



Appeal Decision

Hearing on the 23 August 2005

by **J S Nixon** BSc(Hons) DipTE CEng MICE MRTPI MIHT

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

21 SEP 2005

Appeal Ref: APP/Q0505/A/04/1157564

Site Address: Perse School Playing Fields, Latham Close, Cambridge, CB2 2EL

- 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 the Perse School for Girls against the decision of Cambridge City Council.
- The application (Ref No: C/04/0271/FP), dated the 13 March 2004, was refused by notice dated the 11 May 2004.
- The development proposed is for floodlighting to an all weather sports pitch.

Summary of Decision: The appeal is dismissed.

Policy Framework

1. I am obliged to determine this appeal in accordance with the provisions of the Development Plan, unless the material considerations indicate otherwise. In this case, my attention is drawn to policies within the Cambridgeshire and Peterborough Structure Plan 2003 (SP), the Cambridge Local Plan 1996 (LP) and the Cambridge Green Belt Local Plan (GBLP) adopted in August 1992. In addition, the Council's Supplementary Planning Guidance entitled "*Southacre Conservation Area Appraisal*" is prayed in aid.
2. There is no dispute that the appeal site lies within the adopted Cambridge Green Belt and within the designated Southacre Conservation Area. As such, a raft of policies evinced by the Development Plan looks to safeguard the openness of the Green Belt by resisting inappropriate development and limiting new development to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area. In general, I find these policies rest comfortably alongside Government guidance issued in Planning Policy Guidance Note 2: Green Belts (PPG2).
3. Turning to the Conservation Area designation, policies in the SP and LP are intended to resist development that would fail to preserve or enhance the character or appearance of the designated area. Once again, this is in conformity with Government guidance delivered by PPG15: Planning and the Historic Environment. From the wider perspective, LP Policy NE3 looks to protect the setting and special character of Cambridge and Policy NE5 seeks to resist proposals that would adversely affect the open character of structurally important open spaces or detract from their relationship to the adjoining built-up area.
4. In considering the appeal proposals against the background of these policies, I have been mindful that there is an over arching desire evinced through published local and national guidance and in particular PPG17: Planning for Open Space, Sport and Recreation to encourage opportunities to improve the value of existing facilities and look to modernise

essential facilities for outdoor sports and recreation. As I see it, this advice also pertains to Green Belt locations, where the openness of the Green Belt can be maintained.

Main Issues

5. Having regard to the prevailing planning policies, my inspection of the site and surroundings and the evidence presented in discussion at the hearing, I consider that the main issues to be decided in this appeal are first, the implications of the proposals for the aims and objectives of Green Belt policy; secondly, the effect on the character and appearance of the Southacre Conservation Area; and finally, the impact on the reasonable expectations of local residents, with particular reference to outlook, noise and disturbance.

Inspector's Reasons

Overview

6. It was accepted by all that sport and recreation and the opportunity for exercise they deliver are high on the list of Government priorities. Evidence to this effect was presented on behalf of the School (Documents 8 and 9) and, of course, support for this is contained in PPG17. I was also advised of local initiatives and encouragement in this context. As such, making better and more efficient use of the existing facility at the Perse Girls School Playing Fields presents a strong argument in favour of allowing this appeal.
7. Next, there is agreement between the parties that the lighting system proposed and levels of illumination are both those that are necessary and the best that can be achieved. With one reservation, I see no reason to disagree and accept that the levels of light spillage beyond the confines of the all weather pitch would not be inordinate. The reservation I have pertains to the potential for minimising the visual intrusion of the stanchions when not in use, especially during the summer. However, fully demountable and/or rise and fall lights do not form a part of the proposals that are before me or are something that I am sure would be practical and/or viable. Accordingly, and faced with the Council's 'agreement' it is not something I pursued.

