



Appeal Decision

Hearing held on 13 September 2022

Site visit made on 13 September 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/Y3615/W/22/3300200

Urn Field, Downside Road, Guilford GU4 8PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dylan Kerai against the decision of Guildford Borough Council.
 - The application Ref 20/P/00825, dated 29 April 2020, was refused by notice dated 2 December 2021.
 - The development proposed is the creation of a floodlit artificial hockey pitch with a 6-lane all weather running track, a football pitch, relocation of cricket nets, extension to sports pavilion balcony and new javelin, discus, shot put and long jump area alongside the creation of a new store building and additional on-site car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a floodlit artificial hockey pitch with a 6-lane all weather running track, a football pitch, relocation of cricket nets, extension to sports pavilion balcony and new javelin, discus, shot put and long jump area alongside the creation of a new store building and additional on-site car parking at Urn Field, Guilford, GU4 8PH in accordance with the terms of the application, Ref 20/P/00825, dated 29 April 2020, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Dylan Kerai against Guildford Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the Surrey Hills Area of Outstanding Natural Beauty (AONB) and on the provision of education and community facilities.

Reasons

Surrey Hills Area of Outstanding Natural Beauty

4. The appeal site is within the AONB. The special qualities of the AONB include its hills and valleys, traditional mixed farming, patchwork of chalk grassland and heathland, sunken lanes, picturesque villages and market towns. Dark skies also make an important contribution to the landscape.

5. The National Planning Policy Framework (2021) (the Framework) requires that I give great weight to conserving and enhancing landscape and scenic beauty in this area and it has the highest status of protection in relation to these issues. These requirements are broadly echoed by Policy P1 of the Guildford Borough Local Plan: strategy and sites 2015-2034 (2019) (Local Plan) and Policy P1 of the Surrey Hills Management Plan (2020-2025) (SHMP). Policy P2 of the SHMP requires that in remoter locations, with darker skies, development proposals causing light pollution will be resisted, amongst other things. Policy P1 of the Local Plan also requires assessment against this SHMP.
6. The appeal site is in use as a sports facility for Tormead School, Guildford County School and the wider community. It includes a grass track, football pitch, rugby pitch and cricket pitch, and area for shot put which is bounded by poles, a pavilion building and hardstanding currently in use as overflow parking. It is outside but close to the boundary between the urban area of Guildford and the countryside beyond and is mainly open, grassed land. This semi-natural grassland appearance makes a positive contribution to the landscape and scenic beauty of the AONB.
7. The site is at the end of Downside Road and Little Warren Close. These are residential roads with domestic and street lighting. There is also lighting on site with the car park and part of the grounds illuminated by lighting on the pavilion. The wider countryside is generally unlit, although in the other direction the lighting of Guildford forms a well lit background. Due to its existing lighting and position close to the urban edge of Guildford the site is not a more remote location with darker skies. As such the contribution that this site makes to the experience of dark skies within the AONB is modest.
8. The proposed development would include hard surfacing of the running track and hockey pitch, some changes to land levels as well as the introduction of 8 retractable floodlights, amongst other things. Due to the scale of the development and the context and use of the existing land, the development is not major development within the AONB for the purposes of the Framework.
9. The floodlights are intended to illuminate the hockey pitch and are designed, orientated and angled to direct light towards this area. They would be fitted with light spill louvres to point light in the downwards direction. I am not provided with evidence as to whether the lighting would meet the standards for natural surroundings recommended for AONBs as set out in the ILP¹ Guidance Notes for the reduction of obtrusive light. However, the Landscape and Visual Appraisal demonstrates that from the three important viewpoints shown, the proposed louvres, angle of lighting, topography and surrounding vegetation would mean that any 'glow' from the lighting would be limited. I have no substantive evidence that persuades me that the methodology used is not sound. In wider perspectives from and towards the AONB the illuminated pitch and any glow associated with this, generally, would not be visible.
10. Nevertheless, when in use, the structures of the floodlights would be visible, particularly in views from Merrow Downs, within the AONB. The introduction of manmade structures, at a substantial height, which include light sources that would make them appear prominent would be harmful to the natural qualities and scenic beauty of the Merrow Downs area of the AONB.

