

Report to East Buckinghamshire Area Planning Committee

Application Number:	PL/20/2359/FA
Proposal:	Installation of air dome to cover tennis courts.
Site Location:	Holmer Green Senior School, Parish Piece, Holmer Green, Buckinghamshire, HP15 6SP
Applicant:	Holmer Green Senior School
Case Officer:	Melanie Beech
Ward affected:	Penn Wood & Old Amersham
Parish Council:	Little Missenden
Valid date:	24 July 2020
Determination date:	24 November 2020
Recommendation:	Refuse permission and take enforcement action

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application seeks retrospective planning permission for a new air dome, which has been installed over four existing tennis courts within the grounds of Holmer Green Senior School.
- 1.2 The main factors to consider are the impact of the dome on the character of the area, the impact on the amenities of neighbouring properties (including Holmer Green Infant School) and whether any benefits of the dome outweigh any harm identified.
- 1.3 Councillor Waters called the application to Committee if the officer recommendation was to approve. However, given the level of public interest in this application, with a significant number of comments from third parties being received both in support of it and objecting to it, the officers consider that it is appropriate for the Planning Committee to determine the application, regardless of the recommendation.
- 1.4 The following report sets out the officer's assessment which identifies harm with regard to the impact of the dome on the character of the area and the amenities of neighbouring properties. Although the Council appreciates that there are

some benefits to providing indoor sports facilities, it is not considered that these benefits outweigh the harm.

- 1.5 The recommendation is therefore to refuse the application and take enforcement action to ensure the removal of the structure.

2.0 Description of Proposed Development

- 2.1 Holmer Green Senior School is located on the western side of Parish Piece, within the built up area of Holmer Green village. A footpath runs along the northern edge of the site, linking Parish Piece to Watchet Lane. This footpath is part of the Senior School's leasehold and is therefore not a public right of way, but the school allow the public to use it.
- 2.2 There are two sets of existing outdoor tennis courts to the west of the Senior School. The westerly set of four courts are situated to the east of Holmer Green Infant School, and were granted planning permission on 1st May 2020 (reference PL/19/2262/FA). It is these tennis courts (also containing netball courts) which have been covered by an air dome, which is the subject of this application.
- 2.3 The land is not within any designated areas such as Green Belt or Area of Outstanding Natural Beauty (AONB).
- 2.4 The application seeks retrospective planning permission for a new air dome, installed over 4 hardcourt tennis courts. The dome measures 64.8m long by 37.4m wide, with a maximum height of 10.5m. It has a door on each elevation, and plant machinery to include a ventilation/heating unit on the southern end. The dome is made from a white PVC membrane.
- 2.5 According to the application form, the dome will provide covered space for Physical Education, as well as to provide additional indoor space for exams, breaks and lunchtimes. The additional indoor space created by the dome is also currently assisting in meeting Government guidelines on social distancing.
- 2.6 By covering the tennis courts, it is hoped to attract users from outside the school, including members from Great Missenden Tennis Club.
- 2.7 The application is accompanied by:
 - a) An application form
 - b) Location plan, site plan and elevations
 - c) Aerial views of Holmer Green Senior School
 - d) Details of dome design
 - e) Technical details of internal lighting

- f) Technical details of warm air heater
- g) Additional information from applicant responding to comments received
- h) Additional information from the applicant regarding local need.

3.0 Relevant Planning History

- 3.1 The school has an extensive planning history, the most relevant to this application are set out below:

CH/2016/2293/OA - Erection of a sports facility building within the grounds of Holmer Green Senior School – Conditional Permission

PL/19/2262/FA - Hard surfaced fenced 4-court tennis area – Conditional Permission

PL/20/0055/BCC - Consultation from Buckinghamshire County Council on planning application CC/0059/19 - Demolition of a single storey building; Erection of new two storey Teaching Block, Sports Hall and Changing Facilities; Single storey extension to create Music Practice Rooms; together with internal and external refurbishments and minor works to existing buildings, landscaping and associated new parking spaces (including access from Watchet Lane) – No objections from Chiltern District Council. Application was approved by Buckinghamshire County Council.