Implications for the Green Belt

8. The use of land within the Green Belt for sport or recreational purposes is included in a list of development that is judged not inappropriate. In addition, essential facilities that are genuinely required in connection with such uses can be acceptable. It is in the application of the 'definition' of essential that the parties diverge. On the School's behalf, it is contended that the floodlighting is essential and genuinely necessary to make the best use of a facility already granted planning permission and should be viewed in a similar way to unobtrusive spectator accommodation identified as acceptable in PPG2.
9. From the Council's and resident's perspectives, they view the proposed floodlighting as desirable, even highly desirable, but not essential in the terms necessary to satisfy policy or published guidance. In support of this argument, a survey (Document 12) undertaken by local residents in January/February 2005 was submitted. This shows very limited use of the all weather playing facilities during daylight hours. As a consequence, it is contended that better planning and organisation of the school curriculum would allow all the activity necessary for the girls to be confined to the hours of natural daylight, even during the winter months. Moreover, it is submitted that the floodlighting cannot be seen as essential, even by

the School, as despite being advised by Council Officers that this particular aspect was unlikely to receive approval, the School's application to upgrade the playing fields and the pavilion was pursued without the proposed floodlighting.

10. For my part, I accept many of the School's arguments that its curriculum is formulated primarily around high academic attainment and that the experience of the School is that more favourable attention to this is gained during the morning periods. As such, I acknowledge the curriculum needs for sport should be concentrated primarily into the afternoons and the extra curricula activities such as sports clubs and school matches undertaken outside normal school hours. Both would be helped appreciably by the addition of floodlighting extending the hours the facilities are available.
11. Having said this, from the information available I agree with the Council that the necessary curriculum activity could be accommodated within school hours, with some reorganisation of the timetable and greater restriction on external use. However, I appreciate that the School does and should want to offer opportunities above the minimum and that events such as inter-school matches represent a statement of their efforts and can contribute to School pride and general well-being. It seems to me, therefore, that it is the essential nature of the extra curricula activity that is crucial. In this context, I look at the advantage that would be delivered by the introduction of the proposed floodlights.
12. On behalf of the school it is submitted that the period between half-term in the autumn through winter to half-term in the spring would be the period when the floodlights would be necessary and only to a time of 1830 or 1900 hours. Even then, from the draft timetable for the coming academic year ^(Document 13), the school matches appear to be accommodated satisfactorily by playing some on Saturday mornings and others away during the winter months, with the reciprocal fixture being played at home during the months with longer daylight hours. As for the clubs and extra over training for school teams etc I looked to attach weight to this argument. However, I found it extremely difficult to do so from the limited evidence presented that establishes any formalised or cogent programme.
13. In my assessment, I have allowed weight on the basis of the School's submission that use of floodlit facilities at the Leys Boys School, that had hitherto taken place in out of school hours on their floodlit pitch, is a facility that has recently been withdrawn due to over-use of the pitches. Nevertheless, there was no objective evidence that other opportunities and locations had been investigated to ascertain their availability. Whereas there was an articulate submission on behalf of the School in this regard, I do not feel that it was presented in any objective or persuasive manner that elevates the need for the lights above the highly desirable to the essential and necessary. In saying this, I can recognise the sense of frustration there must be having spent substantial sums on the playing fields and not being able to use them to their full potential.
14. On balance, therefore, I am more inclined to the Council's view that the proposals are highly desirable, but not essential in meeting the obligations of the National Curriculum or in fulfilling the extra curricula activities identified.
15. Turning now to consider the harm, it is fair to say that, in my experience, the Green Belt around Cambridge is somewhat unusual. Nevertheless, it has been confirmed and supported at subsequent examinations and inquiries that its relatively narrow fingers, penetrating close to the City Centre, should be retained within the designation along with the aims and

objectives that imposes. Around the appeal site, this can be seen to incorporate a very narrow corridor to the northeast and east and a none too wide finger straddling the River Cam to the northwest. The appeal site itself lies in this latter sector and, of course, forms the edge of the Green Belt and includes a partial re-entrant into the built-up area of Southacre. As such, I see its openness as being particularly important and potentially vulnerable to development and erosion by urban influences.

