

UTT/1210/11/FUL – (Hatfield Broad Oak)

PROPOSAL: Change of use of open pasture land to public amenity area including new vehicular access and parking area.

LOCATION: Land West of Dunmow Road

APPLICANT: Hatfield Broad Oak Parish Council

AGENT: Lindy Livings & Howes

GRID REFERENCE: TL 549 - 169

EXPIRY DATE: 23/08/2011

CASE OFFICER: Mrs Madeleine Jones

1.0 NOTATION

- 1.1 Outside Development Limits/ within Historic Parklands and Gardens (Barrington Hall) and 500m of Recorded Great Crested Newts sighting / TPO/ Adjacent to ancient monument and Listed Building.

2.0 DESCRIPTION OF SITE

- 2.1 The application site is located to the north eastern corner of Hatfield Broad Oak village. It forms a horizontal band (opposite where the band of housing to the east ends) across land to the south that has recently been granted planning permission for the provision of a new village green, a cricket and football pitch and amenity area and a strip of land that runs parallel to the west of Dunmow Road. To the north and North West lie open grazing land that was formerly parkland associated with Barrington Hall. The eastern edge of the site (along the road side) is mature trees, shrubs and hedgerow. This boundary treatment to the east is separated from the road by a ditch and the ground levels are lower at the roadside edge. The existing sports ground is to the north of the site. The committee visited the site in 2009 at the time of a previous application.

3.0 PROPOSAL

- 3.1 The proposal is for the creation of a new entrance and parking area on land adjacent of the village green development site on land formerly part of the grounds of Barrington Hall. The surface of the parking area would be an arrangement of reinforced matting that allows the grass to grow through. The parking area would provide parking for 40 cars and 4 disabled parking spaces. The northern and western boundary of the application site would have wire fencing to a height of 1.2m high. The new access would be 5.5m wide and be tarmaced. It would extend away from the road for approx 15m and a small area at right angles would also be tarmac. The access road joining the hard standing to the car parking area would be reinforced matting and have low level oak post delineation.

4.0 APPLICANTS CASE

- 4.1 An heritage statement, traffic survey, tree report and ecology survey have been submitted with the application.

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/0535/09/FUL - Change of use of open pasture to public amenity space. Approved 18th August 2009.

- 5.2 UTT/1611/09/FUL – Alteration of ground levels to form village cricket and football pitches and amenity area. Withdrawn 3rd March 2010.
- 5.3 UTT/1477/10/FUL - Alterations to ground levels to form village cricket and football pitches and amenity area. Approved 9th November 2010.

6.0 POLICIES

6.1 National Policies

- PPS9 - Biodiversity & Geological Conservation
- PPG 17 - Planning for Open Space, Sport and Recreation
- PPS25 - Development and Flood Risk

6.2 East of England Plan 2006

- Policy SS1 Achieving Sustainable Development
- Policy T 14 Parking

6.3 Essex Replacement Structure Plan 2001

6.4 Uttlesford District Local Plan 2005

- Policy S7, - The Countryside
- Policy GEN1 - Access
- Policy GEN3 - Flood protection
- Policy GEN4 - Good Neighbourliness
- Policy GEN6 - Infrastructure to support Development
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy ENV2 - Development affecting Listed Buildings
- Policy -ENV3 - Open spaces and Trees
- Policy ENV8 - Landscape elements of Importance for Nature Conservation
- Policy ENV9 - Historic Landscapes
- Policy LC2- Access to Leisure and Cultural Facilities

Supplementary Planning Documents

Essex County Council Parking Standards have been adopted (January 2010)

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 No objection (applicant).

8.0 CONSULTATIONS

Environmental Health

- 8.1 No comments

Environment Agency

- 8.2 No objections

Natural England

- 8.3 The ecological survey submitted with this application has not identified that there will be any significant impacts on statutory protected sites.

- 8.4 The area of tarmac access within the site should be drained to the ground (and not the ditch) within the site NOTE: The culverted crossing of the ditch will require additional and separate land drainage consents.

Essex County Council Highways

- 8.5 No objections subject to conditions.