4.0 Summary of Representations

- 4.1 At the time of drafting the report, 593 comments had been received in relation to the application. 104 of these are objections, 482 are in support and 7 are neutral.
- 4.2 Little Missenden Parish Council object to the application.
- 4.3 Consultation responses have been received from the Highway Authority and the Council's Environmental Health Team.
- 4.4 A summary of these comments is set out in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guide, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:

- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.

Principle and Location of Development

Core Strategy Policies:

CS27 (Working for a healthier community)

CS28 (retaining and improving leisure and recreational facilities)

Local Plan Saved Policies:

R3 (Indoor sports facilities in the built-up areas excluded from the Green Belt)

- 5.1 Section 8 of the NPPF promotes healthy and safe communities and states at paragraph 91 that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of (amongst other things) sports facilities. Similarly, section 16 of the Core Strategy for Chiltern District seeks to promote healthy, active and inclusive communities. Finally, Policy R3 of the Chiltern District Council Local Plan allows for the provision of indoor sports facilities within built up areas, provided other policies in the Local Plan are complied with.
- 5.2 In this case, it is important to note that the tennis/netball courts already exist and therefore the application does not seek to provide additional sports facilities, but rather to cover the existing courts with an air dome to make them more useable in wet weather. As such, the only thing that can be considered is the dome itself and the impact that it has on planning matters such as the character of the area, amenities of neighbouring properties, and the highway network.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.3 Section 12 of the NPPF relates to achieving well-designed places and states at paragraph 124 that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 127 states that planning decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 5.4 This is reinforced by the National Design Guide which emphasises the importance of context. Context is one of the ten characteristics of well-designed places. The National Design Guide also lists components of good design, which includes making the right choices in relation to scale, appearance and materials.
- 5.5 Policy CS20 of the Core Strategy states that "the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area". The text preceding this policy states that new buildings must be well integrated with, and complement, neighbouring buildings and the local area in terms of scale; and development must maintain and improve local character.
- 5.6 Policy GC1 of the Local Plan relates to the design of development throughout the district and states that planning applications will be assessed having regard to matters including the scale and height of development, the siting and relationship with adjoining buildings and highways, the relationship of the development to the site, building materials, and the form of new buildings.
- 5.7 In this case, the dome is located very close to Holmer Green Infant School, which primarily consists of low rise, single storey buildings. The residential properties

to the north on Glebe Close and Stevens Close are also almost all bungalows. As such, the scale of the dome (measuring 64.8m x 37.4m with a height of 10.5m) is completely out of keeping with the scale of development in the surrounding area. Although Holmer Green Senior School includes some taller elements, the dome is set away from these buildings and has a closer relationship to the Infant School and residential properties on Glebe Close and Stevens Close.

- 5.8 In addition, the most prevalent material used in this area is brick. Therefore, the white PVC membrane creates a striking contrast to the existing character of the area.
- 5.9 Based on the scale of the building, the siting of it in relation to low rise buildings, and the materials used, it does not reflect or respect the character of the area or add to its overall quality. Given the context of the site, it appears as an alien and incongruous feature which does not relate well to the surrounding built form and appears overly prominent in the locality. Furthermore, given the material used for the dome, any internal lighting used at night has the potential to create light pollution, exacerbating the adverse impact on the character of the area.
- 5.10 Based on the above assessment, the development is contrary to Policy GC1 of the Local Plan, Policy CS20 of the Core Strategy, the NPPF and guidance contained within the National Design Guide.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise-generating developments throughout the district)

- 5.11 Policy GC3 of the Adopted Local Plan refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.12 Policy GC7 of the Local Plan states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance to the occupants of any residential or other noise-sensitive development in the vicinity of the application site. Noise sensitive development includes housing and schools.

