

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01175/OP	Erection of sports pavilion following demolition of existing changing rooms (all matters reserved) (amended by plans received 25/09/24 and 07/10/24)	Recreation Ground Orchard Close St Ippolyts Hertfordshire

Submitted Plan Nos

LD684-E01B LD684-P01D LD684-P10A LD684-P11A LD684-P12A LD684-E02 LD684-E03 LD684-P06
LD684-P02A LD684-P03A LD684-P04A LD684-P05A LD684-P07A

D1	Sustainable design
D3	Protecting living conditions
HC1	Community facilities
NE2	Landscape
NE4	Biodiversity and geological sites
NE5	Protecting open space
SECN12	Achieving well-designed places
SECN15	Conserve + enhance natural environment
SECN8	Promoting healthy and safe communities
SECN9	Promoting sustainable transport
SP1	Sustainable development in North Herts
SP10	Healthy Communities

SP12	Green infrastructure, landscape and biod
SP2	Settlement Hierarchy and Spatial Distrib
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant Site History**

2.1 81/01220/1 - Erection of single storey rear extension to sports pavilion – Approved 01/09/81.

3.0 **Representations**

3.1 **Neighbours** – The following comments were received:

- ☐ No reason to object.
- ☐ Fully supportive if Sport England criteria fulfilled.
- ☐ Consider how will maximise energy efficiency.
- ☐ Would cladding be appropriate.
- ☐ Fully support.
- ☐ Existing facilities need updating and modernising.

3.2 **Environmental Health** – No objections.

3.3 **NHC Waste** – The waste collection service provision is not outlined in this planning application. Without sufficient information I am not able to determine that the proposal can meet the requirements.

3.4 **NHDC Ecologist** - There is no ecological objection to the proposal.

The scheme would be acceptable as it secures a net gain in biodiversity of 26.43%.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate.

3.5 **Sport England** – No objection to the application as a statutory consultee because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

3.6 **Herts County Council Highways** – Does not wish to restrict the grant of permission.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a single storey building with pitched and flat roofs used as changing rooms for the St Ippolyts Football Club. The wider site includes a vehicular access to Orchard Close, and undeveloped grass. Ground levels slope up to the SE.

4.1.2 The site is within a larger area of mostly public open space the St Ippolyts Recreation Ground which includes sports pitches, play equipment, and a bowls club. The building is near the NE boundary of the Ground, behind which are dwellings. The boundary is comprised of 1.8-2m high fencing with higher trees and vegetation. The site is within the settlement boundary of St Ippolyts.

4.2 **Proposal**

4.2.1 This is an outline application, with all matters reserved, for the demolition of the changing rooms, and the erection of a new sports pavilion (*sui generis* use).

4.2.2 The application includes indicative plans showing the siting, site plan, access, floor plans, and elevations of the potential pavilion at the Reserved Matters stage. The indicative pavilion is shown as a single storey building with a pitched roof to include facilities for the football club and bowls club.

4.3 **Key Issues**

4.3.1 The key material considerations are whether the proposal is acceptable in principle, sport facilities provision, character and appearance, neighbour amenity, parking and highways, and landscaping and trees and ecology.

Principle

4.3.2 The site is in the settlement boundary of Gosmore, a Category A village under Policy SP2 of the adopted Local Plan. Policy SP2 states that in Category A villages, general development will be allowed within their boundaries. In this respect, and notwithstanding

potential impacts on sports facilities, the proposal is acceptable in principle. The proposal complies with Policy SP2 of the Local Plan.

Sports Facilities

4.3.3 The existing building provides facilities for outdoor sport and recreation, and is also within a larger area of public open space which has a football pitch nearby to the south. The building is considered to be a community facility under adopted Local Plan Policy HC1, and the impacts on the open space are considered against Local Plan Policy NE5. Sport England have also been consulted as a statutory consultee, whose comments are given significant weight.

4.3.4 With regards to HC1, the relevant part of that Policy states:

Proposals for the redevelopment of sporting facilities will be supported where the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss of the existing facilities.

4.3.5 The proposal can be considered as a redevelopment. The existing facilities and building are considered dated and poor quality. The proposed replacement pavilion, going by the details shown on the indicative plans, would be a newer building built to modern standards, which is considered larger and would have better and more modern facilities.

4.3.6 Sport England have stated that the new pavilion will have enhanced facilities and will be more inclusive for users of the football pitch and bowls club, supporting its replacement and not objecting to this aspect of the proposal. This is given significant weight, and as the new pavilion would be in a similar location to the existing, the new pavilion based on the indicative plans is considered acceptable in respect of the provision of sports facilities as fundamentally it would be an enhancement and could result in more participation.

4.3.7 The indicative plans for the new pavilion show that it would have a larger footprint and size, and would extend further out from the NE boundary of the site and therefore closer to the existing football pitch to the south. The applicant owns the Recreation Ground that the pitch is within, and has shown on a plan that the pitch is to be re-sited by 1.5m to the SW.

4.3.8 Local Plan Policy NE5 concerns the protection of open space. The indicative plans for the new pavilion show that it would have a larger footprint and floor space, and would result in the loss of some of the open space near the existing building. The Recreation Ground that the site is within is however large, the loss of space would be very small in relation to that, there would not be a loss of a marked sports pitch, an existing nearby pitch can be re-sited very close to and overlapping the existing, and there would be planning and community benefits from the new pavilion. Sport England have not objected which is given significant weight. The proposal is not considered to harm open space provision. The proposal complies with Policies HC1 and NE5 of the Local Plan, and Section 8 of the NPPF.

