

North Hertfordshire District Council

By email only

Date: 28th January 2025

FAO Peter Bull

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: 24/01604/FP

Site: Temple Dinsley, (formerly The Princess Helena College), School Lane, Preston, Hertfordshire, SG4 7RT

Proposal: Full Planning Permission : Change of use of the Former Princess Helena College and associated land from a former all-girls boarding school to 69no. private residential dwellings etc.

Sport England Reference: PA/24/E/NH/68349

Thank you for providing further information to Sport England on the above application following our initial response dated 21st August 2024 which objected to the application on the basis that it was not possible for Sport England to make an informed assessment of the application against the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy. As amendments have been made to the application as well as further information being provided this response should be treated as superseding our initial response.

Sport England's Position

Sport England withdraws the previous objection to the application and raises **no objection** to this application as a statutory consultee which is considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 104 of the NPPF **subject to a section 106 agreement and planning conditions** being imposed relating to the following matters as set out in this response.

1. Cricket Square/Outfield and Pavilion Delivery and Lease.
2. Refurbished Tennis Courts Delivery and Lease.
3. Ancillary Car Park Delivery and Tenure/Management Arrangements.
4. Cricket Square/Outfield Construction Specification.
5. Tennis Court Refurbishment Details.

Sport England – statutory consultee role and policy

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':

www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. A summary of the exceptions is provided in the annex to this response.

The Proposal and its Impact on the playing field

In summary, the proposal involves a full application for the change of use of the former Princess Helena College site (known as Temple Dinsley) to a residential led development involving the conversion of some of the historic buildings and the demolition and redevelopment of others. The former college site extends to 27.8 hectares and includes the college's playing field to the south east of the site which is separated from the college's buildings by parkland. The playing field is principally natural turf and aerial photographs indicate that it was marked out for a running track, rounders pitches and a hockey pitch when the college was operational. There are also three macadam tennis courts, a jump pit/runway and a small pavilion/store building in the north western part of the playing field.

The planning application proposes that the playing field be retained and the majority of it be used for forming a cricket square and outfield that would be used as a second cricket ground by Preston Cricket Club. A new pavilion would be provided to support the use of the cricket ground. Two of the tennis courts would be refurbished and made available for use by the local community. The existing pavilion/store would be demolished and the jump pit/runway would be removed. One of the three tennis courts would be converted to provide a 19 space car park to provide ancillary parking to support the cricket and tennis facilities. It is intended that the cricket ground and pavilion be leased to Preston Cricket Club

(Preston CC) while the tennis courts would be leased to Preston Parish Council. Both facilities would be leased on the basis of a 75 year lease and peppercorn rent.

The application also proposes that woodland planting would take place on the majority of the remaining playing field. These areas of the playing field would therefore no longer be capable of being used for marking out playing pitches.

Separate to the playing field, the application also proposes the demolition of the former college's sports hall and outdoor swimming pool and their redevelopment for residential. A single disused tennis court in the woodland to the north of the college buildings would be refurbished and made available for private use by residents of the proposed development. As set out in paragraphs 6.97-6.104 of the Planning Statement, the loss of these facilities is proposed to be offset by the proposals for the cricket pitch and tennis courts.

Assessment against Sport England's Playing Fields Policy and NPPF

As set out above, the proposals for the change of use of the former college site involve the loss of part of the playing field and the sports facilities. However, this is proposed to be offset by significant enhancements to the retained playing field and tennis courts to facilitate community use. As the proposal relates to the provision of enhanced outdoor sports facilities on the existing playing field it can be considered against exception 5 of the above policy (see Annex to this response). I have therefore assessed the proposal against the above policy to determine whether the proposals meet exception 5.

