

**3/14/1238/FP – Proposed alternative car park layout and landscaping to the layout previously approved under planning permission 3/10/1271/FO at Paradise Wildlife Park, White Stubbs Lane, Broxbourne, EN10 7QA for Ms L Whitnall**

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**Date of Receipt:** 09.07.2014

**Type:** Full – Major

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

- a) That planning permission be **REFUSED** in respect of application 3/14/1238/FP for the following reason:
1. The proposed development, by reason of the unsuitable hard surfacing treatment; lack of adequate landscaping space and inadequate and unsympathetic landscaping proposed, would be detrimental to the rural character and appearance of the surrounding Metropolitan Green Belt and would thereby be contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.
  2. The application proposes the use of an impermeable hard surfacing material across the site and no satisfactory proposals have been submitted for the provision of a sustainable surface water drainage scheme to prevent surface water flooding in the surrounding area. The proposal would thereby be contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

**Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended) East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

- b) That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take

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enforcement action under sections 187A and/or 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and/or conditions 8, 9 and 10 of permission 3/08/1390/FP.

Period for compliance: 2 Months

Reasons why it is expedient to issue a breach of condition notice and/or enforcement notice:

1. The existing car park, by reason of the failure to agree and implement a landscaping scheme pursuant to conditions 8,9,10 and 11 of planning permission 3/10/1271/FO and conditions 8, 9 and 10 of permission 3/08/1390/FP is detrimental to the rural character and appearance of the surrounding Metropolitan Green Belt, contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

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### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises an area of land measuring 4 acres in area, located to the south of White Stubbs Lane, opposite Paradise Wildlife Park, and which is currently used as an overflow car park for the Park. It lies within the Metropolitan Green Belt in the south of the district.
- 1.2 The site has been the subject of a number of applications seeking to regularise the use of the land as a car park. The unlawful construction of the overflow car park first came to the Council's attention in 2001 and, following various negotiations and discussions was the subject of a retrospective application in July 2008 (ref: 3/08/1390/FP).
- 1.3 Planning permission was subsequently granted for the use of the land as a car park, subject to various conditions and, in 2010, permission was granted for the variation of one of the conditions placed on the 2008 permission in relation to the replacement of a pedestrian gateway feature with amber flashing safety lights instead.
- 1.4 Both the 2008 and the 2010 permissions required a detailed landscaping scheme for the car park to be agreed and a number of different landscaping proposals have been made since 2009 in an

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attempt to satisfy the condition. None of the proposals have been acceptable or indeed implemented, and Officers have repeatedly set out guidelines for the provision of a satisfactory landscape plan for the site.

- 1.5 Officers have continued to press the Park owners' for the implementation of an appropriate landscaping scheme in order to discharge the relevant conditions on applications 3/08/1390/FP and 3/10/1271/FO. However, in July 2014 the current application was submitted, which seeks, instead, to provide a revised layout for the car park and an increase in the number of spaces, together with a revised landscaping scheme.
- 1.6 The current plans propose that the car park is finished in tarmac with 581 marked and delineated spaces, together with marked directional traffic flow arrows. Landscaping is indicated to the boundaries of the site and within one strip within the site itself. However, no detailed landscaping scheme has been submitted.
- 1.7 The applicants agent has stated that “ the fragile wearing surface to the car park area, the extent of the planting required within the main car park, the lack of definition to the planted areas and the prohibitive use of parking bay markings and traffic flow direction arrows, all present major issues of traffic management, operation and practical on-going maintenance. The car park is essential to the running of Paradise Wildlife park, providing much needed off-street parking for Visitor vehicles during busy times.....In view of the complexity of the conditions imposed under the previous planning consent...it is considered expedient and logical to make a new planning application...In making these changes, an additional 180 car parking spaces are provided.”
- 1.8 Photographs of the existing car park will be available at the Committee meeting.