Character and appearance

- 4.3.9 The existing building is relatively old and dated, and is considered to be of a poorer quality appearance, therefore there are no objections to its demolition.
- 4.3.10 All matters are reserved for this application, therefore it is not possible to conclusively assess how the new pavilion will affect the character and appearance of the locality. The indicative plans are however sufficiently detailed and comprehensive such that it is considered likely that those or similar plans would be submitted at the Reserved Matters stage.
- 4.3.11 Assessing the indicative plans, the new pavilion would be sited in a similar location to the existing, which is considered would minimise its comparative impacts, and would be an appropriate location as it would be where the existing pavilion is and would be near the NE boundary where it would be viewed against the boundary fence and higher trees which would also lessen its impacts.
- 4.3.12 The indicative plans show that the new pavilion would be larger with more and larger openings, of a more modern appearance than the existing, and higher than the existing. The building is considered to be of an appropriate size for the facilities it would contain, and height is not excessive for a single storey building.
- 4.3.13 It is not considered that the indicative building would appear excessively large due to it being on the edge of a much larger area of open space, and as there are numerous larger two storey dwellings and trees behind nearby. As above there would also be planning and community benefits from the new and improved pavilion and the facilities it would contain. Based on the indicative plans, the proposal is considered to be of an acceptable design. The proposal complies with Policy D1 of the Local Plan and Section 12 of the NPPF.

Neighbour amenity

- 4.3.14 All matters are reserved for this application, therefore it is not possible to conclusively determine if there would be specific adverse impacts to the closest dwellings. The uses within the pavilion are considered similar to those of the existing building, would not be considered to generate harmful amounts of noise and other disturbances, with impacts being further limited due to the likely irregular and occasional use of the building. It is considered that the new building could be used for more social events due to its larger size and improved facilities, therefore the hours of use and activities of the building will be restricted by an appropriate condition.
- 4.3.15 The NE boundary of the site that the new pavilion would be near is adjacent to the boundaries of dwellings. The indicative building is shown as being set off that boundary, with the highest part of the roof further away, and would also be obscured by trees and vegetation on the boundary. Based on the indicative plans, it is not considered that the proposal will be harmful to amenity. The proposal complies with Policy D3 of the Local Plan.

Parking and highways

- 4.3.16 The site does not include any marked parking spaces, however the access drive from Orchard Close has been used for parking of approx. 5-8 cars. In addition, the area west

of the bowling green within the blue-edged area has been used for parking at least 10 more cars, and is considered likely to remain doing so as the applicant owns the land.

- 4.3.17 The Council's adopted Local Plan does not set minimum parking standards for a pavilion as proposed. The Council's 2011 Parking SPD sets out maximum parking standards for outdoor sports grounds, but not pavilions themselves. The new pavilion is not therefore considered subject to providing parking provision. The plans do not show a reduction in existing parking, while sufficient parking is considered to remain within the red and blue-edged areas of the site for the facilities that the pavilion would be used for, i.e. the nearby football pitch and bowling green.
- 4.3.18 The new pavilion would be accessed from Orchard Close, which would not be altered. Traffic volumes would not be considered to be significantly altered, as there would not be an increase in the number of pitches the pavilion would be used for. There are no objections from the highways officer, and the recommended condition will be imposed. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees, landscaping and ecology

- 4.3.19 The site does not contain any trees, with the nearest trees of note being to the NE on/near that boundary. These trees are not protected by TPO's or by being in a Conservation Area. Full impacts on those trees could only be accurately ascertained at the Reserved Matters stage if this application was to be granted, and the indicative site plan is noted as showing the pavilion being located away from the canopy of the nearest large tree. An appropriate condition can require further details of tree impacts to be submitted with a Reserved Matters application.
- 4.3.20 The balance of hard and soft landscaping appears acceptable from the indicative plans, and further details would be required at the Reserved Matters stage. The application proposes a biodiversity net gain of 26.43% which exceeds the 10% minimum requirement, and is acceptable. This gain can be delivered on site, and a BNG condition will be attached to this outline application if permission is to be granted. The proposal complies with Policies NE2 and NE4 of the Local Plan.

Climate change mitigation

- 4.3.21 The proposal does not specify methods of renewable energy generation and energy efficiency, however this could be provided at the Reserved Matters stage. It is however considered that a new building using more modern materials and needing to comply with building regulations standards will most likely be more energy efficient than the existing building, which will be a longer benefit.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that outline planning permission is **GRANTED**.

5.0 **Recommendation**

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

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, and the access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission or subsequent approval of reserved matters.

4. The landscape details to be submitted as reserved matters shall include the following:
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
 - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted, and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles to enter and exit the site in forward gear.

Reason: To ensure no significant increase to roadside parking levels and to ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway. To comply with Policy T1 of the Local Plan.

7. The approved pavilion shall be used for the purposes specified; and shall not be used outside of the following hours: 0800 to 2130 Mondays to Sundays.

Reason: In the interests of amenity. To comply with Policy D3 of the Local Plan.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 14 November 2024	