

DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2016

Application Number	3/16/0635/FUL
Proposal	Additional 2 metres netting to existing 3G football pitch fencing (extending fence height from 3 metres to 5 metres). Total length 47metres.
Location	Hartham Leisure Centre, Hartham Lane, Hertford
Applicant	Everyone Active
Parish	Hertford
Ward	Hertford Bengo

Date of Registration of Application	17 March 2016
Target Determination Date	18 May 2016
Reason for Committee Report	Hartham Leisure Centre is owned by the Council
Case Officer	Michael Chalk

RECOMMENDATION:

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

1.0 Summary

- 1.1 The development proposal is for the erection of 2 metre high extension fencing above the existing 3 metre fencing on the northern side of the football pitches in this location. This would increase the overall height of the fencing to 5.0m to cover both goal ends next to the river, and is intended to prevent footballs being kicked into the River Beane to the north. This would improve the use of the pitches and also help to prevent harm being caused to the environmental quality of the Common which lies within the Metropolitan Green Belt.
- 1.2 The proposed netting would be a lightweight addition to the site, with little impact on the character and appearance of the Green Belt or the Hertford Conservation Area. It is considered to be appropriate development within the Green Belt and the benefits of it, in terms of the improvement to this sports facility and the environmental quality of the area, are considered to outweigh any limited harm arising from the development.

2.0 Site Description

- 2.1 The site is shown on the attached Ordnance Survey extract. It comprises 2 football pitches and a tennis court on Hartham Common

that are enclosed by three metre high wire fencing. The fenced area lies approximately 180 metres west of the Hartham Leisure Centre building on the banks of the River Beane.

2.2 The site falls within the Metropolitan Green Belt and the Hertford Conservation Area.

3.0 Background to Proposal

3.1 The site previously comprised tennis courts but was converted to two football pitches (and one retained tennis court) following the grant of planning permission in February 2015 (ref: 3/14/0771/FP).

3.2 The current application seeks permission to erect netting of 2 metres in height above the existing fencing across the northern side of the site, adjacent to the river. This is proposed to reduce the number of footballs being kicked into the river, which is both inconvenient to users of the pitches and also detrimental to the quality of the environment and wildlife on the river.

4.0 Key Policy Issues

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

Key Issue	NPPF	Local Plan policy
Appropriateness of development in the Green Belt	Paragraphs 87, 88 and 89	GBC1
Impact on the open and rural character of the Green Belt	Section 9	GBC1, ENV2
Impact on the character of the Hertford Conservation Area	Section 12	BH6

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

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

- 6.1 The Environment Agency has stated that they have no objection to the proposed development. They note that a permit will be required from the Agency for any scaffolding erected within 8 metres of the river.
- 6.2 The Council's Environmental Health department have no objection to the development. They have recommended conditions relating to hours of work and note the need to consult the County Highways department regarding any works necessary on the public footpath.

7.0 Town Council Representations

- 7.1 Hertford Town Council has no objection to this application.

8.0 Summary of Other Representations

- 8.1 The application was advertised by means of press and site notices. No responses have, however, been received as a result.

9.0 Planning History

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

Ref	Proposal	Decision	Date
3/14/0771/FP	Resurface existing tennis courts to create 2 new floodlit 3rd generation (3G) five-a-side football pitches with specialist all weather "3G" artificial grass. 4no. 10 metre high floodlighting columns and 1 retained tennis court.	Approved	February 2015

10.0 Consideration of Relevant Issues

Development in the Green Belt

- 10.1 The site is located within the Green Belt. Policy GBC1 of the adopted Local Plan and the NPPF both set out a range of development which is not considered inappropriate development in the Green Belt. Policy GBC1 indicates that 'essential small scale facilities for outdoor sports and outdoor recreation' are appropriate and the NPPF includes the

‘provision of appropriate facilities for outdoor sports’ as an appropriate form of development, as long as these preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.2 The addition of netting to the existing fencing in this location is considered to be an essential small scale facility for this outdoor sports facility and it would have no significant greater impact on the openness of the Green Belt than the existing fencing, or on the purposes of including land within it. It is therefore considered that the proposal constitutes an appropriate development in the Metropolitan Green Belt and it is not therefore necessary for the applicant to show any ‘very special circumstances’ for permitting the development.

Impact on the character and appearance of the site and surrounding Conservation Area

- 10.3 The proposed netting would be a lightweight addition to the fencing around the pitches and court. It would not be a prominent feature of the site, and would only be visible in the immediate vicinity of the area, from the footpath along the River Beane. From the path the netting would largely be viewed in profile, and would not have any significant adverse effect on the character of the site. It would be more clearly visible in the immediate vicinity of the pitches, but in this context would have a limited visual impact, set against the river and mature trees to the north.
- 10.4 When viewed from the south, by users of the Common, the netting would not be readily visible against the backdrop of the trees on the north side of the river. It would, therefore, have a limited impact on the wider setting of the Hertford Conservation Area.
- 10.5 Overall, it is considered that the development would result in a limited impact on the overall character and appearance of the site and its surroundings.

11.0 Conclusion

- 11.1 The proposed erection of netting would be an appropriate form of development within the Green Belt, and is therefore acceptable in principle. The development would not result in any significant harm to the character and appearance of the Green Belt or the wider Conservation Area. The benefits of the development, in terms of the improvement to the facility and the environmental quality of the surrounding area, would outweigh any limited harm arising.

- 11.2 It is therefore recommended that planning permission be granted, subject to the conditions set out below. An informative is also recommended to address the comments made by the Environmental Health Team.

Conditions

1. Three year time limit (1T121)
2. Approved plans (2E103)

Informatives

1. Other legislation (01OL1)
2. Under the terms of the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981 the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Beane. This is separate to and in addition to any planning permission granted.
3. You are advised to contact Hertfordshire Highways at The Rotunda, Old London Road, Hertford, SG13 7XP (tel: 01992 526 900) with regard to the carrying out of any works on the footway, carriageway, verge or other land forming part of the highway.
4. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having

regard to those policies and the relevant material considerations in this case is that permission should be granted.