- 5.13 In this case, the dome is located less than 5m away from Holmer Green Infant School and approximately 12m to the rear gardens of no. 12 Stevens Close and nos. 21 and 22 Glebe Close. Due to the size, scale and siting of the dome, it appears very overbearing when viewed from the classrooms on the eastern side of the Infant School, their outdoor play area, and the rear gardens and southerly facing rooms of the residential properties mentioned above. Furthermore, it creates a loss of light for the users of the Infant school to an unacceptable level. In addition, due to the material used, it can create a glare into the neighbouring properties and school when the sunlight reflects off the dome.
- 5.14 With regard to noise, the comments from local residents are noted. In consultation with the Council's Environmental Health Team, the noise from using the tennis/netball courts under the dome creates an unacceptable level of disturbance for pupils and teachers at the Infant School and local residents living on Stevens Close and Glebe Close. It is noted that the tennis/netball courts already exist and can be used, but based on noise monitoring carried out by the Council's Environmental Health Team, the level of noise created when the courts are in use under the dome exceeds the accepted upper limit for indoor ambient noise levels and is intrusive when heard from the gardens of the adjacent residential properties.
- 5.15 It appears that most of the objections relating to noise are primarily concerned about the noise outside school hours. However, the Environmental Health team consider that this is already an issue during school hours and hence, it would also be an issue outside school hours as well.
- 5.16 The noise from the plant is noted but it is considered that this could be controlled by mitigation measures such as acoustic fencing, which could be secured by condition on any planning permission granted. Government advice is that planning permission should not be refused where the identified harm could be mitigated by condition. As such, the noise from the use of the dome is a reasonable reason for refusal as this is difficult to control, but the noise from the plant will not form part of the reason for refusal.
- 5.17 It is noted that some local residents have stated that there is a smell from the dome, perhaps from fumes of the plant or the material itself. The applicant has confirmed that the dome runs on electricity and therefore there are no fumes. The smell is not considered to be so significant that it warrants refusal of the application on these grounds.
- 5.18 Based on the above assessment, the development is contrary to Policies GC3 and GC7 of the Adopted Local Plan.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

- 5.19 Some of the comments received on this application raise concern over the additional traffic that will be generated by erecting the dome, which would make the tennis/netball courts more attractive to non-school users. This concern is acknowledged, but in consultation with the Highway Authority, it must be noted that the tennis/netball courts already exist and the dome itself, in planning terms, will not generate any additional traffic.
- 5.20 Condition 2 of the planning permission for the tennis courts (reference PL/19/2262/FA) requires a community use agreement to be submitted to the Local Planning Authority, to include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. This gives the Local Planning Authority control over how the tennis courts will be used and hence, the amount of traffic generated at certain times of the day/week.
- 5.21 Based on the above assessment, it would not be reasonable to refuse the application on highway safety grounds.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding in the areas as defined on the Proposals Map and throughout the district)

- 5.22 Some of the local residents have raised concern that the dome is exacerbating flooding issues in the area and photographs have been provided. The Sustainable Drainage Team have verbally confirmed that the rainfall over the past few months has been particularly high for this time of year and as the dome is not creating any additional hardstanding, it is unlikely to be the cause of additional flooding. As such, it would not be reasonable to refuse the application on these grounds.

Landscape and ecology Issues

Core Strategy Policies:

CS24 (Biodiversity)

Local Plan Saved Policies:

GC4 (Landscaping throughout the district)

5.23 It is understood that some trees were removed to make way for the dome. As these trees were not protected by a Tree Preservation Order and the site is not within a Conservation Area, permission would not have been required to fell them and therefore the Council cannot raise objection to the application on these grounds.

