

PL/18/4466/FA

Case Officer: Emma Showan
 Date Received: 27.11.2018 Decide by Date: 18.03.2019
 Parish: Chesham Ward: Asheridge Vale And Lowndes
 App Type: Full Application
 Proposal: **Creation of artificial grass pitch and store. Construction of fence, barrier and entrance gates to grass pitch perimeter, installation of floodlights and hard standing.**
 Location: **Chiltern Hills Academy
 Chartridge Lane
 Chesham
 Buckinghamshire
 HP5 2RG**
 Applicant: **Kevin Patrick**

SITE CONSTRAINTS

Adjacent to C Road
 Area of Special Advertising Control
 Biodiversity Opportunity Areas
 Critical Drainage Area
 Within Green Belt other than GB4 GB5
 North South Line
 Adjoining Public Amenity Open Space

CALL IN

Councillor MacBean has requested that this application be determined by the Planning Committee if the Officer recommendation is for approval.

SITE LOCATION

This application relates to the Chiltern Hills Academy secondary school which is located in the open Green Belt outside of Chesham. The site comprises the school and its associated buildings and playing fields and is bordered to the south and west by the Chilterns Area of Outstanding Natural Beauty. The school is accessed off Chartridge Lane which is characterised by ribbon development along both sides, with residential properties being located both across the road from the school and to the north. The site is located on a hill, with the land decreasing in altitude from both north to south and east to west.

THE APPLICATION

This application proposes the creation of an artificial grass pitch with associated features.

The proposed grass pitch would be 113.2 metres by 77.2 metres. It would be surrounded by a high level fenced enclosure with 4.5 metre high ball stop fencing and entrance gates. A second pitch perimeter barrier is proposed with entrance gates internally to segregate the playing area from the hardstanding area. The hardstanding area would adjoin the playing field and would be comprised of porous asphalt. Another area of hardstanding would connect the grass pitch for pedestrian and emergency access.

A new floodlight system is proposed comprising 16 luminaires mounted onto 8 new floodlight masts of a height of 15 metres.

A new maintenance equipment store would be located within the fenced enclosure and would be comparable to a shipping container in form. It would have a height of 2.6 metres.

RELEVANT PLANNING HISTORY

CH/2006/1177/FA - Installation of six 8 metre high lighting poles each containing two floodlights. Refused permission due to detrimental impact on open Green Belt.

CH/2004/2035/RB - Two storey teaching block teaching block with covered link to existing science block, re-siting of two tennis courts and four floodlights, conditional permission.

CH/1998/0491/FA - Retention of use of part of college building for social purposes ancillary to Chesham Rugby Union Club during the hours 17:30-23:00 Monday-Friday (inclusive), 11:00-23:00 Saturdays and 10:00-22:30 Sundays, conditional permission.

CH/1997/1658/FA - Retention of four 6 metre high lighting poles each containing two lights, conditional permission.

TOWN COUNCIL

The Committee supports the principle of the application but welcomes the District Council's commitment to thoroughly examine the possible effect of noise and floodlighting on residents.

REPRESENTATIONS

Three letters of support received which can be summarised as follows:

- The proposed facilities would allow teams to train mid-week, allowing the team to retain coaches for longer and therefore provide more teams at each age group
- Other local facilities are often fully booked
- Community facility
- Proposal would allow the club to grow and increase participation
- The proposal would benefit those unable to travel to similar facilities elsewhere

Two letters of objection received which can be summarised as follows:

- Concern regarding impact of floodlights on neighbouring amenities in Pednor
- Detrimental impact on Area of Outstanding Natural Beauty (AONB)
- Concern regarding impact of fencing
- Requirement to limit and enforce the times and days when floodlights may be used
- Existing lights are visible for miles
- Concerns if lighting fails to be as unobtrusive as claimed

CONSULTATIONS

Buckinghamshire County Highways Authority: 'The application site is located on Chartridge Lane which is a C class road subject to a 30mph speed limit. Within the vicinity of the site there is access to pedestrian footways, public transport links and street lighting is present.

The creation of the artificial grass pitch and store on the grounds of Chiltern Hill Academy will be open to the use of the Academy and local clubs in the evening and at weekends for match days.

