

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 6 Dec 2017

Application Number	3/17/2349/FUL
Proposal	Erection of a sports hall (1,049 square metres) to the north west of the school site with ancillary spaces and associated external works.
Location	Richard Hale School, Hale Road, Hertford, SG13 8EN
Applicant	Richard Hale School, Hale Road, Hertford, SG13 8EN
Parish	Hertford
Ward	Hertford – Castle

Date of Registration of Application	12 October 2017
Target Determination Date	11 January 2018
Reason for Committee Report	Major application
Case Officer	Lisa Page

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 This application proposes a new sports hall (1,049 sq metres) on existing tennis courts within the frontage of the Richard Hale School site. The site lies within the built-up area of Hertford and within the Conservation Area. The proposal will provide a modern sports facility that will enhance the School facilities and be available to the local community through a proposed Community Use Agreement.
- 1.2 The main issues for Members to consider are the benefits of the proposal – enhanced sporting facilities for the School and the community, weighed up against any harm which may occur as a result of the development. Full details are set out in the body of the report.

2.0 Site Description

- 2.1 The site forms part of an established secondary school and sixth form site, which comprises a range of buildings and associated parking and open space. None of the buildings on the site are listed but the site lies within the Hertford Conservation Area. The site is currently occupied by two tennis courts.

- 2.2 Richard Hale School is located in the southern part of the town, close to the town centre. To the north of the school site itself is the main site entrance, caretaker's house, parking and tennis courts. It is proposed that the sports hall will be erected within the north-western corner of the school site.
- 2.3 The character of the immediate area is mixed. The school site fronts onto Hale Road to the north and Pegs Lane to the west. On the north side is the boundary fence with the caretaker's house (occupied by the caretaker / grounds person). Further north, beyond Hale Road lies the Police Station building and the Sovereign House/Elberts site, being redeveloped for residential units. The western boundary is hedgerow and tree planting, and beyond Pegs Lane lies Bentley House, (a residential care home) and the East Herts District Council Offices. To the east and south of the immediate site is land designated as open space land/ playing fields/ recreation areas in accordance with policy LRC1 of the current Local Plan and car parking provision. Further to the east is the wider school site and beyond are residential properties.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/17/0548/FP	Sports Hall to the north east of the school	Withdrawn	
3/14/0924/FP	Artificial turf pitch, floodlighting, bunds and parking.	Granted subject to Conditions	10.06.15 (Has been implemented)
3/10/1295/FN	Erection of gymnasium for school and community use.	Granted subject to Conditions	09.03.11 (Not implemented)
3/05/1062/FP	Erection of gymnasium for school and community use	Granted subject to Conditions	20.07.05 (Not implemented)

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). There is no Neighbourhood Plan prepared or in draft for this location.

Main Issue	NPPF	Local Plan policy	Pre-submission District Plan
Provision of enhanced facilities for the school and community use	Para 11 – 16, Section 8	SD2, LRC2, IMP1	INT1, DPS4, CFLR7, CFLR9, CFLR10, CC1, CC2, DEL1 DEL2
Loss of playing field, and sporting need	Section 8	LRC1, LRC2	CFLR1
Scale, design, and layout	Section 7	ENV1, ENV3, ENV4	DES1, DES2, DES3, DES4,
Impact on residential amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3
Heritage assets	Section 12	BH6	HA1, HA4, HA2
Access and parking	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3
Trees and landscaping	Section 7,	ENV2, ENV11	DES2
Surface water drainage	Section 10	ENV18, ENV21	WAT5, WAT3

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission subject to a condition to secure a Construction Traffic Management Plan.
- 5.2 Lead Local Flood Authority raise no objection on flood risk grounds. Advise that the development be carried out in accordance with the Drainage Statement/Strategy submitted.
- 5.3 EHDC Conservation and Urban Design Advisor recommends that planning permission be granted. The Advisor comments that the proposed siting would not impinge on the key view of the main school building identified in the Hertford Conservation Area Appraisal. The proposals are not of an outstanding design quality, but the advisor recognises that the public benefits of providing this school with a new sports hall need to be weighed against the minor concerns with regards to design in this instance. Subject to good quality materials and suitable

landscaping, it is not considered that the proposals will harm the character and appearance of the Hertford Conservation Area.

