

3/14/0924/FP – Artificial grass pitch with associated fencing, 6 x14 metre high floodlight columns and storage container. Creation of 3 bunds and amendments to parking provision to provide 34 parking spaces at Richard Hale School, Hale Road, Hertford, SG13 8AU for Richard Hale School

Date of Receipt: 11.06.2014

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD - CASTLE

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Approved plans (2E103)
3. Programme of Archaeological Work (2E02)
4. Prior to the first use of the artificial grass pitch hereby approved, the landscape bunds and acoustic fencing as shown on the plans hereby approved shall have been constructed/erected in accordance with those approved plans. The bunding and acoustic fencing shall thereafter be retained as approved.
Reason
In the interests of neighbouring amenity and in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.
5. Prior to the first use of the artificial grass pitch hereby approved, a 'Community Use Agreement', detailing how the facility will operate as a dual community use facility, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall operate in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason
To ensure that the facility is open to both school and community use in accordance with Policy LRC2 of the East Herts Local Plan Second Review April 2007.
6. The use of the artificial grass pitch and the floodlighting hereby permitted shall be restricted solely to the hours of 08:00 to 22:00 Monday to Friday; 08:00 to 19:00 on Saturdays, and 09:00 to 19:00 on Sundays and Bank Holidays, and at no other times.

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Reason

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

7. Landscape Design proposals (4P12) a, b, e, f, l, j, k and l.
8. Landscape Works Implementation (4P13)
9. Wheel washing (3V25)
10. Prior to the first use of the artificial grass pitch hereby approved, the widened access serving the development shall be completed in accordance with the plans hereby approved.

Reason

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

11. Prior to the construction of the artificial grass pitch hereby approved, details of surface water drainage works shall be submitted to and approved in writing by the local planning authority, and the development shall thereafter be carried out and completed in accordance with the approved details. The details submitted must include the results of an assessment of the potential for disposing of surface water by means of a sustainable drainage system.

Reason

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

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

Reason

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

Directives:

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

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (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 is that permission should be granted.

_____ (092414FP.LP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It forms the rear, southern playing/sports field for Richard Hale School, which is a single sex school for 11-18 year olds, sited to the south of the town centre of Hertford. The site lies within the Hertford Conservation Area.
- 1.2 The application proposes the construction of an artificial grass pitch (AGP) measuring 75 x 105 metres to be sited on the existing grass sports/playing field at the school. The pitch will be surrounded by 4.5 metre high perimeter ball stop fencing, (2 metres of which will be acoustic fencing on the southern side of the pitch), with 6 floodlights at a height of 14 metres. The development also includes a proposed storage container on the northern side of the pitch and 3 landscape bunds which will be formed from top soil from the excavation works for the proposed pitch.
- 1.3 The two bunds to the south west of the playing field are intended to mitigate any adverse impact to the nearby residential properties from traffic coming into the site from the entrance off Pegs lane, and all three bunds are proposed to mitigate noise from the use of the playing fields and also to provide an attractive, landscaped screen to nearby properties.
- 1.4 The existing unmade parking area off Pegs Lane will be re-surfaced and

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formally laid out to provide 34 parking spaces.

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

2.0 Site History

- 2.1 There have been a number of applications for development at the school itself. In terms of this playing field however, the relevant applications are:-

- 3/10/1295/FN – Renewal of planning permission 3/05/1062/FP for the erection of new gymnasium (dual use). Granted. Not implemented.
- 3/05/1062/FP – Erection of new gymnasium building (dual use). Granted

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions for widening of the existing access; hard surfacing, wheel washing; and that an updated School Travel Plan be provided.
- 3.2 The Environment Agency advises that the main flood risk at the site is the management of surface water run-off.
- 3.3 The Council's Environmental Health unit has advised that any permission shall include a condition to ensure that the development must include the landscape bunds and acoustic barriers as submitted within the application to ensure that sufficient noise attenuation is achieved to prevent unacceptable noise levels for residential dwellings.
- 3.4 Sport England raise no objection subject to conditions. They note that the proposed development is for an outdoor sports facility – the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

