

DEVELOPMENT MANAGEMENT COMMITTEE – 10th JANUARY 2024

Application Number	3/22/2067/FUL
Proposal	Retrospective approval to change a temporary vehicle access bridge to a permanent access bridge.
Location	New Grange Paddocks Leisure Centre, Rye Street, Bishop's Stortford, Hertfordshire, CM23 2HH
Parish	Bishop's Stortford
Ward	Bishop's Stortford North Ward Bishop's Stortford Parsonage Ward

Date of Registration of Application	September 2022
Target Determination Date	January 2024
Reason for Committee Report	Application by East Herts District Council
Case Officer	Nick Reed

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal seeks planning permission for the permanent retention of an existing temporary road and pedestrian bridge.
- 1.2 The main considerations for the proposal are:
 - Principle of development in the Green Belt
 - Impact on landscape and visual amenity
 - Impact on neighbour Amenity
 - Highways and parking Implications
 - Impact of biodiversity and the natural environment
 - Flood Risk
 - Heritage Implications

1.3 The main issue for consideration is whether the proposed development is appropriate at this site; having regard to policies in the East Herts District Plan 2018, the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads (First Revision) and the National Planning Policy Framework.

2.0 Site Description

2.1 The application site is located within the settlement of Bishop's Stortford and is occupied by an access road, parking areas and two bridges that are used in association with the Grange Paddocks Leisure Centre. The site is bisected by the River Stort and is within Flood Zones 2 and 3.

2.2 The application site is located within the Metropolitan Green Belt and an Area of Archaeological Significance (AAS292) and partially within an area of designated open space and an area of local green space.

2.3 Two bridges cross the river and provide two-way vehicular access to the leisure centre, sports pitches, artificial sports pitch, and the associated customer car parks and also provide a segregated pedestrian crossing.

2.4 The southernmost river crossing, which includes the segregated pedestrian walkway, is a temporary crossing which was approved as part of the redevelopment of the Grange Paddocks leisure centre (ref. 3/19/1642/FUL). The siting and design were approved through the discharge of Condition 10 (Construction Management Plan) and condition 27 (Construction Traffic Management Plan) of planning permission ref. 3/19/1642/FUL; discharge of conditions ref. X/19/0573/CND.

2.5 The temporary bridge was retained for the subsequent construction of an artificial sports pitch (ref. 3/21/2353/FUL).

2.6 The temporary crossing replaces a timber pedestrian bridge that had been in situ since 2011 and was granted planning permission under ref. 3/11/0554/FP.

3.0 **Planning History**

3.1 The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/21/2353/FUL	Construction of a artificial turf pitch (use class F2c), associated footpaths, fences, a storage container, flood lighting and creation of a localised bund.	Approved subject to conditions	02.02.2022
3/19/1642/FUL	Demolition of existing Leisure Centre and the development of a replacement leisure centre with associated cycle parking facilities, landscaping, footpaths, children's play area, flood attenuation and amendments to playing pitches.	Approved subject to conditions	08.11.2019
3/11/0544/FP	Re-surfacing of the existing car park at Grange Paddocks, temporary car park, new foot bridge beside vehicle bridge; pedestrian and cycle path alongside the River Stort with link to Grange Paddocks; links to	Approved subject to conditions	13.07.2011

	existing bridges and installation of lampposts along the route from Rye Street to Castle Gardens.		
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4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), the and the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads – First Revision (NP).

Main Issue	NPPF	DP policy	NP policy
Principal of Development	Section 2 Section 13	GBR1	
Impact on character and appearance of the area	Section 12	DES3 DES4	HDP2 HDP3
Impact on neighbour amenity	Section 12	DES4	HDP2 HDP3
Impact on natural environment	Section 15	DES3 NE2 NE3	GIP5
Flood risk	Section 14	WAT1	GIP6
Heritage Implications	Section 16	HA1 HA3	HDP6
Highways Implications	Section 9	TRA1 TRA2 TRA3	TP9

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 **Summary of Consultee Responses**

5.1 Bishop's Stortford Town Council: The Committee has raised no objection to the development.

- 5.2 HCC Highway Authority: The Highway Authority has advised that the bridge is not located on or near highway land or the public rights of way network and does not wish to restrict the grant of permission.
- 5.3 Environment Agency: The Environment Agency does not object to the development subject to a condition being imposed requiring the submission of a bridge inspection and maintenance plan.
- 5.4 HCC Historic Environment Unit: The Historic Environment Unit has advised that the temporary access bridge is already in place and no further construction work is required to make it permanent. The development is therefore unlikely to impact heritage assets of archaeological interest.