Sports Development Benefits

- **Cricket Square and Pavilion Proposals:** This represents the principal element of the sports mitigation proposals and would provide Preston CC with an additional cricket ground. The club has expanded in recent years and currently fields six men's team, a women's team and has over 70 junior members. As it is not possible for Preston Recreation Ground to accommodate concurrent fixtures on Saturdays, a second ground outside of the Preston area needs to be hired by the club to allow all of its fixtures to take place on Saturdays. The club has been looking for an additional cricket ground in Preston for some time to cater for current needs and the expanding demand for match play and training from both its senior and junior sections without the need to travel outside of the Preston area to use facilities that the club has no control over and incurring hire and travel costs in the process. The facility could also meet the additional cricket demand generated by the residential

development. The emerging North Hertfordshire Playing Pitch Strategy has confirmed that the existing cricket square at the recreation ground is played to its capacity at peak times.

Preston CC would be offered the facilities by the applicant on a 75 year lease on a peppercorn rent which in principle would provide the club with long term security of tenure and support the club to invest into enhancing and maintaining the facilities over a long term period.

The submitted 'New Cricket Ground Feasibility Study' prepared for the club by Total Turf Solutions (a specialist sports turf consultancy) has demonstrated that a cricket square and associated outfield could be constructed on the playing field although a construction specification for the works would need to be provided to demonstrate a suitable design based on the recommendations in the study would be implemented in practice. The ECB has advised that the site appears to be large enough to accommodate an eight pitch cricket square with fully compliant ECB boundaries for open age cricket.

The pavilion is an essential ancillary facility to support the use of the cricket ground as it provides the necessary changing, toilet, social and refreshment facilities. The proposed 'Passmores' modular facility would offer a modern pavilion facility for the cricket club and would in broad terms provide most of the required facilities to support the use of the cricket ground. However, the following considerations are brought to the applicant's and the club's attention before the plans are finalised:

- Each changing room area (excluding showers, WCs and lobbies) should be a minimum of 20 sq.m to meet the ECB's 'Pavilions and Clubhouses design guidance (TS5).
- Showers should provide three cubicle showers per changing room (2x1m each) to meet the ECB's guidance.
- The umpire's changing room should have a shower, WC, washbasin and bench seating.
- Storage should be provided for food/beverages and cleaning.
- A plant room should be provided to accommodate utilities, boilers etc

While Preston CC are proposing to fund the delivery of some of the facilities, the applicant has offered to substantially fund the pavilion. As the delivery of the cricket square and pavilion represents mitigation for the loss of playing fields and sports facilities, provision needs to be made for the delivery of the

facilities within an acceptable timescale through any planning permission.

- **Tennis Courts:** The proposal to refurbish two of the tennis courts to allow community use and for the facility to be managed by the Parish Council is welcomed. At present, while the LTA has advised that there are adequate tennis courts located outside of Preston to serve the village's needs there are no publicly accessible courts located within the village. Retaining multiple courts on a shared site with cricket would be welcomed by the LTA as this is preferable from a user and operational perspective than standalone single tennis courts. The proposal to refurbish the single tennis court to the north of the site for private use by residents of the development is also welcomed as this would provide additional tennis facilities. The use of this court for private use by the residential development would be more appropriate than the previous proposals that involved the tennis courts on the playing field being only accessible to residents of the development. As the tennis courts in both locations will require refurbishment to different extents to allow them to be used by the community following a period of disuse, details of the refurbishment proposals will be required.
- **Ancillary Parking:** The proposal to provide some dedicated car parking to support the use of the proposed cricket ground and tennis courts is welcomed as parking is required to support community use of these facilities in recognition of the equipment that needs to be transported to the site by cricket players and the fact that a large proportion of the users of the site will not reside in the Preston area (e.g. away teams, umpires) and will therefore need to travel to the site by car given its rural location. This proposal would be preferable to users of the sports facilities using informal parking along the access road which could cause congestion issues at peak times.