5.24 Concern has been raised with regard to the impact of the development on wildlife. However, the dome does not create any additional hardstanding or involve the loss of any protected habitats. As such, no objections are raised in this regard.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 The Council understands the difficulties for schools at the present time to provide additional space for students in order to comply with Government guidelines on social distancing due to the Covid-19 pandemic. However, Covid-19 is not unique to Holmer Green Senior School and other schools have had to find ways of using their existing space to the best of their capabilities without erecting huge domes. Furthermore, it is understood that the foundations were dug for the dome and funding/support was sought well before the extent of the pandemic was known. Although the letters of support state that this is a temporary structure, the application does not apply for a temporary period and as set out in paragraph 127 of the NPPF, the Local Planning Authority have to consider the impact of the development not just for the short term but over the lifetime of the development.

6.2 The Council also acknowledges the need to promote sport and recreation, particularly amongst young people, and recognises the benefits that the dome brings to the students of Holmer Green Senior School, and potentially to the wider community. However, this benefit needs to be balanced against the harm caused to the character of the area and the amenities of neighbouring properties. The tennis/netball courts are already in existence, providing the facilities for sport and recreation, and planning permission has recently been granted for a sports hall and changing facilities and new classrooms. As such, it is not considered that there is sufficient justification for the dome.

6.3 Although the dome brings some benefits, this does not outweigh the harm to the character of the area and the amenities of neighbouring properties. The development is contrary to Policies GC1, GC3 and GC7 of the Adopted Local Plan, Policy CS20 of the Core Strategy for Chiltern District, the NPPF and guidance contained within the National Design Guide 2019. As such, the application is recommended for the reasons set out below.

7.0 Working with the applicant / agent

7.1 In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, sought solutions to the issues arising from the development proposal. However, in this case, the proposal does not accord with the Development Plan, and no material considerations are apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application is recommended for refusal on the basis of the submitted plans.

8.0 Further Action

8.1 This planning application is retrospective in nature, meaning that the dome has already been installed and is in situ. Given that the recommendation is to refuse planning permission, it is also therefore recommended that enforcement action is taken to require removal of the dome.

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

Recommendation A: Refuse permission

For the following reasons: -

1. By reason of the scale of the dome, the siting of it in relation to low rise buildings, and the materials used, it does not reflect or respect the character of the area or add to its overall quality. Given the context of the site, it appears as an alien and incongruous feature which does not relate well to the surrounding built form and appears overly prominent in the locality. Furthermore, given the material used for the dome, any internal lighting used at night has the potential to create light pollution, exacerbating the adverse impact on the character of the area. The development is therefore contrary to Policy GC1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011, the National Planning Policy Framework and the National Design Guide, 2019.

2. By reason of the size, scale and siting of the dome, it appears overbearing and visually intrusive when viewed from the rear amenity areas and rear windows serving the neighbouring properties on Stevens Close and Glebe Close, and Holmer Green Infant School to the west. It also creates a loss of natural light into the classrooms on the eastern elevation of Holmer Green Infant School, and can create an unacceptable glare into neighbouring properties when the sun reflects off the dome. Furthermore, the noise from using the courts under the dome creates an unacceptable level of disturbance for occupiers of the neighbouring residential dwellings and users of Holmer Green Infant School. The development is therefore harmful to the amenities of the neighbouring school and residential properties, and is contrary to Policies GC3 and GC7 of the Chiltern District Local Plan 1997 Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

Recommendation B: If the recommendation to refuse planning permission is agreed, it is also considered expedient for the reasons set out above to take enforcement action in respect of the unauthorised development. The Service Director of Planning and Environment is therefore recommended to authorise the issue of an Enforcement Notice requiring the following steps:

1. Disassemble and the remove the air dome from the land;
2. Disconnect and remove any associated plant and machinery;
3. Remove from the Land all debris and materials arising as a result of compliance with steps 1 and 2 above.

INFORMATIVE(S)

1. The Council notes that condition 2 of planning permission PL/19/2262/FA has not been discharged, which requires the approval of a community use agreement prepared in consultation with Sport England. Therefore, the tennis courts are being used in breach of this condition. The applicant is advised to submit the required information as soon as possible to avoid further enforcement action being taken.

