

- (A) 3/07/1838/FP – Establishment of an elite athletes training facility comprising the re-grading of an existing football pitch to FIFA standards, the erection of a two storey plus basement accommodation building to be used by athletes and officials, the demolition of 9 buildings including 3 curtilage listed buildings, new car parking and landscaping; and
- (B) 3/07/1837/LB Demolition of curtilage listed buildings (comprises two single storey outbuildings and a two storey cottage) to facilitate the erection of an elite athletes training facility accommodation building at Brickendonbury, nr Hertford for the National Sports Council of Malaysia.
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Date of Receipt: (A) 03:09:2007
(B) 03:09:2007

Type: (A) Full Planning
(B) Listed Building Consent

Parish: Brickendon Liberty

Ward: Hertford Heath

RECOMMENDATION

(A) That in respect of application 3/07/1838/FP planning permission be **REFUSED** for the following reasons:-

1. Metropolitan Green Belt (R0212)
2. The Council has had regard to the special justification made that the accommodation building is part of an integrated training and accommodation facility for elite and Olympic athletes with wider community and public use benefits. The granting of a first phase planning permission for the accommodation block only, without training facilities, would in itself be premature and can provide no guarantees of community benefits. For this and other reasons it is considered that the very special circumstances do not exist necessary to justify inappropriate development in the Green Belt. The development would therefore be contrary to national planning guidance in PPG2 Green Belts and policy GBC1 of the adopted East Herts Local Plan April 2007.
3. The proposed accommodation block would establish a new centre for major development on the site, away from and at odds with the established pattern of buildings at Brickendonbury. This will be to the detriment of the open and historic landscape setting of the Grade II listed house, Brickendonbury, and the openness of the Metropolitan Green

Belt. The proposal would be contrary to national planning guidance in PPG2 Green Belts and policy GBC4, BH12 and BH16 of the adopted East Herts Local Plan April 2007

4. The design of the accommodation block fails to adequately respond to its landscaped setting or its location on a main avenue approach to the listed house. The scale of the proposed building is inappropriate to the location and in its detailed design and form is considered too bulky and of a bland appearance. The design of the scheme therefore fails to achieve the high standards of design required by local and national plan policy and to be expected when exceptional circumstances are being advanced for inappropriate development in the Metropolitan Green Belt. The proposal is therefore contrary to Policies ENV1 and BH12 of the adopted East Herts Local Plan April 2007.
5. The proposed development would result in the unjustified loss of curtilage listed buildings which are in good condition and active use and buildings are complimentary to the setting of the listed house. The proposal is thereby contrary to national planning guidance in PPG15 and Policies BH9 and BH12 of the adopted East Herts Local Plan April 2007.
6. Insufficient explanation has been provided as to how the loss of existing buildings and their uses would be overcome and would not lead to further applications for essential replacement buildings contrary to Green Belt policy, the openness of the Green Belt and potentially harmful to the open parkland setting of the listed building. The proposal would thereby be contrary to national planning guidance in PPG2 Green Belts and policy GBC4, BH12 and BH16 of the adopted East Herts Local Plan April 2007
7. The provision of a level football pitch surface will disturb the main south landscape view from the listed Mansion of inclined and more natural contours of land and be harmful to the special interest of the historic parkland at Brickendonbury. The local planning authority is also not persuaded of the general appropriateness of the location for an upgraded football facility; given the practical realities of the use and land topography it would seem improbable that the facility will not be subject of further demands for access paths, ancillary buildings, lighting and fencing enclosures which would be additionally and incrementally harmful to the historic landscape view and setting of the mansion. The proposal is therefore considered contrary to Policy BH16 of the adopted East Herts Local Plan April 2007.

8. Insufficient information has been received regarding the impacts of the proposal on protected species and the ecology of the existing site. The proposal is thereby contrary to national planning guidance in PPS9 “Biodiversity and Geological Conservation” and Policy ENV14 of the adopted East Herts Local Plan April 2007.
9. Insufficient information has been received regarding the impacts of the proposal on flooding. The proposal is thereby contrary to national planning guidance in PPS25 and Policy ENV19 of the adopted East Herts Local Plan April 2007.

(B) That in respect of application 3/07/1837/LB listed building consent be **REFUSED** for the following reason:-

1. There is insufficient justification for the loss of the existing curtilage listed buildings which are in good condition, in active use and are buildings of a complimentary form and scale appropriate to the setting of the listed house. The proposal would be contrary to national planning guidance in PPG15 and Policy BH9 of the adopted East Herts Local Plan April 2007

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1.0 Background

- 1.1 The application site is owned and operated by the Malaysian Rubber Board who have owned it since 1971, the site is shown on the attached Ordnance Survey plan. The Tun Abdul Razak Research Centre (TARRC) is focused around Brickendonbury Mansion, an early 18th century Grade II listed building, a complex of buildings within a parkland garden and estate. The application site is located 2km south of Hertford and comprises 17.8ha of land of irregular shape but including the land immediately south of the mansion and land to its east and north. There are various listed buildings, Clock Cottage and Stable Cottage, other curtilage listed and unlisted buildings including the more recent 1970’s research laboratories and workshops. Within the landscaped gardens to the east are curtilage listed buildings, East Cottage, a two storey Victorian cottage and two early 20th century red brick stores. South of these is an 18m outdoor swimming pool.
- 1.2 Brickendonbury mansion has been subject of various extensions in the 18th, 19th and early 20th centuries. The Mansion provides reception, offices, conference and meeting, dining and research facilities for TARRC. It is also used as a conference and events facility capable of accommodating up to 160 delegates or 400 wedding guests although these occasions are limited by TARRC’s operational requirements. It lies on high ground with open

views to the south and is set within an L shaped moat dating from the medieval period. The land immediately south of the moat slopes gently to the south and west and includes a marked out football pitch.