6.0 Town/Parish Council Representations

- 6.1 Bishop's Stortford Town Council has raised no objection to the development.
- 6.2 No comments were received from the Local Ward Member.

7.0 Summary of Other Representations

- 7.1 Representations have been received regarding noise levels. Concerns have been raised regarding the metal construction of the footpath and the noise levels when scooters/bikes are ridden across it.

8.0 Consideration of Issues

Principal of Development

- 8.1 Policy GBR1 of the East Herts District Plan states that planning applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework. Policy GBR1 is therefore consistent with paragraph 154 of the NPPF, which states that, a local planning authority should regard the construction of

new buildings as inappropriate development in the Green Belt. However, paragraphs 154 and 155 do outline some exceptions to this. Paragraph 155 (b) advises that Engineering Operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

8.2 Paragraph 142 of the NPPF states that one of the essential of Green Belts is their openness. Openness can be defined by the absence of built form, and assessment of the impact on openness requires a spatial and visual judgement. Paragraph 143 goes on to advise of the five purposes of the Green Belt, these are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.3 The existing temporary bridge has been in situ since April 2020 and as such the impact on the openness of the Green Belt would remain unchanged from the current situation.

8.4 When constructed in 2020 the temporary bridge replaced a timber pedestrian bridge that had been in the same location since 2011. The temporary bridge is of a greater width than the pedestrian bridge which it replaced and as such occupies a greater volume and would result in a reduction to the openness of the Green Belt, in spatial terms.

8.5 In visual terms the temporary bridge is of a greater width than the pedestrian bridge that it replaced. The road and footway surfaces are not raised above the adjacent land on either side of the river and the only vertical intrusion is in the form of the barriers located either side of the carriageway and footway; the amount of visual intrusion is not dissimilar to that which existed when the previous pedestrian bridge was in situ.

- 8.6 The temporary bridge links the Grange Paddocks leisure centre to Rye Street; each side of the crossing is formed of access roads and car parking areas. When viewed from the junction with Rye Street and from within the Grange Paddocks site, the bridge is set within an area of established built form, hard surfacing and general street furniture. It is considered that the retention of the bridge would have a neutral impact on the openness of the Green Belt, in visual terms.
- 8.7 On balance it is considered that the retention of the temporary bridge on a permanent basis would not materially reduce the openness of the Green Belt and would not conflict with the purposes of including land within it. The development would accord with Policy GBR1 of the District Plan and the NPPF.

Impact on Landscape and Visual Amenity

- 8.8 The bridge is comprised of a single-track carriageway and a segregated pedestrian footway; each element of the bridge is separated by a barrier, with further barriers extending along the northern and southern edges of the structure. The bridge is located immediately to the south of the existing single track vehicle bridge that crosses the River Stort and replaces a timber pedestrian bridge that was removed to allow for the construction of the temporary construction traffic bridge. The bridge is constructed in galvanized steel.
- 8.9 The bridge has a simple utilitarian design and is not dissimilar in appearance to the northern road bridge, albeit of a slightly greater width in order to accommodate the segregated pedestrian walkway. Given the context of the site with existing access ways and parking areas on either side of the river, the bridge does not appear out of keeping or conspicuous within the landscape.
- 8.10 It is considered that the design of the development relates satisfactorily to the site and the wider locality. The proposal therefore complies with Policy DES4 of the East Herts District Plan

and Policies HDP2 and HDP3 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads.