- 5.4 Sport England support the application subject to a condition requiring the submission and approval of a community use agreement for the sports hall.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 Hertford Town Council raises no objection.

7.0 Summary of Other Representations

- 7.1 1 response has been received objecting to the proposals on the following grounds:

- Support sporting facilities in general but concerns with the scale and design of the building. Will detract from surrounding built environment and the main school façade.

- 7.2 123 responses have been received supporting the proposals on the following grounds:

- Will enable an all year round facility
- Is needed to support the expanding school
- Will be a benefit to school and wider local community
- Will benefit health and wellbeing of users
- Will be a legacy for the school

8.0 Consideration of Issues

- 8.1 The site is located within the built up area of Hertford wherein accordance with Policy SD2, development is to be concentrated. There is no objection in principle to development subject to compliance with relevant policies.

Provision of Enhanced Facilities for the School and Community Use

- 8.2 The building will provide an additional sports facility for the current and future needs of the school. Whilst the school benefits from outdoor sports pitches, it currently only has a modest sized gymnasium (265m²). Members will see from the history above that previous

applications for a school and community sports hall / gymnasium were approved in 2005 and 2010 (both located to the rear of the main school buildings). However, they were never implemented. The School has now secured an Education Funding Agency grant and is seeking to proceed with the erection of a sports hall.

- 8.3 The School currently has 1138 pupils. Education Building Bulletin 103 (BB103 – the recognised Government guidance for school building projects) specifies that schools with over 800 students should have a 4 court sized sports halls with internal dimensions of at least 18m by 33m which also allows for informal community recreational use.
- 8.4 The sports hall would be in line with the above standards providing 4 courts. The proposed use of the pitches/courts is flexible and could be used for other sports such as badminton, tennis, basketball and football. Other uses such as karate, indoor cricket, dance groups and similar could all make use of the internal space. A small gym is also shown, together with ancillary changing and toilet facilities.
- 8.5 The proposal would also provide a benefit in terms of community use, and help address an identified shortfall of sports facilities within the town. East Herts Council has recently carried out an 'Open Spaces and Sports Facilities Assessment' which identifies a need for new facilities including sports halls within Hertford to serve both existing needs and that forecast through the growth associated with the emerging District Plan.
- 8.6 Paragraph 3.17 of the Executive Summary for Part 2 of the Assessment, which deals with built facilities, identifies that the proposed development of a four-court sports hall at Richard Hale School should be sufficient to meet most of the needs arising from new developments, if community use can be secured and made fully available throughout peak periods of evening and weekends.
- 8.7 A draft Statement of Community Use has been submitted with the application, but a full agreement will need to be secured by condition. The hours proposed for community use at this stage are Monday to Thursday: 18.00-22.00. The reason for limiting the community hours are due to VAT implications.
- 8.8 Further advice has been sought on this matter from the Councils VAT advisor. This confirms that the school is able to reclaim VAT on the build costs if the new building is used mainly for school purposes. It does appear however that any additional costs incurred, due to VAT, and on the basis of additional community use would be on the basis of

a sliding scale. That is, the school would not be placed in a situation immediately where no VAT is reclaimable were more than 16 hours community use allowed.

- 8.9 The School indicates that it is keen to allow more community use over time but this would not be until after 10 years after construction. In the long term, they seek to offer community use during the day on Saturday and Sunday.
- 8.10 As indicated, full details of community use will be secured by condition, including pricing arrangements, timings, access, and management details. It appears that any negotiation, through the discharge of the condition, is unlikely to secure more than 16 hours community use at this stage. This will not meet the 'fully available' requirements of the Councils Open Spaces and Sports Facilities Assessment. Whilst the additional cost to the school is recognised, and impact on viability is understood, no detailed costing information has been made available for scrutiny by the Council.
- 8.11 In conclusion on this matter then, the proposed community use complies with Local Plan policy LRC2, which promotes the dual use of educational and leisure facilities, and emerging policy CFLR1 which states that proposals should aim to provide for dual use and secure Community Use Agreements. The proposal also complies with Section 8 of the NPPF in creating healthy and inclusive communities. Paragraph 70 encourages shared use of sports venues to enhance the sustainability of communities and residential environments. Sport England are also supportive this approach. This outcome then can be given positive weight, but it is not as substantive as it would be in the absence of early fully available community use and/ or further justification of the financial implications that would have.

