

5i **3/11/0544/FP – 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 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: 30.03.11

Type: Full – Minor

Parish: BISHOPS STORTFORD

Ward: BISHOPS STORTFORD - MEADS

RECOMMENDATION

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

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E03)
3. Approved plans (2E10) 4156/01B, 4156/02A, 4156/03A, 4156/04A, 4156/05A,
4. 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.

5. Tree retention and protection (4P05)
6. The use of the temporary car park as shown on plan no. 4156/05 shall cease upon the completion of the approved works to the car parks and the temporary surfacing shall be removed and the land reinstated within 3 months of that date.

Reason: This part of the proposed development is contrary to the provisions of the East Herts Local Plan Second Review April 2007 and is a temporary expedient only.

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7. Prior to the commencement of development details of crime prevention measures for the car parks shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of crime prevention in accordance with Policy ENV1 and ENV3 of the East Herts Local Plan Second review 2007.

8. 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.

9. The soffit level of the new pedestrian and cycle bridge shall be set no lower than that of the existing vehicle bridge.

Reason: To prevent an increased risk of blockages occurring during flood events in accordance with policy ENV19 of the East Herts Local Plan April 2007.

Directives

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.

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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. There is currently no dedicated pedestrian access from Rye Street, over the river.
- 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 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 There are two parts to the proposed development; first, improvements to the surfacing and layout of the existing car parks and a new vehicular link between them. Second, the provision of a 2.4 metre wide lit foot/ cyclepath to include a new pedestrian bridge from Rye Street to Castle Gardens via Grange Paddocks. The submitted details currently indicate that the proposed lighting will be set on 5 metre high columns and finished in black and will be sited at approximately 30 metre intervals along the new footpath. A temporary car park is also proposed to accommodate 126 vehicles to the north of the existing car parks whilst works are being undertaken. The application indicates that this will be removed upon the completion of the works.

2.0 Site History

- 2.1 In 2000 outline planning permission was refused under LPA Ref: 3/00/1176/OP for the construction of an extension to the existing pool and gym building together with the provision of all weather sports pitches (2no.), floodlighting and extended car parking facilities.
- 2.2 In 2002 an amended scheme, which did not include the all weather pitches or floodlighting, was granted under LPA Ref: 3/01/2284/OP for the erection of an extension to the existing pool and gym building along with additional car parking. This scheme was not implemented.

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2.3 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 Environment Agency comments that there are no objections to the proposed development subject to a condition requiring the soffit level of the new pedestrian and cycle path being set no lower than that of the existing vehicular bridge.

3.2 Hertfordshire Biological Records Centre (HBRC) comments that the submitted Hertfordshire Water Vole surveys suggest that water voles are not present on this stretch of the river and therefore no ecological considerations need to be made regarding the proposed works.

3.3 Herts and Middlesex Wildlife Trust (HMWT) supports measures taken to improve accessibility and promote environmentally sustainable modes of transport and outdoor recreation such as walking and cycling.

3.4 However both HBRC and HMWT comment that the proposed pathway runs beside the River Stort bordering woodland and wetland habitats and it therefore important to minimise and mitigate any possible impacts on wildlife which may include birds, insects, bats and otters. The removal of vegetation and the installation of lighting could have a significant impact on wildlife and therefore it is recommended that there is no removal of trees, scrub, hedges or other vegetation during the bird nesting season and that the lighting is sensitively designed and located with consideration being given to reducing the lamp column height, the direction and brightness of the lamps and attaching shields/ hoods to minimise the impact on wildlife.

3.5 The Council's Conservation Officer advises that the proposed works to the car park and footpath along the River Stort will enhance the existing appearance of these surfaces and ensure their long term viable use. In addition the works are considered to have little or no impact on the wider conservation area or area of archaeological significance. In respect of the lighting, given its location and the dense vegetation and trees surrounding the footpath, it is considered that enough natural screening exists to ensure it would not impact upon the character of the area at night.

