

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 11 Oct 2017

<b>Application Number</b>	3/17/1010/VAR
<b>Proposal</b>	Variation of condition 4 (Landscaping bunds) of 3/14/0924/FP - Artificial turf pitch with associated fencing, 6 x14 metre high floodlight columns and storage container. Creation of bunds and amendments to parking provision to provide 34 parking spaces - Propose to alter and extend bunds.
<b>Location</b>	Richard Hale School, Hale Road, Hertford, SG13 8AU
<b>Applicant</b>	Mr M Brothers
<b>Parish</b>	Hertford
<b>Ward</b>	Hertford - Castle

<b>Date of Registration of Application</b>	26 April 2017
<b>Target Determination Date</b>	Extension of Time Agreement to 13 October 2017
<b>Reason for Committee Report</b>	Major application
<b>Case officer</b>	Lisa Page

### **RECOMMENDATION**

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

#### **1.0 Summary**

- 1.1 Planning permission was granted in June 2015 for the construction of an artificial green pitch (AGP) with associated fencing; 6 x14 metre high floodlight columns and storage container; creation of 3 bunds and amendments to parking provision to provide 34 parking spaces (reference 3/14/0924/FUL).
- 1.2 The development is nearing completion; however the applicant now seeks to extend one of the landscaped bunds that lies to the south-west of the artificial pitch and create a smaller fourth bund also within the south-west site entrance area. The works to alter the bunds have already been undertaken. This report considers the impact of the amendments to the previously agreed bunds.

## **2.0 Site Description**

2.1 The application site is shown on the attached OS extract. It forms the rear, southern playing/sports field for Richard Hale School, which is a single sex school for 11-18 year olds, sited to the south of the town centre of Hertford. The site lies within the Hertford Conservation Area.

## **3.0 Background to Proposals**

3.1 The previous approval granted the construction of the AGP measuring 75 x 105 metres to be sited on the existing grass sports/playing field at the school. The proposal included acoustic fencing, 6 x 14 metre high floodlighting, an enlarged parking area, a storage container on the northern side of the pitch and 3 enlarged landscape bunds (formed from top soil from the excavation works for the proposed pitch).

3.2 The two bunds to the south west of the playing field are intended to mitigate the impact of the new pitch, its use and traffic generated on the nearby residential properties. All three bunds are proposed to mitigate noise from the use of the playing fields and also to provide an attractive, landscaped screen to nearby properties.

3.3 The development is currently being constructed; however the applicant now seeks to extend the size of the landscaped bunds that lie to the south-west of the artificial pitch. The extant permission includes 2 bunds that measure 34 x 15 metres and 39 x 15 metres. The bund running parallel to the Highfield Road, properties to the south, does not alter. The bund at the site entrance is enlarged to form an L shape. In addition a new smaller bund is to be created 6 metres to the north. These will be constructed from the excavated topsoil material arising from the slight levelling of the area for the artificial turf pitch and are anticipated to assist in noise and traffic impact mitigation.

3.4 The provision of the new AGP will provide increased usage in comparison to the existing grassed pitches for the benefit of Richard Hale School and its partner organisations and community groups (It should be noted that no existing community sporting use is made of the playing fields at the school). It is anticipated that the school will use the AGP during school time and that during the evenings and at weekends it will be utilised by the wider community. It is indicated that Bury Rangers will be the main partner with other associated partners being Hertford Youth Football Club and Bengo Tigers. It is stated that Hertfordshire Football Association have also identified the site for key coaching and development activities.

3.5 The previous Committee report is attached at Essential Reference Paper A.

#### 4.0 **Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan</b>
Principle	Para 11 – 16, section 8	LRC2	CFLR1, CFLR7, CFLR10
Design, Scale and Layout	Section 7	ENV1, ENV2	DES2, DES3
Neighbour amenity	Section 7	ENV1, ENV3, ENV23, ENV24	DES3, DES4, TRA2, EQ2, EQ3
Heritage Impacts	Section 12	BH6	HA1, HA4,

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

#### 5.0 **Emerging District Plan**

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

#### 6.0 **Summary of Consultee Responses**

6.1 HCC Highway Authority does not wish to restrict the grant of permission.

6.2 Lead Local Flood Authority confirms the revised proposals have no negative impact in relation to flood and drainage matters.