Impact on Playing Field and Sports Facilities

As set out above, the proposed development would have several impacts on the former college's playing field (including tennis courts) and sports facilities which can be summarised as follows:

- **Loss of Playing Field to Woodland Planting:** The Site Plan indicates that the majority of the playing field that would not be used for the cricket square and outfield would be used for woodland planting. The potential to use these areas for marking out pitches in the future would therefore be permanently lost e.g. the area to the south of the tennis courts where planting is proposed could have accommodated a football pitch for instance. However, it is acknowledged that the playing field had no use by the community when

Princess Helena College was operational. The woodland planting proposals will need to be designed so that they do not encroach onto the outfield area or its minimum run-off area.

- **Loss of Tennis Court to Parking:** While one of the three tennis courts on the playing field would be lost to allow a car parking area to be created, the provision of ancillary parking would support the use of the playing field for community cricket and tennis as set out above. Furthermore, none of the tennis courts were available for use by the community when Princess Helena College was operational and as set out above the development would bring two tennis courts into community use and one into private use.
- **Loss of Existing Pavilion:** The existing pavilion is understood to be a small poor quality structure that is reaching the end of its lifespan and would not be suitable for supporting the use of the cricket ground for senior cricket. This facility would be replaced by a new pavilion as set out above and can be used as an interim facility until the new pavilion is operational.
- **Loss of Sports Hall and Swimming Pool:** While limited information is provided about the condition of these facilities, it is understood that the sports hall was built in 1976 and has not been refurbished since. Furthermore, it is understood that the flooring is in need of replacement. It is therefore considered likely that investment would be required in refurbishing the facility to make it a sustainable facility for community use. It is also understood that the outdoor swimming pool is in a poor state of repair following several years of disuse and would require investment to bring it back into use. It has been advised that there was no community sports use of the sports hall or swimming pool when Princess Helena College was operational.

Conclusion

While the development would result in the permanent loss of some of the former college's facilities and reduce the useable area of the playing field for pitch use, the benefits to the local community associated with the proposed cricket and tennis facilities in particular are considered to outweigh the detriment caused by this impact especially in the context of the former college facilities not being available for community sport use when the college was open. The proposals are therefore considered to meet exception 5 in principle and paragraph 104(c) of the NPPF. However, as the cricket and tennis proposals represent mitigation for the loss of the facilities outlined above, provision will need to be made through any planning permission for the facilities to be delivered within an acceptable timescale. If a scenario arose where these facilities were not delivered in practice within an acceptable timescale then the proposals would not meet exception 5 or

paragraph 104. As set out above, further detail is also needed on some detailed design matters such as cricket square/outfield construction and tennis court refurbishment in order to ensure that the enhanced sports facilities are fit for purpose and meet exception 5 in practice.

Sport England's Position

Given the above assessment, Sport England withdraws the previous objection and raises **no objection** to the application because it is considered to accord in principle with exception 5 of our Playing Fields Policy and paragraph 104 of the NPPF. This position is strictly **subject to the following matters being addressed through a section 106 agreement or planning conditions** being attached to the decision notice should the local planning authority be minded to approve the application:

Section 106 Agreement:

A section 106 agreement should make provision for the following:

Cricket Square/Outfield and Pavilion

- Provision for the delivery of the cricket square and outfield within a defined time period to be agreed in consultation with Sport England.
- Provision for the delivery of the cricket pavilion within a defined time period to be agreed in consultation with Sport England.
- Retention of the existing pavilion until the new pavilion is completed and operational in order to allow some interim use of the cricket square by junior players if the pavilion is not operational by the time the cricket square/outfield is operational.
- The proposed woodland planting adjoining the cricket outfield not to commence until the cricket outfield area is completed in order to ensure that the planting does not prejudice the delivery of an ECB compliant outfield boundary or the outfield minimum run-off area.
- Heads of Terms for a 75 lease (with no break clauses) on a peppercorn rent to be offered to Preston Cricket Club and for a lease to be subsequently procured based on the Heads of Terms within a defined time period.

Tennis Courts (Playing Field Site)

- Provision for the delivery of the refurbished tennis courts within a defined time

period to be agreed in consultation with Sport England.