3.6 The County Archaeologist advises that the proposed development is in Area of Archaeological Significance No. 113 where evidence of a substantial Roman settlement of 1st to 4th century date has been found. It is therefore considered appropriate to include a condition requiring the

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implementation of a programme of archaeological work which shall be first approved by the Local Planning Authority.

- 3.7 British Waterways comments that on the basis that the proposed development does not lie within the consultation zone, ie 150 metres of the centre line of any waterway owned or managed by British Waterways it has no comments to make.
- 3.8 Veolia Water advises that the site is located within the groundwater Source Protection Zone of Causeway Pumping Station. It therefore recommends that construction works and the operation of the proposed development is done in accordance with the relevant British Standards and Best Management Practices.
- 3.9 The Council's Landscape Officer advises that there are no objections in principle to the proposed footpath as shown although it is considered that the proposed route would be better realigned to follow the River Stort along its entire length rather than running along the edge of playing fields towards Grange Paddocks Leisure Centre. This view is based on the fact that the existing desire line appears to follow the riverside rather than along the edge of the playing field and that there may be a conflict of land use between that of cyclists / pedestrians and the football pitch. It is also suggested that an alternative construction method to that proposed could be used for the footpath involving rolling in a gravel or pea shingle while the tarmac is still warm to give a monolithic wearing course.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council raises no objections, in principle, to the proposed development, however it requests that short lighting columns, no more than 1 metre high, with low level lighting designed to only illuminate the path are used to avoid the environment being urbanised.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, three site notices and neighbour notification.
- 5.2 24 letters of representation have been received, including from the Bishop's Stortford Civic Federation and Chantry Community Association, raising the following concerns:-
- The introduction of lighting and the additional footpath in an unspoilt green area;

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- The height of the lighting and the impact it will have on the rural character of the area;
- The impact of the lighting on the river and wildlife;
- The introduction of lighting may increase anti social behaviour along the river;
- Loss of jogging lane on playing fields;
- The loss of recreational land;
- The temporary car park may become permanent which would result in the permanent loss of sports and recreation facilities and possible problems with flooding;
- The proposal is premature and shouldn't be considered until the findings of the new urban transport strategy for Bishop's Stortford (which is not yet completed) and specifically parking in the town are known;
- Noise and disturbance;
- Archaeology;
- Pollution, traffic generation and safety during construction;
- Is there a need for the works;
- The possible loss of the existing gate which ensures that antisocial behaviour does not take place at night.

5.3 In addition whilst one resident raised specific concerns, which are set out above, they did support the erection of a pedestrian bridge and re-surfacing the footpath.

5.4 Several non-planning related concerns were also raised regarding the cost of the proposals and the Council's possible future intentions for the car parks;

- The proposals are expensive and unnecessary;
- The works are only proposed due to the proposed Causeway development and the need to compensate for the loss of car parks that will occur within the town centre.
- Car parking for the town should be provided within the town centre;
- The development will attract undesirable users such as airport parkers and gypsies;
- The loss of a free car park for users of Grange Paddocks and the associated playing fields;
- The use of the car parks for users of the town centre which will conflict with leisure facility users;
- Cars would overflow onto the surrounding streets;
- The introduction of fees to park.

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
BH3	Archaeological Conditions and Agreements
BH6	New Developments in Conservation Areas

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 The main issue for consideration is whether the principle of the development on the site is acceptable. Consideration also needs to be given to any impact the development may have on the character of the area and the Conservation Area; the amenities of nearby residents; lighting; ecology; flooding; crime prevention and archaeological issues.

The principle of development

7.2 Within the Green Belt under the provisions of Local Plan Policy GBC1, permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. It goes on to state that the material change of use of land or engineering operations within the Green Belt will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. PPG2: Green Belts sets out five purposes for including land in Green Belts; these are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to

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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.