- 1.3 The site is accessed from Brickendon Lane, a driveway shared with commercial occupiers of an adjacent group of buildings, the Stables. Although a single lane road from Mangrove Lane to the east exists this is only used as an emergency access. Morgans Walk, an 18th century tree lined avenue extends northwards to Hertford although only part of this, beyond the site boundary, is a public right of way.
- 1.4 The application has been submitted with extensive documentation including
 - Planning Statement
 - Transport Assessment
 - Travel Plan Framework
 - Flood Risk Assessment
 - Design and Access Statement
 - Landscape and Visual Appraisal Summary
 - Landscape and Historic Garden Assessment (still under consultation)
 - Ecology Report
 - Archaeological Desk Based Assessment
 - Low and Zero Carbon Study
 - Arboricultural Report, and Landscape Strategy drawings
 - Tree survey covering more than 50 trees in the vicinity of the proposed accommodation block.
- 1.5 The proposed development is the first phase of an overall, as yet undetailed, athletes training facility. Apart from the new FIFA standard football pitch, the application proposes a 73 bed space 18 room accommodation block for athletes and 2 officials in the Brickendonbury garden area at a location 120m to the east of the mansion. This building is designed as a two storey structure with additional basement, the ground floorspace measures 594sqm. The area affected by building extends to a length of 46.5m by 25.3m wide, and is set around an open courtyard at the rear. The building has an upper ridge height of 7.95m. It would be located across the footprint of East Cottage and two nearby stores which are proposed to be demolished. There are communal athlete's facilities such as reading room, laundry, prayer rooms, a gym, treatment room, sauna and a Jacuzzi. Disabled access is enabled throughout.
- 1.6 The building is of irregular footprint with both flat and pitched roofs including two areas of green roofs and metal roofing. The external wall finish is lime

washed brick and treated timber cladding. Trellising to the walls will provide vegetation cover and break up the form of the building. The new building is partly justified by the demolition of 9 buildings across the site with a total footprint of 558sqm and a volume of 2185cm.

- 1.7 A letter from the Malaysian Minister of Youth and Sports says the proposals have the full support of the Malaysian government. The development will provide a high quality sports facility for athletes in preparation for the 2012 London Olympic Games and thereafter strengthening sporting links between Malaysia and the United Kingdom. It will provide a secure training and forwarding base for their athletes in the European and North American arena.
- 1.8 Users will not have access to private cars but will access the site via mini-buses. Apart from limited parking bays at the accommodation block no additional parking is proposed or considered necessary as athletes will not have their own cars and will live and eat on the site. Additional cycle parking would be provided.
- 1.9 The application also proposes re-grading of land to provide a level football pitch to FIFA standards with improved drainage systems. It is not proposed that there will be any fencing, buildings or floodlighting in association with the pitch having regard to the setting of the listed building.
- 1.10 Subject to permission for this first phase, further planning applications will be made for additional outdoor sports facilities. In the run up to the Olympics they will be for the exclusive use of Malaysian athletes. Following the Olympics it is said that the facilities will be made available for community use on a managed basis and the applicant would be willing to enter into a S106 agreement for this.

2.0 Site History

- 2.1 The Tun Abdul Razak Research Centre (TARRC) at Brickendonbury is an established facility investigating the use and development of rubber for the Malaysian government since the early 1970's after the main planning permission was granted for Scientific Research Laboratories with ancillary stores in February 1972 (Ref: 3/71/2149). There has been no major building work at the site since the approval of offices (Ref: 3/83/1339) in 1983. Other planning history of relevance to this application is

- Tyre testing building and two garages. Approved in 1973 (3/73/833).
- Extensions to East Cottage. Approved in 1975 (3/75/140)
- Double garage approved in 1978 (3/78/1327)

- A car park extension and 2 tennis courts. Approved in 1979 (3/79/1057)
- 2 storey office building and demolition of disused greenhouse. Approved 16 Nov 1983. (3/83/1339)
- Certificate of lawfulness to allow holding of marriages and wedding receptions. Approved 8th May 2006. (3/06/0665/CL)

3.0 Consultation Responses

- 3.1 Sport England has provided lengthy comment on the application. They have no objection as a *statutory consultee* regarding the impact of the development on existing playing fields. As a *non statutory consultee* they are supportive of the proposals but would expect the community legacy of the development to be formally secured via a community use agreement with the Council and other bodies such as the Herts Sport Partnership. They understand that the accommodation block may be viewed as inappropriate development in the Green Belt but from a sports development perspective the training centre could provide a potentially significant investment in new sports facilities for use by athletes and offering a community legacy following the 2012 games. If all the sports facilities in this application and the second phase are implemented, a building of the scale proposed is justifiable in terms of the numbers of athletes and officials it would need to accommodate. The integration of training and accommodation facilities on the same site is a pre requisite for elite athletes. The proposal in their view would be an appropriate ancillary building and in accordance with Sport England's policy objective for development in the Green Belt.
- 3.2 With regards to alternative sites Sports England advises that Hertfordshire Sports Partnership and the University of Hertfordshire have taken a coordinated approach and have as part of a consortium of public and private sectors bodies made a formal bid to LOCOG (London Organising Committee of the Olympic and Paralympic Games) to be considered as a pre Games training camp, this recommends venues across the county be used for pre games preparation in 16 different sports. The University's Sports Village would be the focal point of this. If the bid is successful then the Hertfordshire facilities would be included in LOCOG's official pre Games guide of official training camps and available to all competing countries. The local planning authority would be justified in seeking an explanation of how the Brickendonbury site meets the applicant's needs in a way that other existing venues in Hertfordshire could not.
- 3.3 Sport England also state that if exceptional circumstances need to be demonstrated for development in the Green Belt then it is essential that the proposed facilities have a secured long term community legacy. They acknowledge that due to the location of Brickendonbury, the need for

security for other activities and the community legacy may focus around meeting the training needs of elite athletes. The use by local sports clubs should be fully explored, although given the absence of floodlighting, the potential for community use will be restricted as the peak use is in the evenings.