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- 3.5 The Historic Environment Advisor comments that the position and nature of the proposed development is such that it is considered likely to have an impact upon heritage assets of archaeological interest. They recommend a condition on any consent to properly provide for archaeological implications.
- 3.6 Hertfordshire Ecology have commented in terms of the impact of the proposed scheme on local ecological value and wildlife habitat/corridors for small mammals, birds and invertebrates and conclude that subject to the technical specification for the lighting being fitted with baffled, downwards pointing units and subject to restriction of operating hours until 11pm, there would be no detrimental impact.
- 3.7 No comments have been received by Fields in Trust.

4.0 Town Council Representations

- 4.1 Hertford Town Council initially commented (23rd June 2014) with no objection, and requested that a condition be imposed that all floodlighting was switched off at 10pm.
- 4.2 After re-consultation they later commented (10th November 2014) that *'whilst understanding the Schools need for the facility, the Committee was concerned at the impact on nearby residential homes and the potential for significant intrusion in terms of noise, traffic and evening floodlighting. It was requested that consideration be given to extending the acoustic fence to the south side as well as the east as detailed'*.

5.0 Other Representations

- 5.1 The application was publicised by way of neighbour notification, site notices and press notice.
- 5.2 31 letters, together with a petition containing 24 signatures and comments from Hertford Civic Society have been received raising the following objections:
- Light and noise pollution from use
 - Visual harm
 - Hours of use inappropriate - late into evenings
 - Any non-school use will result in increased noise
 - Trees are not detailed. Adverse impact to wildlife (bats, birds and squirrels)

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- Will be overbearing to neighbours. Land levels not shown on plans
- Will result in loss of playing pitches
- Harm to Conservation Area. Will not preserve tranquil character
- Security concerns
- Traffic congestion in area
- Overdevelopment of site
- Overlooking due to land level differences
- Insufficient information regarding surface water run-off
- Air pollution from surfacing materials. Other health hazards
- Other similar pitches in area are not utilised to full capacity

5.3 183 letters have been received, supporting the proposal and commenting:-

- Will provide a boost to recreational activity for the surrounding Community
- Existing facilities in the area are lacking
- Will result in positive physical and mental health improvements

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

TR3	Transport Assessments
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development
TR7	Car Parking – Standards
BH6	New Developments in Conservation Areas
LRC1	Sport and Recreation Facilities
LRC2	Joint Provision and Dual Use

6.2 The National Planning Policy Framework (NPPF) is of relevance in the determination of the application as is the National Planning Policy Guidance (NPPG).

7.0 Considerations

7.1 The main considerations in the determination of the planning application relate to:

- Principle of development / loss of LRC1 land;
- Design, Scale and Layout
- Parking / Access and Movement / Sustainable Transport;
- Neighbour Amenity;
- Impact to the significance and setting of the Conservation Area and Grade II* County Hall;
- Other (ecology, archaeology, trees and surface water drainage)

Principle of development / loss of LRC1 land

7.2 The site lies within the built up area of Hertford wherein development is to be concentrated. Within the Local Plan the site is identified as policy LRC1 land – designated as a sport and recreation facility, and of course it currently serves as one of the playing/sports field for Richard Hale School.

7.3 Local Plan policy LRC1 states that proposals which will result in the loss of a public, private, indoor or outdoor, sports, recreation and open space facility, or school playing fields, will be refused unless:

- a) suitable alternative facilities are provided on site or in the locality, which are at least equivalent in terms of quantity, quality and accessibility to the ones that would be lost; or
- b) it can be demonstrated that the facility is no longer needed and that there is no viable demand for an alternative facility

7.4 The National Planning Policy Framework (NPPF) supports this policy objective at Paragraph 74, but adds that such facilities/land should not be built on unless ‘the development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss’.