9.0 REPRESENTATIONS

- 9.1 37 representations have been received. Expiry date 28th July 2011

- 9.2 A summary of the comments received as :

- Change of use of yet more ancient parkland
- A large part of this parcel of land remains unallocated
- The proposal is for forty, plus four disabled, parking spaces. The original planning application was that there would be no more than a dozen spaces for limited event parking only. I urge that the size of this development is limited to 10 vehicles which the proposers originally claimed.
- There appears to be no access arrangements to enable wheelchairs (or buggies) to access the sports pitches and pavilion from this car park
- The planned access to the car park appears to be approximately 20 metres wide, some of which will be tarmac, in my view rather excessive, when as village residents we were told that any surfacing would be reinforced matting. The use of tarmac is not in sympathy with the rural nature of this site.
- The size of the car park and entrance road seems unreasonably large and therefore a misuse of public funds.
- This application leaves the land open to housing development. The landlord can accordingly to the lease between him and the Parish Council, take back any land adjoining his land, by giving 6mths notice. This land would give the land owner the ideal opportunity for housing development.
- The overall plan is to add a pavilion. This proposed pavilion would be some two hundred metres from the car park and only metres from the High Street entrance to the village green. Those wishing to participate in or be supporters of sports would therefore tend to park in the High Street area creating additional traffic congestion
- This project only compounds the severe traffic congestion in the High Street/ School area and does not benefit the general community.
- The speed data is out of date and relates to Dunmow Road well within the 30mph limit. Average speeds outside the village are far in excess of those shown so that use of the car park is likely to cause greater danger to traffic. The traffic survey was carried out no where near the proposed entrance where vehicles are travelling above 50mph, so the survey has no relevance at all. By the time traffic had cleared the speed limits that data collected is totally irrelevant and should not be taken into consideration.
- The speed of traffic approaching from the north along this piece of straight and the exit speed of traffic from the south, accelerating from the speed restriction, will be hazardous when confronted by vehicles turning in and coming out of the proposed entrance/exit. It is noted that traffic would be encouraged to enter the site from the north. How could this be achieved? Is it proposed to make expensive alterations to the highways.
- Dunmow Road is used as a main route by heavy lorries and goods vehicles as well as cars - most of which completely ignore the speed limit. The issue of speeding traffic and pedestrian safety in the village should be comprehensively addressed before any new facilities are developed.
- There have been several serious accidents in recent years
- Why is the site so big?

- The beautiful views that the Parish Council wanted to open up for the villagers will be blighted by a long line of parked cars in front of Barrington Hall.
- In view of distance from pavilion, sports players are most unlikely to use it. 250 north of the pavilion whereas the pavilion will be only 90 metres from the High Street.
- The present pitches should be renovated and then a car park in the area proposed would make some sense.
- Nineteenth century parkland is an extremely rare asset which must be protected.
- The proposal will do nothing to alleviate the car parking problems which already exist in the High Street area.
- There has been a risk of flooding in this area which could be increased by a large amount of hard standing. Drainage has often been a problem in this area.
- The current development of the Village Green on a piece meal basis is heading to be a classic disaster. This important point regarding vehicular entry into the parkland should have been considered at the same time as the change of use.
- The proposed car park is situated very near to a residential area, which would inevitably cause noise and loss of privacy for the residents nearby.
- Will the land in question have to undergo more archaeology survey which should be carried out before any decision is made on the vehicular entry?
- The new youth shelter is in a most disgusting state, is this the start of things to come.
- The entrance to the old sports field has always thought to be in a dangerous place so it seems crazy to put a new entrance in almost the same position. The site lines for cars coming out of the village are very poor given the average speed of cars along that road.
- There is a need within the village for better car parking facilities near the school where parents delivering children cause serious traffic congestion and block pavements.
- This will ruin one of the village best features.
- At times when the proposed entrance and car park is not open, where are users of the facilities going to park?
- The application contains contradictory information.
- No public discussion has taken place.
- Why was a car park not planned to be placed opposite the school. This would serve two purposes - one to supply parking for sporting events and two to allow parents dropping their children off at the school to do so in safety. A part-time crossing could be provided for the children's safety.