- Heads of Terms for a 75 lease (with no break clauses) on a peppercorn rent to be offered to Preston Parish Council and for a lease to be subsequently procured based on the Heads of Terms within a defined time period.

Tennis Court (Adjoining Dower House)

- Provision for the delivery of the refurbished tennis court within a defined time period to be agreed in consultation with Sport England.

Playing Field Ancillary Car Parking

- Provision for the delivery of the ancillary car parking within a defined time period to be agreed in consultation with Sport England. The delivery of the car parking will need to be aligned with the timing of the delivery of the cricket square and tennis courts to ensure that the parking is available to support the first use of the site by the community.
- Provision for the tenure and management arrangements for the car park and vehicular access to the playing field i.e. would it form part of the proposed leases to the Parish Council or the Cricket Club or would it be retained by the landowner and managed by other means.

Planning Conditions

Planning conditions are requested to be imposed to address the following matters although no objection would be made to them being incorporated into section 106 agreement requirements instead:

1. *Cricket Square and Outfield Works Construction Specification and Implementation Programme:* The submitted feasibility study does not represent a detailed design specification and would not be suitable as a basis for a construction contract. In order to ensure that the contractor that delivers the cricket square and outfield follows a specification which accords with the feasibility study report recommendations, a planning condition will need to make provision for a contractor's specification including an implementation programme (prepared by a sports turf consultant) to be submitted and approved so that it can be checked by the Council and Sport England with respect to whether the detailed proposals accord in practice with the advice set out in the feasibility study. Sport England would expect the submitted specification to make provision for an independent sports turf consultant to assess the works following their completion and for any issues identified by the

consultant to be rectified prior to handover of the pitches to the cricket club. It is therefore requested that a planning condition along the following lines is imposed:

“Prior to commencement of construction of the cricket square and outfield, a contractor’s specification for the detailed design of the cricket square and outfield works prepared in accordance the approved ‘Preston Cricket Club New Cricket Ground Feasibility Study (prepared by Total Turf Solutions), dated February 2024’ which includes an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The cricket square and outfield works shall be implemented in accordance with the approved specification and implementation programme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy”

2. *Tennis Court Refurbishment Works.* A condition requiring details of proposals for refurbishing the disused tennis court area such as the details of surfacing replacement/repair, line markings, fencing etc. As no detail is available at this stage of the refurbishment works, these details will need to be submitted to demonstrate that the works are acceptable in practice in order to demonstrate the sports related benefits of the proposals outlined above will be delivered in practice. The scope and nature of the improvements should be informed by an assessment (survey/feasibility study) undertaken by a sports surface specialist. As this condition would apply to both the two tennis courts on the playing field site and the single court adjoining Dower House, the Council may wish to impose separate conditions for each facility if their delivery timescales differ. A condition along the following lines is requested:

No refurbishment of the tennis courts shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) *A detailed assessment of the quality of the tennis courts be undertaken (including surfacing, fencing and, line markings) to identify constraints which affect facility quality; and*
- (ii) *Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the tennis courts will be improved to an acceptable quality including an implementation programme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport*

England.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation.

*Reason: To ensure that the tennis courts are improved in practice to an adequate standard and are fit for purpose and to accord with Development Plan Policy **.*

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please contact us to discuss. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

If the LPA is minded to approve the application without imposing the above section 106 agreement/condition requirements then Sport England objects to the application as it would not be considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF. It is requested that Sport England be consulted on the wording of the relevant provisions of a draft section 106 agreement given the matters raised above that need to be addressed through an agreement that would benefit from Sport England's input.

Should the local planning authority be minded to approve this application without the above section 106 agreement requirements and conditions, then given Sport England's subsequent objection the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State via the National Planning Casework Unit.

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

If you would like any further information or advice, please contact the undersigned.

Yours sincerely,

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Sport England's 'Playing Fields Policy and Guidance Document' is available to view at: www.sportengland.org/playingfieldspolicy

The Five Exceptions to Sport England's Playing Fields Policy are:

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site;
- or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.