Loss of Playing Field, and Sporting Need

- 8.12 The proposal will result in the loss of both of the two existing tennis/games courts, defined as designated open space in the adopted Local Plan. Local Plan policy LRC1 states that proposals resulting in the loss of indoor or outdoor sports or recreation facilities will be refused unless either suitable alternative facility is provided, or it can be demonstrated that the facility is no longer needed and there is no viable demand for an alternative facility. In this case it is considered that the alternative sporting facility is at least equivalent in terms of quantity, quality, and accessibility to the courts that will be lost.

- 8.13 A similar approach is proposed in emerging policy CFLR1 which only allows for the loss of sports and recreation facilities where “the development is for an alternative open space, sport and recreation facility, the need for which clearly outweigh the loss.” It is considered that in this case, given the need for the sports hall, also being an all year round sporting facility, and the benefits to the local community in respect of dual use facilities, the harm that results from the loss of the existing games courts is outweighed by the benefit.
- 8.14 Sport England also has a similar policy approach, and would oppose the granting of planning permission for any development that would lead to the loss of sports facilities, unless one or more of its five exceptions apply. One of those exceptions is that the new facility would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, and, as per existing and proposed planning policies, it is agreed that this exception applies in this case. The loss of the outdoor games courts can therefore be afforded neutral weight, as an appropriate and enhanced replacement facility is provided in accordance with adopted and emerging planning policy.

Scale, Design and Layout

- 8.15 The main part of the sports hall building is proposed as a pitched roofed structure of two storey scale to provide sufficient height for the sports use. There is a single storey element to the northern elevation that comprises plant room, changing facilities and a small fitness room. The entrance is located to the eastern elevation, marked by a suspended canopy.
- 8.16 The main part of the building is proposed to have a brick plinth, with timber cladding, broken up with full height fixed glazing on the eastern and western end elevations. The roofing will be covered with standing seam metal clad panelling. The metal clad panelling will also be used to form a ‘frame’ for the timber cladding. The single storey projection to the northern elevation is formed by a similar pallet of materials, whereas the southern single storey off shoot (housing the equipment store) will be entirely brick.
- 8.17 Although the scale of building is large, the proposed use of materials and visual interest to the end elevations does, to some extent, assist in breaking up its mass. It is considered that the scale of the building does have a comfortable relationship with the existing main school building, which is elevated above the site. The siting of the building would not impinge on the important view of the school façade when viewed from the site entrance (as highlighted within the Conservation

Area Appraisal). It will be clearly visible in views from the corner of Pegs Land/ Hale Road and will be seen in the views across that area that can be had toward the main school buildings, particularly when the tree cover on the corner is not in leaf. The building would not appear out of keeping with the scale of the buildings either existing/ under construction or with permission fronting Pegs Lane and Hale Road.

- 8.18 In design terms the building could have been made to be more contemporary and inspiring, to contrast with the formal proportions of the main school building façade. The southern elevation of the building is somewhat low key in its appearance, however it will be a prominent view from within the school site only. It is also considered that a more defined and assertive entrance could have been designed, especially given that this sports hall is for also for community use. The design is practical, functional and, although it will be visible from outside the site, the retained and strengthened planting including the provision of additional trees to the north western corner would soften its visual impact.
- 8.19 Overall it is not so much the scale of the building and its design which are of concern, but the provision of a rather unexciting design in a location which is prominent and for which an exemplar design solution would create more of a landmark location. In that respect some negative weight is assigned as the proposals are considered to represent somewhat a lost opportunity.

