

5i 3/11/1631/FP –Revised route for mid section of path alongside Grange Paddocks playing field (amendment to approved scheme granted planning permission under ref: 3/11/0554/FP) at Land adjacent to the River Stort (East side from Grange Paddocks to Castle Gardens), Bishop’s Stortford for East Herts Council

Date of Receipt: 16.09.2011

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD - MEADS

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) 4156/01F, 4156/02F
3. Notwithstanding the details shown on the submitted plans, any external lighting at the site shall be provided in accordance with a detailed scheme, including hours of operation that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. No external lighting shall be provided without such consent.

Reason: In the interests of ecology and the visual amenities of the area in accordance with policies GBC1, ENV1, ENV16 and ENV23 of the East Herts Local Plan April 2007.

4. Tree retention and protection (4P05)
5. No removal of trees, scrub or hedgerow shall take place within the bird breeding season (1 March – 31 August), unless otherwise agreed in writing by the Local Planning Authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed.

Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

6. Landscape design proposals (4P12) a, h, l, j, k, l
7. Landscape works implementation (4P13)

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8. Landscape maintenance (4P17)

Directive:

1. Groundwater protection zone (28GP)

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 policies GBC1, ENV1, ENV2, ENV3, ENV16, ENV19, ENV23, LRC1, LRC5, BH1, BH2, BH3 and BH6. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

_____ (163111FP.FH)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. Grange Paddocks is the Council's leisure centre in Bishop's Stortford. It comprises a swimming pool, gym and studio within the main building, sports pitches, two large surface car parks and ancillary facilities. The site is accessed over the River Stort from Rye Street by a bridge.
- 1.2 The site lies within a green finger, an area of open land extending northwards from the town centre, bounded by the railway line to the east and Rye Street to the west, which is designated Green Belt. There is a significant amount of existing landscaping and an existing unmade footpath runs along the River Stort from the skate park (near Link Road) to the edge of the playing fields. Residential properties lie to the west of the River Stort and are separated from the site by the River Stort and landscaping. To the east, beyond the playing fields and the railway line are more residential properties.
- 1.3 Members will recall that in July 2011 planning permission was granted for the re-surfacing of existing car park at Grange Paddocks; temporary car park; new footbridge beside vehicle bridge; pedestrian and cycle path along River Stort with link to Grange Paddocks; links to existing bridges and installation of lampposts along the route from Rye Street to Castle Gardens. This current application relates to the section of the pedestrian/cycle path which runs adjacent to the playing fields only. It is proposed that this section be repositioned approximately 5 metres to the west onto lower

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ground within an existing overgrown area of vegetation. The new position is proposed to avoid any incursion onto the sports pitches and to replace two existing informal routes, one alongside the sports pitches and one alongside the river.

- 1.4 The application is reported to the committee as the Council is the applicant.

2.0 Site History:

2.1 In July 2011 planning permission was granted under LPA 3/11/0544/FP for the re-surfacing of existing car park at Grange Paddocks; a temporary car park; a new footbridge beside the existing vehicle bridge and a lit pedestrian /cycle path along River Stort linking Castle Gardens to Grange Paddocks and existing bridges. The works to the car park have been completed and the new footbridge and pedestrian/ cycle path are under construction.

2.2 In 2009 planning permission was granted under LPA Ref: 3/08/2090/FP for extensions to Grange Paddocks in the form of a single storey link extension and first floor extension over the existing ground floor changing room and gym area to extend and improve the facilities available.

3.0 Consultation Responses:

3.1 The Council's Conservation Officer comments that the revised route will have little or no impact on the immediate and/ or wider appearance of the area and will continue to ensure the paths long term viable use.

3.2 The County Archaeologist advises that the proposal is unlikely to have an impact upon significant heritage assets and has no specific comments to make.

3.3 The Council's Landscape Officer advises that the proposed development will not have an adverse impact on significant trees although he does confirm that some pre construction phase tree work is to be undertaken which is part of the Council's ongoing maintenance programme for the playing fields. With regards to any impact the revised route may have on the landscape, whilst he raises no concerns, he does advise that the path may need to meander slightly to accommodate level changes and tree roots which would also benefit the landscape setting. He also suggests some minor alterations to the specifications of the paths edging.

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3.4 The Environment Agency comments that there are no objections to the proposed development subject to a condition requiring the submission and approval of a scheme to ensure that the ground levels are not raised.

3.5 Veolia Water advises that the site is located within the Groundwater Source Protection Zone of Causeway Pumping Station. It is recommended that construction works and the operation of the proposed development is done in accordance with the relevant British Standards and Best Management Practices.

4.0 Town Council Representations:

4.1 At the time of writing, Bishop's Stortford Town Council has made no comments with regards to this application.

5.0 Other Representations:

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

5.2 Three letters of representation have been received which raise the following concerns:

- Impact on wildlife;
- Loss of privacy;
- Potential to increase flood risk to properties in the vicinity;
- Potential for antisocial behaviour by 'boy racers'.