APPENDIX A: Consultation Responses and Representations

Highway Authority

“Parish Piece is an unclassified road subject to a speed restriction of 30mph. Proposals include the installation of an air dome to cover the existing tennis courts on site. The provision of an air dome will not generate any additional movements on the site. Mindful of the above, I have no objection to the proposals, and in this instance I have no conditions to suggest for inclusion on any planning consent that you may grant.”

Environmental Health

“I am of the opinion that granting this planning application would have a detrimental impact on the amenity of properties nearby and may not protect residents or noise sensitive developments from noise that could cause an unacceptable degree of disturbance. Accordingly, I recommend that the Local Planning Authority refuses planning permission as regards this application.”

Little Missenden Parish Council

Little Missenden Parish Council object to the application on the following grounds:

- Dome can be seen from miles away, including from Ancient Penn Woods and the surrounding AONB
- Glare affecting neighbouring properties and preventing them from using their gardens and rooms of their homes
- Noise impact on surrounding properties and Holmer Green Infant School
- Light pollution
- No consultation with Holmer Green Infant School or local residents
- Foundations for the dome were built when the tennis courts were constructed in July/August 2019, well before Covid-19 was known about
- Loss of light to Holmer Green Infant School
- Increase in traffic on a small narrow road (Parish Piece)
- Request all letters of support from parents issued by the School be ignored as it does not state that the dome has already been installed
- The aerial view submitted with the application is incorrect as it shows the original location of the tennis courts
- Dome was not mentioned in the previous application for new PE facilities
- Note the space is to be used for extra classroom and exam space, which is confusing
- Inaccuracies on application form (they have removed trees to make room for the dome, and already installed it).

Representations

Support (483)

- Without the dome there are insufficient all-weather PE amenities for the winter months
- The lack of space has been exacerbated by the current Covid-19 pandemic. The dome is the only way to keep school operating within Government guidelines, especially as students have to wear PE kit all day (as changing rooms are closed) and therefore cannot go out in wet weather
- The dome supports the provision of sport and recreation

- Provides space during break and lunch time in wet weather
- The dome preserves the openness of the land as it is ultimately a temporary structure
- It has a limited effect on residential views from neighbouring properties
- The lighting for the dome is an internal, LED system that points downwards rather than diffusing around the environment
- There is a strong local and national need for indoor sports facilities
- Community benefit, creating opportunities for young people, including children from other schools
- The dome runs off electricity so does not produce dust or fumes
- Dome reduces noise transmitted by lessons due to the enclosed nature of the space
- Benefits far outweigh any harm
- The dome makes PE lessons more attractive and enjoyable, especially to girls
- Taking this facility away will leave students devastated at a time when young people have already lost so many opportunities
- Existing school buildings are far uglier than the dome
- Provides vital income for the school.

Object (104)