7.5 The proposal involves constructing an artificial grass pitch (AGP) on part of the existing playing fields at the school. As the proposal is therefore for an alternative sports facility, there would be no overall loss of sports provision. The proposal therefore complies with the requirements of policy LRC1 of the adopted Local Plan.

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- 7.6 The applicant has identified a need for the development to significantly improve the delivery of curricular and extra-curricular sport at the school and also provide much needed facilities for other partner organisations. It would allow for all year round outdoor sports facilities, and it is logical to site such a provision close to the School itself for ease of access. It is acknowledged that the siting of the AGP would necessitate a revised playing pitch layout, and whilst it would be possible to retain the two rugby pitches, there would not be space for the training grids. However, as the AGP is designed to meet training needs for a range of sports, the current use of the training grids would be transferred to the AGP so there would not be a negative impact. The AGP would offer the benefit of reducing wear and tear on the remaining grass pitches as some of the activities that currently take place on the grass pitches would be transferred to the AGP.
- 7.7 The submitted Planning Statement, details that the AGP will be for a dual use for the school and community, wherein the school will use this provision during school time and, during the evenings and at weekends, it would be utilised by the wider community. Such a shared school / community use is supported by Local Plan Policy LRC2 which promotes the joint provision of leisure facilities. This gives weight to the proposal and was supported by Sport England. A condition has been recommended to ensure that the use does remain as a dual use as outlined.
- 7.8 Officers are satisfied that, in principle, the proposed development would meet the aims and objectives of both policies LRC1 and LRC2 of the adopted Local Plan.

Design, Scale and Layout

- 7.9 A high standard of design is expected from all development proposals (policy ENV1), and this approach is reflected in the NPPF which places great importance on the quality of design. The proposed pitch and enclosure is of a standard design, but one that is in keeping with the character, appearance and use of the wider site as an educational facility. The pitch, enclosure and floodlighting will appear in the context of the built form at the school site and would not therefore appear unduly obtrusive or out of keeping with the surroundings.
- 7.10 The proposed floodlighting is considered by both the applicants and Sport England to be essential to meet the needs of the school and to ensure that the community benefits of the proposal are realised. Without such lighting, they advise that the potential for securing funding towards the implementation of the development is likely to be diminished.

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- 7.11 The need for floodlighting and the benefits that would accrue from it do, however, need to be balanced against its visual impact in the surrounding area and the potential for any light pollution, or other harm, to be caused.
- 7.12 The submitted scheme, as amended, now proposes 6no. floodlighting columns of 14m in height and of a slimline profile, designed to reduce their daytime visual impact on the surrounding area. The submitted lighting statement indicates that an asymmetric down lighting luminaire is to be used which is of a compact design and results in low vertical light spillage during evening use. Given these details, the siting of the columns and the context of the site within the town and set against the schools buildings, it is considered that the columns would not appear unduly intrusive during the daytime and the proposed floodlighting will have an acceptable visual impact during evening use.
- 7.13 Officers consider it necessary and appropriate, however, to restrict the times of use of the facility, and the proposed floodlighting, in order to ensure that a satisfactory level of residential amenity is retained for nearby properties. Sport England advises that community use of AGP's on other similar sites usually extends until 10pm on weekday evenings and Officers consider that the proposed hours of use in this case (as set out in condition 6) would achieve an appropriate balance between meeting the needs of the school; achieving the benefits for community sports use, and protecting the amenities of nearby residential properties.
- 7.14 Overall, and subject to these restrictions, the development is considered to have an acceptable visual impact on the surrounding area.

Parking / Access and Movement

- 7.15 Policy TR2 states that highway proposals will be assessed against standards set out in Hertfordshire County Council's Roads in Hertfordshire Design Guide, 2001 and Policy TR7 states that car parking provision will be assessed in accordance with the District Council's car parking standards.
- 7.16 The existing access onto Pegs Lane is proposed to be widened to 4.8 metres, which will ensure that vehicles can enter the site at the same time as those exiting the site, thereby minimising the risk of any backup of traffic on the public highway.
- 7.17 In terms of parking, the proposal provides for 34 parking spaces – these will be sited in the same area as the existing area used for parking (although no formal permission has ever been granted for that parking).

