

- 51 **3/10/1271/FO – Variation of Condition 3 of planning permission ref. 3/08/1390/FP for an overflow car park, to allow for the removal of approved pedestrian gate and the provision of pole mounted amber flashing lights mounted at roadside on approach to pedestrian crossing point at Paradise Wildlife Park, White Stubbs Lane, Broxbourne, EN10 7QA for Mr. Peter Sampson.**
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**Date of Receipt:** 15.07.2010

**Type:** Variation of Condition - Major

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

### **RECOMMENDATION**

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

1. The development to which this permission relates shall be begun before 22<sup>nd</sup> October 2011.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No external lighting (2E26)
3. The flashing safety lights hereby approved shall be installed and activated only when the overflow car park is in use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of pedestrian and highway safety.

4. The lighting units hereby approved shall be finished in black, and details of their fixings shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

**Reason:** In the interests of the character and appearance of this rural lane and the surrounding Green Belt in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Tree Protection: Earthworks (4P10)
8. Landscape design proposals (4P12 i,j,k)

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9. Landscape works implementation (4P13)
10. Details of earthworks/mounding (4P16)
11. Landscape maintenance (4P17)
12. Retention of landscaping (4P21)
13. The car park hereby permitted shall be used as an overflow car park only, in connection with Paradise Wildlife Park and not for any other purpose.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to nearby occupiers.

14. The use of the car park shall be restricted to within half an hour before and after the normal opening hours of Paradise Wildlife Park.

Reason: In the interests of the amenities of the occupants of nearby properties.

15. No materials, debris, pollutants, vehicles or machinery associated with this overflow car park are to be stored or used within the adjacent Wildlife Sites (71/033 Coldhall Green and White Stubbs Lane, and 71/063 Mortals Wood).

Reason: To protect local Wildlife Sites in accordance with policy ENV14 of the East Herts Local Plan Second Review April 2007.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (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, GBC14, TR7, TR20, ENV1, ENV2, ENV11, ENV14 and LRC10. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (127110FO.HI)

#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises an established wildlife park located in the Metropolitan Green Belt in the south of the district. The site includes a number of buildings and animal enclosures with car parking set in woodland surroundings. The site is covered by a woodland Tree Preservation Order. The overflow car park to

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which this application relates is situated on land to the south of White Stubbs Lane.

### **2.0 Site History**

2.1 There is lengthy planning history for development at this site in relation to the established wildlife park which will not be repeated here. The only relevant application is 3/08/1390/FP for the overflow car park on the south side of the road opposite the main entrance to Paradise Wildlife Park. Consent was granted by Members at Committee in October 2008 subject to a number of conditions, some of which remain to be satisfied. Condition 3 required pedestrian gateway features to be installed, following the submission of details within 3 months of the date of the decision (22<sup>nd</sup> October 2008), but it is now proposed to vary this condition to provide amber flashing safety lights instead.

### **3.0 Consultation Responses**

3.1 Environmental Health do not wish to restrict the grant of permission.

3.2 At the time of writing this report no response has been received from County Highways, Archaeological Officer, Broxbourne Woods Area Conservation Society, Hertfordshire Biological Records Centre, Herts and Middlesex Wildlife Trusts or the Landscape Officer.

### **4.0 Parish Council Representations**

4.1 At the time of writing this report, no response has been received from Brickendon Liberty Parish Council.

### **5.0 Other Representations**

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

5.2 No letters of representation have been received.

### **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

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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 to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 'Green Belts', and PPG13 'Transport' are considerations in determining this application.

## **7.0 Considerations**

- 7.1 This application proposes to vary Condition 3 of permission 3/08/1390/FP for the overflow car park at Paradise Wildlife Park. The condition is worded as follows:

*Within a period of three months from the date of this decision, details of materials for the construction and external finish of the pedestrian safety gateway features shall be submitted and agreed in writing by the Local Planning Authority. Such features to be installed in accordance with those approved details within 8 months of the date of this decision.*

*Reason: In the interests of highway safety and the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.*

- 7.2 It is now proposed not to install these pedestrian safety gateway features, but to provide amber flashing lights instead to make drivers aware of pedestrians crossing White Stubbs Lane from the overflow car park to the main Park. This is the result of more recent discussions with Herts Highways.
- 7.3 2 no. sets of lights are proposed and would be positioned on new poles alongside existing pedestrian crossing signs on White Stubbs Lane at a distance of approximately 135m east and 125m west of the car park entrance. The light boxes each measure 257mm x 257mm x 1000mm, and each unit houses a pair of vertical amber flashing lights. The units are described as black; however a photograph of the units submitted by the applicant indicates that they would be yellow. Officers consider that black would be necessary in order to minimise the visual impact of the units, and a condition requiring this is suggested.

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- 7.4 White Stubbs Lane is a rural lane characterised by woodland tree boundaries and highway verges, and is located in the Green Belt. The use of these lights at all times of the day and night would be unnecessary and would be considered harmful to this rural character. A condition is therefore recommended to require the lights to only be activated when the overflow car park is in use. The use of the car park is already restricted to half an hour before and after the normal hours of use of the main Park (Condition 13 of 3/08/1390/OP). Subject to this restriction, Officers do not consider that the proposal would unduly impact on the character of the area or visual amenity of the Green Belt. The applicant has confirmed that the light units would be removed from the pole when not in use to prevent theft.
- 7.5 In terms of highway safety, a need for these safety features is understandable. White Stubbs Lane is a national speed limit road, and it divides this overflow car park from the main Park area. The safety of Park visitors crossing this road is therefore a concern, particularly in summer months when the overflow car park is heavily used with a large number of children visiting the Park.
- 7.6 At the time of writing this report no formal response has been received from County Highways. However, it is understood that this proposed variation has arisen following discussions with Herts Highways. Given that the overflow car park has been used for some time now without any safety features, and the 3 months to install the gateway features has long since passed, it is considered both reasonable and necessary to require these safety lights to be installed when the overflow car park is in use.
- 7.7 It is noted that no other consultees have responded to this application; however it is not considered that this proposed variation would have any implications for archaeology, ecology, or landscaping.
- 7.8 As this application proposes to vary a condition on permission 3/08/1390/FP, the effect of granting consent gives a new permission to the applicant. Similar conditions are therefore again recommended as per 3/08/1390/FP. It is not considered reasonable or necessary to give the applicant a further three years consent. Condition 1 has therefore been reworded to require implementation by 22<sup>nd</sup> October 2011. Further, Condition 4 previously required a S278 Agreement to be submitted and approved, but Highways have confirmed that this is no longer necessary.

## **8.0 Conclusion**

- 8.1 Overall, the proposed variation of Condition 3 to replace the pedestrian gateway features with safety flashing lights is considered to be acceptable from a highway safety and visual amenity perspective.

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8.2 The application is therefore recommended for approval subject to the conditions set out above.