- 7.3 Whilst the proposal fails to fall within any of the exception categories, by their nature all the works will maintain the openness of the Green Belt and, in respect of the new footpath, Policy LRC3 supports the provision of and improved access to suitably located facilities for informal and countryside recreation in such locations. Furthermore, I consider that the proposed development which, in the case of the works to the car park, is proposed to improve vehicle circulation and the functioning of the site and in the case of the footpath and pedestrian bridge is to improve access and encourage more sustainable means of transport between the town centre and Grange Paddocks, will not conflict with the purposes of including land within the Green Belt. I am therefore satisfied that, in principle, both the works to the car park and the new footpath and pedestrian bridge comply with policy GBC1 and PPG2: Green Belts and therefore in this respect the scheme is acceptable.
- 7.4 With regards to the proposed temporary car park, this element of the scheme would not, in my view, maintain the openness of the Green Belt and would result in an encroachment onto existing recreational land. This element therefore constitutes “inappropriate” development within the Green Belt and is also contrary to policy LRC1 of the Local Plan. Policy LRC1 states that proposals that result in the loss of sports and recreational facilities will be refused unless a suitable alternative facility can be provided or if it can be demonstrated that the facility is no longer needed. Consequently it needs to be considered whether there are any very special circumstances in this case to warrant a decision that outweighs both Green Belt and recreation policy.
- 7.5 The change of use of the land is for a temporary period only and the land will be reinstated upon completion of the works to the car park. The temporary car park is required to ensure that alternative parking will be available during construction works for users of Grange Paddocks and the playing fields without parking spilling out onto nearby roads. On this basis and because the car park will only be there for a temporary period, which can be controlled via condition, I consider that very special circumstances exist to enable the works to take place which outweigh the harm caused to the Green Belt by reason of inappropriateness. Furthermore the area of land does not form part of a formal sports pitch and whilst its permanent loss may be unacceptable, the temporary nature of this part of the proposal will ensure that in the long term the land will be reinstated as recreational land. I therefore consider that special circumstances also exist to warrant a departure from Policy LRC1 of the Local Plan.

The footpath and pedestrian bridge

- 7.6 With regards to the proposed footpath which includes the provision of a pedestrian bridge across the River Stort, I am satisfied that these elements will not adversely impact upon the rural character and appearance of the site, the wider area or the Bishop's Stortford Conservation Area wherein part of the footpath lies. Nor will their location adversely impact on the amenities of neighbouring properties which, other than no.s 1 to 4 Reynard Copice, are well screened from the development by natural landscaping. The new pedestrian bridge which will be sited adjacent to the existing access bridge from Rye street to Grange Paddocks will ensure that pedestrians and cyclists are able to safely access the site, where currently conflicts arise between motorists and pedestrians because of the narrow width of the bridge and the lack of a dedicated footpath.
- 7.7 The proposal includes the removal of one tree and some limited vegetation along the river to accommodate the new footpath and the Landscape Officer raises no objections to this. I note however the Landscape Officer's comments regarding the possibility of re-aligning the footpath to follow the natural line of the river. Whilst I acknowledge that this re-alignment may result in a more pleasant riverside walk, the primary purpose for the proposal is to improve access from the town to Grange Paddocks and the car parks. I consider therefore that the proposed route, which is more direct, would not unduly conflict with existing users of the playing fields nor would it be detrimental or out of keeping with the character of the area and therefore the route currently proposed is acceptable.
- 7.8 Finally, I note the comments made by Hertfordshire Biological Records Centre and Herts and Middlesex Wildlife Trust regarding the impact the proposed development may have on ecology in the area which would result from the removal of vegetation along the banks of the River Stort. In light of their comments, which broadly support the proposals, and in line with policy ENV16 of the Local Plan, I 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.
- 7.9 For the above reasons I consider the proposed footpath accords with the provisions of the Local Plan and is therefore acceptable.

Lighting

- 7.10 The application proposes the provision of lighting in the form of 5 metre high lighting columns set some 30 metres apart along the entire length of the new footpath. Whilst I consider, in principle, that the provision of lighting may be acceptable and will help ensure that the new footpath is a safe

environment to walk or cycle along, I do share the concerns raised by local residents with respect of the impact the lighting will have on the character and appearance of the area. Currently the area is characterised by its unspoilt rural appearance and the existing unmade path is unlit. The introduction of lighting of this nature which is often found on minor roads, residential areas and car parks will, in my view, give the footpath an urban feel, more akin to formal castle gardens and play areas to the south of the site and would have a significant adverse impact upon the exiting rural landscape.