The spaces will be used as school parking in the day (as the current parking here is), but outside of school hours will be used as parking for the users of the AGP. The maximum parking standards for an outdoor sports ground with football pitches such as this equates to 20 spaces (the same standards being proposed within the Draft District Plan), and therefore there is an overprovision of parking proposed. The overprovision of parking does little to encourage sustainability and some harm is attributed to this. However, it is a material consideration that some informal parking already takes place at the site and, on balance, it is considered that there would be insufficient harm caused by this overprovision to warrant the refusal of planning permission. The Highway Authority does not therefore wish to restrict the grant of permission, provided that the School's Travel Plan (which dates from 2006) is reviewed and updated to take into account the new development. This will encourage the use of more sustainable methods of travel to and from the site and a condition is recommended to ensure that this is carried out.

- 7.18 In summary, the proposal is not anticipated to create an adverse impact upon highway capacity or highway safety and convenience. The form and layout of the proposed parking is also acceptable and would not have any adverse impact on the surrounding area. The proposed bunding to the south west of the parking area will assist in mitigating any additional noise from the parking area and the proposed landscaping will also help to soften and partially screen the development.
- 7.19 The proposal is therefore considered to be acceptable in respect of parking and access.

Neighbour Amenity

- 7.20 Policy ENV1 of the Local Plan requires development proposals to respect the amenity of occupiers of neighbouring buildings and ensure their environments are not harmed by noise and disturbance or similar. Equally, Policy ENV23 states that external lighting schemes will only be permitted where it can be demonstrated that it minimises impact on residential amenity.
- 7.21 In terms of impact to neighbours from noise, the application has been accompanied by a Noise Assessment which predicts what noise levels would be reached 1 metre from the façade of the residential properties on Highfield Road and Queens Road. The assessment was based on the proposed bunding as shown being planted, and with the 2 metre high acoustic fence in place. Officers are content with the methodology of the noise modelling assessment.

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- 7.22 In terms of guidance for acceptable noise levels, the World Health Organisation 1999 (WHO) levels stated for community noise for moderate annoyance in outside living areas is 50 dB. Night-time noise levels should not exceed 45 dB LAeq 1 metre from the facades of living spaces, so that people may sleep with bedroom windows open (this value is obtained on the assumption that an open window will offer a 15dB reduction).
- 7.23 The results of the Noise Assessment in this case are that, at the nearest receptor - 22 Highfield Road - the result would be 44 dB. At No. 20 Highfield Road it would be 43 dB. The other values for the properties No.4 – 16A Highfield Road would be 40 and 41 dB. In terms of the dwellings on Queens Road, the value at the nearest property being No. 50a, would be 41 dB, and the other properties on Queens Road that back onto the field are at 39 dB.
- 7.24 For all of the residential properties that back onto the Richard Hale School field, the predicted noise levels fall below the World Health Organisation 1999 (WHO) levels stated for community noise for moderate annoyance in outside living areas of 50 dB. Indeed the predicted noise levels also fall within WHO night-time noise levels.
- 7.25 In summary, subject to the bunding being planted and the acoustic fence being installed and retained, there would be no unacceptable impact to neighbouring amenity from noise disturbance, both from within the gardens of those properties and from within the properties, even accounting for open windows. It is acknowledged that, in addition to the AGP use, there could be use of the adjacent rugby pitch (in summer months when there is natural light), which would increase noise levels. Officers have considered this point and whether it would be necessary to restrict the use of the rugby pitches when the AGP is in use. However, given that the entire field could currently be used for sporting provision into the evening, it is not considered necessary or reasonable to impose such a condition.
- 7.26 In terms of the proposed floodlighting this has, as mentioned previously, been designed to reduce light spillage and glare. The application has been submitted with calculations regarding the light luminance levels to neighbouring properties – and these demonstrate that the proposal would not create unacceptable impact to neighbours from the floodlighting.
- 7.27 The siting of the AGP is some 45 – 75 metres from the rear gardens of the properties in Highfield Road and 65 metres from the rear gardens of Queens Road. Given this distance and due to the design of the AGP and its enclosure, there would be no unacceptable impact upon neighbours