## **2.0 Site History**

- 2.1 The Wildlife Park site has a lengthy planning history, but the applications of relevance to this particular proposal are as follows:

3/04/0351/FP – Change of use of field to car park; Pedestrian underpass – Withdrawn

3/07/0865/FP – Retrospective application for material change of use of land to overflow car park, works to form a loose surface, siting of a portacabin – Withdrawn

3/08/1390/FP – Overflow car park (part retrospective) – Approved

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October 2008

3/10/1271/FO – Variation of condition 3 of 3/08/1390/FP – Approved  
October 2010.

#### **3.0 Consultation Responses**

- 3.1 The Highway Authority does not wish to restrict the grant of permission, subject to the imposition of conditions requiring greater detail of the parking spaces and turning areas to be provided. The Highway Authority welcomes the opportunity to improve the surface of the car park and mark out formal bays as this will reduce the risk of any backing up of traffic on the public highway. They comment that a distance of 6 metres should be provided within each row of bays rather than the 5.5 metres currently shown.
- 3.2 The Council's Landscape Officer has objected to the development. He has noted the failure by the owners of the Wildlife Park to comply with conditions imposed on the previous permissions of the site, as well as that the site has been used for the storage of builders rubble and other spoil along the western boundary of the site without permission.
- 3.3 The Landscape Officer indicates that the proposals would involve the retention of the mound of spoil, which lies within the root protection areas of trees within Mortals Wood to the west of the site.
- 3.4 The Officer considers that the current proposals amount to a poor landscaping layout. Works carried out since the previous permissions were granted have not adequately addressed concerns regarding landscaping of the site. Some planting along the inside edge of the east and south boundaries has been carried out in suitable hedgerow species. However, the plant beds installed along the east edge of the site comprised raised, square beds inappropriate in this rural location. In addition, vegetation along the north boundary appears to have been cut back rather than reinforced. Additional tarmacking and the laying of road shavings has been carried out.
- 3.5 The use of tarmac as a surface for the site is unsuitable in this location. A loose gravel surfacing over a cellular grid system, such as that used at the Broxbourne Woods complex, would be more appropriate and suitable for the level of traffic associated with the site.
- 3.6 The Landscape Officer concludes that the proposals are considered to be totally unsuitable for this Green Belt site. They would not result in a 'green' car park appropriate to this rural location.

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3.7 The County Archaeologist states that the works are unlikely to have an impact upon heritage assets of archaeological interest and raises no objection to the proposals.

#### **4.0 Parish Council Representations**

4.1 Brickendon Liberty Parish Council has not commented on this application.

#### **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No representations have been received as a result.

#### **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
TR7	Car Parking Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Trees and Hedgerows
ENV14	Local Sites
LRC10	Tourism

6.2 In addition, the National Planning Policy Framework is a material consideration in the assessment of this planning application. In particular, sections 3 – Supporting a prosperous rural economy, 9 – Protecting Green Belt land and 11 – Conserving and enhancing the natural environment are of relevance in this instance.

#### **7.0 Considerations**

7.1 In this case the main issues relate to the principle of the development in the Green Belt, and landscape and visual impact issues.

##### **Principle of Development**

7.2 The site lies within the Metropolitan Green Belt wherein permission will

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not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm caused by reason of inappropriateness and any other harm.

- 7.3 Permission has previously been granted for the use of the site as a car park in 2008. At that time it was considered that, although the development constituted inappropriate development in the Green Belt, there were very special circumstances that outweighed the harm to the Green Belt. These were: the need for the car park to support the tourist use at the Wildlife Park; that fact that a substantial part of the car park had become lawful through the passage of time, and the 'substantial benefits that the landscaping scheme would provide'.
- 7.4 In regard to the principle of the use of the site as a car park, Officers remain of the view that this is acceptable as a departure to normal Green Belt policy for the reasons previously given, provided that a satisfactory landscaping scheme is carried out.
- 7.5 In the absence of appropriate landscaping, the loss of an open field to a hard-surfaced car park results in substantial visual harm to the open, rural character of the surrounding area and it is for this reason that Officers have recommended that a breach of condition notice and/or enforcement notice be served to require compliance with the earlier landscape condition [recommendation b) at the head of this report].
- 7.6 The hard and soft landscaping proposals the subject of this current application, however, are not considered to be appropriate or suitable for this site within the Green Belt and adjacent to mature woodland and a Wildlife Site (Mortals Wood). The reasons for this are set out in the report below.
- 7.7 Even allowing for the tourism benefits of the use, the development cannot, in Officers view, outweigh the harm caused to the character of the Green Belt without the implementation of an appropriate landscaping scheme to soften its visual impact in the surrounding countryside.

