car park.*
- b) *Details of method and mechanism to locking / unlocking the access gate that serves the car park.*
- c) *Hours of lighting of car park.*
- d) *Position of and details of signs (that should include hours of operation / emergency contact details).*
- e) *Position of waste bins.*
- f) *Maintenance and management of hedgerow to boundary with Car Park.*

The management of the car park shall be carried out in accordance with the approved plan in perpetuity.

Reason: In the interests of the amenities of the locality and to deter crime in order to comply with Policies S1, DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan

- 1.4 A detailed management plan was submitted to and agreed by the Local Planning Authority confirming that in relation to part a) the car park would be open to the public at the following times:

Weekdays: 0800 – 1900

Weekend: 0800 – 2000

In relation to part b) it was agreed that the approved gate would be locked outside of these times and that the keys to the car park would be maintained on a rota system by designated members of the community; to include one of the 3 Councillors for the Belmont Ward. A second key would be held by the Ground Maintenance team of AMEY Herefordshire to maintain access into the car park for emergency situations.

- 1.5 This application seeks the removal of conditions 5a and 5b of this permission for the reasons outlined in Section 5.

2. Policies

2.1 National Planning Policy Framework

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S8	-	Recreation, sport and tourism
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
T6	-	Walking
T7	-	Cycling
T16	-	Access for All
LA2	-	Landscape Character
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, restoration and enhancement
HBA9	-	Protection of open areas and green spaces
RST1	-	Criteria for recreation, sport and tourism development
RST4	-	Safeguarding existing recreational space
RST5	-	New Open Space
RST6	-	Countryside access
RST7	-	Promoted recreational routes

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

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

3. Planning History

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

- 3.1 DMS/113513/CD – Construction of car park and footway . cycleway off Waterfield Road for Belmont Haywood Country Park - Approved with Conditions 22nd Feb 2012.
- 3.2 CCW2007/2834/F - Proposed erection of 69 dwellings and delivery of Haywood Country Park – Allowed on appeal March 2008

4. Consultation Summary

4.1 Statutory Consultations

4.1 None

Internal Consultation Responses

4.2 Public Rights of Way Manager has no objection

4.3 Transportation Manager has no objection to the grant of planning permission

5. Representations

5.1 One letter of representation has been received from Nicola Lynch, 6 Argyll Rise, Hereford whose comments can be summarised as follows:

- The car park should be locked at night because there has been trouble with lads driving their cars around the car park and the police were called.
- They knew when the application was passed that there was no-one to lock the gate.

5.2 The application submission was accompanied by the following supporting information (that had been sent to the Ward Member and Police before the application was submitted) This can be summarised as follows:

As you should be aware there was a planning condition attached to the Waterfield Road car park approval requiring that the car park be locked every evening / night. Rob Hemblade, our service manager at the time of the application has been advised that local residents would be willing to take on the role of ‘community custodians’ – but this has subsequently not proven to be the case.

There are two options:

1. Pay an external contractor to undertake the required locking / unlocking (which will also require the purchase and installation of additional signage on site).
2. Apply for a change to the Planning Condition getting the nightly locking condition removed as a requirement and making it only optional at the Councils discretion (should a future need arise for locking be needed).

With no budget ever identified for the revenue of this car park or Belmont Haywood Country Park as a whole and given that the cost of meeting the current condition is likely to be high with no Community custodians being available (Based on other sites up to £6 – 8 K per year for 7 days a week lock / unlock) it would seem much more practical to pursue option 2 above and apply for a change of condition.

In order to make a formal application for change of condition I would like your comments / thoughts / feedback on the proposal and any corroborated evidence of antisocial behaviour that has occurred at night in the car park since its completion in August this year?

5.3. In response to the above PC Roger Bradley (Southside Cops) commented on the 28th November 2012 that since August this year, we are not aware of any reports of Anti Social Behaviour in relation to the car park. A further consultation has been sent to the Police and we await their response at the time of writing. Any further information will be reported in the schedule of updates.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The conditions were imposed following concerns raised by local residents about the potential for antisocial behaviour and as a result, an associated impact upon the amenities that are currently enjoyed by local residents.

6.2 The site is very open, is overlooked by dwellings and in a fairly prominent position with good lighting. The car park has been used since August 2012 without being locked overnight and it has not, to the best of your officers knowledge, been evident that the car park has been the source of anti-social behaviour as detailed above. The fact that only one letter has been received following consultation with local residents in respect of the application to remove these conditions is also noteworthy, suggesting that the use of the car park at night is not causing widespread nuisance.