6.3 EHDC Engineering Advisor confirms the proposals are acceptable.

- 6.4 EHDC Landscape Advisor has no objections.
- 6.5 Herts Ecology has no objection to the variation of the condition.
- 6.6 EHDC Environmental Health Advisor does not wish to restrict the grant of permission, commenting that there will be no further detriment to neighbouring amenity.
- 6.7 Sport England does not wish to raise an objection.
- 6.8 HCC Historic Environment Advisor considers that the development is unlikely to have a significant impact on heritage asset of archaeological interest.

## **7.0 Town Council Representations**

- 7.1 Hertford Town Council commented as follows:-

*'The Committee considered with basic application that the bunds protect residents in Highfield Road and Queens Road and Members were anxious that the proposed alterations add to that protection'.*

## **8.0 Summary of Other Representations**

- 8.1 The application has been advertised by neighbour consultation and a site notice.
- 8.2 There have been 6 letters received, raising the following concerns:-
- Height of bunds impacts on outlook from properties.
  - Question the maintenance and landscaping. Currently not being undertaken – looks unsightly.
  - Bunds create litter and vermin issues.
  - Concerns that bunds will not prevent noise. The pitch and vehicle movements will create harm to neighbours amenity. Request further acoustic fencing where an existing tree prevents the provision of bunding.
  - Plans do not show the location of trees.
  - Concern with light pollution from floodlighting.
  - Vehicle access creates security concerns
  - Sufficient parking should be provided and overspill on adjacent roads avoided.
  - Objection to any increase in the height of flood lighting

## 9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/14/0924/FP	Artificial turf pitch with associated fencing, 6 x14 metre high floodlight columns and storage container. Creation of 3 bunds and amendments to parking provision to provide 34 parking spaces - Propose to alter 2no. bunds.	Approved	June 2015
3/10/1295/FN	Renewal of planning permission 3/05/1062/FP for the erection of new gymnasium (dual use). Granted. Not implemented.	Approved	March 2011
3/05/1062/FP	Erection of new gymnasium building (dual use). Granted. Not implemented.	Approved	July 2005

## 10.0 Consideration of Relevant Issues

10.1 The principle of the redevelopment of the site was established with the grant of planning permission in June 2015 (Ref: 3/14/0924/FUL). For clarification, no changes are proposed to be made to the layout of the pitch or to the amount and height of the floodlighting. Improvements in educational and sporting facilities are supported by both national and local policies and the proposals, in principle, attract significant positive weight in this respect.

10.2 The main issue in respect of this application however, is whether the proposed alterations to the size and layout of the landscaped bunds are satisfactory with regard to their appearance, the mitigation they provide in relation to residential amenity and any impact in relation to heritage assets.

## **11.0 Design, Scale and Layout**

- 11.1 The eastern bund does not alter in location and size. It is only the bund to the south-west entrance of the site that alters by way of enlargement and there is the creation of a further smaller fourth bund, 6 metres to the north of that enlarged bund.
- 11.2 The enlarged bund is an L shape. The dimension of both of the longest sides are 37m. The newly created fourth bund is a triangular shape measuring a maximum of 9 x 15 metres with a maximum height of 0.75 metres. The heights of the other bunds are not proposed to alter from that already consented and levels, together with landscaping details, will be secured via condition.
- 11.3 The bunds, although appear as an unnatural landscape feature within the otherwise level site, will not result in any significant harm to the character and appearance of the site or wider locality. The enlarged bund at the site entrance will assist in obscuring longer views into the site and will screen the visual impacts of the acoustic fencing erected to the southern elevation of the pitch.
- 11.4 The enlarged bunds would still ensure that the remaining grassed area to the south of the AGP, used as rugby pitches can be accommodated and as such there would be no loss of sporting facilities. The proposal remains in accordance with Local Plan LRC1. Sport England has not objected to the proposal. Overall, as amended, it is considered that the visual impact of the proposals remains acceptable.

## **12.0 Neighbour amenity**

- 12.1 The scale and siting of the bunds is such that there would be no harmful impact on neighbouring amenity by way of loss of light or overlooking. Concern has been previously expressed that the bunds could allow for access and therefore opportunities for overlooking to neighbouring gardens. However, with appropriate planting, to be secured via condition, Officers are content that this concern will be overcome. It is not considered that the bunds, as amended, will have any significantly different effect in relation to reducing the impact of the use of the AGP on neighbouring properties. In this respect the proposals remain acceptable.