- 3.4 Hertfordshire Highways does not object in principle to the development. Planning conditions are recommended to ensure an appropriate green travel plan, details of construction vehicles and parking and provision of wheel washing facilities. A S106 obligation of £43,000 index linked is sought payable towards sustainable transport measures in the vicinity of the site to mitigate the impact of development. They comment further that in spite of inaccuracies in the transport assessment, the traffic impact analysis is robust, but more details are needed about visiting athletes and the wider community. Invitation only use of facilities may encourage coach rather than car use and provision for coach parking is important. The site is not well located for passenger transport access. HCC Rights of Way would be very keen on a bridleway/cyclist link through the site from Morgan's Walk onto both Mangrove Road and Brickendon Lane. The sustainable contributions could be towards improvements to rights of way, pedestrian and cycle links in the vicinity of the site, improvements to bus infrastructure or other transport schemes arising from the Lea Valley Plan.
- 3.5 The Environment Agency has commented on the good use of sustainable design methods but has objected that the Flood Risk Assessment is not acceptable and that there is insufficient information regarding foul drainage, the reference to existing services needs explanation. The surface water drainage system should be restricted to Greenfield rates, 1 in 100 year climate change should be calculated and sustainable SUDS systems should be selected.
- 3.6 English Heritage is not giving specific advice but comments that the estate buildings for demolition are decently built and contribute to the overall character of the site to some degree. It is for the Council to assess this damage, weigh it against the importance of providing the facilities and whether the proposed scheme embodies the most sympathetic way such facilities could be created here.
- 3.7 Ancient Monument Society raises no objection to the demolition of the lodge which they do not consider worthy of listing in its own right. They consider it attractive and typical of its mid Victorian era, but lacking in detail and harmed by refenestration. Planning conditions for the salvage of reusable items such as gault bricks and variegated tiles are suggested.

- 3.8 The Garden History Society has raised concern at the lack of a Landscape and Historic Garden Assessment and a Landscape Management Plan which are promised but not provided. They refer to guidance notes for these on their website. They would wish to see these documents inform the consideration of the application from the beginning and to cover the whole estate area. Their other key concern is with the upgrading of the existing football pitch which is in the main landscape view from the mansion. To upgrade it with artificial turf, lighting and other equipment would be severely at odds with the natural landscape.
- 3.9 The Hertfordshire Gardens Trust says that Brickendonbury is on the East Herts Register of Historic Parks and Gardens and is part of an important group of 17th and 18th century landscapes near Hertford being flanked by Bayfordbury and Balls Park, both registered Grade II gardens. As presented they do not think the siting and screening of the accommodation block would be detrimental to the landscape. The trust believe the cottage garden and area for upgrading of the football pitch may contain features of archaeological interest; they seek protection of the Horse Chestnut avenue. The Trust would like the Historic Landscape Assessment to inform a Landscape Conservation Management Plan. The hedge south of the football pitch should not obstruct historic views southwards. Any lighting of the football pitch would cause severe detriment to the views southwards and the setting of the listed building.
- 3.10 The Council's Landscape officer has advised that the proposals must respect the listed designation. Many of the original garden features such as the Pulham fountain and rockery are in poor condition and should be restored. Trees, hedges, the yew and the fine lime tree avenue all need attention. Native planting along the boundary of the sports pitch is required. Commenting on the subsequently submitted Landscape and Historic Garden Assessment Report he is critical of its lack of proposals to improve the run down nature of the site. With regards to the upgraded football pitch this will mean increased use and requests for floodlighting, changing rooms, fencing that would completely change the character of the area.
- 3.11 The Council's Arboricultural Officer has advised that the survey lacks proposals for tree work and does not cover all the Horse Chestnut trees in the avenue. Although none of the trees around the site are required to be removed as a result of proposed development, there would be a need for canopies of trees to be cut back to facilitate demolition and construction work and so that daylighting is retained. There is no means of access to service or park at the building and this may mean subsequent proposals for clearance. The applicant should be required to supply detailed landscape proposals that reflect the existing limited mid Victorian plant selection. A

long term plan for lime tree avenues is recommended for the horse chestnuts.

