

ITEM NO:

Location: Land To Rear Of Putteridge High School And
Community College
Putteridge Road
Offley
Hertfordshire

Applicant: Mr R Kirk

Proposal: Retention of cricket wicket; fencing around pond and
bundling along boundary as a variation to the approved
use and landscaping (LPA refs: 08/02926/1,
12/00359/1DOC and 12/00532/1DOC).

Ref. No: 18/02320/FP

Officer: Kate Poyser

Date of expiry of statutory period: 19.12.2018

Reason for Delay

Delayed due to consultations and committee cycle.

Reason for referral to committee

This application has been called in for determination by the Planning Control by Cllr Barnard for the following reason: "If you intend to recommend approval with the condition that the plastic pitch is removed within 5 years, I believe that there is a clear reason for a committee debate, particularly as it contravenes planning policy."

Submitted Plan Nos

223 – FA-00-XX-DR-A-00001 rev P-0, 10000 S8 P0, 00002 S8 P0

1.0 Site History

- 1.1 08/02926/1 Change of use of agricultural land to playing fields and associated landscape areas were allowed at appeal, subject to conditions.
- 1.2 10/01497/1 and 17/01810/1 sought the variation of Condition 3 – hours of operation. The former was granted and the latter withdrawn.
- 1.3 12/00359/1DOC and 12/00532/1DOC Conditions 4 and 5, both relating to landscape details, were discharged.
- 1.4 17/02578/1 Variation of applications 12/00359/1DOC and 12/00532/1DOC pursuant to conditions 4 and 5 respectively (landscaping) of appeal decision APP/X1925/A09/2111993. Refused.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations, Saved policies**

Policy 2 – Green Belt

Policy 19 – Historic Parks and Gardens

2.2 **National Planning Policy Framework**

Section 2 - Achieving sustainable development

Section 4 – Decision-making

Section 8 – Promoting healthy and safe communities

Section 13 – Protecting Green Belt land

Section 16 – Conserving and enhancing the historic environment.

2.3 **North Hertfordshire District Local Plan 2011 – 2031 Submission Local Plan, Modifications Report**

Policy SP5 – Countryside and Green Belt

Policy HE2 – Heritage at risk

3.0 **Representations**

3.1 Hertfordshire Gardens Trust –“We have discussed these proposals with Luton Borough Council in detail and are happy with the design of the fencing.

However we do have some serious concerns.

1. We requested the removal of the bunding along the east side of Area B if there was to be fencing installed as there is no need for both. The fencing or bunding in this location would be needed only if the land between the cricket ground and the Home Farm complex is to be restored to pasture. There is nothing within this application to confirm the intention (indicated merely on the plans) or time scale. We would object to crops being planted in this area as it needs to be a green sward to retain some integrity as a Registered parkland.
2. The cricket wicket is visually intrusive and we discussed with LBC the importance of putting a time limit on its use and that regular reviews of the use of this area as a cricket pitch be done. Once it is not in use then we would want the ground re-instated to parkland.

We understand from LBC that recently planted trees along the perimeter and the former field boundary across the site which have died are to be replaced and we are happy with their proposals for that.

We would therefore propose that if NHDC were to give permission for the proposals in this application, conditions be put on the installation of fencing along the east side of Area A so that bunding is removed beforehand and that assurances are given of the use of the land to the east of that current bunding; and that the cricket wicket has temporary permission to be reviewed at intervals.”

With regard to further consultation and clarification

“Thank you for sending through your suggested conditions for approval of the application. As these are those HGT (me) and Luton BC (Juliana) verbally agreed, I am very happy with them and would expect the applicants to be anticipating them.”

3.2 Offley Parish Council – “We are surprised that this application is even being considered.
I believe that the area is in a conservation area with listed historic gardens and green belt.
There are historic trees all around the ground?
The previous planning conditions have already been breached.
I have heard nothing regarding my mail on the 26/6/18 asking for the unauthorised artificial cricket wicket to be investigated.
We object to the addition of bunding and fencing in this open space.
We therefore ask that this application is declined until the planning breaches have been actioned.”

3.3 Local Residents/Site notice – the occupier of West Lodge objects for the following reason:
“The artificial cricket pitch has already been rejected as part of a previous application so hopefully this will be rejected along with the bund which spoils the previous natural look of the fields.”

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The application site lies within the registered Historic Park and Garden of the Putteridge Bury Estate and relates to outdoor sports facilities serving Putteridge High School. The site also lies within the Green Belt.

4.2 **Proposal**

4.2.3 The proposed work relates to a planning permission for use of land as a school sports field, allowed at appeal under planning ref: 08/02926/1. The Inspector granted permission subject to conditions which include approval of landscaping (Conditions 4 and 5). Landscaping details were submitted and approved in 2012. Then in 2017 a further application was received to amend the landscaping scheme, which was refused. Unfortunately, some of the work has now been implemented not in accordance with the approved scheme. This application seeks to regularise the situation and follows a meeting and discussion with the applicant and Hertfordshire Gardens Trust.

4.2.4 The work is required for the health and safety of the pupils of Putteridge High School. This application specifically relates to the east boundary treatment of the cricket pitch with the adjacent field; the surface material of the wicket; a fence around a pond and bunding to the field edge.

