

**3/10/0328/FP – New boat shed at Bishops Stortford Canoe Club, Stylemans Lane, Hallingbury Road, Bishops Stortford, CM22 7QJ for Bishops Stortford Canoe Club**

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**Date of Receipt:** 24.02.2010

**Type:** Full – Minor

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD - SOUTH

**RECOMMENDATION**

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

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. The building shall be used for members and guests of Bishops Stortford Canoe Club only and for no other purposes including any other purpose in Class D2 of the Schedule to the Town and Country Planning (use Class) Order 2005.

**Reason:** To ensure that the use of the building is restricted for the use of the applicant and the special circumstances of the use within the Green Belt.

4. Prior to the first beneficial use of the development hereby granted, the existing container as indicated on plan reference 54:01:12 shall be permanently removed from the site

**Reason:** In the interests of the visual amenity of the site and its surroundings in accordance with policy GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. The approved building shall only be carried out in accordance with the approved Flood Risk Assessment (Three Counties February 2010). The building shall remain permeable to flooding to a level no less than 54.60 mAOD and all flood louvers are to remain clear and permeable to flood waters at all times.

**Reason:** To prevent flooding elsewhere by ensuring that no flood storage volume is displaced by the new building, in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

**Directives**

1. Other legislation (01OL1)
2. Groundwater Protection Zone (28GP1) (insert Causeway Pumping Station)
3. You are advised to contact British Waterways (01827 252000) in order to ensure that any necessary consents are obtained from that Authority and any developments are in compliance with current British Waterways "Code of Practice for Works affecting British waterways"

**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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1 and LRC7. The balance of the considerations having regard to those policies and the benefits of an improved facility for the local community in promoting water recreation, is that permission should be granted.

\_\_\_\_\_ (032810FP.MP)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. The site is located to the south of Bishops Stortford adjacent to the River Stort. Access to the site can be gained on foot via a public footpath off Hallingbury Road and the River Stort towpath. Vehicular access is via Stylemans Lane along an unmade track. The site consists of an existing single storey building with a footprint of some 208 square metres comprising concrete tiles and white render. Within the site there is an open grassed area with a small graveled parking area. There is also a storage container located behind the existing building.
- 1.2 The application seeks planning permission for a further boat store, approximately two thirds the size of the existing building(144 square metres), single storey in height and of a similar design to the existing building.

**2.0 Site History**

- 2.1 The existing boat store was initially granted outline planning permission within LPA reference 3/1291-93OP. A later permission within reference 3/0469-94FP granted full permission for the building which is currently located on the site. That permission included the provision for a club room, male/female changing rooms, toilets and internal / external storage facilities.

### **3.0 Consultation Responses**

- 3.1 British Waterways do not object to the planning application but ask that an informative is attached to any grant of permission advising of the need to contact British Waterways to ensure that the necessary consent are gained from that Authority.
- 3.2 The Environment Agency recommend a planning condition relating to the provision of the building being permeable to a level no less than 54.60 mAOD.
- 3.3 Hertfordshire Biological Records Centre (HBRC) comment that the site is located within what is described as 'a complex wetland habitat adjacent to the Rover Stort', supporting plant species of wet fen and swamp with scattered trees. The site does not however meet the criteria to be identified as a county Wildlife Site and there are therefore no ecological grounds to refuse the application. HBRC comment that the site appears to be located on an area of existing green amenity grass and hard standing which should not impact on the main area of fen and marsh.
- 3.4 Veolia Water comment that the site is located within an Environment Agency defined Ground Water Protection Zone corresponding to Causeway Pumping Station. Veolia Water advise that construction works and operation of the proposed development site should be undertaken in accordance with the relevant British standard and Best management Practices, thereby significantly reducing the risk of groundwater pollution.
- 3.5 Natural England do not object to the planning application but advise that the proposal as presented may have a potential impact on protected species.

### **4.0 Town Council Representations**

- 4.1 Bishop's Stortford Town Council do not object to the proposed development

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Two letters of objection have been received which raise concern in terms of the loss of outlook and the increased levels of traffic using the access road.