- 3.12 The Herts and Middlesex Wildlife Trust objects that the proposal is on an identified Wildlife Site (Ref W/S 59/033) a former large country house with moat, woodland and old grassland habitats. The new pitch will harm the botanical value of the existing sports pitch. Insufficient ecological information is given, a single walkover is not sufficient for the site survey. Full botanical, amphibian and reptile surveys are required. Protected species have been recorded at this site including Bee and Common spotted orchids. The proposal is contrary to national guidance in PPS9 (para 16) which says protected species should be protected from adverse effects of development and planning authorities should refuse permission unless the need for and benefits of development clearly outweigh the harm to protected species or their habitats.
- 3.13 Herts Biological Records Centre takes the view that the application as submitted does not contain sufficient ecological information to allow the local planning authority to make an informed decision. The re-grading of the football pitch will result in the loss of the grassland habitat which they feel is unacceptable within a wildlife site. They are critical of the survey that no date is given for the walkover survey; that this cannot give sufficient detail on botanical value; that grassland areas adjacent to the moat and football pitch were not surveyed and that Great Crested Newt or reptile surveys were not conducted. It is noted that Bats were recorded in Buildings 3 and 4 and that a habitat Regulation Licence will be required for mitigation measures. Although no major habitat is lost they feel the integrity of the wildlife site is threatened.
- 3.14 Natural England objects to the proposed development as they consider that insufficient survey information has been provided to demonstrate whether or not the development would have an adverse effect on legally protected species. In particular they refer to the likelihood of bat roosts in trees at the site and within some of the buildings proposed for demolition.
- 3.15 The County Archaeologist has advised that Brickendonbury is an early 18th century country mansion, altered and extended in succeeding centuries. There are other listed buildings such as Clock cottage and Stable Cottage. The curtilage listed East Cottage is thought to date from the 19th century. The surrounding landscaped park and garden is of an early date 18th century, and included on the East Herts Register of Historic Parks and Gardens. Medieval pottery has been found in the area and the present mansion may have been built on or near the medieval manor of Brickendon and the potential for settlement from mid late Bronze Age is high. A hoard of

Roman Coins was discovered close to the mansion in 1919 and in 1971 other evidence, pottery, of Roman Settlement in the farmland to the north east. Any future development proposals in these areas would require archaeological information prior to determination.

- 3.16 For the current application it is recommended that a programme of archaeological work be agreed prior to commencement of development. This is to cover archaeological recording of structures, archaeological evaluation of the proposed development areas and such mitigation measures as necessary including preservation of remains *in situ* if warranted.
- 3.17 The Architects Advisory Panel for Beams, in partnership with Herts County Council Environment, has recommended refusal of the proposals which it finds disappointing, bland and failing to provide an architectural response to the surrounding landscape. The use of pale brickwork is excessive and would make it dominant; the building plan they find overly contorted and cramped within the site. Any building should be of exceptional quality in terms of its location, form and detailed design. An alternative would be to provide a pavilion in the wood. The panel noted the lack of floodlighting which would be unacceptably visible but queried how the facility would fit in with elite training for athletes.
- 3.18 The East Herts Environmental Health Officer has advised that a site survey is required to investigate any contaminated land and that such surveys, risk assessments and remediation strategies shall be submitted for written approval of the authority.
- 3.19 Hertfordshire Constabulary has no objections to the proposals which raise no strategic policing issues for them.
- 3.20 Thames Water Utilities recommends that surface water drainage is attenuated or regulated into the receiving public network through on or off site storage. Petrol interceptors should be used in all car park areas. A Grampian condition is requested to restrict commencement of development until a drainage strategy dealing with on and off site works, has been submitted to and approved by the local planning authority.

4.0 **Parish Council Representations**

- 4.1 Brickendon Liberty Parish Council have objected to the plans on the following grounds
- that there is no justification for an elite athletes training centre in the

Green Belt

- that there would be adverse impact on the landscape
- that the design is very modern and a complete contrast with the historic building and totally out of keeping with the estate
- that the facilities would be for exclusive use of Asian/Malaysian use which would be contrary to current race discrimination legislation
- that the boundaries to the football pitch are a moat and other areas outside their ownership so are completely impractical
- that missing information needs to be provided on car parks and an athletics track
- the demolition of the estate cottage is unjustified
- no explanation is made for the use of demolished buildings and further planning applications will be received in the future
- the turning from Brickendon Lane is unsuitable for coaches
- there is no public transport to Brickendonbury
- the lanes are unsuitable for large volumes of traffic
- the development would provide no benefit whatsoever to the local community
- there is no plan for the use of the training facility after 2012 games.

5.0 **Other Representations**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Hertford Civic Society has objected strongly to the demolition of curtilage listed buildings and challenges the evidence submitted which cites very special circumstances. They ask if the Olympics is justification then would it be appropriate for each competing country to build a training facility in the Green Belt? They understand a consortium of the University of Hertfordshire and the Herts Sport Partnership is seeking funding to offer training facilities for participants in the games and says athletes should in the normal way make use of facilities provided locally. The 2012 Olympic justification is undermined by the long term plan for a facility for athletes in European and other international events post 2012. This large investment could potentially be converted to a commercial use. The suggestion that there will be community use is disingenuous if priority is given for Malaysian athletes. There will be little benefit for Hertford from such a facility. Finally they object that levelling of the field will soon be followed by applications for fencing, to contain footballs kicked off the pitch and floodlighting.
- 5.3 An objection has been received from the resident of East Cottage (proposed for demolition) who is the security /caretaker of the

Brickendonbury estate who says he will be homeless and refers to the personal strain as a result of the application. If the building were moved a few yards it would not be necessary to demolish his home. They have concerns for wildlife; bats are in the buildings for demolition, foxes, muntjac and badgers are seen, there are various bird species and wild flowers are present around the Brickendonbury Estate.