Impact on neighbour Amenity

- 8.11 There is an approximate separation gap of 20 metres between the bridge and the closest residential property to the south west (1 Reynard Copse). Given the separation distances involved and the scale of the development it is considered unlikely that the bridge would result in a reduction in amenity being experienced by the adjoining occupiers in terms of overbearing impacts, loss of outlook, overlooking, loss of privacy or overshadowing.
- 8.12 Concerns have been raised relating to noise specifically resulting from cyclists and children's scooters crossing the metal surface of the pedestrian foot bridge; these concerns are acknowledged.
- 8.13 The majority of pedestrian and cycle traffic using the footbridge would be during the opening hours of the leisure centre which are between 6am and 10pm on weekdays and between 7.30am and 6pm at weekends. It is also noted that vehicles will also use the bridge during these hours. The type of noise which is of concern is likely to be infrequent and in the context of the site and the adjacent car parks and access road it is not considered that neighbour amenity would be detrimentally impacted.
- 8.14 Based on this assessment it is considered that the proposals comply with the requirements of policies EQ2 and DES4 of the District Plan and HDP2 of the Neighbourhood Plan, with regard to noise and residential amenity impact on neighbours.

Highway and parking implications

- 8.15 The permanent retention of the temporary bridge would allow two-way traffic to access the Grange Paddock leisure centre and would improve the flow of traffic into and out of the site during peak times. The segregated pedestrian footway would allow customers

accessing the leisure centre and sports pitches to cross the river without risk of coming into conflict with road users or cyclists.

- 8.16 The application site is located within private land and is not near to public highway land or the public rights of way network. Nevertheless, the Highway Authority has been consulted and have advised that they do not wish to restrict the grant of planning permission.
- 8.17 With regards to parking, it is acknowledged that the construction of the temporary bridge resulted in the loss of 4 parking spaces within the car park on the western side of the river.
- 8.18 Condition 6 of planning permission 3/19/1642/FUL required a green travel plan to be submitted in order to encourage a greater number of sustainable journeys to take place; this condition was subsequently discharged (ref. X/21/0235/CND). The provisions of the adopted green travel plan, the provision of secure bicycle storage and the sustainable location of the site will help to encourage car free journeys and reduce the dependence on private car use for access to the leisure facilities. It is also noted that additional public car parking provision is available at Northgate End car park which is approximately 600 metres away. It is considered that the factors discussed would offset the minor loss of parking spaces.
- 8.19 The development would therefore accord with Policies TRA1, TRA2 and TRA3 of the District Plan and Policy TP9 of the Neighbourhood Plan.

Impact of biodiversity and the natural environment

- 8.20 District Plan policies require that developments result in a net increase in biodiversity and the ecological value of the site.
- 8.21 The retention of the bridge would not result in any additional loss of riverbank habitat or trees/hedging.

8.22 It is noted that the construction of the temporary bridge required a section of hedging to be removed; it is understood that this was to be replaced once the bridge was removed. Given that the application seeks to permanently retain the bridge it is recommended that a replacement section of hedging or compensatory planting is provided; this shall be secured by way of a landscaping condition.

Flood Risk

- 8.23 A Flood Risk Assessment was submitted in support of the application. The site falls predominantly within flood zones 2, 3 and 3b.
- 8.24 New development within flood zone 2 and 3/3b will be required to pass the sequential test unless it falls within certain exceptions. The proposed development does not fall within the list of exceptions and the sequential test will need to be applied. The sequential test seeks to steer new development to areas at the lowest risk of flooding.
- 8.25 Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites within medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.
- 8.26 The bridge was initially constructed in 2020 as a temporary vehicular access for construction traffic for the construction of the Grange Paddocks Leisure Centre and is located adjacent to the original vehicular crossing.
- 8.27 The Grange Paddocks leisure centre is located on an "island" and is constrained by the River Stort to the west and a railway line to the east. As such there is a single point of entry for vehicles and pedestrians, via Rye Street and across the River Stort. The existing location of the bridge is therefore the only reasonable and available

location for a river crossing to provide vehicular access to the leisure centre. It is considered that the sequential test is passed.