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5.3 Twenty letters in support of the application have been received which can be summarised as follows:-

- Need for additional boat storage facilities;
- Will allow the canoe club to improve the standard of provision – training area/room gym, bike storage facilities;
- Allow a greater level of storage for boats;
- Allows the club to increase the level of provision for a wider breadth/diversity of groups and people as a community facility;
- Encourages healthy lifestyles and sports activities.

## **6.0 Policy**

6.1 The relevant 'saved' policies from the East Herts Local Plan April 2007 in this case are:-

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
LRC7	Water Based Recreation

## **7.0 Considerations**

7.1 The main planning considerations of this planning application relate to the following considerations:-

- Principle of development;
- Impact on character and appearance of locality;
- Impact on neighbour amenity;
- Flood risk.

7.2 The site is located within the Green Belt wherein there is a presumption against inappropriate development. Policy GBC1 does however allow for the provision of essential small scale sports facilities. The applicant considers within the Design and Access Statement that the proposal meets the requirements of this policy.

7.3 The applicant comments that the club has grown in size and stature over the last 13 years with increased demand for the existing facilities and increased demand for the water activities the club offers. The applicant outlines that the existing building on the site is not of a size that meets the current needs of the club. There is insufficient space for the storage of boats for training, instruction and recreation use. There is currently a large container to the rear of the existing building which is used for storage facilities, and this is proposed to be removed as part of the proposed

development. Additionally the applicant comments that the meeting space, which doubles as a gym for the members, is too cramped and does not allow the building to function well as a meeting space for members or training facilities. A number of letters of support of the application concur with these comments. Those letters, including a letter from Canoe England, outline that the new building will provide much needed space for the storage of boats and will allow the existing building to be better utilised for meetings, training and a dedicated gym space. The applicant and letters of representation outline that the additional space will allow the club to expand and offer improved facilities which enhance the value of the club as a local facility for its members and the various local community groups such as the Scouts, Boys Brigade, etc, which use the facilities.

- 7.4 What must be considered in terms of Green Belt policy under the requirements of policy GBC1 is that there must be an identified need for a small scale outdoor sports facility. Officers recognise the need identified by the applicant, but would comment that this seems to focus on the desired level of accommodation for activities not specifically for outdoor sports. This would seem to revolve around the specific requirements of the club for a greater level of meeting space and *indoor* training facilities. Officers appreciate the desire for indoor facilities to support the role of the club; however such a requirement does not fall in line with the requirements of Green Belt policy. Additionally, the scale of the development cannot in Officers opinion be reasonably be considered as 'small scale' as required in policy GBC1. Officers recognise that space is required for the storage of boats, which can be considerable, depending on the specific water activities being undertaken. However the size and scale of the proposed building, cumulatively with the existing building, cannot reasonably be considered as 'small scale'. In this respect, the proposal is considered to be contrary to policy GBC1 of the Local Plan and represent inappropriate development within the Green Belt.
- 7.5 Having said that, Officers do consider that there are material considerations which would outweigh the inappropriateness of the development, which are outlined below. It is for this reason that the application is being reported to the Development Control Committee.
- 7.6 Officers consider that the additional building proposed would be a modest low key structure with a design in keeping with the existing building. The existing area is an open grassed area, and the proposed building would be consolidated with existing development. Additionally, it is also important to note that proposed building would allow the existing container structure on the site to be removed. That structure is not considered to be sympathetic to the locality and its removal would enhance the appearance of the site. Taking those considerations into account, Officers consider that the

proposal will not result in a significantly harmful impact on the character or openness of the surrounding rural riverside location.

