

**3/14/1299/FP – Change of use of land from agricultural to car parking for 92 vehicles together with coach parking and turning, and upgraded vehicular access at Field adjacent to Hertford Rugby Club, Hoe Lane, Ware, Herts, SG12 9NZ for Hertford Rugby Football Club**

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**Date of Receipt:** 16.07.2014

**Type:** Full – Minor

**Parish:** WARE

**Ward:** WARE – CHADWELL

**RECOMMENDATION:**

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

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Approved plans (2E103) –11616-P001-E and 11616-P003-B
5. Lighting details (2E27)
6. Sustainable Drainage – Surface water management (2E43) amended to read ‘No development shall commence until surface water drainage works...’
7. Hard surfacing (3V21)
8. Construction parking and storage (3V22)
9. Landscape design proposals (4P12) a, b, d, e, h, l, j, k and l
10. Landscape works implementation (4P13)
11. Any gates, bollards or other means of obstruction shall be hung open inwards and set back a minimum of 6 metres from the near channel edge of the adjacent carriageway.

**Reason:** To enable vehicles to safely draw off the highway before gates or obstruction is opened.

12. Concurrent with the construction of the access, a visibility splay of 2.4 metres x 43 metres shall be provided in both directions and be permanently maintained, within which there shall be no obstruction to

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visibility between 600mm and 2 metres above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

13. Prior to the commencement of the development hereby permitted, a satisfactory Road Safety Audit (RSA) for the proposed widened vehicle access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

#### Directives:

1. Other legislation (010L)
2. Groundwater Protection Zone (28GP)
3. Highway Works (06FC2)
4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website or by telephoning 0300 1234047.

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

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### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is 0.43ha in area and extends 44 metres along the eastern boundary with Hoe Lane and then extends into the field 95 metres to the west. The proposal has been amended to remove the previously proposed additional rugby pitches and development is now only proposed in terms of the widening of the existing access from Hoe Lane into the site, together with a coach turning area and parking for 92 vehicles.
- 1.2 The justification for the proposal is driven by problems at the existing Club site with vehicular access and parking. It is stated that there is inadequate access and on-site car parking which results in numerous cars being parked in Hoe Lane and in the school carpark opposite. The existing vehicular access into the Club is also deemed not wide enough to be used by coaches which are also therefore parking on Hoe Lane causing traffic problems. As detailed within the site history, there have been attempts to address the issues around access and parking at the Club since 2005.

### **2.0 Site History**

- 2.1 There is no planning history relating to the site area itself, however there have been the following relevant applications on the existing Rugby Club land:
- 3/07/1460/FP - Use of Windmill Lane for specified hours for egress only, with ingress maintained from Hoe Lane. Refused. Appeal dismissed.
  - 3/07/0061/FP - Change of use of redundant tennis courts to combined recreation/car park area including new ramp (retrospective at Little Acres Car Park) Refused
  - 3/06/1097/FP - Use of Windmill Lane during specified restricted hours for ingress only to sports ground with egress from Hoe Lane. Withdrawn
  - 3/04/2144/FP - Revised access arrangements involving ingress via Windmill Lane and egress via existing drive adjacent 60 Hoe Lane. Refused
  - 3/94/1795/FP – Pedestrian track between car park and tennis court at rear of 62 Hoe Lane. Approved.

**3.0 Consultation Responses**

- 3.1 County Highways raise no objection subject to conditions for access widening, cycle provision, visibility splays, coach turning, hard surfacing materials, construction workers parking, a road safety audit and that all use of the pitches, car park and other facilities at Pinewood School shall cease.
- 3.2 Hertfordshire Ecology advise that there are no habitat or species records for the site itself, which is considered of low ecological value. They conclude that no ecological surveys are required.
- 3.3 Sport England comment that they support the principle but request that a condition be imposed in respect of a specification for the rugby pitches.
- 3.4 The County Archaeologists Section has advised that the site is likely to contain significant archaeology. They recommend a condition to ensure that archaeology is properly provided for.
- 3.5 Affinity Water, comment that the site is located within the groundwater Source Protection Zone of Musley Lane Pumping Station.
- 3.6 The Environment Agency comment that the main flood risk issue is the management of surface water run-off.
- 3.7 No comments have been received by the County Planning Obligations Unit, Councils Engineer, Fields in Trust or the Countryside Access Officer.