- 5.4 An employee of TARRC who lives as a site security officer one week in three at Stable Cottage objects that he will lose a garage facility he needs. This is proposed for demolition but without any prior correspondence from the applicants or their agents.
- 5.5 2 Residents of Wits End in Mangrove Lane object that the site is in the Green Belt and the building does not meet the special circumstances or bring any benefits to local people. Mangrove Lane cannot cope with increased traffic and Brickendon Lane is not suitable for more traffic especially mini buses and coaches. Floodlighting and high fencing would be needed for the football pitch, that noise would be a problem. They question why knock down perfectly good buildings and not convert some of the old ones and also as to what would happen to the facility after the Olympics.
- 5.6 A resident of Longridge House, Brickendonbury, the only non -TARRC employee living at Brickendonbury, argues the 73 bedroom block is not permitted Green Belt development and that after 2012 a “sporting hotel” would be inappropriate at Brickendonbury. Falling redundant after 2012 it would be sought for change of use. Links with the local communities will be limited due to security at the site. Construction traffic would cause disturbance and he suggests Mangrove Lane be used for construction and traffic for the new facility.
- 5.7 A resident of West Street Hertford objects that the plans to demolish listed buildings violates Green Belt principles without justification, upgrading pitches will result in floodlighting and other urban intrusions, that community use is unlikely and that the proposals are Stage One with subsequent stages that may be difficult to resist.
- 5.8 A resident of 1 Thrift Cottage Brickendon Lane queries how many phases the application may lead to and that a football pitch alone does not amount to a training facility. The application should be seen in its entirety. Malaysia only once qualified for an Olympics football event and that was 35 years ago, they have never qualified for a football world cup. Would the council have the will or capacity to withhold approval for future phases as Phase 1 by itself is useless? They are concerned at the traffic implications of the development and say that walking and cycling along Brickendon Lane is

suicidal. They also see no benefits for local residents in the application in spite of its claims. Ecological issues have been dismissed too easily.

- 5.9 An email objection states that the Brickendon Brook floods Brickendon Lane every winter and the planning application could compound it increasing extra run off. Brickendonbury is one of the factors in this localised flooding. They also are concerned about the protection of valuable trees and protected species and question the adequacy of surveys which have not picked up on Japanese Knotweed.
- 5.10 An objector in Bramfield is appalled at the loss of listed buildings and says the site has a fine history including use by the Special Operations Executive during the war. They question why sport is seen to be above the normal planning process.

6.0 **Policy**

- 6.1 Within the adopted local plan the site is designated within the Metropolitan Green Belt, an Area of Archaeological Significance and a County Wildlife Site. The garden is on the local list within the Council's recently adopted Supplementary Planning Document "Historic Parks and Gardens" September 2007. The site lies in a Flood Zone 1. The Brickendonbury Estate is subject of a Tree Preservation Order covering the avenue of Morgans Walk to the north of the mansion and the woodland to the east of the proposed accommodation block.
- 6.2 The policies of the East Herts Local Plan Second Review April 2007 most relevant to the consideration of the application are summarised below.
- 6.2 Policy SD2 (Settlement Hierarchy) states that the focus of development within the District will be in the main settlements of Bishops Stortford, Hertford, Ware and Sawbridgeworth.
- 6.3 Policy GBC1 (Appropriate Development in the Green Belt) sets out the limited range of developments that will be appropriate in the Metropolitan Green Belt.
- 6.4 Policy GBC4 (Major Developed Sites) indicates that limited infilling or redevelopment of designated major developed sites in the Green Belt may be acceptable subject to criteria such as the impact, height, and whether there is an increase in the developed portion of the site.
- 6.5 Policy TR1 (Traffic Reduction in New Developments) aims to ensure alternative transport options to the motor vehicle are available to users of

the site.

- 6.6 Policy TR7 (Car Parking – Standards) indicates that development proposals will be assessed in accordance with the adopted car parking standards, with the actual provision being calculated on a site specific basis having regard to the location and availability of alternative modes of transport to the car.
- 6.7 Policy TR14 (Cycling – Facilities Provision (Residential)) requires sufficient cycle facilities to be provided to enable cycle use to become a realistic option to the use of private motorised transport.
- 6.8 Policy ENV1(Design and Environmental Quality) requires all development proposals to be of a high standard of design and layout, demonstrate compatibility with the structure and layout of the surrounding area, relate well to the massing and height of adjacent buildings, incorporate sustainable initiatives including energy and water conservation, minimise loss or damage of landscape features and to provide landscape, recreation or amenity features and where appropriate habitat creation.
- 6.9 Policy ENV2 (Landscaping) requires the retention and enhancement of existing landscape features. Special consideration will be given to proposals on prominent sites.
- 6.10 Policy ENV14 (Local Sites) says that developments likely to have an adverse effect on a local wildlife site will not be permitted unless there are reasons which outweigh the need to safeguard the nature conservation value.
- 6.11 Policy ENV23 (Light Pollution and Floodlighting) says applications for external lighting will only be approved where they minimise the impact on the Green Belt, residential amenity, ecological interests and is the minimum needed for operational reasons.
- 6.12 Policy BH2 (Archaeological Evaluations and Assessment) indicates that where it is demonstrated there are archaeological remains present, an archaeological evaluation will be expected. On the basis of the results the Council will consider the most appropriate way of mitigating the impact on the historic environment.
- 6.13 Policy BH9 (Demolition of a listed building) says this will only be permitted exceptionally where it is demonstrated that the building cannot be continued in its current use and there will be no harm to the setting of any other listed building.

- 6.14 Policy BH12 (Development Affecting the Setting of a Listed Building) indicates proposals will not be permitted if there would be unacceptable loss of curtilage listed buildings or other landscape features.
- 6.15 Policy BH16 (Historic Parks and Gardens) says that proposals which harm registered parks and gardens and other locally important sites will not be permitted.
- 6.16 Policy LRC2 (Joint provision and dual use) says that the dual use of education and leisure facilities will be promoted.
- 6.17 Government planning guidance contained in PPS1 Delivering Sustainable Development, PPG2 Green Belts, PPS7 Sustainable Development in Rural Areas, PPG13 Transport, PPG15 Planning and the Historic Environment and PPG17 Sport and Recreation are also relevant to the determination of this application.