- 7.11 In addition Hertfordshire Biological Records Centre and Herts and Middlesex Wildlife Trust have raised concerns regarding the impact the proposed lighting may have on the ecology of the area and particularly bats which are a European protected species.
- 7.12 With regards to the impact the lighting may have on the amenities of neighbouring properties, on the basis that the new footpath will be well screened from neighbouring properties to the west of the river and that no lighting is proposed along the stretch adjacent to no.s 1-4 Reynard Copice I consider that it would not disturb residents or impact adversely on their amenities.
- 7.13 In light of the concerns regarding the impact the lighting will have on the character and appearance and the ecology in the area I consider the current lighting proposed is unacceptable. However, on the basis that I am satisfied that an alternative form of lighting would be acceptable, it is reasonable and appropriate for the Council to include a condition requiring the details of lighting, including hours of operation, to be agreed in writing.
- 7.14 For the above reasons I consider, subject to the details of the lighting being submitted and agreed in writing that the proposed lighting accords with the provisions of the local plan and is therefore acceptable.

The resurfacing of the car park and temporary car park

- 7.15 I am satisfied that the resurfacing of the car park and the provision of a link between the two existing car parks will not have a significant adverse impact upon the character or appearance of the area nor will it adversely impact on the amenities of nearby residents. Indeed, I consider that the proposed works will have little impact on the current appearance of the site but will help to improve circulation and the functioning of the site particularly during busy times.

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- 7.16 With regards to the proposed temporary car park, it is unclear from the information submitted how this area is to be treated. However, particularly given the short term nature of this part of the proposal and the need to provide alternative off street parking whilst the works to the existing car parks are taking place, I am satisfied that the temporary car park will not unduly impact upon the character and appearance of the area in the long term. In addition, due to the significant distance of some metres to the nearest residential property I do not consider it will adversely impact upon the amenities of nearby residential properties whilst in operation.
- 7.17 A number of residents have raised concerns regarding the possible removal of the existing security gate which restricts the use of the car parks to when Grange Paddocks is open. The submitted plans do not show this gate to remain. However, I understand that the applicant intends to leave the gates in place and that the car parks over the bridge will be locked overnight. I consider it reasonable, given the history of antisocial behaviour at the site, to include a condition requiring details of crime prevention measures to be submitted, which would include the retention of the existing gate.
- 7.18 For the above reasons I consider that the resurfacing of the car park and provision of temporary car park accords with the provisions of the Local Plan and is therefore acceptable.

Flooding

- 7.19 The site lies in close proximity to the River Stort and falls within Floods Zones 2 and 3 and the functional flood plain. In line with the Environment Agency's current flood risk standing advice, the applicant has submitted a Flood Risk Assessment. The FRA advises that the proposed works which propose the use of permeable asphalt for the resurfaced car parks; specialist permeable 'trak mats' for the temporary car park and permeable gravel surfacing for the footpath, will not result in any off site flooding. The Environment Agency has, subject to the inclusion of a condition requiring floor levels of the new bridge to be set no lower than the existing bridge, not raised any objections to this approach and accordingly I consider that the proposal would not result in an increase in flood risk in the area and is in line with Policy ENV19 of the Local Plan.

Archaeology

- 7.20 The site lies within an Area of Archaeological Significance and the County Archaeologist has advised that when investigations were carried out in 1978, 2001 and 2009 evidence of Roman Activity was discovered. It is therefore considered that there is a reasonable likelihood of significant archaeological remains being present at the site and therefore I have

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recommended a condition requiring the implementation of a programme of archaeological work.

Non Planning Matters

- 7.21 A significant number of letters have been received regarding the cost of the proposed works and the future use of the car park as a pay and display car park for the town centre. Whilst I acknowledge these concerns they are not planning matters but relate to the future management of the site and the individual circumstances of the applicant. These issues therefore cannot form part of the considerations for this planning application.

8.0 Conclusion

- 8.1 Having regard to the above considerations, it is considered that the proposed development 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.