

4f **3/10/1044/FO – Variation of condition 2 of planning permission 3/97/0520/FP that states that the facility should be used solely for the beneficial use of the applicants, the Bishop’s Stortford High School, and for no other persons, institutions or organisations to allow it to be used by both Bishop’s Stortford High School and Herts and Essex High School and for local organisations at Jobbers Wood, Great Hadham Road, Bishop’s Stortford for the Bishop’s Stortford High School**

Date of Receipt: 10.06.2010

Type: Removal of Onerous Condition – Major

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION

That planning permission be **REFUSED** for the reason:-

1. The proposed use of the site, by reason of its location and lack of accessibility by sustainable modes of transport, would result in an unsustainable form of development and traffic movements and reliance on the private car. The proposal would thereby contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.

_____ (104410F0.EA)

1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located between the settlements of Much Hadham and Bishop’s Stortford, on the southern side of the B1004. The site is currently used as a detached playing field for Bishop’s Stortford High School, primarily for extra curricular sporting activities. The site is some 14.25 hectares in size and contains 4 rugby pitches, 3 soccer pitches and 2 hockey pitches together with a changing pavilion and car parking. In the summer months the site is used for 3 cricket pitches.
- 1.2 Planning permission was granted in November 1998 for the change of use of the site to school sports fields with associated changing rooms (ref. 3/97/0520/FP). This permission was subject to a condition which stated that the permission shall be solely for the beneficial use of the applicants; the Bishop’s Stortford High School, and for no other persons, institutions or organisations. This application seeks permission to vary this condition to allow the site to be used also by the Herts and Essex High School and local organisations, and has been submitted in association with the outline

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application seeking permission for the relocation of the Bishop's Stortford High School and the Herts and Essex High School to a site on Whittington Way. The applicant has confirmed that the use of this facility by the two schools will generally take place out of normal school hours, particularly on Saturday mornings and after school during term time. They have also confirmed that the use of the site by local organisations would always need to be secondary to the use of the facility by the two schools, and it is anticipated that the use of the site by the local community will generally take place on Sunday mornings, with some limited use on summer evenings.

2.0 Site History

- 2.1 As stated above, planning permission was granted in 1998 for the use of the site for school sports fields with associated changing rooms (ref. 3/97/0520/FP). Planning permission was also granted in January 2000 for a variation to application ref. 3/97/0520/FP for a smaller re-designed changing facility (ref. 3/99/1726/FP). This application was subject to a number of conditions including that this permission shall be solely for the benefit of the applicants, the Bishop's Stortford High School and for no other persons, institutions or organisations. Therefore, if permission is granted for the variation to the condition to allow also the Herts and Essex High School and local organisations to use the site, an application to vary the condition relating specifically to the building would also be necessary if it is proposed to be used in this way.
- 2.2 A planning application was submitted in 2008 (ref. 3/08/1395/FO) for the variation of condition 2 of permission ref. 3/97/0520/FP, as being sought by this current application. This application was recommended for refusal for the following reason:
- The proposed use of the site, by reason of its location and lack of accessibility by sustainable modes of transport, would result in an unsustainable form of development and traffic movements and reliance on the private car. The proposal would thereby be contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.
- 2.3 This application was however withdrawn prior to the application being determined.

3.0 Consultation Responses

- 3.1 The Council's Planning Policy Team have commented that the release of Jobbers Wood for wider community use will address a number of deficiencies highlighted in the Playing Pitch and Outdoor Sports Assessment and the accompanying Playing Pitch Strategy, and will go some way to meeting the overall management objectives contained within the Strategy in terms of increasing the stock and quality of playing pitches for community use. In principle therefore the alteration of the condition is supported, however the 'other organisations' part should be clarified, and the site should remain for school use for the majority of the time.
- 3.2 They go on to comment that given the location of the site (i.e. one which encourages access by private car), users should be encouraged to enter into a green travel plan for the site – the use of car-sharing and public transport for example. They also state that it would not be appropriate for this site to become a key district-wide strategic multi-pitch/sports site given the unsustainable location and its current ownership and management options.
- 3.3 The Planning Policy Team also state that the proposed re-located schools site would have adequate sporting facilities on the new site, negating the need for their use of Jobbers Wood. The use of the site by 'other organisations' would mean there would be no control over the intensification of use of this Green Belt site. The only way to manage this would be for the school to sign a community use agreement with terms and conditions limiting the use of the pitches for non-school use to agreed times. The greater the use of the site, the more demand there would be for ancillary buildings and infrastructure, and if a single club were to dominate the occupancy of the site, the use of the site would be significantly more intense than the current arrangements. Given the comments made regarding the location of the site, this would be contrary to the policies/principles on sustainable development, and regard would need to be had as to whether this would cause unacceptable harm to the Green Belt in this location. If a club however was to locate to the Jobbers Wood site, it would free up some of the other more sustainable locations within Bishop's Stortford for wider community use.
- 3.4 County Highways have commented that they do not wish to restrict the grant of permission, and from a highways viewpoint consideration of this proposal does not differ from the previous withdrawn application (ref. 3/08/1395/FO). In a highways context they comment that the remoteness of the site and consequential reliance on the private car raises sustainability issues. However, given the existing use of the site Highways

do not consider that an objection could be justified. They comment however that it may be prudent to restrict the use of the site to solely sporting activities and for the 'other organisations' to times outside normal term dates and Saturday mornings when the schools have suggested they have demands on the site.

3.5 Highways consider the B1004, which is a secondary distributor road, is appropriate to accommodate the likely traffic generation. The access design and visibility provision is acceptable and sufficient space exists on site to accommodate a substantial amount of parking.

