

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01920/FP	Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.	Land To The East Of Old Hale Way Hitchin Hertfordshire

Submitted Plan Nos

ST-2824-100 ST-2824-700-C ST-2824-800

1.0 Policies

NE4	Biodiversity and geological sites
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D1	Sustainable design
T1	Assessment of transport matters
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
SP5	Countryside and Green Belt
SECN13	Protecting Green Belt Land
SECN9	Promoting sustainable transport
SP2	Settlement Hierarchy and Spatial Distrib

2.0 **Site History**

- 2.1 23/01652/FP: Use of land as a Community Car Park, new gate and associated tree planting and landscaping. Application Withdrawn 1/9/2024

3.0 **Representations**

- 3.1 Ickleford Parish Council: Raises an objection on several grounds including:

- ☐ Dangerous vehicular exit
- ☐ Harmful to and loss of Green Belt
- ☐ No public demand for this car park
- ☐ Loss of natural habitats
- ☐ Pollution from security lights
- ☐ Harmful to the River Hiz

☐ Increased risk of flooding

3.2 Hertfordshire Highways: Recommends refusal – further information required. Does not support the occasional farmers market, car boot sales uses which could likely lead to inconsiderate and illegal parking prejudicial to highway safety.

3.3 NHD Ecologist:

☐ 23% loss not 16%

☐ Biodiversity Net Gain condition required

3.4 NHDC Environmental Health: No response

3.5 Site Notice/Adjoining occupiers:

Several letters have been received (see web site for full details). Comments made against the proposals:

☐ No evidence of need

☐ Uses such as farmers market, car boot sales not appropriate in this Green Belt location

☐ Contrary to Green Belt policy

☐ Harmful visual impact

☐ Loss of openness

☐ No very special circumstances exist for inappropriate development

☐ Highway safety issues/ congestion

☐ Harmful to residential amenity

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is approximately 185 sqm in area and comprises a roughly rectangular-shaped parcel of land forming part of an agricultural holding located to the east side of Old Hale Way and located in the Green Belt between Hitchin and Ickleford. All of the site is within the Green Belt.

4.1.2 The land to the south and south east is the northern edge of the settlement of Hitchin comprising two storey housing fronting Old Hale Way and allotments to the rear of this housing. To the north, separated from the application site by other agricultural land in the applicants' ownership, is the settlement boundary of the village of Ickleford.

4.2 **Proposal**

4.2.1 Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping.

The application is supported by a covering letter, Transport statement, Biodiversity Net Gain assessment, Ecological Impact assessment and associated drawings.

4.3 **Key Issues**

4.3.1 Green Belt

- 4.3.2 The application site is within the Green Belt. Chapter 13 of the National Planning Policy Framework (NPPF) (paragraphs 152 and 153) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist whereby any potential harm is clearly outweighed by other considerations.
- 4.3.3 Paragraph 155 sets out forms of development that are not considered inappropriate in the Green Belt 'provided they preserve its openness and do not conflict with the purposes of including land within it'. These forms of development include:
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*
- 4.3.4 It is accepted that a car park could be deemed, in principle, to fall within paragraph e) however the question arises as to whether the development would preserve openness and not conflict with the purposes of the Green Belt
- 4.3.5 The National Planning Practice Guidance (NPPG) advises that a number of matters need to be taken into account in assessing the impact on openness of new development including the spatial and visual impact, the duration of the development and its remediability and traffic generation.
- 4.3.6 In terms of the spatial impact there would be no built development other than an additional stretch of post and rail fence, an earth bund up to 1 metre in height, 4no. cycle stands, electric vehicle recharging equipment and entrance gates. Consequently the element of new building in volumetric terms would be insubstantial limiting the spatial impact of the development on openness.
- 4.3.7 In visual terms however there would be greater impact. The application site is close to an urban area and the area well used by vehicular and pedestrian traffic to and from Hitchin. There are two schools in close proximity and a further allotment opposite the site. The site being alongside the main road of Old Hale Way is highly visible from the public realm.
- 4.3.8 There would be displacement of natural vegetation by a hardsurfaced car park introducing a markedly urbanising form of development in this narrow green gap between the two settlements of Hitchin and Ickleford. There would be three rows of parked vehicles and engineering works involving the provision of a wide vehicular access including bellmouth onto Old Hale Way where there is currently only an informal unsurfaced access track. There would be views of the car park (and parked vehicles within it) from Old Hale Way and from the allotments to the east and south east as well as the informal footpaths within the applicants land to the east of the site. Whilst there may be a bund along the Old Hale Way frontage the submitted drawing shows the retention of a 2m wide unsurfaced footway on top of this bund providing pedestrians using it of elevated unobstructed views of the car park at close quarters. In summary there would be both short and long distance views of the car park and a consequent sense of erosion of the rural qualities of this site between Hitchin and Ickleford.
- 4.3.9 The development is not proposed to be temporary. Once constructed the car park would be a permanent feature in the landscape and not a use that could be considered consistent with rural recreational pursuits. Rather, there would be a discernable intensification of activity levels and its suggested use for car boot sales and markets would be more akin to an urban activity.