### **13.0 Heritage Impacts**

- 13.1 The site is located in the Hertford Conservation Area. The County Hall buildings, to the west of the site on the other side of Pegs Lane are listed. However, due to their enclosure within the site and separation distance, the proposals are considered to be acceptable with regard to any impact in that respect.
- 13.2 In addition, the enlargement of the bunds and creation of the additional bund is not considered to have any further materially harmful impact on the character of the Conservation Area than the extant permission. There the duty to ensure that the character of the Conservation Area is preserved, is met.
- 13.3 Points raised by local residents in relation to the current landscaping and maintenance of the site are noted. These issues are not considered to be exacerbated by the proposals now coming forward. One resident refers to a rise in the height of floodlighting. This is not proposed.

### **14.0 Conclusion**

- 14.1 Having regard to Local Plan policy and the NPPF, the benefit that the improved facilities result in is considered to outweigh any harm caused. The revised proposals are considered to be acceptable in all respects and the application is recommended for approval.
- 14.2 As the variation of the condition has the effect of issuing a new permission, it is necessary to ensure that the conditions that were applied to the original permission are re-imposed where relevant or altered such they accord with the details already agreed, to ensure that the amended development proceeds in accordance with those conditions.

### **Conditions**

1. Approved plans (2E10)

2. Prior to the first use of the artificial grass pitch hereby approved, the landscape bunds hereby approved and acoustic fencing to be erected to the eastern and south elevation of the artificial turf pitch shall have been constructed/erected. The bunding and acoustic fencing shall thereafter be retained as approved.

Reason

In the interests of neighbouring amenity and in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

3. Prior to the first use of the artificial grass pitch hereby approved, a 'Community Use Agreement', detailing how the facility will operate as a dual community use facility, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall operate in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the facility is open to both school and community use in accordance with Policy LRC2 of the East Herts Local Plan Second Review April 2007.

4. The use of the artificial grass pitch and the floodlighting hereby permitted shall be restricted solely to the following hours –  
between 1st September - 31st May  
Monday - Thursday 08.00 - 22.00; Friday 08.00 - 21.00; Saturday and Sunday 09.00 - 20.00; Bank Holidays 09.00 - 18.00 and,  
between 1st June - 31st August  
Monday - Thursday 08.00 - 21.00; Friday 08.00 - 20.00; Saturday and Sunday 09.00 - 19.00; Bank Holidays 09.00 - 18.00

Reason

In the interests of neighbouring amenity and protected species, in accordance with policies ENV16 and ENV24 of the East Herts Local Plan Second Review April 2007.

5. Prior to the first use 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; (a) Proposed finished levels or contours of the bunds (b) Means of enclosure (c) Hard surfacing materials (d) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (e) Planting plans (f) Written specifications (including cultivation and other operations associated with plant and grass establishment) (g) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (h) 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, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

6. Landscape Works Implementation (4P13)

7. Prior to the first use of the artificial grass pitch hereby approved, the widened access serving the development shall be completed in accordance with the plans hereby approved and thereafter retained as such.

Reason

To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience, and in accordance with Policy TR2 of the East Herts Local Plan Second Review April 2007

8. The development shall be carried out and completed in accordance with the surface water drainage details submitted in the form of a Site Plan no SS1706 03 Rev 05 and agreed by the local planning authority under reference X/16/0731/CND in a letter dated 6th December 2016.

Reason

In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

9. Prior to the first use of the development hereby permitted, the existing School Travel Plan shall be reviewed and updated to take into account the proposed development. The reviewed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the first use of the development, and the Travel Plan and the development shall thereafter be implemented in accordance with the local planning authority's approval.

Reason

To assist in achieving greater use of sustainable transport modes, in accordance with Local Plan Policies TR4 and TR7 and the National Planning Policy Framework.

10. The floodlighting proposed in connection with the development shall be carried out in accordance with the details submitted in the manufacturers OptiVision specification document and associated drawings agreed by the local planning authority under reference X/16/0731/CND and X/16/0554/CND, and in a letter dated 16 December 2016.

Reason

In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

**Directives:**

1. Other legislation (010L)
2. Highway works (06FC2)

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and lap 3/14/0924/FP is that permission should be granted.

**KEY DATA**

<b>Parking</b>	<b>Spaces</b>
Proposed	34 (shared for the pitch use and school use)
Local Plan Standard	Maximum for the pitch use - 20
Emerging District Plan	Maximum for the pitch use – 20

**Legal Agreement – financial obligations****N/A**