#### Landscape, visual Impact and drainage

- 7.8 As noted above, the Council's Landscape Officer has objected strongly to the proposed surfacing and landscaping scheme. This follows efforts on the part of Officers to secure compliance with the conditions imposed on the 2008 and 2010 permission, efforts that have only achieved limited success.

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- 7.9 The owners of the Wildlife Park have failed to comply with the landscaping conditions imposed on the earlier permission. The revised scheme submitted with this application differs from the earlier approval as follows:
- The use of tarmac to surface the entire site, rather than just the initial access and parking area with a granular surfacing material used elsewhere
  - The increase in the number of parking spaces from 450 (as approved) to 581
  - The significant reduction in planting from previous proposals for the landscaping of the site – both within the site and on the boundaries of the car park.
- 7.10 These differences would, Officers consider, amount to a material worsening of the rural character of the site compared to the earlier approved scheme and suggested landscaping.
- 7.11 The proposed landscaping for the site amounts to some boundary planting with only a single strip of planting within the main area of the site. This proposal would leave the majority of the site appearing stark and unattractive.
- 7.12 Tarmacadam is considered to be a poor choice of surface for use within this rural location, especially over such a wide area. It would appear harsh and out of keeping with the character and appearance of the surrounding area, which comprises mainly open fields and woodland. The expanse of tarmac proposed, amounting to approximately 4 acres, together with a very limited landscaping provision, would be detrimental to the rural character of the site and the visual quality of the surrounding Metropolitan Green Belt. It would be more akin to an urban or suburban environment rather than a Green Belt woodland environment and would not be permeable, leaving the potential for surface water flooding of surrounding land. Other more suitable (and permeable) surfacing materials are available and can be seen in similar locations nearby (parking areas for the woodland for example) and indeed at tourist attractions elsewhere. There are also other methods of marking out parking bays and rows (such as the use of sets) without using more formal white lining on tarmacadam in such a sensitive rural location.
- 7.13 The proposal does not include any details of the proposed drainage of the site and there is a lost opportunity for the provision of sustainable drainage elements such as swales across the site that can also provide for valuable landscaping space. The proposal therefore fails to accord with policy ENV21 of the Local Plan and national planning policy

guidance contained in paragraph 103 of the NPPF.

- 7.14 The increase in car parking spaces would substantially reduce the area of the site that could be used for soft landscaping and/or sustainable drainage works to offset the visual impact of the development and provide for satisfactory drainage. Again, this would be to the further detriment of the appearance of the site in the surrounding woodland/countryside setting.

Parking within the site would be very formally laid out, and the presence of markings, as proposed, would result in a more urban character not appropriate for this rural location.

## **8.0 Conclusion**

- 8.1 Since permission was granted in 2008 and 2010 for the continued use of the land as an overflow parking area, little has been done to try and soften the impact of the use within the Green Belt. This is in spite of the efforts of Officers to secure compliance with the conditions in place.
- 8.2 This current application seeks approval for a materially poorer scheme, of greater harm to the Green Belt, and one which appears to disregard the advice of the Council's Landscape and Planning Officers as to how best to integrate the use within this rural location.
- 8.3 Officers consider the development to be inappropriate in this Green Belt location as the encroachment of the countryside by the car park is contrary to the purpose of including land within the Green Belt. While consideration and weight is given to the original permission, this proposal is materially poorer than the previous scheme and would cause additional harm to the character of the surrounding rural area. It is therefore recommended that planning permission be refused.
- 8.4 Furthermore, in light of the applicants' failure to comply with the repeated recommendations of Officers to produce an acceptable landscaping scheme for the site as required by the previous permission, it is also recommended that the Committee authorise the issuing of a Breach of Condition notice and/or an Enforcement Notice in order that formal enforcement action can be taken to secure compliance with the landscaping conditions imposed on the previous permissions.