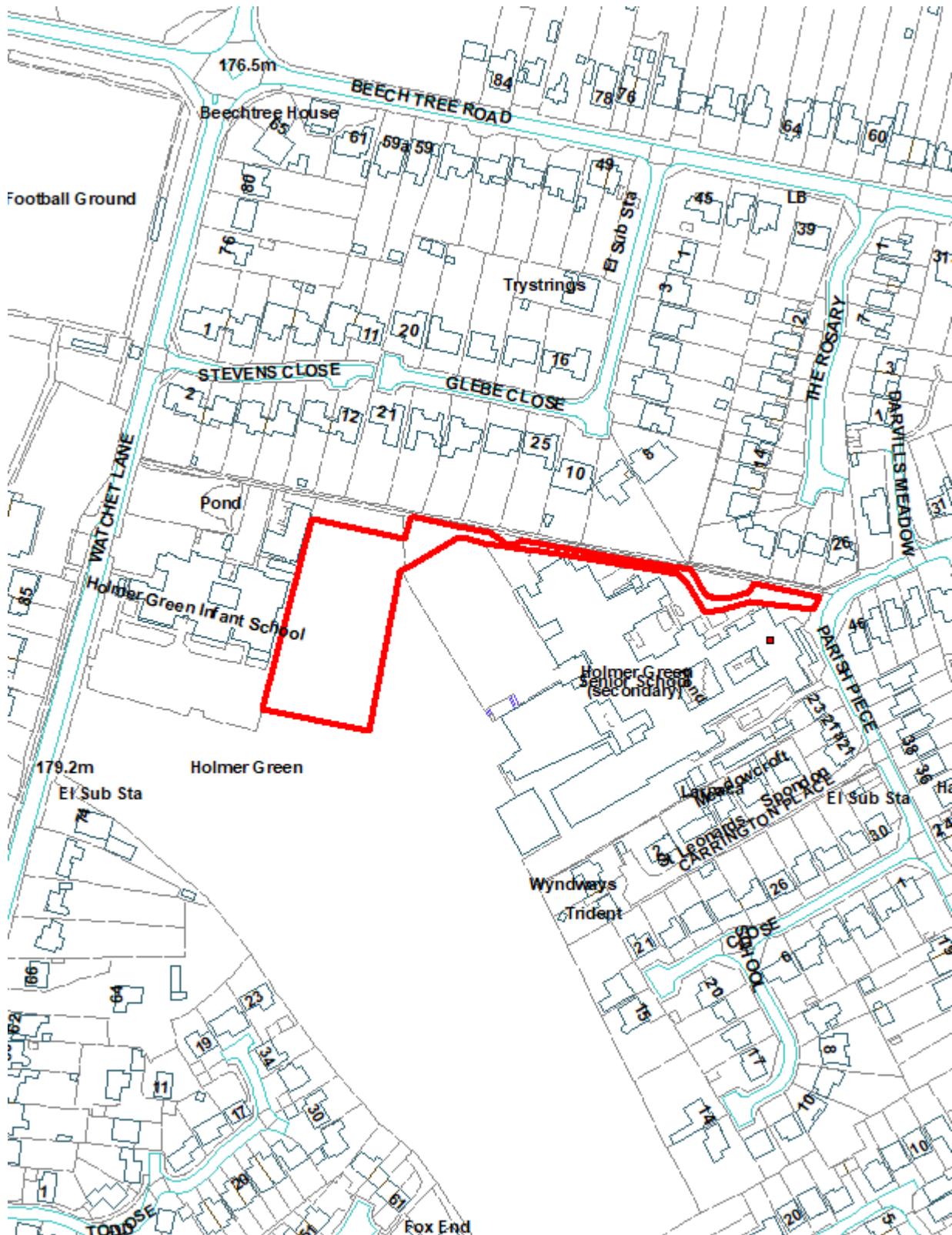
- Dome is imposing, an eyesore
- Blocks light into the Infant School/pre-school/nursery
- Overbearing on neighbouring properties
- Noise disturbance for local residents, especially outside school hours
- Noise disturbance for Holmer Green Infant School
- It is not necessary
- Illumination will impact negatively on local residents
- No consultation with Holmer Green Infant School, local residents or businesses
- Loss of area for wildlife
- Should not have been erected without planning permission (like the tennis courts)
- Increased traffic, leading to parking problems and pollution
- Glare from sunlight reflecting off the dome
- Smell of fumes from the generator/materials
- Dome is exacerbating flooding in the area
- Dome may not comply with fire regulations or building regulations
- Poor health and safety practices from contractors
- Reduction in property values
- Potential for crime between the dome and the Infant school, additional use of the footpath, and potential late night gatherings
- Insufficient information on sound and light as dome has not been operating in the evening
- No access for emergency services
- The dome has been positioned in the worst possible location
- Inaccuracies on application form
- Tennis courts are being used in breach of original permission
- Pupils as young as 11 should not have been asked to sign letters of support
- Inconsistencies in recent applications made by the school

Neutral (7)

- The dome appears to be quiet but if it is found to be noisy then it should be taken down

- Surprised the Infant School were not consulted
- Although there are benefits, it should not have been built without planning permission
- Perhaps the dome could be sited in a different location, for a temporary period.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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