- 7.7 Members must also take into account that there are very limited places where such a use can reasonably take place. In many respects it is a prerequisite that a water based activity be located adjacent to or in close proximity to the river. Whilst the proposal is considered by Officers to represent inappropriate development within the Green Belt, there are very limited spaces within the locality where the applicant could be expected to expand on their current use.
- 7.8 Additionally, Officers consider that weight should be attached to the requirements of policy LRC7. That Policy is positive in that it encourages the provision for water based recreation where the proposal does not impact on the character or appearance of the environment and where the proposal does not have an adverse impact on flood alleviation works and does not impede the Environment Agency's access to the watercourse. It is identified above that the proposal will not result in a significantly detrimental impact on the character of the water environment and locality. Comments from ecological consultees on the application indicate that the provision of the building on the existing grassed area will not result in a significant impact on any nature features within the locality. Comments from the Environment Agency indicate that, subject to a planning condition requiring the building to remain permeable to flooding, there will not be a significant impact on any flood alleviation works. Officers consider that the provision of the building will allow the provision of improved water based recreational activities which are in line with the general thrust of policy LRC7 of the Local Plan.
- 7.9 Members should also note the community benefits of the proposed development. The proposed building will not only have direct benefit to a local sports club in improving their facilities for its existing members, but will allow the club to expand and encourage future participants to engage in water based activities. Additionally, the club identifies that the provision of the building will allow increased access to water facilities for a wide range of community groups. Officers consider that the direct benefits to the community facility are a material consideration upon which some weight should be attached.
- 7.10 On the balance of the above considerations, officers consider that the provision of a new building for the Canoe Club and the associated benefits of improving access to water based activities and the benefits to community activities, would outweigh the harm caused by reason of inappropriateness of the development within the Green Belt.

Impact on character and appearance of area

- 7.11 The above considerations have demonstrated that the proposed development will not result in a significantly detrimental impact on the character and appearance of the open, rural, water environment. The proposed development is considered to be of a high standard of design which demonstrates compatibility with the structure, layout and form of the locality and adjoining development, in accordance with policy ENV1 of the Local Plan.
- 7.12 It is however identified that the removal of the existing storage container would enhance the locality and it is therefore recommended that a planning condition is attached to any grant of permission to ensure the removal of that structure. Additionally, whilst the plans indicate a reasonable level of detail regarding the materials of construction, given the rural location and to ensure that the development successfully assimilates with existing development and the locality, Officers consider that it is necessary to attach a condition requiring the submission of materials of construction prior to development.

Flood risk

- 7.13 It is identified above that the Environment Agency recommends a condition requiring that the building be permeable to flood water. Having regards to those comments and the requirements of policy ENV19 of the Local Plan such a condition is considered to be necessary and reasonable.

Impact on neighbour amenity

- 7.14 The comments from neighbouring properties in respect of the impact of increased traffic movements and loss of outlook are noted. In respect of any loss of outlook, having regard to the nature of the development in relation to neighbouring properties it is considered that the proposal will not result in a significantly detrimental impact that would warrant the refusal of the application. Officers note the concerns of neighbours with regards to the increased level of traffic using the access road. However, in Officers opinion the proposed development is not likely to increase significantly the number of traffic movements and any resultant impact on neighbour amenity is not likely to be to such an extent as to warrant the refusal of the application. In any event, Members should note that the increased storage space for boats may well result in less traffic movements as members of the club will be able to store their boats within the new building which may well result in members being able to use other modes of transport to visit the site.

Other matters

- 7.15 It is recognised that the previous permission for the existing building on the site included a condition restricting its use to the members and guests of the Canoe Club and for no other storage purposes. Given that the very special circumstances outlined above outweigh the inappropriateness of the development and relate specifically to the benefits to the local community facility in providing water based activities, it is considered reasonable and necessary that a similar condition is attached to this permission also. Such a condition would ensure the use of the building for purposes directly related to the community benefits of the development and would restrict the use of the building to other development which may not represent such a benefit to the community and the other benefits outlined within this report.

**8.0 Conclusion**

- 8.1 The proposed development represents a departure from policy GBC1 of the Local Plan. However, the benefits to the existing club as a community facility and the wider benefits to other community groups combined with other factors outlined above, are considered to represent very special circumstances which would outweigh the inappropriateness of the development. The proposed development will not result in a significant adverse impact on the character or openness of the Green Belt or significant ecological assets or result in significant impact in terms of flood risk or neighbour amenity. For the reasons outlined above Officers therefore recommend that planning permission is granted.