**4.0 Town Council Representations**

- 4.1 *Ware Town Council object to the application on the following grounds:-*

*'Loss of agricultural land. The development will lead to the final loss of agricultural land and the urbanisation of this land by developing 92 car parking spaces. It is unfortunate that information on the grade of agricultural land was not supplied with the application.*

*Coalescence between Hertford and Ware. Development of parking spaces on this land will lead to the coalescence of Hertford and Ware as this is the only totally open parcel of land between Hertford (Rush Green Roundabout) and Ware.*

*Loss of openness of the green belt. Planning Policy states that*

*permission will not be given for development which is not associated with agriculture or forestry unless there is a strong overriding need. By granting planning permission for the site, the objectives set out above will be broken by allowing the coalescence between Hertford and Ware by development of car parking and loss of agricultural land.*

*Traffic. Concern about disruption to adjacent houses from noise and pollution caused by the traffic.*

*However, if the application is approved, Ware Town Council requests a condition as specified by Affinity Water to ensure ground water is not contaminated'.*

## **5.0 Other Representations**

5.1 The application was publicised by way of neighbour notification, site notices and press notice. The application was re-advertised on the amended scheme. In total 248 letters have been received, supporting the proposal (the majority have been submitted by the parents of members of the Club) and commenting:

- Vehicular access must be widened to allow 2 way traffic and reduce congestion
- Would relieve parking pressures in area
- Would improve safety for vehicles and pedestrians
- Club does not have sufficient space for current needs – would allow expansion
- Would improve facilities – existing fall short of standards
- Use is appropriate within the Green Belt
- Use would result in wider health benefits

7 letters have been received raising the following comments and concerns:

- The Club should not relocate its clubhouse to the fields to allow residential development on the existing site
- There is an application for the agricultural land to be Village Green Status
- It will diminish the green belt between Hertford and Ware. Loss of openness
- No urgency to move pitches as no threat to the loss of their existing facilities
- Will not resolve on street parking issues in Hoe Lane
- Potential loss of potential recreational/leisure facilities

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- Loss of agricultural land
- Loss of hedges
- Extra parking not necessary as they use local schools during major fixtures
- Any lighting will adversely impact area and cause distraction to road users

2 letters were received raising comments only with no clear objection or support of the proposal.

## **6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV21	Surface Water Drainage
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development

6.2 The National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are of relevance in the determination of the application.

## **7.0 Considerations**

7.1 The main planning issues for consideration in the determination of this application are whether, given the green belt location, the development comprises inappropriate development. If it does, it is then necessary to consider whether there are other material considerations to which such weight can be attached, that the presumption against inappropriate development and any other harm is clearly outweighed and very special circumstances are demonstrated to allow development in the green belt.

Green Belt

- 7.2 Within the Local Plan (Policy GBC1), a material change of use of land will be inappropriate unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. As the car park maintains openness there would be no conflict with Policy GBC1 and prior to the introduction of the NPPF, this view was also established in central Government planning policy. Since the introduction of the NPPF however, this stance has altered.
- 7.3 Paragraph 81 of the NPPF still confirms that local planning authorities should plan positively to enhance the beneficial use of Green Belt, such as looking to provide opportunities for outdoor sport. However Paragraph 89 sets out that the construction of new building within the Green Belt should be seen as inappropriate apart from a closed list of exceptions. That list includes the provision of appropriate facilities for outdoor sport and recreation.
- 7.4 Paragraph 90 goes on to provides a closed list of 'other forms of development are also not inappropriate in the Green Belt providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt'. This list does not include uses to support recreational uses.
- 7.5 So, whilst the provision of facilities for outdoor sport is not inappropriate, the change of use of green belt land to something that supports that use in the first place is inappropriate development. This approach has been tested at a number of recent appeal and high court decisions, where it has been held that changes of use were inappropriate development in the Green Belt.
- 7.6 Given that, and because greater weight should be assigned to the later NPPF as opposed to the Councils 2007 Local Plan, the proposals are considered to be contrary to national guidance in the NPPF and therefore would amount to inappropriate development. They are then, by definition, harmful to the Green Belt.
- 7.7 It is necessary to consider whether taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

Other harm

- 7.8 Some concern has been raised through the initial consultation in terms of the proposal being contrary to Paragraph 80 of the NPPF which states the 5 purposes of the Green Belt. The site being on the edge of Ware and previously extending up to the A10 Rush Green roundabout, beyond which the formal boundary of Hertford begins. The amended plan draws the application site area closer to the built up area of Ware, and although there will be some encroachment, the actual amount is marginal, wherein the site remains open – which is established as being the essential characteristics of Green Belts.
- 7.9 There will some harm in terms of visual impact to the Green Belt, by virtue of the hard surfacing and parking of vehicles, however with new hedge planting as indicated, the harm is mitigated to some respect.

Benefits of the proposal

- 7.10 As indicated, the proposals have come forward in order to address parking and access issues.
- 7.11 Parking: Policy TR7 states that car parking provision will be assessed in accordance with the District Council's car parking standards. 92 spaces are proposed. The Councils Supplementary Planning Document 'Vehicle Parking Provision at New Developments' details parking standards, but with regard to outdoor sports grounds, only separates this into 'with football pitches' or 'without football pitches'. Assuming that it is reasonable to apply the same standards as those for a football pitch the maximum parking provision requirement would be 120 spaces (based on 4 pitches and 2 additional training pitches). There is existing off street parking provision at the Club for 160 vehicles within the Club's two carparks.
- 7.12 The provision of an additional 92 spaces would take the overall provision for the Club substantially over the maximum standards. When examining the operation of the Club, it is clear that, in the main, the majority of the supporters and users are children – this is set out in many letters of support by parents. Due to the high use by children's matches, the majority of the large pitches are sub divided, and use is also made of other areas.
- 7.13 Rugby is played on the following pitches:- 1<sup>st</sup> team pitch, 2<sup>nd</sup> team pitch, 'training pitch', 'golf course pitch', 'tennis court pitches', Under 9's area, Under 10's area, and 3 mini pitches. At one time therefore there could be numerous games being played – the children play anything from 7 a side



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(under 6 to under 9 year olds) to 15 a side (under 13 year olds), but team members are swapped within a match so of course there are more team members than those on the pitch itself. At the weekend there are generally 2 games played per pitch per day, the 1<sup>st</sup> games starting around 10AM and the 2<sup>nd</sup> at 11AM.

