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5. **3/09/1701/OP - Access to the site from Spellbrook Lane East via a new vehicular foot bridge with related hard standing , fencing and a gate at Thorley Flood Pound SSSI, Spellbrook Lane East, Spellbrook, Bishops Stortford, Herts, CM22 7SE for the Environment Agency.**
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Date of Receipt: 22.10.2009

Type: Full - Minor

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION

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

1. Outline permission time limit (1T131)
2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the layout, scale and access to the site which shall have been approved in writing by the local planning authority before any development is commenced.

Reason: To comply with the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. Unless otherwise agreed in writing by the local planning authority, the development shall be carried out in accordance with the details contained in the submitted Environmental Report ref: IMTH001139, dated June 09

Reason: To ensure that the development does not adversely affect the SSSI as required by policy ENV13 of the East Herts local Plan April 2007.

4. No clearance of the site shall be carried out between 01 March and 31 August (inclusive); or works undertaken in the watercourse between March and June (inclusive), unless otherwise agreed in writing by the Local Planning Authority and following a search of the site and/or watercourse by a suitably qualified ecologist.

Reason: To minimize the risk to spawning fish stocks and to protect the habitats of nesting birds which are protected from disturbance under The Wildlife and Countryside Act 1981 (as amended) in accordance with policy ENV16 of the East Herts Local Plan Second review April 2007.

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5. Prior to the commencement of any works on the site and at an appropriate time of year, surveys of bats, water voles, reptiles, and badgers, including details for their protection and mitigation measures, shall be undertaken and submitted to the local planning authority for approval. Thereafter the development shall be carried out in accordance with those agreed details.

Reason: To protect the habitats of these species in accordance with policy ENV16 of the Local Plan

6. Programme of archaeological work (2E023)
7. Landscape design proposals (4P124) (Delete parts a, d, e, f, g and h)
8. Landscape works implementation (4P133)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, ENV1, ENV2, ENV13, ENV16, BH1, BH2 and BH3. The balance of the considerations having regard to those policies, and the need to provide access to the SSSI, is that permission should be granted.

_____ (170109OP.NB)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is situated to the north of Spellbrook Lane East, to the east of the railway line and to the west of OJ Smith Plant Hire.
- 1.3 The site is designated as a Site of Special Scientific Interest (SSSI), is within the Metropolitan Green Belt and an Area of Archaeological Significance.
- 1.4 To the east, south and west of the site is a diverted river channel, which currently restricts access to the site. The applicant has stated that the SSSI is currently in an unfavorable state and is declining due to several factors including the access to the site. The existing access to the site is via a footbridge over the River Stort. Vehicular access is limited to the Environment Agency and is via a track over a level crossing and through private land. The proposal is for a new access to the site to enable the long term successful management of the SSSI.

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1.5 The proposal is for a new bridge to provide vehicular access to the site off Spellbrook Lane East, with a gate set back from the highway to allow vehicles to pull clear of the highway, and an area of approximately 400m² of associated grasscrete hard standing. In addition, the plans show a compound area to the south of OJ Smith hire plant proposed to be used on a temporary basis while the proposed development is being carried out. The applicant has confirmed that no operational development (i.e. Hard standing or fencing) will occur to this part of the site and as such Officers consider that planning permission is not required for the temporary use of this land whilst the construction works required for the development take place.

2.0 Site History

2.1 A planning application for an identical proposal was submitted under lpa. reference number 3/09/1378/OP and withdrawn in October 2009 as further information was required, prior to a decision being made, in order to determine whether there were significant archaeological remains at the site.

2.2 There is no further planning history at this site.

3.0 Consultation Responses

3.1 The Herts & Middlesex Wildlife Trust is in full support of the application and believe that the bridge will enable restoration of Thorley Flood Pound to begin, leading to conservation of the nationally important wetland site.

3.2 The Environment Agency has no objection to the proposal however advise that the structure will require flood defence consent.