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amenity from outlook. Some concern has been raised regarding overlooking, but given the distance of the AGP from the boundaries, and the fact that there is already existing use of the fields by the School, it is not considered that the proposals would result in any unacceptable overlooking. There is fencing proposed around the base of bunds which would prevent overlooking from these. Furthermore it is not considered that the proposal would increase security concerns to nearby residential properties.

Impact to the Conservation Area and setting of the Grade II* County Hall.

- 7.28 The site lies within the Hertford Conservation Area and adjacent to the Grade II* Listed Building of County Hall. In addition to the layout and design issues referred to earlier in this report, the impact of the proposal on the Conservation Area and nearby listed buildings must also be considered. Given the distance of the proposed development from the Grade II* County Hall, and the intervening main road, Officers are satisfied that the proposal would not have any adverse impact on its setting or appearance.
- 7.29 The floodlighting would be at a distance from the road and the AGP and its enclosures would be seen within the context of the school buildings and would not appear visually prominent or out of keeping with these surroundings. Overall, the scheme is considered to have a neutral impact upon the character and appearance of the Conservation Area and therefore the duty of the Local Planning Authority to preserve or enhance the Conservation Area is met. The proposal thereby complies with Section 12 of the National Planning Policy Framework.

Other

- 7.30 In regards to ecology, there has been concern expressed from third parties that the proposed floodlighting may impact upon birds and bats. Hertfordshire Ecology have formally responded, commenting that the lighting has been designed to minimise light spill and that subject to this design and hours of use for the lighting itself, there would be no impact on protected species. The proposal therefore complies with Policy ENV16 and ENV23 of the adopted Local Plan.
- 7.31 In regards to Archaeology, the site occupies a situation favourable to settlement and in an area that is known to have been densely settled in the Bronze Age, Iron Age, Roman and medieval periods. Current archaeological investigations of nearby sites have identified occupation

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evidence. As such the development is considered likely to have an impact on heritage assets of archaeological interest and an appropriately worded condition is recommended to secure a programme of archaeological work.

7.32 Given the siting of the AGP, associated development and parking, there would be no unacceptable impact on trees at the boundaries of the playing field.

7.33 In terms of surface water drainage, the surface of the AGP is proposed to be permeable with an underlying stone sub base acting as an attenuation/storage area for surface water. A condition regarding details of surface water drainage works has been recommended to secure appropriate provision in the interests of surface water management.

8.0 Conclusion

8.1 The development will provide for increased usage in comparison to the existing grassed pitches and, as the proposal is for an alternative sports facility, there would be no overall loss of sports provision at the site. The proposal therefore accords with Policy LRC1 of the Local Plan. The proposed community use of the facility also weighs in favour of the proposal and is supported by Policy LRC2.

8.2 The access and parking arrangements proposed are acceptable and no objection is raised by the Highway Authority in this respect.

8.3 There would be no adverse impact on the wider Conservation Area; the setting of the nearby listed County Hall, or on ecology or archaeology in the area.

8.4 In terms of neighbouring amenity detailed assessments have been undertaken that demonstrate that there would be no unacceptable impact from the proposed floodlighting or in terms of noise disturbance or similar from the use of the proposed AGP. Planning conditions can be imposed, and are recommended, to control these matters further to ensure a satisfactory level of residential amenity is retained for nearby residents.

8.2 It is therefore recommended that planning permission be granted subject to the conditions set out at the head of this report.