- 7.14 It is clear therefore that at weekends the use of the Club attracts significant players - which could be up to 500 children. As the main aspiration of the application is to provide off street parking to relieve on street parking pressures on the surrounding highway, there is a firm basis to the amount provided. There clearly is an identified need to provide over the maximum standards here to achieve this objective. A recent parking survey identified at least 344 cars parked in the area associated with activity at the Club (off site this totalled 185 vehicles, as 159 cars were parked within the Club's two carparks). Officers consider that the proposal will therefore relieve parking within the area, which would be a significant highway benefit - a view supported by Highways. This is therefore a benefit that weighs heavily in favour. Further positive weight is assigned to the fact that the scheme also provides for a designated coach parking and turning facility which has the ability to further ease congestion on Hoe Lane.
- 7.15 Access: The current road into and out of the Club from Hoe Lane, allows for only one vehicle access along its 85 metre length. As the access is narrow, it results in obvious congestion and safety issues with vehicles waiting for each other to enter or exit and with vehicles reversing back onto Hoe Lane itself and with a further safety aspect of pedestrians also utilising the access. Coach access is also limited. The proposal to widen the access will allow two-way traffic, is considered to ease congestion and improve safety on Hoe Lane, as vehicles will not have to wait to enter the site, nor will they need to reverse back onto Hoe Lane. A footpath is also being proposed either side of the access which will further improve safety of pedestrians and assist to encourage walking. This is therefore a benefit of weight.

Other Issues – it is considered that the following issues should be assigned neutral weight in the consideration of these proposals.

- 7.16 Neighbour Amenity: Policy ENV1 of the Local Plan requires development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or similar. The layout of the parking accessed via the widened access would increase vehicular movements and activities past the adjacent property at No. 60 Hoe Lane, however the road is sited slightly further away from their site boundary – a footpath is

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now introduced running alongside the boundary. Given this and due to the landscape buffer to No. 60, which can be further supported with landscaping or fencing, it is considered the impact is neutral or even beneficial.

- 7.17 **Drainage and Flood Risk:** The main flood risk issue at this site is the management of surface water run-off. Subject to a condition to ensure sustainable surface water drainage, the proposal remains acceptable in terms of drainage and would ensure that the development does not increase flood risk on site or elsewhere.
- 7.18 **Archaeology:** With regard to archaeology, the site is considered likely to contain significant archaeology – the western boundary is formed by Roman Ermine Street and the recent archaeological evaluation at the adjacent Chadwell Springs Golf Club uncovered substantial archeological remains. The proposals may therefore have an impact upon remains and as such it is considered that the development should be regarded as likely to have an impact on heritage assets of archeological interest. However, it is considered that such impact could be satisfactorily safeguarded by planning conditions in this case.
- 7.19 **Ecology:** The site is considered of low ecological value, and given the nature of the proposals and lack of records of any protected species, it is concluded that no adverse ecological impact would occur.
- 7.20 **Other matters:** During the consultation, comments have been raised that if permission is granted then it would allow for the existing Rugby Club land to come forward for re-development - concern is that residential development would be proposed. However, the merits of such a residential application would be considered if it were to be put forward at a later stage and would of course be subject to usual Green Belt policy constraints.
- 7.21 A further point raised through consultation is that an area to the north of the existing Rugby Club has been put forward for Village Green Status. However this area lies outside of the current application and therefore it raises no consideration to this application.

## **8.0 Conclusion**

- 8.1 In summary, the proposal is considered contrary to national guidance in the NPPF and therefore would amount to inappropriate development. It is then, by definition, harmful to the Green Belt, and some other harm is also created in terms of visual amenity and a reduction of the undeveloped Green Belt in this area between Ware and Hertford. It is

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therefore necessary to consider whether taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms and other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

- 8.2 In this case weight is given to Paragraph 81 of the NPPF which states that 'local planning authorities should plan positively to enhance beneficial use of the Green belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation...' Furthermore, substantial weight is given to the fact that the proposal would help to alleviate the long standing problems of inadequate parking provision and poor access for the Club.
- 8.3 Overall, having regard to the balance that needs to be struck, Officers consider that the harm caused by the development would be clearly outweighed by the identified planning benefits and therefore recommends that permission be granted subject to the conditions as set out at the head of this report.