

3/14/0771/FP – Resurface existing tennis courts to create 2 new floodlit 3rd generation (3G) five-a-side football pitches with specialist all weather "3G" artificial grass. 4no. 10 metre high floodlighting columns and 1 retained tennis court at Hartham Leisure Centre, Hartham Lane, Hertford, Hertfordshire, SG14 1QR for Mr C Yearley, SLM, Hartham Leisure Centre

Date of Receipt: 29.04.2014

Type: Full – Minor

Parish: HERTFORD

Ward: HERTFORD – BENGEO

RECOMMENDATION:

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

1. Three Year Time Limit (1T121)
2. Approved plans (2E10) – insert; ‘Plan1 rev A; Plan 2 rev A; LIZ0144488 and the lighting specifications submitted on 23rd December 2015’.
3. The floodlights hereby approved, shall not be operated between the hours of 22:00 hours and 07:30 hours.

Reason: In the interests of the protection of local amenities and the character of the Green Belt and surrounding wildlife and their habitats, in accordance with policies ENV1, ENV16 and ENV23 of the East Herts Local Plan.

4. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1 and ENV11 of the East Herts Local Plan Second Review April 2007.

5. Landscape works implementation (4P135)

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Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the amendments made is that permission should be granted.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It comprises a set of 3 tennis courts, enclosed in a chain link fence, on Hartham Common. The site is about 180 metres west of Hartham Leisure Centre on the banks of the River Beane and falls within the Metropolitan Green Belt.
- 1.2 The proposal is for the re-surfacing of 2 of the 3 tennis courts to create two all-weather 3G football pitches. In addition, 4 floodlight columns of 10 metres in height are proposed to be erected at the corners of the new pitches.
- 1.3 The application was submitted with a statement from the applicant indicating that the use of Hartham's tennis courts has been steadily declining over the last 5 years. However, there has been a growth in the use of the Common for football and the youth and adult clubs that use the Common and nearby Kingsmead find it difficult to train in the evenings and particularly through the winter months. The proposed pitches will provide all year round facilities for local clubs and will be available for any groups or teams to book.

2.0 Site History

- 2.1 This group of tennis courts has no relevant planning history. The group of six tennis courts to the east was granted permission in December 2004 for floodlighting on 12 metre columns (ref: 3/04/2237/FP).

3.0 Consultation Responses

- 3.1 The Environment Agency originally raised concerns regarding light spill from the floodlighting but, following the receipt of amended lighting details, have commented that they have no objection to the revised proposals.
- 3.2 The Council's Environmental Health section has no objections.
- 3.3 The Council's Conservation Officer comments that the introduction of the four floodlight columns would present little or no harm to the character and appearance of the wider area. A condition is recommended restricting operating hours of the lighting in line with that at the adjacent tennis courts.
- 3.4 Hertfordshire Ecology sought additional information regarding the details of the lighting proposed and advised that conditions should be imposed restricting the use of the lighting columns after 22.00hrs. They also recommended that additional river-side/marginal screen planting be carried out to screen the river from as much light spill as possible. No objections have been received in respect of the amended plans and conditions are recommended to cover the matters raised.

4.0 Town Council Representations

- 4.1 Hertford Town Council requests that there be no light spillage in order to protect amenity after dark.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No responses have been received.

6.0 Policy

Local Plan policy

- 6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Appropriate Development in the Green Belt
LRC1	Sport and Recreation Facilities
ENV1	Design and Environmental Quality

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ENV2	Landscaping
ENV16	Protected Species
ENV19	Development in Areas Liable to Flood
ENV23	Light Pollution and Floodlighting
BH6	New Developments in Conservation Areas

- 6.2 The first consultation on the draft District Plan has recently been completed. The policies in the draft Plan are broadly similar insofar as they apply to this development. Members will be aware, however, that as the District Plan is at an early stage of production, very little weight can currently be given to the policies contained therein.

National planning policy

- 6.3 In addition, the National Planning Policy Framework (NPPF) is a material consideration in the assessment of this planning application. In particular, sections 8 – Promoting healthy communities, 9 – Protecting Green Belt land and 11 – Conserving and enhancing the natural environment are of relevance in this instance.

7.0 Considerations

- 7.1 In this case the main issues relate to the principle of the development in the Green Belt, the potential impact on local wildlife, and visual impact issues on local residents and the character of the Conservation Area.

Principle of Development

- 7.2 The site lies within the Metropolitan Green Belt wherein permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm caused by reason of inappropriateness and any other harm.
- 7.3 Policy GBC1 of the Local Plan recognises “essential small scale facilities for outdoor sport and outdoor recreation” as appropriate development in the Green Belt. The NPPF, at paragraph 89, similarly recognises appropriate outdoor sport and recreation facilities as appropriate development within the Green Belt.
- 7.4 As the development involves the re-use of an existing sports facility, Officers are satisfied that the proposed development is acceptable in principle.

Wildlife Impact

- 7.5 The greatest impact from the development will be visual and will come from the introduction of 4 floodlight columns at the outer corners of the proposed pitches. The columns will be 10 metres tall with the lights focused onto the surface of the pitches.
- 7.6 Because of the height of the columns and the lightweight chain link fence around the site there would be some overspill from the lights into the surrounding area. Following discussions with the Environment Agency and Herts Ecology, however, the proposal has been revised to limit the extent of the overspill beyond the immediate vicinity of the pitches.
- 7.7 Given the location of the site, the greatest concern regarding light overspill is considered, by Officers, to be in relation to the potential impact on wildlife along the adjacent River Beane. However, the site is located next to a weir in the river, where there will be limited resident wildlife and Officers consider therefore that any impact in this case would be limited.
- 7.8 The overspill from the proposed floodlights would be substantially lower than presently occurs from the floodlights at the adjacent tennis courts. In addition, the applicant proposes to provide improved landscaping along the river bank as part of the development to further limit the extent of light onto the river, and this would be subject to a condition. Officers are satisfied that there would therefore be no harmful impacts to wildlife as a result of the proposed development.

Visual Impact

- 7.9 The nearest houses to the site are on Warren Park to the north of the site. These houses lie at least 150 metres from the site and are separated from the site by the river, the substantial trees along the river and the bank and the significant difference in levels between the application site and the elevated houses. Officers consider that there would be no material impact to residents from the proposed development.
- 7.10 The site lies within the Hertford Conservation Area. It is already used for sports in relation to the nearby leisure centre and lies adjacent to another set of tennis courts that have been granted permission for floodlights. The individual floodlights would be mounted on slim columns that would be viewed against the backdrop of the trees to the north. The proposed development would not, in Officers view, result in

material harm to the character of the Conservation Area.

Other considerations

- 7.11 Policy LRC1 of the Local Plan states that, where recreational and sporting facilities are to be lost, they should be replaced by facilities of equal or greater utility. In this case, 2 tennis courts will be lost from the site, but they will be replaced by 2 football pitches to provide a wider range of choice for potential users of the site. 1 tennis court would be retained within the site, in addition to the 6 courts on the adjacent site. Officers are satisfied that the replacement of the tennis courts would therefore be acceptable.

8.0 Conclusion

- 8.1 The proposal represents appropriate development in the Green Belt, being for small-scale outdoor recreation. The introduction of floodlighting would not result in unacceptable harm to local wildlife, the character and appearance of the Conservation Area or the amenities of local residents. The development would result in a wider range of options for users of the leisure centre, and promote healthier living and offers a positive planning benefit.
- 8.2 For these reasons, and subject to the conditions outlined at the head of this report, it is recommended that planning permission be granted for the proposed development.