As set out within the Design and Access Statement and Planning Statement as a worst case scenario there will be a production of 80 vehicles on site outside of the school day in the evening or weekend, the existing school car park can accommodate 94 vehicles. Therefore this would negate the risk of any vehicle being displaced.

It is noted due to the use outside of school hours and weekends and the use by external parties the site is likely to result in an intensification of use, this said this would not conflict with the existing school traffic as activities shall be outside of these hours. Therefore the Highway Authority does not consider the intensification as material in terms of the capacity or safety upon the existing highway network.

Therefore taking the above into consideration the Highway Authority has no objections or conditions to add.'

Environmental Health Officer: No objections, subject to conditions.

POLICIES

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22 and CS28.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies: GC1, GC3, GB2, LSQ1, R6, LB2, CA2, AS2, AS3, TR11 and TR16.

EVALUATION

Principle of development

1. Within the Green Belt, most new development is considered to be inappropriate and there is a general presumption against such development. Inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances.
2. However, the NPPF states that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Furthermore, Local Plan Policy GB2 states that new buildings to provide essential facilities for outdoor sport and outdoor recreation which preserve the openness and do not conflict with the purposes of including land in the Green Belt are not inappropriate development. In this instance, the proposal does relate to the provision of appropriate facilities for outdoor sports and recreation and so, the proposal could be acceptable in principle, provided there is no conflict with the openness of the Green Belt.

Local Plan Policy R6

3. Proposals for floodlights are specifically referred to in Policy R6 of the Local Plan which states that, in the Green Belt, proposals for floodlights will be refused except where it can be demonstrated that they are essential to the use of the land for outdoor sport and where the following criteria are complied with: (a) The amenities of residents in the locality in which the floodlights are proposed would not be significantly impaired; (b) the character of the locality would not be significantly impaired; (c) other Local Plan policies are complied with. Further guidance indicates that although floodlighting may be desirable, it is not necessarily essential. It gives examples of information that will be of assistance to demonstrate the need for floodlights, for example, the level of competition to be attained, the number of people using the facility, the size of waiting lists, the anticipated increased level of use and the requirement of bodies controlling individual sports.
4. In this respect, a Design & Access Statement has been submitted stating that the proposed facilities would contribute to the improvement of sporting facilities for curriculum and community football use at the Academy. They will also be used for rugby training by the Academy and a local rugby club. The facilities would provide sporting benefits to pupils, local community groups and sports clubs in the local area and would help

to support The Football Association's development plans into grassroots football. Further technical information and specifications are provided in the Design & Access Statement as a rationale for the proposal.

Impact on Green Belt and AONB

5. It is accepted that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is also accepted that, in accordance with the NPPF, the use of land within the Green Belt has a positive role to play in providing outdoor sport and recreation. This compares to the previous 2006 application which was refused prior to the introduction and adoption of the NPPF. This application was refused on the impact of the floodlights on the openness of the Green Belt and the reason for refusal stated that:

'The floodlight poles by reason of their number, prominent location set away from the college buildings and relationship to the existing floodlights would result in a cluttered appearance and be visually obtrusive when viewed from the surrounding public vantage points including the nearby public footpaths. Given the site's location in open countryside within Green Belt and a locally important landscape, the proposal would result in inappropriate development within the open Green Belt and would also fail to conserve or enhance the natural beauty of the area. This effect would be further compounded when the floodlights are in use during periods of darkness and poor daylight thereby creating an illuminated area set away from the built up part of the application site and extending into the open countryside. The proposal conflicts with Policies GB2, GB28 LSQ3 and R6 of the Adopted Chiltern District Local Plan 1997 (Including Alterations Adopted May 2001 and July 2004).'

Since the 2006 application, Development Plan Policy GB28 which relates to 'Other acceptable land uses and new ancillary buildings in the Green Belt' has not been saved and so this application will be assessed in regards to the impact of the proposed development and the provisions of the NPPF.