6.0 Policy:

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

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime- New Development
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV23	Light Pollution and Floodlighting
LRC1	Sports and recreation Facilities
LRC5	Countryside Recreation
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments

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BH3 Archaeological Conditions and Agreements

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1: Delivering Sustainable Development,
Planning Policy Guidance 2: Green Belts
Planning Policy Statement 15: Planning for the Historic Environment

7.0 **Considerations:**

7.1 As outlined in Sections 1 and 2 above planning permission was recently granted for the construction of a pedestrian/ cycle path connecting Castle Gardens with Grange Paddocks as part of a larger scheme to improve accessibility to the existing leisure facilities. In that application it was considered that the path would not conflict with the purposes of including land within the Green Belt and that it complied with policy GBC1 of the Local Plan and PPG2: Green Belts. Officers therefore consider that the principle of development has been established and it remains acceptable in green belt terms.

7.2 The main issues for consideration are therefore whether or not the repositioned path is acceptable in terms of any impact it may have on the character of the area; the amenities of nearby residents; lighting; ecology; flooding and archaeology.

Impact on the character of the area

7.3 It is proposed that the path will now be located on lower ground within an existing overgrown landscaped area directly to the west of the formal playing fields. The Landscape Officer has confirmed that this does not require the removal of any significant trees however some clearing work will be required to accommodate the path and for general maintenance purposes. On the basis that the proposal will not impact on any landscape features of significance, Officers consider that its new siting, which will now be softened by the surrounding vegetation, will not adversely impact upon the rural character and appearance of the area. Any necessary minor changes that may be appropriate to the route to accommodate tree roots etc can be acceptably dealt with as minor amendments to the scheme.

7.4 Furthermore, the new route will continue to ensure that a direct route, improving access from the town to Grange Paddocks and the car parks, is provided, the primary purpose for the proposal, and that the path will not unduly conflict with existing users of the playing fields. Officers therefore consider that the amended route is acceptable in this respect.

The amenity of nearby residents

- 7.4 With regard to any impact the proposed development may have on the amenity of neighbouring residential properties; the repositioned path will be some 5 metres nearer to properties in Stane Close and will not be as well screened by existing natural landscaping as the previous scheme A distance of some 43 metres will however still remain to the nearest property, no. 23 Stane Close and there will be some landscaping between the path and Stane Close. Officers are mindful that a current informal route passes directly along the river bank closer to the Stane Close properties.
- 7.5 Although the existing landscaping will not totally screen the development from those properties it will, in combination with the provision of some limited additional planting, which can be controlled by condition, help to alleviate any undue loss of privacy. Officers are therefore satisfied that the realigned path will not adversely impact upon the amenity of nearby residential properties and in this respect the proposed development is acceptable.

Lighting

- 7.5 With regard to the proposed lighting; as in the previous scheme this section of the path will have subtle in ground lighting and a single column light where the path forks. In my view this form and level of lighting remains acceptable and will not adversely impact upon the character and appearance or the ecology of the area. It remains important to ensure that the level and direction of the luminance as well as the hours of operation are restricted to counter any undue light pollution and the submitted Design and Access Statement indicates that the lighting will be operated between the hours of 6.00am to dawn and dusk to 11.00pm. In the previous scheme conditions were imposed requiring further details of the lighting, including hours of operation, to be agreed in writing and Officers consider it reasonable and appropriate for the Council to include these conditions again.

Ecology

- 7.6 With regard to ecology, the proposal will result in the removal of some vegetation to accommodate the path. Officers therefore consider it necessary and reasonable to include a condition restricting the removal of trees, scrub, hedges or other vegetation to outside the bird nesting season.

Flooding

- 7.6 The site lies in close proximity to the River Stort and falls within Flood Zones 2 and 3 and the functional flood plain. In line with the Environment Agency's current flood risk standing advice, the applicant submitted a Flood

Risk Assessment with the previously approved scheme. The FRA advised that the proposed works which proposed permeable gravel surfacing for the footpath, would not result in any off site flooding. The Environment Agency seeks to ensure that ground levels are not raised.

- 7.7 The application proposes very limited changes to the land levels in the vicinity of the path, with levels proposed to be increased by a maximum of 40mm in parts to the west of the path and 100mm in parts to the east of the path. Having regard therefore to the very limited changes to land levels, it is considered that the proposal would not result in significant increase in flood risk in the area. Accordingly Officers consider that the proposals are in line with Policy ENV19 of the Local Plan. The condition suggested by the Environment Agency is not considered to be required therefore.

Archaeology

- 7.8 The site lies within an Area of Archaeological Significance and the County Archaeologist has previously advised that when investigations were carried out in 1978, 2001 and 2009 evidence of Roman Activity was discovered. The County Archaeologist does not however consider that the repositioned path will have an impact upon significant heritage assets and in line with this advice Officers are satisfied that the proposed development is acceptable in this respect.

8.0 Conclusion:

- 8.1 Having regard to the above considerations, it is considered that the realigned pedestrian/ cycle path is acceptable and accords with local and national planning policy. It is therefore recommended that, subject to the conditions set out at the head of this report, planning permission should be granted.