¹ Institute of Lighting Professionals

11. The lights are retractable and therefore would only be visible when in use. The hours of use are limited to 7.30am-8pm, Monday- Saturday and for 5 months of the year only, during the winter. Furthermore, the lighting would only be required to be used in hours of darkness, when use of the countryside areas within the AONB are less likely. As such their visibility would be highly time limited. Therefore, the duration of the harmful effects identified above would be minimal.
12. Taking all the above into account the proposed development would be harmful to the landscape and scenic beauty of the AONB. However, this harm would be to a small area for a restricted amount of time. Therefore, the extent of the harm would be limited.
13. Nevertheless, in this respect, it would be contrary to Policy P1 of the Local Plan, paragraph 176 of the Framework and the advice in the SHMP, the aims of which are set out above.

Education and Community facilities

14. The Framework requires that I give great weight to the need to create, expand or alter schools. This approach is also supported by the Policy Statement - Planning for Schools Development (August 2011) and Policy CF4 of the Guildford Borough Local Plan 2003 (Saved Local Plan) which is supportive of the expansion of schools provided they meet certain criteria including their effect on the character and appearance of the surrounding area. Furthermore, the Framework seeks to plan positively for the provision of community facilities including sports venues and Policy R6 of the Saved Local Plan supports the increased use of recreational facilities through the introduction of floodlights where the visual impact is acceptable.
15. The proposed development would provide sports facilities for pupils at Tormead school (an independent girl's day school), Guildford County school (a mixed comprehensive secondary school) and for community use. Involvement in sport has significant physical benefits such as helping to tackle obesity. As well as important mental health benefits such as improving behaviour, building characteristics such as resilience and values including fair play, tackling loneliness, improving self esteem and has links with lower levels of anxiety and depression. The benefits of sport, in particular for young people, are supported by The Department for Education's 'School Sport Activity Plan' (July 2019), and Sport England's Guidance 'Planning for Sport'. It is also recognised in the Framework which seeks to enable and support healthy lifestyles.
16. The schools do not have access to their own hockey pitch suitable for matches. Currently they use other facilities in the surrounding area including existing pitches at Surrey Sports Park and Guildford Spectrum which have been brought to my attention. There is dispute about the availability of these pitches, although one pitch is being resurfaced as a football pitch and is therefore no longer available. Notwithstanding this, the use of other pitches has implications such as safeguarding, cost and the time taken to travel to them and expense associated with this. Even if they were available this is a sub-optimal arrangement as their use is less convenient than having facilities that are managed by the schools.
17. The schools have access to existing facilities for tennis and netball. At Guildford County there is an U11 sized grass football pitch and a Multi Use Games Area

(MUGA) which is not full pitch sized. In addition, Tormead has planning permission for additional facilities including a MUGA, 50m running track and shot put area. Whilst it has been made clear to me that there is no intention to implement this permission, I am not presented with any mechanism to secure that this would not take place. Nevertheless, this would not provide a full size hockey pitch which is therefore a significant difference between that scheme and the appeal proposal.

18. It is likely that the current arrangement to hire facilities elsewhere could continue, along with use of the existing facilities. However, the problems with this arrangement are set out above. Therefore, the schools have identified a need to expand through the provision of the proposed works. The proposed development would therefore be an improvement to the existing situation and would enable more pupils to play a wider variety of sport, for longer. It would be particularly beneficial in expanding the provision for hockey.
19. The site would also be available for community use, and a condition has been recommended to secure the details of this arrangement. Guildford Hockey Club have outlined benefits of a pitch in this location including increased capacity which would assist with high demand and a busy youth section and reduced travel distances for their members.
20. As such the proposed development would have a positive benefit to educational and community facilities. Given the number of people who would use this site along with the existence of other, albeit less suitable, facilities, the benefits in enabling greater participation in hockey would be significant but less so in respect of other sports. However, because of the harm to the character and appearance of the area identified above, the proposed development does not accord with Policies CF4 and R6 of the Saved Local Plan. Nevertheless, it would be in accordance with paragraph 95 a) and 93 a) of the Framework, the aims of which are set out above.