10.0 APPRAISAL

10.1 The issues to consider in the determination of the application are:

- A. Whether the development of this site is acceptable in principle outside Development Limits and whether the scale and design of the development is acceptable in principle (PPG 17, PPS25 and ULP polices S7, GEN2, GEN4, ENV9 and ENV2)
- B. Highway safety (ULP polices GEN1, GEN2, GEN8 and Supplementary Planning Document Essex County Council Parking Standards)
- C. There would be unacceptable impacts on protected species. (ULP policy GEN7 and PPS9)
- D. Any amenity issues would result from the proposals (ULP polices GEN2 and GEN4)

A Whether the development of this site is acceptable in principle outside Development Limits and whether the scale and design of the development is acceptable in principle (PPG 17, PPS25 and ULP polices S7, GEN2, GEN4, ENV9 and ENV2)

10.2 Policy S7 states that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is

appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The use of the reinforced matting will have limited impact on the character of the countryside. The parking of cars on the historic parkland is considered to have a visual impact on the character of the setting, however, the use of the parking area would not be continuous and the benefit of the provision of off road parking is considered to outweigh the minimal harm caused.

- 10.3 Several comments have been made in relation to the use of tarmac over a significant part of the access. The use of a bound material is required within 6 metres of the highway boundary of the site to avoid displacement of loose material onto the highway in the interests of highway safety. The tarmac does not extend the full length of the access road and is considered to be satisfactory. The parking area and remaining access road will not be hard surfaced. The reinforced matting will involve minimal disturbance to the historic park/garden and is not considered to harm the historic park. The access is located at a location that requires minimal works to trees.

B Highway safety (ULP polices GEN1, GEN2, GEN8 and Supplementary Planning Document Essex County Council Parking Standards)

- 10.4 Policy GEN1 states that development will only be permitted if it meets all of the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

- 10.5 A Significant number of objections have been received relating to highway issues as detailed as above. Comments have been received regarding the incorrect location of the traffic survey. However, discussions with Essex County Council Highways Department have confirmed that the survey is adequate and that the location of the access is appropriate. The position of the entrance has been the subject of pre-application advice with the Highways Authority and it raises no objections to the scheme. Three different options were discussed and the proposal submitted was considered to be the most suitable (and the least costly - although not a planning consideration). No major trees would need to be removed, the entrance can accommodate a longer run off to the highway and the levels between the road and entrance to the field at this point are comparable.

The parking spaces meet the correct adopted parking standards.

C There would be unacceptable impacts on protected species. (ULP policy GEN7 and PPS9)

- 10.6 Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on local planning authorities, to have regard to biodiversity in exercising their functions.

Where European Protected Species such as Great Crested Newts are concerned the Local Planning Authority must take into consideration the three tests as laid down in the European Habitats Directive

- 1) Is the proposed development in the overriding public interest
- 2) Is there no satisfactory alternative

- 3) That the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 10.7 Eggs of Great Crested Newts were found in the nearest pond approximately 270 metres away from the proposed construction footprint during a survey in 2010. The nearest pond found to contain great crested newts is over 500 metres away from the construction footprint.
- 10.8 The ecology survey submitted with this application has not identified that there will be any significant impacts on statutory protected species. Although the survey is based on an outdated newt survey, the area designated for construction is assessed as having negligible suitability for newt hibernation. Natural England's standing advice is that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy for great crested newts.

D Any amenity issues would result from the proposals (ULP polices GEN2 and GEN4)

- 10.9 The access road is adjacent to a B road and any additional fumes and noise generated by this proposal is likely to be not of a significant level to warrant refusal.

11.0 CONCLUSION

- 11.1 The following is a summary of the main reasons for the recommendation:

RECOMMENDATION – CONDITIONAL APPROVAL

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

3. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application detailed within the impact appraisal dated 4th June 2011 in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site.

4. The vehicular access shall be constructed at right angles to the highway at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5metres, shall be retained at what width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

5. Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.