7.0 Considerations

- 7.1 The site is within the Metropolitan Green Belt where the construction of a new accommodation building for athletes would be inappropriate development. The provisions of national guidance in PPG2 and Local Plan Policy GBC1 allow essential and small scale facilities for outdoor recreation or for other uses of the Green Belt considered to be appropriate, but this does not permit residential accommodation, albeit in this case an institutional residential use (Class C2) . The new building cannot be regarded as either essential for outdoor sport at the site or small scale. The applicants have acknowledged that the proposal is inappropriate development and that there are required to be exceptional circumstances to justify the development. The main considerations in determination of this application are therefore:
- The case for exceptional circumstances for the proposed accommodation block
 - The impact of development on the visual amenity and openness of the Green Belt
 - The appropriateness of the design, form and appearance of the development;
 - The impact upon the setting of the listed house of Brickendonbury and its historic parkland setting
 - The impact on protected trees
 - Ecological impacts
 - Traffic impacts

Exceptional circumstances

- 7.2 At earlier meetings, and in their submissions, the applicants have set out a wide ranging argument for the accommodation block (and future training facility) of very special circumstances including
- the forthcoming 2012 Olympic Games and the obligation on the host nation to support visiting delegations
 - that the applicant is a national government
 - that international athletes require high quality training facilities to acclimatize to local conditions
 - the need for privacy and security for elite athletes
 - the provision of accommodation designed to meet the athletes cultural needs
 - the holistic approach of jointly providing facilities and accommodation facilities which is endorsed by Sport England;
 - that the site is an ideal location for London and a secure base for athletes in Europe.
- 7.3 They also refer to the positive benefits of the development
- Optimized access to institutional use in a highly sustainable manner
 - Enhancements to the historic landscape
 - Provision of a high quality prestigious facility available for community use
 - Positive economic spin offs by development and servicing of the development
 - Link between Hertfordshire and the Olympics and enhanced existing relationship between Hertfordshire and Malaysian communities
- 7.4 The applicants have responded to your planning officer's suggestions that other buildings could be converted for accommodation saying these would not provide the modern and comprehensive facilities required. A scattered provision of new buildings through the site would not meet the security requirements of athletes and officials. Furthermore it is not possible to redevelop existing TARRC buildings for sports buildings or accommodation as these are needed for the existing research activities at the site. They have also referred to cases of Green Belt sites with approved developments for training centres for a number of Premiership football clubs.
- 7.5 Response to the applicants case: The application provides an interesting set of circumstances, both unusual and unprecedented. Council planning

officers have been in meetings with various planning agents, architects and representatives of the Malaysian government since the beginning of last year and have consistently advised of the constraints in developing the Brickendonbury site in particular due to the Green Belt policy presumptions, the site's remoteness within the rural area, the setting of the listed mansion and its historic parkland. The council has been doubtful about how outdoor sports facilities would assimilate satisfactorily and be accommodated within the historic garden landscape due to the leveling of contours, hard surfaces, need for ancillary buildings, enclosures, floodlighting etc.

- 7.6 The football pitch provision in this application is relatively modest and yet raises some definite landscape concerns. For this reason, it seems too presumptuous to assume that other outdoor training facilities will be permitted by the later phases and yet still advance the provision of combined training and accommodation facilities as a part of the special justification for inappropriate development in the Green Belt. The site has no existing training facilities or any proposed that are considered acceptable.
- 7.7 It has been acknowledged that some weight can be given to the sporting and cultural benefits that can follow from a good quality scheme with shared public access and that some planning weight may be given to this. The scope for any development would need to be more limited than the current proposal and should focus on keeping development within the main developed portion of the site in accordance with the policy criteria for other major developed sites within the Green Belt of GBC4 and PPG2 Annex C. This would also reduce the adverse impacts on the visual amenity and openness of the Green Belt and the historic landscape referred to later.
- 7.8 Some of the justifications made as very special circumstances are simply without substance and would undermine Green Belt policy. It is not generally relevant in planning terms for instance who an applicant is or that the site is within driving distance of London or major transport links. There is no general indication in national, regional or local plan policy that Green Belt policies should be waived or relaxed to cater for Olympic related developments although this will clearly be a factor that can provide justification when it is the only way of meeting a specific need.
- 7.9 The Malaysian Sports Council's need for facilities is therefore a material consideration but there has been no attempt to demonstrate how the needs for accommodation and /or training facilities could not be met elsewhere and in more appropriate locations. A comprehensive site search would normally be expected but in this case no exercise has been carried out to explore the alternative site options available within the locality. The reason

Brickendonbury has been selected is because it is owned by the applicant. Sport England have advised that there are preparations to bid for training facilities to be available for all visiting athletes in Hertfordshire to be determined by the Olympic Organising Committee. If these bids are successful then these facilities will be available and should offer high quality facilities that would be available for Malaysian athletes and for other nationals. It is not explained as Sport England expect why these training facilities would not meet the needs of Malaysian athletes or why accommodation could not be found within the main settlements in accordance with the Council's overall planning strategy rather than the Green Belt.

- 7.10 No explanation has been given as to why a facility of the size specified is necessary or justifiable. Malaysia had a team of 26 athletes at the Athens Olympic Games in 2004. The accommodation will be used on a rotational basis and presumably not all athletes will necessarily meet Olympic standards, but it is not explained why the facility needs to be of the proposed size of over 70 bed spaces. The proposals at a pre application stage in July were for a discussed provision of 50 bed spaces but the plans have since increased. The size of the building is one particular design criticism of the application given the increased size and bulk and therefore a further point of objection.
- 7.11 The location as advised by Herts Highways is not particularly accessible and not well connected to public transport or for walking and cycling. PPG17 para 23 advises that local facilities that may attract a wider catchment should be located where they will be well served by public transport. If the training facilities are to have the community legacy use that Sports England requires as a condition of its support, then the inaccessibility of the site should in my view be addressed.
- 7.12 In other respects the development should be of the highest standard and an exemplary design if it is to be part of a very special case for inappropriate development. In view of the objections made by the architect's advisory panel this would not seem to be the case. As will be explored below there are concerns about the siting, design, scale and massing of the development and its impact on the landscape.
- 7.13 As a consequence of all the above considerations it is not accepted that the application provides the very special circumstances necessary to justify and outweigh the presumption against inappropriate development in the Green Belt.

