

**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 History3.1 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.

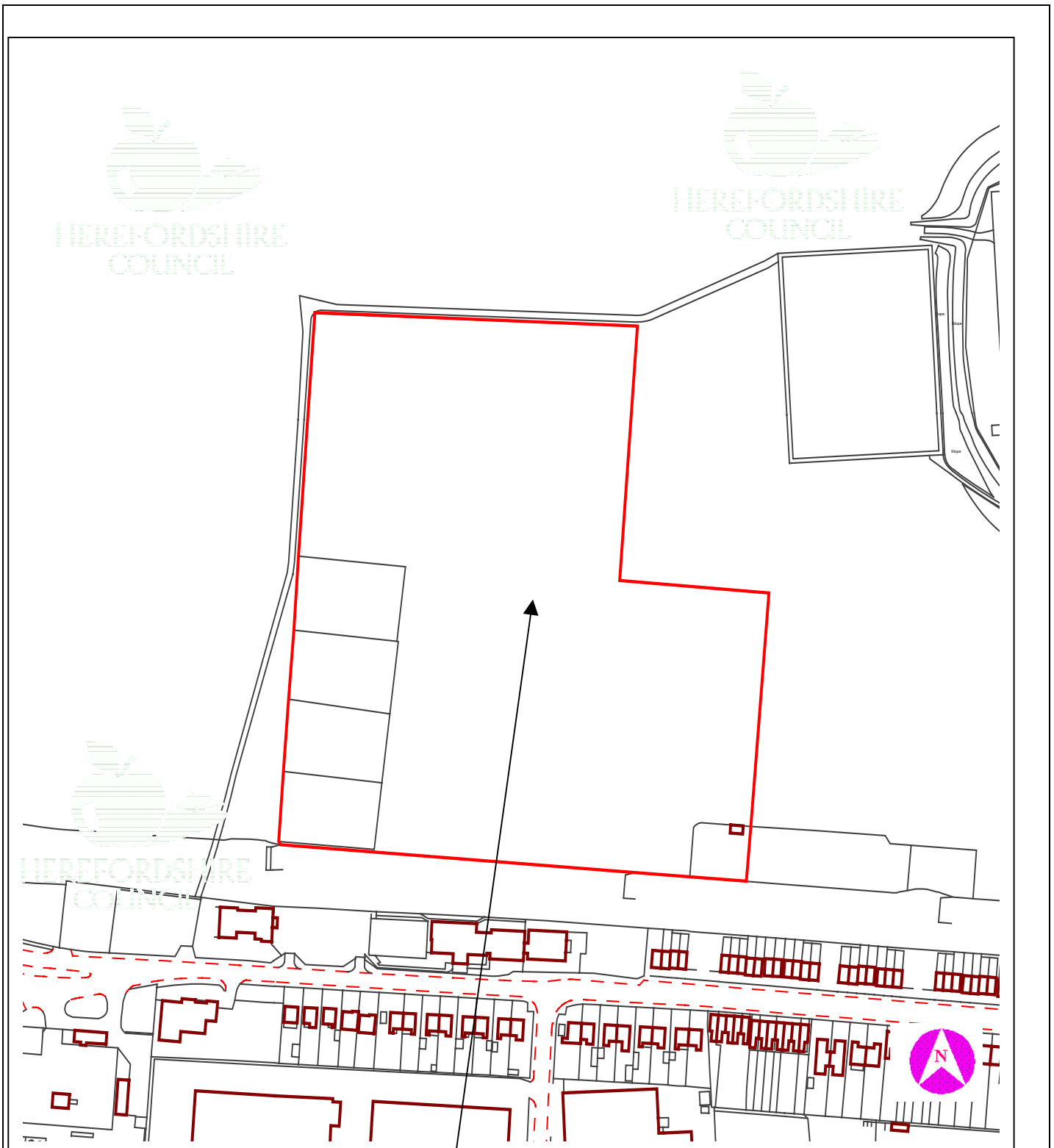
Decision:

Notes:

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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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