6. In this instance, although the sports pitch, floodlights, fencing and storage facility would represent new buildings (by definition) within the Green Belt, they would be associated with the usage of the school and its wider sports facilities. In this respect, the development would clearly be linked to the provision of outdoor sport and so is not necessarily inappropriate development, in accordance with the provisions of the NPPF and Development Plan Policy GB2.

7. It is considered that the sports pitch in-of-itself would not have a detrimental impact on the openness of the Green Belt. In terms of the floodlights, these would be tall, with a full height of 15 metres. This is a significant increase on the height of the portable of floodlights and it would therefore have a greater impact on the Green Belt. The Applicant has provided justification for the proposed height on the basis that the height of the floodlight masts was calculated using the method details in the CIBSE Guide LG4 'Sports Lighting'. This recommends angles projected from the centre of the pitch and the touchlines to produce a head frame location zone. When applied to the application site, the optimum mast height ranged from 15 metres to 18 metres, hence the decision to apply for 15 metre masts. The benefit of complying with the CIBSE Guide is that the optimum mounting height would allow for all luminaries to be mounted virtually parallel to the pitch surface and this will result in low vertical overspill and good uniformity on the playing surface. This will ensure that the lighting is directed fully downwards towards the pitch surface, it would avoid sky glow and would achieve the full cut off as recommended by The British Astronomical Association's Campaign for Dark Skies. In contrast, lower floodlights would result in a higher aiming angle for every luminaire, resulting in increased overspill and glare projected onto adjacent land. On the basis of this justification, it is considered that the height of the floodlights would be acceptable as they would be of an appropriate height to help facilitate the playing of sport and other recreational activities without having an overly adverse impact on the Green Belt.

8. Fencing is also proposed and this would be of a height of 4.5 metres. The rationale for this height is that the fencing would act as a ball stop to ensure balls are contained within the enclosure and it would also provide security. In order to mitigate against its impact in the open Green Belt and alongside the rural surroundings, the fencing is proposed to be comprised of a see-through mesh coloured dark green. The use of a mesh would reduce the visual impact of the proposal in the open Green Belt by permitting views throughout. Given that it is required in connection with the sporting use and that it would be comprised of materials to ensure that its impact on the openness of the Green Belt is reduced, the proposed fencing is considered to be acceptable in this respect.

9. It is proposed to station a 'shipping container' with a height of 2.6 metres to be used as a maintenance and equipment store. This would represent a new building in the open Green Belt, however, it would provide an appropriate facility to be used in connection with the outdoor sport to be undertaken on the associated pitch. The store is not considered to be unduly large for its intended purpose and it would be sited within the context of the other sporting facilities so as not to appear randomly sited. This would reduce the impact of the store in the open Green Belt and would ensure that it is viewed in the context of the other development on site. However, it is not considered appropriate to grant a permanent planning permission for a storage container, as they can deteriorate in appearance over time. The Council would normally impose a temporary restriction on such buildings and in this case, a five year period is considered appropriate.

10. The application site is not located within the Chilterns AONB but does border this area of special designation. The siting of the proposed development is such that it is not considered to intrude to a detrimental degree into the AONB and although elements of the proposal, namely the floodlights, may be visible from areas of the AONB, they would be located at a sufficient distance and within the context of the existing school so they are not considered to have a detrimental impact on the character of the adjacent AONB.

Residential amenity

11. The proposed development would be sited away from neighbouring properties so it is not considered to be overbearing in terms of the impact of the height of the fencing and floodlight masts.

12. In regards to the impact of the proposal in terms of noise and light pollution, the Council's Environmental Health Department have been consulted. The Environmental Health Officer has not raised any objections to the proposal, taking into account the impact of the proposal on the nearest residential dwellings along Chartridge Lane and at Pednor. This is based on additional information submitted by the Applicant regarding excess light affecting Pednor. Nonetheless, the Environmental Health Officer has suggested the inclusion of conditions limiting the hours of use and requiring appropriate sound insulation and mitigation measures be taken in order to limit the impact of the proposal on neighbouring amenities.