REASON: To ensure uninterrupted flow of water and reduce the risk of flooding of the highway

6. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

8. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

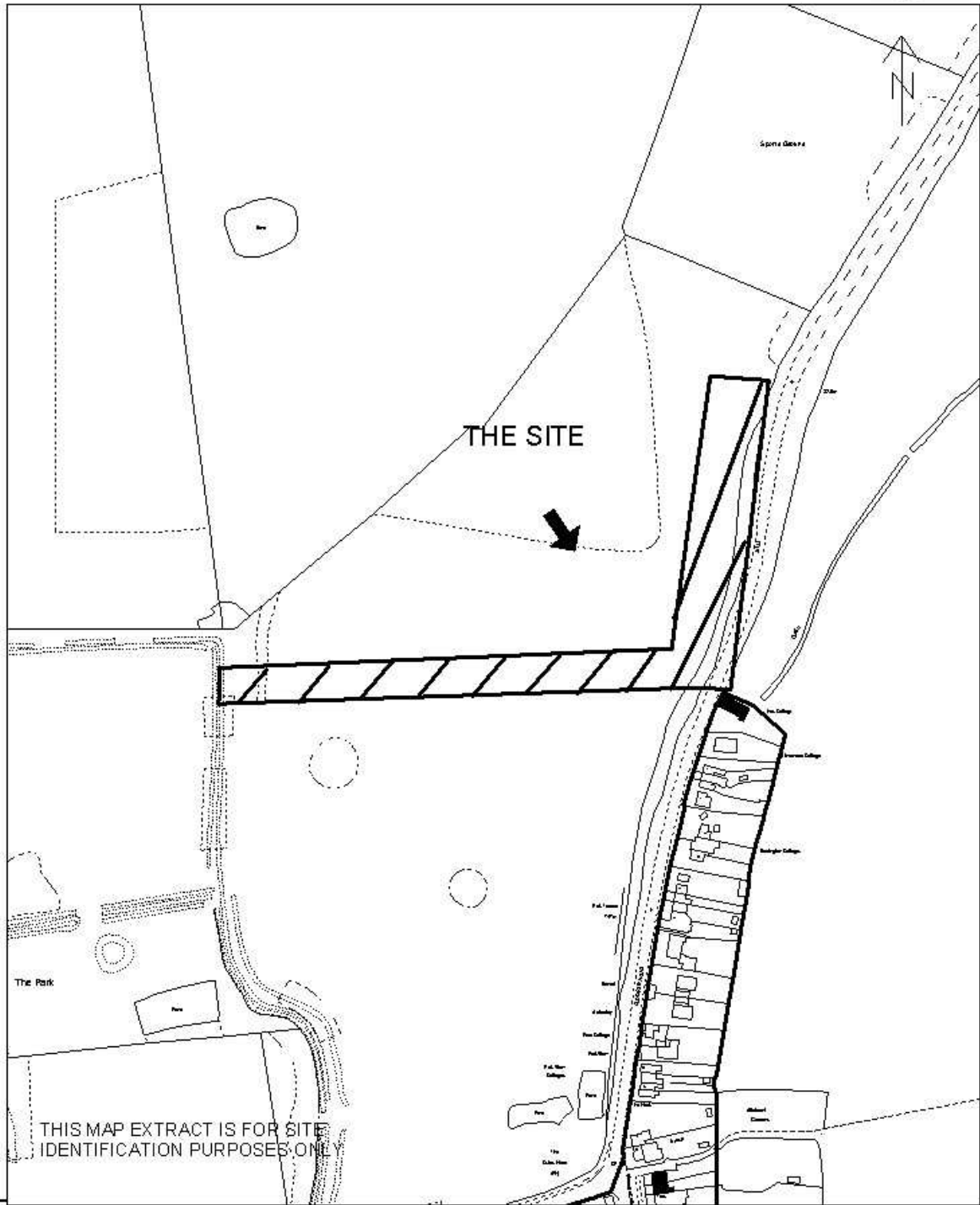
10. Retention/replacement of trees

If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: In the interests of visual amenity.

11. No gates shall be provided unless details have previously been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans.

REASON: No details of the gate have been submitted with the application.



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