Other Matters

Green Belt

21. The site is within the Green Belt where the construction of new buildings is inappropriate. Paragraph 149 b) of the Framework provides an exception to this for the provision of appropriate facilities for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
22. As set out elsewhere in this report, the development would improve facilities on an existing sports ground and these are appropriate facilities for outdoor sport. The scale of the physical structures would be minimal and, taking into account the existing buildings that would be removed and the use of the land, consequently this would preserve the visual and spatial openness of the Green Belt. For the same reasons the development would not conflict with any of the purposes of the Green Belt. As such the proposal would not be inappropriate development in the Green Belt.

Biodiversity

23. I have been presented with detailed evidence in the form of a Preliminary Ecological Assessment and subsequent bat and badger surveys. These provide a suitable level of detail on which to assess whether there is a reasonable

likelihood that species are present. The site has a low potential to support notable invertebrates, moderate potential to support dormouse and foraging and commuting bats but low potential for roosting bats, and high potential to support badgers and breeding birds. The woodland edge is identified as important as a foraging resource and commuting route for bats.

24. With respect to bats a condition requiring a Sensitive Lighting Management Plan is recommended which would secure low levels of lighting close to woodland edges, amongst other things. This should seek to achieve the light levels of 1 lux or below at the woodland edge and other foraging commuting corridors across the site as requested by Surrey Wildlife Trust. Nevertheless, the light levels to the woodland are very low and, whilst there is a discrepancy between the type of luminaire recommended in the Bat Survey and that proposed in the External Lighting Report, the other recommendations can be followed. I am therefore satisfied that there would not be an unacceptable effect on bats as a result of these proposals.
25. The proposed development also includes the removal of an area of woodland. This has the potential to disturb dormice, therefore measures to protect this species should be secured by condition. Works should also take place outside of nesting bird season and again this would be secured by condition. A condition is also required to ensure the mitigation measures to protect badgers are implemented. Subject to these conditions the proposed development would not have a harmful effect on these species.
26. Policy ID4 of the Local Plan also requires that development should result in gains to biodiversity. Wildlife friendly planting, bird and bat boxes and invertebrate features have been proposed and I am satisfied that this detail could be provided in a Landscape and Ecology Management Plan which would be secured via condition. However, as the detail is yet to be secured the extent of any benefit in this regard is unknown.

Living Conditions

27. The cricket nets would be relocated close to residential properties at the end of Downside Road and Little Warren Close. However, the site is currently used as a sports field and therefore similar noise close to these properties already exists. Consequently, cricket nets in this location would be unlikely to unacceptably increase the noise disturbance to nearby properties.
28. There may be increased noise and disturbance during construction, however these impacts would be temporary. Furthermore, a Construction Transport Management Plan would be secured via condition and this would minimise inconvenience on the roads.

Parking

29. The proposed development would increase the amount of parking available on site. This is likely to be adequate for the requirements. In any case I am satisfied that any limited overspill parking that did occur could be accommodated on the nearby roads without harm to highway safety or the operation of the highway network. There would also be minor benefits associated with the provision of cycle parking.

Other

30. My attention is drawn to an appeal decision at Land between Smugglers Way and Merlins². This relates to a single dwelling and therefore is notably different to the appeal before me now. Nevertheless, similar to that Inspector, I have fully considered the position in relation to an extant permission, in this case at Tormead School.

Planning Balance

31. Due to the harm to the character and appearance of the area as set out above, the proposed development would not comply with the development plan as a whole. Whilst the extent of the harm is limited, nevertheless I give great weight to conserving and enhancing landscape and scenic beauty in this area.

32. On the other hand, the appeal scheme would provide benefits in terms of providing a community facility and widening choice in education. The proposed new facilities would provide important physical and mental health benefits especially for young people and girls which would align with the aims of the Framework to enable and support healthy lifestyles. I give great weight to the need to expand or alter schools. There are also other minor benefits with regard to the promotion of sustainable modes of transport through the provision of cycle parking, and benefits to biodiversity through the LEMP although, as the detail is yet to be secured, this benefit is limited at this stage.