Impact on Residential Amenity

- 8.20 The nearest residential property is the two storey caretakers dwelling that sits within the school site to at the entrance. The proposed building has been designed such that the single storey element, housing the ancillary sports uses, is nearest to this property. The design and siting of the building is such that there would be no unacceptable impact upon the amenity of this dwelling from outlook, light or similar. Any additional activity could impact on the amenity of the occupier of this property, but they would have some expectation of this, given their location and in their school employment role.
- 8.21 Other nearby residential properties are the residential units to the north and the care home to the west of the site, beyond Hale Road and Pegs Lane. Given the siting of the proposed building, the existing boundary screening, and its scale and visual impact, it is not considered that occupiers of these units would be harmed by way of loss of light, outlook or overbearing impacts.

- 8.22 Furthermore, it is not considered that the development would result in any increased noise impacts to other properties given that the sports facilities are internal. The submission does not detail external lighting, but full details of lighting would be required by condition to ensure no harm to neighbour amenity (or the character and appearance of the locality and Conservation Area).
- 8.23 Overall, in amenity terms, it is considered that the proposals will not result in a harmful impact on neighbouring residents.

Heritage Assets

- 8.24 The site lies within the Hertford Conservation Area. The recent Hertford Conservation Area Appraisal did not identify the proposed location as an area of open space to be protected, but does identify the main school building as making a positive contribution to the Conservation Area, and a view up to it from Hale Road as being a view worthy of protection.
- 8.25 The mass of the proposed building is broken up in long views across the site, and the step up in height is such that it assists in reducing the impact in views from Pegs Lane. The proposed siting would not impinge on the key view of the main school building identified in the Hertford Conservation Area Appraisal. Having regard to the scale, design and siting of the new building, and subject to good quality materials and suitable landscaping, it is not considered that the proposals will harm the character and appearance of the Hertford Conservation Area. Its character is preserved therefore.

Access and Parking

- 8.26 No changes are proposed to the vehicular access arrangements or parking provision at the site. The proposal does not create an increase in pupil numbers so no increase in parking is required. In terms of parking for community use, as this would be in the evening, use would be made of the 56 parking spaces located within the frontage of the school site. (Note the all-weather pitches to the rear have separate access and parking for 34 vehicles) However, it is considered reasonable and necessary to impose a condition requiring a Car Park Management Plan in respect of the community use.
- 8.27 The Highway Authority has advised that it raises no objections subject to a condition for a construction management plan. To ensure the impact upon the local road network is minimised it is considered reasonable to impose a condition for such a plan to include vehicle

access routes and numbers and management of vehicles and storage of materials internally to the site.

- 8.28 No provision is made for cycle parking. Given the community use element, and for reasons of sustainability and health and wellbeing, it is considered reasonable to impose a condition requiring the provision of convenient and secure cycle provision. There is adequate spacing to the eastern side of building where such provision could be made. Overall, the impact of the proposals in relation to access and parking issues is considered to remain neutral.

Trees and Landscaping

- 8.29 The scheme proposes the removal of a single tree, which is set back 7 metres from the western Pegs Lane roadside. There are a number of trees within this area which are protected by virtue of their siting within the Conservation Area. They are considered of amenity value and any loss is therefore harmful. However, the proposal includes the planting of 3 new trees and, subject to a condition to secure detailed landscape proposals and such replacement planting, no net harm is considered to occur. External walkways with retaining walls are also proposed and therefore a hard landscape and surfacing details will also be required.

Surface Water Drainage

- 8.30 The site lies in Floodzone 1 and is therefore not at risk of fluvial flooding. However, the development does result in an increase in non-permeable surfacing. The application was submitted with a comprehensive drainage strategy which demonstrates that the development can be adequately drained and mitigated for any potential surface water flood risk. A condition is recommended to require the drainage strategy and mitigation measures to be undertaken. Overall the provision of surface water drainage is considered neutral.