6.3 The potential impact of the development has been considered in relation to the amenities of local residents and it is considered that the development itself, and its continued use as a car park, without restrictions on opening times, would not harm the amenities that are enjoyed by local residents. Any anti-social behaviour or disturbance can / should be dealt with by the appropriate authorities. The car park will continue to provide a facility for use by the wider community and help prevent indiscriminate parking on the highway by those visiting the Country Park. It is therefore considered that the removal of Condition 5a and 5b would comply with the requirements of policy DR2 of the Herefordshire Unitary Development Plan

6.4 For clarification, the removal of the condition does not mean that should anti-social behaviour become prevalent in the future, that the Council could decide not to lock it overnight.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. B04 Amendment to existing permission**
- 2. The management of the car park and associated land shall be undertaken in accordance with the details of Belmont Haywood Country Park Footway / Cycleway and Car Park Scheme Management Plan dated March 2012 but excluding the requirements of paragraphs 2.1.7 and 2.1.9. The management of the car park shall be carried out in accordance with the approved details in perpetuity.**

Reason: In the interests of the amenities of the locality and to deter crime in order to comply with Policies S1, DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan

Reason for Approval

- 1. The potential impact of the development has been considered in relation to the amenities of local residents and it is considered that the development itself, and use as a car park would not harm the amenities that are enjoyed by local residents. Any anti-social behaviour or disturbance can / should be dealt with by the appropriate authorities. The provision of this car park will provide a facility for use by the wider community and help prevent indiscriminate parking on the highway by those visiting the Country Park. It is therefore considered that the removal of Condition 5a and 5b would comply with the requirements of policy DR2 of the Herefordshire Unitary Development Plan

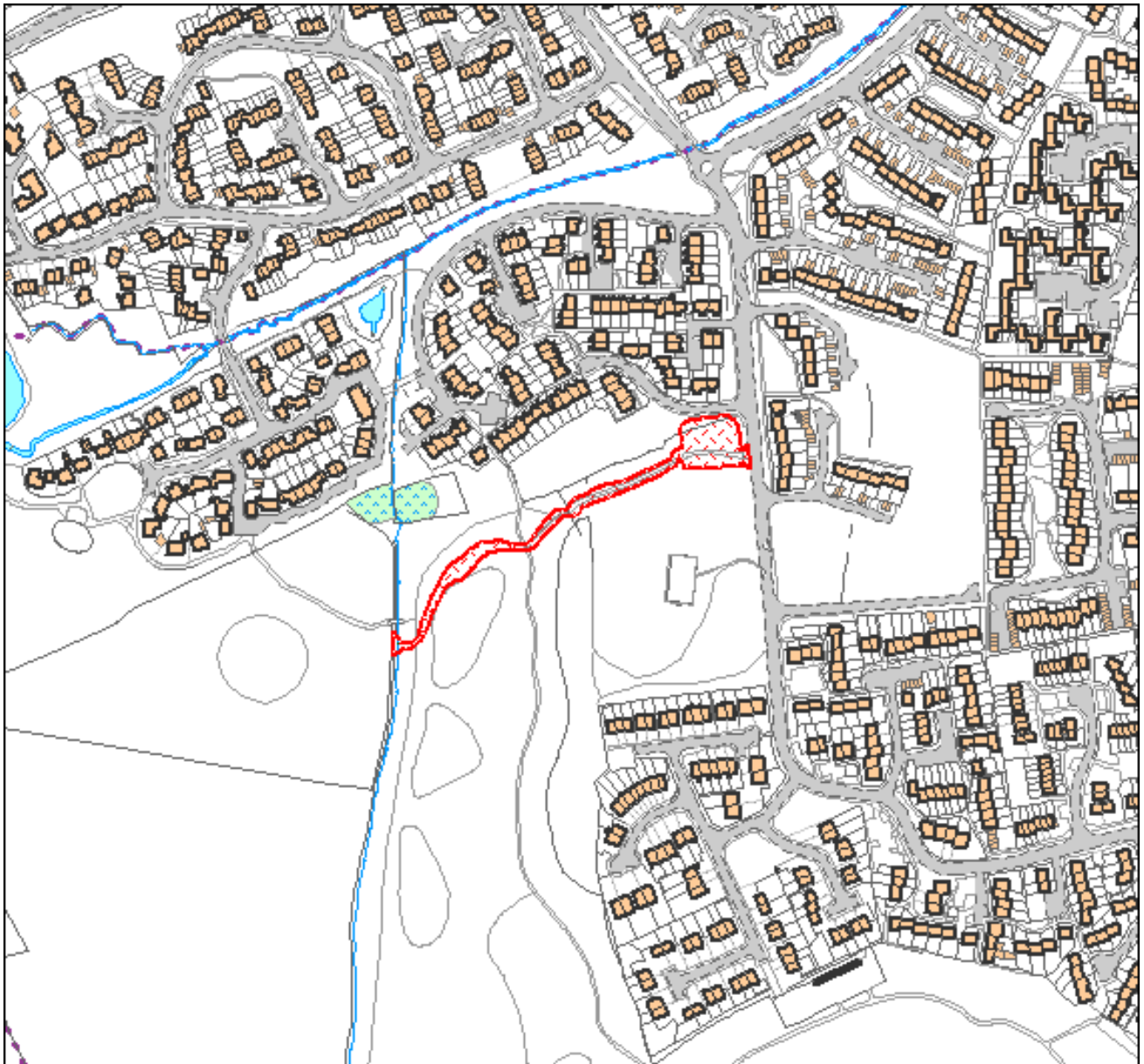
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/123545/CD

SITE ADDRESS : WATERFIELD ROAD CAR PARK, WATERFIELD ROAD, HEREFORD, HR2 7EL

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