- 4.3.10 In terms of traffic generation the submitted Transport statement states that the car park will unlikely to operate at peak weekday hours and that it will unlikely ever be fully occupied unless used as overflow parking for a local event. This is not supported by any evidence. This is despite the fact that the site is close to dropping off and collection area for two local schools (The Priory Secondary school for pupils accessing the site via Bessemer Close) and Our Lady Roman Catholic Primary School. On street parking in Old Hale Way around these schools is congested at school drop off and collection times therefore there is a real likelihood that parents will use the proposed car park.
- 4.3.11 The car park is also likely to be used by allotment holders in the area – there are three allotments in the immediate vicinity (on the applicants land immediately to the east, the District Council allotments to the south east and the Herts County Council allotments immediately opposite. These allotments have limited, if any, parking facilities. The car park is also likely to be used by walkers to access the land to the east. Experience suggests that any car park next to an area of open space will be used by people bringing their dogs for exercise.
- 4.3.12 In addition to the above weekday day time usage the site will be more intensively used for car parking for events such as car boot sales and farmers markets.
- 4.3.13 In summary on the traffic impact the proposed development is likely to attract considerable traffic movement into and out of the site creating an intensification of use with associated adverse visual impact that would be harmful to the openness of the site and the overall rural character and appearance of the area.
- 4.3.14 The proposal would therefore amount to inappropriate development and is therefore by definition harmful to the Green Belt. In addition there would be other harm to the openness of the Green Belt arising from the adverse visual impact of the development, the permanent nature and thus long term impact of the development and the increase in traffic and congestion associated with the development.
- 4.3.15 In view of the above identified harm, the question arises as to whether there are any very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness and the other harms mentioned above. In the agents covering letter with the application the following very special circumstances are set out:
- To encourage further use of the land by members of the public for walking or use of allotments
 - The car park would provide overflow parking for the village
 - The use of the car park for car boot sales, farmers markets and similar events for public benefit
- 4.3.16 These 'benefits' are assessed in the planning balance below. The applicant has however not substantiated the need for the car park as an overflow car park for the village of Ickleford.
- 4.3.17 Highway issues
- 4.3.18 In terms of traffic generation the submitted Transport Statement sets out on page 6, paragraph 2.6.2 the existing traffic flows along Old Hale Way / Arlesey Road and in table 2.2 shows Typical Weekday and Saturday Traffic Flow Summaries. These figures indicate that over a 12 hour period during the weekdays there were, on average, 420 two way vehicle movements per hour and during the weekends (Saturdays) over a 12

hour period there were, on average, 291 two way vehicle movements per hour. This indicates relatively high existing traffic flows in my opinion.

4.3.19 The submitted Transport statement considers Trip Generation and Development Impact at paragraph 3.5. The TA states that ‘ *The adhoc use of the car park to accommodate visitors to the allotments or dog walkers would not result in a significant number of vehicle movements.*’ No evidence is offered to substantiate this claim.

4.3.20 The use of the proposed car park for car boot sales and farmers markets and other events has raised an objection from the highway authority who have stated the following:

The HA has serious concerns regarding the occasional farmers markets/boot sales and the like, as stated in the TS which has not provided any clarity on these use’s, depending on size and popularity such markets have potential to attract relatively significant numbers of visitors/car trips to the site ie more than 30 spaces which would result in overspill car parking taking place along uncontrolled Arlesey Road

In the TS it states the following: Visitors to the farmer’s market / car boot sales would be encouraged to walk, cycle or travel by bus. As part of a planning permission for the proposed car park, it is considered that a Traffic Management Plan be Conditioned to address any potential discriminate parking that may be associated with these events. The above has not been substantiated in any detail to demonstrate that the level of parking demand will not exceed the provision on site. No detailed information has been provided on the sizes, how often (could potentially be on a regular weekly basis) and the potential impact from such use would have on the car park and the highway network which increases the likelihood of highway safety issues and nuisance parking. Overspill car parking creates stress and nuisance to local users parking demand, and likely to lead to inconsiderate and illegal parking on the roads within the vicinity of the sites access which could be prejudicial to highway safety. Any substandard parking provision leading to potential overspill and displacement of parking onto the public highway, would not be supported by the HA, particularly given the nearby roads have no parking controls. The HA would raise no objections for the application subject to the use being for the users of the land ie dog walkers, footpath users, etc. if greater consideration was given to improving and facilitating pedestrian safe access over River Purwell then subject to the details needed, the use as an overspill for town centre car parking may also be acceptable. However, for the above reasons the HA would not support the “occasional farmers market, car boot sales and the like” use on the site

4.3.21 The submitted TA refers to the ‘committed’ housing development a short distance to the north of the application site at Bowmans Mill. This development was approved for up to 71 dwellings (LPA ref: 17/01955/1). Once implemented this development will add to traffic flows on Old Hale Way

4.3.22 Given the concerns of the highway authority and the data submitted with the application illustrating the relatively high exiting traffic flows along Old Hale Way it is clear that the use of the car park for car boot sales and farmers market (which can be carried out under permitted development for a 14 days a year) is likely to result in conditions prejudicial to highway safety and amenity contrary to Policy T1 of the Local Plan. Policy T1 states that development will be granted provided that development would not lead to highway safety problems or cause unacceptable impacts upon the highway network.