- 8.28 The provision of a new bridge is considered to constitute a water compatible use, as defined in Annex 3: Flood risk vulnerability classification of the NPPF. Table 2 (Flood risk vulnerability and flood zone 'incompatibility) as set out in paragraph 079 of the PPG, states that the exceptions test is not required to be passed where development located in flood zone 3b is classed as water compatible. However, the notes to table 2 state that: In Flood Zone 3b (functional floodplain) water-compatible uses, should be designed and constructed to: a) remain operational and safe for users in times of flood, b) result in no net loss of floodplain storage, and c) not impede water flows and not increase flood risk elsewhere
- 8.29 The Environment Agency (EA) has been consulted and has provided an assessment of the bridge and its impact on flood risk. The bridge has a relatively low soffit level (57.996mAOD) compared to the 1 in 100-year event (57.90mAOD); the adjacent upstream bridge also has a low soffit of a nearly identical level. The EA have therefore advised that the proposed bridge will not increase flood risk to the area.
- 8.30 The EA have advised that due to modelled flood flow routes showing the 1 in 20 extent spilling out of the bank further upstream of the bridge. It is likely that debris is likely to be carried onto the floodplain to the east of the bridge. Consequently, in this event, any debris that does not spill onto the floodplain will encounter and potentially become lodged in these bridges.
- 8.31 In order to prevent debris becoming lodged in the bridges, the EA has recommended a condition requiring a bridge inspection and maintenance plan to be submitted. Consequently, a bridge maintenance plan (Maintenance Plan – East Herts Council: March 2023) has been provided. The maintenance plan advises that regular checks are to be carried out; the Council's Parks, Parking, Inspection and Leisure Officers will carry out weekly visual checks to identify obstructions, damage and defects. Further monthly checks by the Council's Property Surveyors on a monthly basis and

additional surveys and visual inspections by Hertfordshire County Council will be carried every two years. The maintenance checks as proposed are acceptable and shall be secured by a condition.

- 8.32 Regarding safe access and egress during times of flooding, refuge is possible by utilising the railway bridge to the east of the leisure centre.
- 8.33 The development is considered to accord with Policies WAT1 of the District Plan, GIP6 of the Neighbourhood Plan and section 14 of the NPPF.

Heritage Implications

- 8.34 The application site is located within an Area of Archaeological Significance (AAS292). The development is retrospective and seeks to retain a bridge that has already been constructed and as such any disturbance of the surrounding ground or archaeological remains has already taken place; no additional construction or ground works are proposed. The Historic Environment Department at Hertfordshire County Council have been consulted and have advised that the retention of the bridge would not result in harm to heritage assets of archaeological interest.
- 8.35 The development would accord with Policy HA3 of the District Plan, Policy HDP6 of the Neighbourhood Plan and section 16 of the NPPF (September 2023).

Conditions

- 8.36 The standard three-year time limit condition has not been recommended, this is on the basis that the development is retrospective in nature and no further construction works are required.
- 8.37 A condition has been recommended requiring a landscaping scheme to be submitted, in order to ensure that the development provides an improvement in biodiversity across the site and to

ensure that the section of hedging that was removed in order to construct the bridge is suitably replaced.

- 8.38 A condition has been recommended requiring the development to be operated in accordance with the submitted bridge inspection and maintenance plan. This is to ensure that the development remains safe during its operational lifetime and that damage, specifically relating to trapped debris resulting from flood conditions, is detected and acted upon immediately.

9.0 Planning Balance and Conclusion

- 9.1 The site is within the Green Belt but would not constitute inappropriate development.
- 9.2 There is some additional visual impact to the character of this part of the site but it is considered that this location within an established carpark is appropriate and that the adverse impact is limited.
- 9.3 The development is appropriate to the Flood Zone in which it is located and would not exacerbate the risk of flooding.
- 9.4 It is considered that the development would not result in harm to neighbouring amenity from excessive noise, overbearing impacts, loss of outlook, overshadowing, or loss of privacy and there will be no adverse impact on any designated heritage assets.
- 9.5 Accordingly, is considered that the proposals accord with relevant policies of the District and Neighbourhood Plans and that the planning balance falls in favour of the development. It is therefore recommended that conditional planning consent be granted.

RECOMMENDATION

That planning permission be **GRANTED subject** to the conditions set out below.

Conditions

1. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. Within three months of the decision being issued, details of soft landscaping and compensatory planting shall be submitted and approved in writing and shall include full details of planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies NE2, NE3, DES3 and DES4 of the East Herts District Plan 2018.

3. The development hereby approved shall be operated in accordance with the bridge inspection and maintenance plan (Maintenance Plan – East Herts Council: March 2023) unless otherwise agree in writing with the local planning authority.

Reason: To ensure that the bridge remains safe during its operational lifetime and during flood events and in accordance with Policy WAT1.