Impact on Green belt openness and visual amenity

- 7.14 Government guidance set out in the PPG2 sets out the importance of avoiding harm to the visual amenity of the Green Belt and its openness when considering new development proposals. PPG17 says that sports and recreational developments in the open countryside will require special justification (para 26) and that all development in rural areas should be designed and sited with great care and sensitivity to its rural location.
- 7.15 The applicants have argued that there will be no harm to the visual amenity and openness of the Green Belt. I would accept the siting is within a well wooded and landscaped area which will soften the impact of the building in the surroundings. Nonetheless the scale and massing of the building is significantly greater than the buildings it replaces on this part of the site. It also exceeds in height the single storey buildings. The woodland will be more open in the summer months when trees are not in leaf. It cannot be assumed that the development will not open up the site more as work proceeds, trees are cut back for space and improved daylighting and access.
- 7.16 The applicants have referred to the comparable height of the proposed building which is at 7.95m only 400mm higher than the existing West Cottage which has a ridge of 7.6m. However the two store buildings to be replaced are only single storey and have a ridge height of only 4.3m and 5.4m respectively.
- 7.17 I therefore consider that the openness of the site and Green Belt will be reduced and that the bulk and impression of the building will have an urbanising presence and harm the visual amenity of the Green Belt. This is also a design criticism of the architect's advisory panel who felt the proposed building failed to respond adequately to its landscape context.

Design, form and appearance of the new building

- 7.18 The applicant's Design and Access Statement explains that the building is contextual without relying on pastiche. Using traditional materials such as brick, lead and glass it forms a benign backdrop to its surroundings and that the architecture is a canvas for the subtly shifting shadows of neighbouring trees. The grey pitched roofs have an asymmetric quality that is shared with the mansion house.
- 7.19 The Design and Access Statement explains that the building has been designed for full disabled access with ramps and internal lifts to ensure it is of inclusive design. It states that the architecture will blend with the

landscape by the incorporation of green sedum roofs in the design, trellising to parts of the wall and transitional planting within the courtyard space. Grills ventilators and pipes are designed to be low down or within the roof leaving the walls uncluttered.

- 7.20 PPS1 identifies the need for the planning system to deliver high quality designs to enhance local distinctiveness. PPG15 emphasises the need to protect registered garden landscapes. The site is not registered with English Heritage but is on the local list within the Council's recently adopted Supplementary Planning Document "Historic Parks and Gardens" September 2007 and therefore subject to the provisions of Policy BH16.
- 7.21 The County Council architects advisory panel has provided some detailed criticisms of the new building and pointedly that the design of the building fails to respond to its position within the landscape. They do not object in principle to the replacement of existing buildings if the proposed design is of exceptional quality.
- 7.22 These objections reinforce my own reservations about the bulk and scale of the building which sits uncomfortably close to the surrounding trees and is of a bulk that competes with the importance of the main listed house rather than deferring to it.

Historic Parkland and setting of listed building

- 7.23 The landscape officer wishes to see provisions for a full landscape management plan for the estate although feels these have not been provided as hoped for in the application submissions. The Design and Access Statement says that there will be a 25 year management plan for the areas around the accommodation block and the football pitch although a wider plan is needed for the whole estate. As this can be conditional of any planning permission or via S106 obligations to ensure the long term management referred to I consider that this can potentially provide a positive aspect for development of the site.
- 7.24 The building by its scale and presence will diminish the historic garden landscape although it is accepted that there may be a level of overall benefit if an enhancing landscape management plan were agreed for the whole estate.
- 7.25 However there is a wider general concern about how outdoor training facilities can be provided. In this application the only proposals made is for the football pitch. I agree and share the reservations of the Garden History Society and Hertfordshire Gardens Trust and the Landscape Officer about

the sensitivity of the area south of the mansion which is the main view from the mansion and historically a part of the landscape was created in 18th century. The existing grassland which is used informally as a football pitch is a field that has been owned with the house since the 18th century. It is outside the boundary of the Pearson garden. The grassland can be considered to follow the natural topography of the surrounding landscape whereas the immediate effect of the change will be a leveling out , at odds with the gently inclined topography and sloping nature of the landscape.

- 7.26 This harm is almost certain to be compounded in the future, notwithstanding the expressed intention of the application, that there will be no future floodlighting or fencing. An international standard training facility when presented with its practical limitations will inevitably lead to incrementally damaging changes. The location of this site for outdoor sports was discouraged by officers at the pre application stage due to its sensitive situation in direct view and the immediate south setting of the mansion.

Transport, Parking and Access

- 7.27 The applicant has submitted information of the potential traffic impact of the development that has been broadly accepted by Herts Highways subject to further details and financial contributions. As yet it is not known if the applicant would be prepared to offer the sums of money sought for sustainable transport measures or otherwise agree to the enhanced rights of way through the site.
- 7.28 Cycle parking details remain to be finalised but this is not likely to prove problematic. However if 18 car parking spaces cannot be met within the existing areas, then the implications for parking around the new building block would be for increased hard surfacing. This reinforces concerns about the siting of the accommodation block and that there will be a loss of amenity to the Green Belt and historic parkland.
- 7.29 It may be too optimistic that there will no be further pressures for parking around the estate as a result of the development, however this is only an issue of the landscaped setting of Brickendonbury, as Hertfordshire Highways consider it unlikely that it would lead to any parking or obstruction of the public highway.