4.3.23 The Hertfordshire County Council document LTP4 'Hertfordshire's Local Transport Plan 2018 – 2031' promotes the greater and safer use of sustainable transport modes. Policy 2 of the document ('Influencing land use planning') encourages the location of new development in areas served by public transport. Policy 5 ('Development Management') requires new development to reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes. The proposed development, in promoting the provision of a car park for which there is no apparent demand, is considered to be in conflict with the Local Transport Plan which seeks to encourage a switch from the private car to sustainable transport wherever possible. The proposals would also be in conflict with Section 9 of the National Planning Policy Framework which seeks to promote sustainable transport.

4.3.24 The applicants Transport Statement shows Walking and Cycling Isochrone maps identifying that there are a range of facilities in the local area that can be reached from the site within 10 minutes walk or cycle. It also demonstrates that there are regular bus services running past the site. This seems to suggest that the site is already well served by public transport and other sustainable means of travel undermining further the case for the need for the proposed development.

4.3.25 Biodiversity

4.3.26 The submitted BNG Metric demonstrates that there would be a 16.49% loss of habitat requiring off site mitigation. Policy NE4 of the Local Plan requires all new development to secure a measurable net gain for biodiversity. This issue further demonstrates the unsuitability of the proposals.

4.3.27 Impact on local residents

4.3.28 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. The setting up and clearing away of car boot sales and market events may cause excessive noise and disturbance to existing residents immediately to the south in Old Hale Way particularly if they take place at weekends. This impact could be mitigated against by the imposition of planning condition controls such as limiting the hours of use of the car park, preventing the provision of lighting and noise mitigation measures (for example setting maximum db(H) levels and preventing the use of loudspeaker systems).

4.3.29 Climate change

4.3.30 The proposed development may encourage the use of combustion engine vehicles which can affect climate change. This could be partially offset by the provision of electric car charging points. The scale of the development however is unlikely to have a substantial impact on local climate change so as to justify the refusal of planning permission on environmental grounds alone although this issue does count against the development in overall sustainability terms.

4.4 **Planning Balance and Conclusion**

4.4.1 The Framework requires all new development to achieve the three strands of sustainable development. In terms of the economic objective the development will provide limited benefits other than through the construction of the development in the short term although this would be expected with most forms of new development. The

benefits to the local economy arising from the use of the car park for a small number of times a year for car boot sales and markets (as described by the applicants) would be limited. In summary there would be very limited longer term economic benefits arising from the scheme.

In terms of the social objective, despite the applicants description of the proposal as a 'community car park', there does not appear to be any evidentially proven need for the development so as to deliver a tangible social benefit.

In terms of the environmental objective it is considered that the development is inappropriate development in the Green Belt and harmful to the Green Belt through a loss of openness and an adverse visual impact. Furthermore, the proposal would encourage the use of cars and not be in step with local and national planning policy aimed at promoting sustainable transport. Lastly the Highway Authority has expressed the view that the use of the car park for car boot sales and markets would be likely to result in conditions prejudicial to highway safety. All of these aspects of the scheme point to a negative environmental impact.

In conclusion the proposed development would fail to deliver sustainable development as required by the Framework and therefore should be refused planning permission.

4.5 **Alternative Options**

4.5.1 See planning merits above

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The application site is within an area designated in the North Hertfordshire District Local Plan 2011 - 2031 as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the view of the Local Planning Authority, the proposal would not comply with any of the exemption criteria to inappropriate development in paragraphs 155 of the NPPF. The proposal would conflict with purposes a) and c) of the Green Belt, set out under paragraph 143 of the NPPF. The proposal would be contrary to the fundamental aim of the Green Belt which is to maintain openness, giving rise to moderate harm to spatial openness and substantial harm to visual openness, contrary to paragraph 142 of the NPPF. The material considerations or benefits identified by the applicant are limited and do not constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harms, including harm to the openness of the Green Belt, highway safety and biodiversity. The proposal is therefore contrary to Policy SP5 of the Local Plan and Section 13 of the NPPF 2023.

2. The proposed development would encourage the use of the private car in a location which is relatively well served by public transport and accessible by other modes of sustainable modes of transport such as walking and cycling. As a result the proposals would not be in accordance with local and national planning policies which promote sustainable transport such as Section 9 of the National Planning Policy Framework, Hertfordshire County Council's Local Transport Plan (LTP4 2018) and Policy SP1 of the North Herts Local Plan.
3. The proposed development would fail to deliver the three strands of sustainable development required by the National Planning Policy Framework 2023. The proposal would also not support the principles of sustainable development as required by Policy SP2 of the North Herts Local Plan.
4. The proposed development is likely to lead to conditions prejudicial to highway safety and amenity arising from the proposed use of the car park for car boot sales and markets. Accordingly the proposal would be contrary to the provisions of the Local Transport Plan (LTP4) and Policy T1 of the North Herts Local Plan 2011 - 2031.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 26 November 2024	