Parking/Highway implications

13. The proposed artificial pitch and its associated development would primarily be used by the Chiltern Hills Academy although it would be open to local clubs in the evenings and at weekends for match days. The Applicant's Design and Access Statement anticipates a maximum of 80 vehicles on site when the proposed facilities would be used outside of the school day, with the existing school car park being able to accommodate 94 vehicles. It is therefore considered that an adequate level of parking would be maintained at the site to accommodate the proposed development. In addition, it is noted that the site is located close to the town centre of Chesham and can be reached by a number of public transport routes which reinforces the fact that the site is within a sustainable location.

14. Buckinghamshire County Highways Authority have been consulted on this planning application and have stated that the proposal would not conflict with the existing school traffic as any external club activities

undertaken at the pitch would be outside of school hours. Therefore, the Highways Authority have stated that they do not consider the proposal to have a detrimental impact on the capacity or safety of the local highway network and so no objections are raised in this respect.

Conclusion

15. It has already been established that the proposal is considered to be acceptable in the open Green Belt and that it would not have a detrimental impact on either neighbouring amenities or the local highway network. Further support for this application is provided under the provisions of Chapter 8 of the NPPF which seeks to promote healthy and safe communities. Paragraph 91 states that: 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities etc.' Furthermore, Paragraph 96 states that: 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision'. On this basis and having regard to the assessment above, this application is recommended for conditional approval (with a temporary five year time limit applied to the storage container).

Working with the applicant

16. In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

Chiltern District Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, Chiltern District Council has considered the details as submitted which were considered acceptable.

Human Rights

17. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The artificial grass pitch, fencing, barrier and entrance gates to grass pitch perimeter, installation of floodlights and hard standing, to which this permission relates, must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 In relation to the new storage container building only, this permission is granted for a limited period which will expire on 31st March 2024 and at the expiration of this period the storage container building hereby permitted shall be removed from the site immediately unless a further permission has previously been granted by the Local Planning Authority.

Reason: While being satisfied that the appearance of this temporary building will be acceptable for the period hereby granted, the Authority wishes to take account of its appearance at the expiry of this period before agreeing to its retention for a further period.

3 The use of the artificial grass pitch hereby permitted shall be restricted to between the hours of 8.00am and 10.00pm Monday to Friday, 9.00am and 8.00pm Saturday, and 9.00am and 8.00pm Sunday and Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers.

4 All fences surrounding the artificial grass pitch shall be insulated in accordance with the recommendation set out in Section 9.3 of the Acoustic Consultants Limited report dated January 2019 (ref: 7607/DO).

Reason: To safeguard the amenities of nearby residential occupiers.

5 The layout of the artificial grass pitch shall incorporate the impact mitigation measures set out on page 19 of the Design and Access Statement (DAS) and Planning Statement of 23rd November 2019 (ref: LSUK 18-0176) submitted to the LPA by Labosport Ltd. These impact mitigation measures shall be maintained in perpetuity.

Reason: To safeguard the amenities of nearby residential occupiers.

6 The development hereby permitted shall not come in to use until a written Management Plan has been submitted and approved by the Local Planning Authority. The contents of the Plan shall have regard to the practical control of noise and artificial light associated with the use of the artificial grass pitch. Thereafter, all agreed measures shall be maintained in perpetuity.

Reason: To ensure that the users of the all-weather pitch are aware of the need to use the facility in a manner that minimises the impact on the amenity of local residents.

7 The artificial lights hereby permitted shall not be illuminated except between the hours of 8.00am and 10.00pm Monday to Friday, 9.00am and 8.00pm Saturday, and 9.00am and 8.00pm Sunday and Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers.

8 The artificial lights hereby permitted shall be controlled by photoelectric switches to automatically limit their operation having regard to paragraphs 9 and 10 on page 19 of the Design and Access Statement (DAS) and Planning Statement of 23rd November 2019 (ref: LSUK 18-0176) submitted to the LPA by Labosport Ltd. These controls shall be maintained in perpetuity.

Reason: To safeguard the amenities of nearby residential occupiers.

9 Before the installation of the store, details of the timber cladding materials to be used in its external construction shall be submitted to and approved in writing by the Local Planning Authority and the store shall be clad in accordance with these details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality and the open Green Belt.

10 AP01 Approved Plans