3.3 The Hertfordshire Biological Records Centre supports the application and recommends that any application made for full permission should include mitigation for breeding birds, a repeat ecological survey in 2010, a reptile survey and seeding within ground restoration.

3.4 County Highways do not wish to restrict the grant of permission subject to conditions that relate to the submission of engineering details of the access and the positioning of the gate a minimum of 8 metres from the highway.

3.5 The Historic Environment Unit have commented that proposals for initial archaeological investigations have now been received which negates the need for any further investigations to be conducted prior to the determination of the application.

4.0 Town Council Representations

4.1 Sawbridgeworth Town Council makes no comments on the application.

5.0 Other Representations

5.1 The applications have been advertised by way of site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

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

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV13	Development and SSSI's
BH1	Archeology and New Development
BH2	Archeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

In addition to the above it is considered that Planning Policy Guidance 2: Green Belts and PPS9: Biodiversity and Geological Conservation are considerations within this application.

7.0 Considerations

7.1 This application seeks outline planning permission for the proposed works and the considerations in this case are the acceptability of the proposed landscaping, appearance and the acceptability of the principle of the development. All other detailed matters are reserved.

7.2 Both PPG2 and Local Plan Policy GBC1 outline specific types of development that are appropriate within the Green Belt, which includes agricultural related developments and essential facilities for outdoor sports and recreation. PPG2 and GBC1 do not allow for the development that is proposed and it therefore forms inappropriate development within the Green Belt. Very special circumstances therefore need to be demonstrated in order to justify the approval of the development.

7.3 The very special circumstances that have been demonstrated in this case is the need to provide adequate access to the site in order to ensure an

improved access is available to provide better maintenance of the SSSI.

- 7.4 PPS 9 states that Local Authorities should seek to ensure that biodiversity is preserved and enhanced. Officers consider that the proposed development of the bridge and associated hard standing will enable better preservation and the enhancement of the existing SSSI site. The benefits that the proposed development would bring to the site are subsequently considered to form very special circumstances that would outweigh the harm that would be caused by the inappropriate development occurring within the Green Belt.
- 7.5 The actual harm that would be caused by the development within the Green Belt would be very limited. The bridge that is proposed is small in size and is a structure that would not be an uncommon feature for a site such as this and therefore would not detract from the rural appearance of the area. The hard standing that is proposed is to consist of grasscrete which would ensure that this part of the development would appear discreet and open within the landscape. The proposed gate and fencing are modest in their size and would not harm the openness of the Green Belt.
- 7.6 Despite constituting inappropriate development by definition, Officers consider that the proposed development would have very limited harm on the openness of the Green Belt and that this limited harm caused would be outweighed by the benefits to the preservation and enhancement of the SSSI that it would enable.
- 7.7 The proposals for initial archaeological investigations and the confirmation from the Historic Environment Unit that no further investigations are required prior to the determination of the application, is satisfactory to allow permission to be granted subject to a condition for further assessments to take place prior to the commencement of the development.
- 7.8 In terms of landscaping the proposal involves the removal of several areas of willow scrub, which is described by the applicant as undesirable habitat for the site. A condition to require a full landscape plan to be submitted is recommended to identify the existing and proposed species and their locations in relation to the site. In principle Officers have no objection to the proposed landscaping at the site.
- 7.9 In terms of the appearance of the development the bridge would be constructed with steel which is required to meet structural and traffic safety requirements. The height of the bridge above the road level is shown on the plans to be less than 1 metre. The use of steel for a bridge of this modest size and height is considered to be acceptable and would not be

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harmful to the character and appearance of the surrounding area, in accordance with the aims of Policies ENV1 and GBC1.

8.0 Conclusion

- 8.1 The benefits that the proposed development would bring in terms of enabling the preservation and enhancement of the SSSI is considered by Officers to be a sufficient special circumstance to allow the proposed departure from Green Belt Policy.
- 8.2 The principle of the development together with its appearance and the landscaping proposed is considered to be acceptable.
- 8.3 Having regard to the above considerations it is recommended that outline planning permission is granted subject to the conditions at the head of this report.