9.0 Planning Balance and Conclusion

- 9.1 There is no objection in principle to development in this location, and following consultation with Sport England, it is considered that the loss of the existing tennis courts is acceptable given the benefits arising from the scheme. The proposal will represent a significant benefit to the School, which is currently lacking in both quality and quantity of indoor sports facilities. The scheme will also benefit the local community through a Community Use Agreement, although is qualified given the restriction over the extent of use.

- 9.2 It is considered that the scale of the proposed building is appropriate, the design, although somewhat functional, will nevertheless not result in harm to the character and appearance of Hertford Conservation Area. It is also considered that no harm will arise to neighbour amenity or to highway and parking matters, subject to a Car Park Management Plan and cycle provision to be secured by condition in respect of the community use.
- 9.3 On balance, it is therefore considered that the proposal represents a sustainable form of development, and the benefits are not outweighed by harmful impacts. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below:

Conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Prior to any above ground works being commenced, the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.
Reason
In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.
4. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works, and no external lighting shall be provided without such written consent. The development shall be carried out in accordance with the approved details.
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.

5. Prior to first use of the building hereby approved, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority, in discussion with Sport England. The Agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and any other matters that the Local Planning Authority consider necessary in order to secure effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.
Reason
To secure well managed community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with policy LRC2 of the East Herts Local Plan Second Review April 2007, and Section 8 of the National Planning Policy Framework.
6. Prior to the commencement of any above ground works, 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) Levels (b) Hard surfacing materials (c) Planting plans (d) Written specifications (including cultivation and other operations associated with plant and grass establishment) (e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (f) 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.
7. Landscape works implementation (4P13)
8. Prior to first use of any community use, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the use of the car park shall thereafter be in accordance with the approved details.
Reason
To minimise the impact of the development on the local highway network and amenity of local residents.
9. The development hereby permitted shall be carried out in accordance with the Drainage Statement/Strategy dated 06/10/17, and the following mitigation measures: -
-Undertake the drainage to include a soakaway / storage tank designed to cope with the volume generated by all rainfall events up to and including the 1 in 100 year plus climate change event;

-Provide a hydrobrake to restrict the discharge flow at 5 L/s (as per plan 1076222-KWS-01-XX-DR-C-0001 Rev P04)

The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing and phasing arrangements outlined, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason:

To ensure that there is no increase flood risk elsewhere from the development site and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

10. No development shall take place until the final surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- 1) Confirmation from Thames Water that they accept the proposed controlled discharge rate from the development into their surface water sewer, with confirmation of the connection manhole location(s).
- 2) The results on additional local infiltration testing to be carried out to determine an accurate infiltration rate for the final location of the soakaway. (Tests to be conducted to BRE Digest 365 Standards).
- 3) Engineering details of the proposed drainage components (hydrobrake, soakaway, tank etc.) that should be in line with the SuDS Manual.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

11. Upon completion of the drainage works, an updated management and maintenance plan for all the SuDS features and structures must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the long term maintenance and benefits of the SuDS, and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details. The Plan shall identify details of:

- a. Methods for accessing the site including construction vehicle numbers and routing, and hours of operation and delivery;
- b. Pedestrian routes within the site during the construction period;
- c. Location and detail of wheel washing facilities;
- d. Associated parking/loading areas and storage of materials clear of the public highway;
- e. Mechanisms to deal with environmental impacts such as dust, noise, air quality, light, and odour.

Reason

To minimise the impact of the development on the local highway network.

13. Cycle parking provision (2E29)

Informatives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the 'Sports Hall Design and Layout' design guidance note available online at www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls.

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 (as amended). The balance of the considerations having regard to those policies and the pre-application advice is that permission should be granted.

KEY DATA**Non-Residential Development**

Use Type	Floorspace (sqm)
D2 Assembly and Leisure	1,049

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
D2 Assembly and Leisure	4 spaces per court	16
Total required		16
Accessibility reduction	Up to 25% permissible – none applied	
Resulting requirement		16
Proposed provision		No parking proposed in addition to that already on site

Legal Agreement – financial obligations

No financial contributions are required in connection with this application.