

9 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

Introduction

The application was reported to Committee on 30th September 2005 when it was resolved to defer consideration for a site visit to take place. The Committee visited the site on 8th November 2005.

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. The Parks and Countryside Service would be responsible for its maintenance.
- 1.3 A plan is included with this report to show the nearest play areas and the nearest kickabout area.

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.
- 4.4 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.

- 4.5 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 has no objections to the development proposed under this application but has commented that it wished to see a more rural style to the proposed children's play area and kickabout area.

- 5.2 Since the last meeting the Chief Inspector of the Hereford Division of the West Mercia Constabulary has sought the views of the Crime Risk Manager and the local officers. He comments that:

"In principle we have no objections to the planning application, in fact the local Sargeant welcomes the opportunity that the provision of this amenity provides to divert young people from anti-social behaviour.

P.C. Naylor advises that 'ideally any public space should come under the surveillance of surrounding buildings' and that the success of such an amenity is reliant on the 'ownership' of it by the local community. I support this view and hope that there has been consultation with the local community in the use of the development. In respect of all other matters P.C. Naylor is satisfied that the project is compliant."

- 5.3 Of the 31 properties on Dorchester Way which directly adjoin 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.
- 5.4 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.
- 5.5 I have also received a petition in support of the application signed by 700 residents in the locality. The heading of the petition reads "We the undersigned residents of Belmont Parish urge Herefordshire Council to provide public open space for active use at Dorchester Way, Belmont."
- 5.6 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.”

- 5.7 Following the site visit the Parks and Countryside Service have verbally confirmed that they do not intend to carry out any earthworks and, therefore, the siting of the proposed kickabout area will need adjusting from that shown on the submitted plans. This will have the effect of moving it further away from the nearest houses down onto the lower part of the site.

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 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 little provision in Belmont. In this regard Members will have noted the kickabout area at the rear of the Northholme Centre which the Parks and Countryside Service do not consider adequate to serve the needs of the whole estate and indeed was showing evidence of over-use at the site visit.
- 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 remaining 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 are 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 Particular regard should also be had to the comments of the Crime Risk Manager of West Mercia Police, who has considered the matter carefully and does not object to the proposal.
- 6.8 In respect of the question of the level of car parking provision (raised by 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:

Notes:

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Background Papers

Internal departmental consultation replies

Haywood Country Park Management Plan