4.2.5 The east boundary of the cricket pitch currently has a post and rail fence and a bund. This bund has been omitted from the proposed drawings. The fence is to be retained. There is a catchment pond to the west of the cricket pitch and it is proposed to erect a post and rail fence around it. Bunding is proposed to the east boundary of an adjacent agricultural field, on the inside of an existing post and rail fence.

4.3 Key Issues

The key planning consideration relates to the effect of the changes to the landscaping on:

- ☐ the appearance and character of the Historic Park and Garden setting and;
- ☐ the openness of the Green Belt.

4.3.1 Historic Park and Garden

Putteridge Bury is a grade II historic park and garden. It is an early C20 country house and gardens largely laid out by Edwin Lutyens and Gertrude Jekyll, surrounded by C18/C19 parkland. It reaches up to the built boundary of Luton and to the boundary of Putteridge High School. The park, surrounding the house and gardens, is largely laid to arable use with scattered clumps of trees, single trees and woodland. Great Hays Wood is a tree belt that divides the built form of Luton, including Putteridge School, from the Putteridge park, including the sports field.

4.3.2 In the 2010 appeal decision letter, which allowed the land to be used as the school sports field, the Inspector considers that the historic park would benefit from the scheme. *“Moreover, there would be significant benefit from the restoration based on the 1884 planting record, which would eradicate the unacceptable degradation of the Registered Park and Garden to farmland, with its loss of trees and landscape structure over the years.... The proposal would not be out of character with a historic landscape, as many great country estates have, for example, cricket fields, croquet lawns, tennis courts, polo fields, and horse riding or horse racing. The proposal before me would thus be in keeping with the traditions of historic landscape, with its sporting activities as well as its traditional sheep grazing alongside them, and the important improvement of considerable restorative planting, which would bring some of the historic parkland, currently somewhat dead, back to life.”*

4.3.3 The school must consider the health and safety of its pupils. I would consider the use of 1.0 metre high post and rail fencing and bunding would have significantly less effect on the open character of the parkland than many boundary treatments more typically used by schools. However it is considered unnecessary, by The Historic Gardens Trust, to use both fencing and bunding to the east boundary of the cricket pitch. The submitted scheme shows the bunding to be omitted. As the bunding is currently in place I would suggest a condition to secure its removal within 6 months.

4.3.4 There is clearly a health and safety issue with the catchment pond and children. This pond is close to Great Hays Wood and with the woodland as a backdrop, would not cause significant harm to the character of the open parkland.

4.3.5 In the centre of the cricket pitch is, of course, the wicket. The Historic Gardens Trust considers the artificial surface to be harmful to the character of the park, but feels it to be acceptable on a temporary basis only. A temporary 5 year condition is therefore suggested for this part of the scheme. It is envisaged that if and when the land is no longer used for cricket, the artificial surface should be removed.

4.3.6 **I, therefore, consider that subject to the conditions below, the proposed amended scheme would not cause significant harm to the Registered Historic Park and Garden and permission should be granted.**

4.3.7 Green Belt

The proposed sports field was not considered to have an adverse effect on the openness of the Green Belt by the Inspector or the Council during the consideration of the initial application 08/02926/1. I do not consider this amended proposal would cause any harm to the openness of the Green Belt either.

4.3.8 Other Matters

There seems to be some confusion on the part of the Parish Council about the designation of the land. I can confirm that it does **not** lie within a Conservation Area.

4.3.9 Some trees planted with the original scheme for the sports field, have died or suffered during the dry summer. The approved plant maintenance programme has not been fully implemented. Negotiations have taken place and the applicant has agreed to replant and maintain properly. This is not a matter for this application, but if need be could be enforced under the original planning permission.

4.4 **Conclusion**

4.4.1 The proposed amended landscaping would not cause harm to either the setting of the Registered Historic Park and Garden or the Green Belt. This is subject to a condition requiring the removal of the bunding to the east boundary to the cricket pitch and the removal of the artificial surface of the wicket pitch within 5 years. There are, therefore, no sustainable planning objections to raise to the proposal.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

N/A

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions.

1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

2. The use shall not take place on Area A, other than between the hours of 9.00 to 18.00 on Monday to Fridays, and on Area B, other than between the hours of 13.00 to 18.00 on Mondays to Fridays (as shown on drawing no 4554/022A) and not at all on Saturdays, Sundays, or Bank Holidays. The use hereby permitted shall be restricted only for use by Putteridge High School and during term time only.

Reason: To ensure that the residential amenity of nearby residents are safeguarded.

3. The existing bunding to the eastern edge of sports field B shall be removed within 6 months of the date of this decision notice and the land reinstated to its former condition.

Reason: In the interests of the special character of the Registered historic park and the completed scheme.

4. The artificial surface of the cricket wicket shall be removed within 5 years of the date of this decision notice and re-instated with grass unless a prior application for planning permission to extend the time period has first been granted by the Local Planning Authority.

Reason: In the interests of the long term special character of the Registered historic park.

5. All hard and soft landscaping shall be carried out and maintained in accordance with the written planting and maintenance scheme approved under planning reference numbers 12/00359/1DOC and 12/00532/1DOC.

Reason: In the interests of the appearance and setting of the Registered historic park.

6. For the use hereby permitted, access to the application site shall be via the woodland area adjacent to the curtilage of Putteridge High School only with the exception of access for maintenance equipment. No parking shall be permitted on site except for emergency vehicles.

Reason: To ensure that the residential amenity of nearby residents are safeguarded.

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.