33. I have taken into account the important benefits to the schools' pupils and the wider community, as well as the limited harm to the AONB, and the weight that must be attached to each. In this case therefore I find that these considerations indicate that the benefits of the development outweigh the harm, and therefore that the appeal should be allowed.

Conditions

34. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.

35. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.

36. Positively worded conditions requiring payment of money should not be used. As such, although I have retained the need for before and after construction condition surveys of the highway, I have removed the wording for commitment to fund the repair of any damage. Conditions requiring these surveys, the submission of a construction transport management plan (CTMP) and travel plan (TP), implementation and retention of the vehicle access, car parking and cycle parking are required in the interests of highway safety, to ensure an appropriate level of cycle parking and for the surveys, CMP and TP to avoid inconvenience to highway users. The CTMP is pre commencement as the measures are required for the full duration of the works.

² APP/Y3615/W/21/3286229

37. The floodlights must be carried out in accordance with the lighting report and only at specified times for the reasons set out above. Conditions requiring the mitigation and enhancement measures set out in the Preliminary Ecological Assessment, Bat Report and Badger Report, the submission of a sensitive lighting management plan and a LEMP are set out above. Compliance with the Arboricultural Impact Assessment is also needed in the interests of biodiversity and character and appearance. The LEMP is required to be pre commencement as these measures are required for the full duration of the works.
38. Details of hard and soft landscaping, implementation and its maintenance are necessary in the interests of the character and appearance of the area. A condition requiring detailed archaeological monitoring is needed to ensure that any archaeological evidence discovered during ground works is adequately recorded. This is a pre commencement condition as the measures are required for the full duration of the works. A community use agreement must also be submitted for the reasons set out above.
39. Details of a surface water drainage scheme and a report verifying its construction and implementation in accordance with the sustainable drainage scheme are necessary to ensure that the development does not increase flood risk on or off site. This is a pre commencement condition as the measures are needed for the full duration of the works.

Conclusion

40. For the reasons given I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1908_001; 1908_030; 1908_008; 06; 1908_025; 1908_026; 1908_040; 1908_003 REV A; 1908_004 REV B; 1908_007 REV A; 1908_002 REV E
- 3) Prior to the commencement of development, a Construction Transport Management Plan, to include details of:
 - i) parking for vehicles of site personnel, operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials
 - iv) measures to prevent the deposit of materials on the highway
 - v) a specific plan for HGV movements to and from the site, including site layout to segregate areas for pupils and other site users from HGV traffic, times of movements (including any times where HGV movements shall not take place) and ensuring contractors do not permit any HGVs associated with the development at the site to be laid up, waiting, in Downside Avenue during these times.

shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

- 4) Prior to the commencement of development a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
 - i) description and evaluation of features to be managed;
 - ii) ecological trends and constraints on site that might influence management;
 - iii) aims and objectives of management;
 - iv) appropriate management options for achieving aims and objectives;
 - v) prescriptions for management actions, together with a plan of management compartments;
 - vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - vii) details of the body or organisation responsible for implementation of the plan;
 - viii) ongoing monitoring and remedial measures.
 - ix) a method of works strategy for the loss of woodland with regard to the effect on dormice, including a watching brief by a suitably qualified ecologist
 - x) detail of the method and timing of tree removal with regard to the effect on nesting birds

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved development will be implemented in accordance with the approved details.

- 5) Prior to the commencement of development, a written scheme of investigation for a programme of detailed archaeological monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 6) Prior to the commencement of development, details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - i) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated storage volumes shall be provided using an infiltration-based strategy.
 - ii) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - iii) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - iv) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - v) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall thereafter be carried out in accordance with the approved details.