Impact on protected trees

- 7.30 The design of the building appears to have been carefully sited to avoid nearby trees of significant size. I accept the applicants statement that the trees to be removed are of lesser quality and can be generally justified by

replacement planting and landscape management, which itself could be a condition of the proposals. Arguably the location of protected trees has almost determined the design of the building although this is a separate design criticism that has been made. In terms of the impact on protected trees the building is in a situation where it will safeguard the rootplates of trees.

- 7.31 The shading effect from woodland on light levels to the building may lead to some pressure to cutback trees immediately and in the future. This will increase the impact of development in the surroundings. Some of the adjacent trees have a rather lop sided form in any event and tree work could be justified on these grounds alone. The Council's arboriculturalist does not recommend refusal as presented, but is also sceptical whether there is adequate space to access, service or park vehicles (including coaches) which may lead to future impact on the adjacent woodland.
- 7.32 The proposed development is in my view acceptable in relation to the immediate impact on protected trees.

Ecological Impacts

- 7.33 The proposals affect a designated County Wildlife Site. There is a significant unanimity of view from the expert consultees that the survey carried out has been inadequate and lacks essential information. Natural England, Herts Middlesex Wildlife Trust and the Herts Biological Records Centre have all independently made this objection.
- 7.34 The impact of development needs to be assessed in the light of more complete ecological information as required by local plan policy and PPS9 and to ensure that it is possible to reinforce biodiversity and reasonably address any concerns via planning conditions.
- 7.35 Herts Biological Records Centre has specifically objected to the loss of grassland habitat. The fact that there are ecological interests and protected species within the existing football pitch means that unjustified and unnecessary damage will be caused by the proposed resurfacing and engineering works with installation of new drainage systems. This reinforces the concerns and objections about the harmful impact of the development on the historic parkland and the objection to upgrading the football pitch in this locality.

Miscellaneous

- 7.36 The application includes sustainable energy measures which are to be

supported but do not overcome or provided the special circumstances necessary for approval of the planning application.

8.0 Conclusion

- 8.1 To summarise, the application for the new athletes accommodation block represents inappropriate development within the Green Belt, which PPG2 para 3.2 says is by definition harmful to it, and for which very special circumstances are required which clearly outweigh the resulting harm. The case for the accommodation block lacks any appraisal of alternative sites to Brickendonbury or justification for the current size of the facility. There is no guarantee that the further training facilities will be provided or the wider public benefits of community use secured ; there are objections to the design of the building and its impact on the historic parkland and ecology.
- 8.2 The site is constrained not only by Green Belt considerations but the implications of the local historic garden designation and the setting of a Grade II listed building. This means that there can be no presumption that other outdoor training facilities may be acceptably designed. In the absence of any planning application for sporting facilities at the site, beyond the upgraded football pitch, it would not be possible to guarantee that the training facilities or their public benefits would be provided. Furthermore given the sensitive nature of the surrounding historic garden and the open Green Belt location it remains untested as to whether such sporting facilities would prove to be acceptable or that they would not be subject of such necessary restrictions (e.g. floodlighting) that they would of any significant public benefit. Consequently the provision of an “accommodation only” proposal itself is premature when there is no established training facility at the site. Even if some training facilities are acceptable in planning terms, these cannot be guaranteed by this application or provide the public use legacy advocated by Sport England.
- 8.3 The application is not therefore considered to provide the justification of very special circumstances for inappropriate development in the Green Belt.
- 8.4 The scale, massing and design of the accommodation building compares unfavourably with the more recessive and simple forms of the existing curtilage listed buildings it is proposed to demolish. The block would be likely to have an adverse impact on the openness of the Green Belt and the parkland and the quality of the design does not meet the high standards necessary by policy and for this particular site.

- 8.5 Insufficient information has been submitted regarding details of ecological interests at the site which is a county Wildlife Site and also on flooding aspects to enable proper consideration of these issues.
- 8.6 The proposed engineering works to upgrade the existing football pitch is appropriate development within the Green Belt and in its proposed form not considered to have any adverse impact on the openness or visual amenity of the Green Belt. However in terms of the historic parkland and setting of Brickendonbury, the location itself is felt inappropriate to develop a high value facility. The levelling out of contours will upset the more natural topography of the landscape as viewed from the Brickendonbury Mansion and be harmful to this view; furthermore it is considered highly likely that the facility would be subject of continuing pressures for additional elements once established. Access ways, fencing, buildings or floodlighting would be unacceptable in this location. Increased use may encourage temporary structures/tents etc which may not even be subject of planning control. The historic landscape view would be further harmed if any of these associated changes occurred in the future.
- 8.7 While the Council may be minded to give some weight to the establishment of athletes accommodation and training facilities at the site, to assist the Malaysian Government in its aspiration to improve its sporting achievements in the Olympics and for other international events, there is no general planning policy basis to support this. Initiatives are already underway in Hertfordshire to secure good access to training facilities for all Olympic athletes. The opportunities for development at Brickendonbury are very limited due to its remoteness in the rural area, the general Green Belt policy issues and the listed building and historic parkland considerations.
- 8.8 A reappraisal of the strategy for development of the site would therefore be necessary to be more in line with the earlier guidance given by officers with respect to the site.
- 8.9 If the committee are sympathetic to the interests of the applicant, it is suggested that an offer be made for the applicant to work jointly with the Council on a development brief and strategy for Brickendonbury to inform later detailed planning submissions with due regard to the planning constraints, context and sensitivities of the site.