3.6 Sport England have commented on the application and consider that the proposal would have a positive impact on the use of the playing fields as it would allow use by another secondary school in the Bishop's Stortford area and open up the use of the facilities to the wider community. While the location of the site is not ideal from a community access perspective because of the site's rural location outside of Bishop's Stortford urban area, permitting community use of the Jobbers Wood playing fields is welcomed by Sport England because there are significant deficiencies in community playing pitch provision in the Bishop's Stortford area, and this proposal would increase the supply of playing pitches available. If permission is to be granted for the variation of the condition, Sport England recommend that a community use agreement is completed.

4.0 Parish Council Representations

4.1 Much Hadham Parish Council were consulted on the application and have commented that they have no objection to the variation of the condition, but would wish any grant of permission to be restricted in respect of use by 'local organisations'.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and notification of local residents who had submitted a representation on the 2008 application.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The policies of the East Herts Local Plan that are most relevant to the consideration of this application are as follows:

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SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
TR20	Development Generating Traffic on Rural Roads
LRC2	Joint Provision and Dual Use

7.0 Considerations

7.1 The determining issues in relation to this application are:

- Whether the development is appropriate in the Metropolitan Green Belt;
- The accessibility/sustainability impacts of the proposal

7.2 Policy GBC1 of the Local Plan states that the use of land within the Green Belt for essential small scale facilities for outdoor sport and outdoor recreation, and other uses of land which preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt are considered to be appropriate development. However, in considering the 1997 application which allowed the use of the site as playing fields for the Bishop's Stortford High School, the Council concluded that the proposal did not constitute small scale facilities, and as such was not in accordance with Green Belt policy and should be treated as a departure. In this instance it was considered that the school had put forward circumstances which, on balance, were considered to be sufficiently special to warrant an exception to Green Belt policy.

7.3 This application now seeks to intensify the use of the site by allowing the Herts and Essex School and local organisations to use the site in addition to the Bishop's Stortford High School. No evidence has been provided with the application to confirm the frequency of the existing use of the site, however as stated earlier in this report the proposed use of the site by the schools will generally take place on Saturday mornings and after school during the summer term, and the use by the local community generally on Sunday mornings and limited use on summer evenings.

7.4 As Members will be aware, the application for the relocated schools has been recommended for refusal. The relocated schools application proposed that all of the outdoor sports requirements for the two schools are provided at the proposed site of the schools on Whittington Way, and if this application were to be approved therefore, there would not be a need to use the Jobbers Wood site for general day to day sports provision. However, the schools application has been recommended for refusal and it is therefore necessary to consider this application in light of this recommendation.

- 7.5 If approved this application would allow the use of the site as outlined above, which would be an increase in the use of the site in comparison to the current use. Although uses of land which preserve the openness of the Green Belt is appropriate development in the Green Belt, it is necessary to consider whether the proposed increase in the use of the site would result in a change in the character and appearance of the site which would result in harm to the Green Belt. The use of the site is limited somewhat by the facilities that it provides. This application does not propose to increase the size of the site or the facilities provided. Furthermore, the site does not have any floodlights, so this restricts the use of the site to during the day and summer evenings. Having regard therefore to these factors, whilst the variation of the condition may result in some increase in the use of the site, it is considered that the level of increase in use would not be to such a degree that would result in a change to the character and appearance of the site which would be harmful to the Green Belt. Officers therefore consider that the use of the site would constitute appropriate development in the Green Belt, and would accord with policy GBC1 of the Local Plan.
- 7.6 Turning now to the issue of sustainability and accessibility, PPS1 states that sustainable development is the core principle underpinning planning, and that planning should facilitate and promote sustainable and inclusive patterns of development. It goes on to state that planning authorities should provide improved access for all leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. Policy SD1 of the Local Plan states that applications for proposed developments should explain how development will encourage sustainable movement patterns, and Policy SD2 of the Local Plan seeks to create sustainable patterns of development.
- 7.7 The application site is located approximately 2 miles to the west of Bishop's Stortford, 2.5 miles to the east of Much Hadham, and 1.5 miles to the north of the small settlements of Green Tye and Perry Green. The site is not accessible by public transport. Dedicated provision for cycle or foot access is poor and no measures are proposed to encourage it. Indeed, doing so would be difficult, given the location of the site. Access to the site is therefore predominantly reliant on the car. This clearly raises sustainability considerations. PPG13 states that a key planning objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling, and PPG17 states that when identifying where to locate new areas of sports and recreational facilities, local authorities should promote accessibility by walking, cycling and public transport. Both PPG13 and PPG17 therefore conclude that from a

sustainability point of view, sports and recreational facilities should be located as close as possible to the communities that they are designed to serve. Clearly in this case access to the site by public transport is not possible and walking and cycling would in most cases not be practical or desirable. The increased use of this site would encourage unsustainable traffic movements and would result in an unsustainable form of development, which in officer's opinion would be contrary to policies SD1 and SD2 of the Local Plan.

8.0 Conclusion

- 8.1 In conclusion therefore, whilst it is considered that the proposal would not result in an intensity of use of the site that would result in harm to the character and appearance of the Green Belt in this location, the proposed increase in the use of the site would result in an unsustainable form of development and traffic movements. Due to the remote location of the site away from the settlement of Bishop's Stortford (the population of which the facilities would serve) and the lack of access to it by sustainable modes of transport, the proposal would result in increased traffic movements to and from the site, and a reliance on the private motor vehicle to access it. This is clearly contrary to both Government guidance and Local Plan policies. For these reasons it is accordingly recommended that the application be refused.