- 7) Prior to the commencement of development, precise details of a hard and soft landscape scheme shall be submitted to and approved in writing by the local planning authority, which shall include details relating to:-
 - i) Proposed earthworks, showing existing and proposed finished levels or contours;
 - ii) The proposed tree and hedgerow / shrub planting including their species, numbers, sizes (age and form) and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);
 - iii) The existing trees and hedgerows to be retained as well as those to be felled;

- iv) The hard landscaping, including hard surface areas for vehicles, means of enclosure/boundary treatments and proposed lighting structures.
- v) particulars of all the materials to be used; including details of the colour of the artificial hockey pitch and running track and all external hard surfaces

The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

- 8) The approved hard and soft landscape scheme shall be implemented by the end of the first planting season following completion of the proposed development and shall thereafter be maintained. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.
- 9) The development hereby permitted shall not be brought into use unless and until before and after construction condition surveys of the highway on Downside Road have been submitted to and approved in writing by the Local Planning Authority.
- 10) The development hereby permitted shall not be brought into use unless and until an updated travel plan has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of measures to promote sustainable modes of transport and provisions for the maintenance, monitoring and review of the impact of the Plan and its further development. The development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall not be brought into use unless and until the proposed vehicular access to Downside Road has been constructed in accordance with the approved plans, Drawing No.1908_040, and thereafter shall be permanently retained for its designated purpose.
- 12) The development hereby permitted shall not be brought into use unless and until the areas shown on Drawing No. 1908_003 REV A, for the parking and turning of vehicles have been laid out and provided. Thereafter the parking and turning areas shall be permanently retained for their designated purposes.
- 13) The development hereby permitted shall not be brought into use unless and until the facilities shown on Drawing No. 1908_003 REV A, for the secure parking of bicycles have been provided and made available for use. Thereafter, these facilities shall be permanently retained for their designated purposes.
- 14) The development hereby permitted shall not be brought into use unless and until the sustainable drainage scheme for the site has been completed in accordance with the submitted details in Pitman Associates Report Project number 0436 and shall be retained in accordance with the details contained within the report.

- 15) The development hereby permitted shall not be brought into use unless and until a schedule of landscape maintenance for a period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.
- 16) The development hereby permitted shall not be brought into use unless and until, a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 17) The development hereby permitted shall not be brought into use unless and until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.
- 18) Prior to the implementation of the floodlights a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of ensuring low levels of lighting close to woodland edges and setting out periods when no external lighting would be in use to protect bats. The development shall thereafter be carried out in accordance with the approved details.
- 19) The development shall be carried out in strict accordance with the submitted Edward Pearce lighting report dated September 2021. The floodlighting shall be installed, maintained and operated in accordance with the approved details.
- 20) The floodlights serving the hockey pitch shall only operate between the hours of 07:30 to 20:00 Mondays to Saturdays (inclusive) and shall not operate at all on Sundays or Bank or National Holidays. The floodlights shall not operate between 1st April and 31st October (inclusive). Furthermore, when not in operation the floodlights shall be fully retracted.
- 21) The development shall be carried out in strict accordance with the Dryad Arboricultural Impact Assessment and Method Statement Ref No: D2670.AIA.AMS. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit. The fencing shall be maintained in accordance with the approved details, until

all equipment, machinery and surplus materials have been moved from the site.

- 22) The development hereby permitted shall be carried out in accordance with the mitigation enhancements sections detailed in the submitted Greengage Bat Survey Report December 2019
- 23) The development hereby permitted shall be carried out in accordance with the Discussion and Recommendations and the Enhancements and Recommendations sections within the Greengage Preliminary Ecological Appraisal dated December 2019; and Badger Survey Report dated January 2020.

APPEARANCES

FOR THE APPELLANT:

Victoria Hutton – 39 Essex Chambers
Matt Hill – Maddox Planning
Sara Boland – Influence Landscape Architects
Morgan Taylor – Greengage Environmental
Gillian Rodgers – Tormead School
Steve Smith – Guildford County
Dan Fox – Guildford Hockey Club

FOR THE LOCAL PLANNING AUTHORITY:

Chris Ward
Keiran Cuthbert

INTERESTED PARTIES:

Rob Fairbanks – Surrey Hills AONB
Sophie Thorp
Andrew Strawson – Merrow Road Residents Association
Cllr Ramsey Nagaty – Shalford Ward Councillor
Katherine Atkinson
Charles Wilce
Emma Shaw

EVIDENCE

DOCUMENTS

Appeal decision: APP/Y3615/W/21/3286229