16. In the case of the appeal site, I am ever mindful that it lies within the Green Belt, where it already has a designated sports use. This use is very long standing and in policy terms is not inappropriate in this location. Moreover, even with the latest scheme for upgrading the facilities with the all-weather surface, the surrounding chain-link fencing and the new pavilion it somehow still rests comfortably in its location and maintains a distinct degree of openness. With the proposed floodlighting and stanchions however, I have mixed feelings. Walking around the appeal site and looking from vantage points both near and more distant, I find it difficult to envisage how much of the stanchions and lights could be seen during daylight hours. On the basis that the appeal site is on gradually rising land from the River Cam, I have little doubt that they would be seen from some locations, although the extent of the adverse effect on openness they would have seems highly debatable allowing for the natural vegetation and trees around the appeal site.
17. In my view, the times when the floodlights would be in operation present an entirely different perspective and well beyond any similarity I can see with small scale spectator facilities. During the winter period, there would be no leaves on the many deciduous trees in the vicinity. Most importantly, the actual light source and 'block' of light delivered to the all-weather surface would inevitably extend an urban perception into the Green Belt for the periods involved. Although the School activities identified during the hearing would certainly not appear to fill all the evening periods when floodlighting would be required, I have little doubt that the activities would extend to the maximum allowable under the conditions attached to any planning permission for their use.
18. This is not intended to imply criticism, but merely to accept the reality of the situation. There is no restriction on the use of the sports facilities by persons and organisations out with the school and it is sensible to make the best use of expensive facilities that are available. Accordingly, I anticipate that for 3 to 3½-hours of each day between Monday and Friday during a 4+ month winter period the floodlights would be in use. In my view, and although I was not able to establish a zone of visual influence, I foresee that the introduction of a greatly urbanising feature would harm the openness of the Green Belt. I say this even though some of the public and semi-public vantage points from which the appeal site would be viewed would be far less likely to be used during the hours of darkness.
19. In summary on this issue, I consider that the proposal constitutes an inappropriate form of development in the Green Belt and one that would harm its aims and objectives and threaten its main attribute of openness. Moreover, I am not satisfied that the evidence presented constitutes the very special circumstances necessary to outweigh the presumption against inappropriate development in Green Belt locations.

The Effect on the Southacre Conservation Area

20. The Southacre Conservation Area has been the subject of an appraisal ^(Document 11) published in February 2000. This document identifies the key elements that define its special character

and within its aims and objectives seeks to ensure that future development protects the positive features of the area. Insofar as the special character of the area is concerned, I agree that it projects a strong rural feel, with a quiet and peaceful atmosphere. Most particularly in the context of the appeal proposals, the level of lighting both within the Conservation Area itself and perceived from external vantage points is extremely low key.

21. Against this background, I anticipate that the appeal proposals would conflict materially with this perception and, thereby, harm the character and appearance of the Conservation Area. While one might argue that the lighting stanchions and lights are individually of no great mass, they would be visually alien alongside existing features, including those delivering lighting to the surrounding area. When illuminated, albeit only for 3 to 4-hours on weekdays, this would introduce a major intrusion into the rural and semi-rural feel. In my opinion, this could not be judged to preserve some important elements of the Conservation Area's make-up.
22. Once again, I had some difficulty in anticipating the effect the proposals would have on the views into the Conservation Area either during daylight hours or when the floodlighting was in use. Clearly at times when the lights are in use the foliage on the trees would be considerably less. As such, I foresee that the block of light would be seen from some external vantage points from where the public have access. As I concluded in the context of the Green Belt, the weight I afford these external views is tempered by the belief that the public are less likely to be abroad during those hours when the lights are in operation. Nevertheless, it does lend support to the main objection on this ground and there was no objective evidence to demonstrate that the lighting would not be seen.
23. An additional concern I have for the effect of the proposals on the continued well-being of the Conservation Area pertains to the increased activity in the area during the hours of darkness. As noted, the levels of street lighting and the lighting of footways/cycleways serving the playing fields are extremely low key. Although parents are, in the main, expected to collect children after evening clubs and matches, this clearly cannot always be the case. Even if it were, I see there being considerable pressure for improved lighting in the area so that pick-ups can be effected safely and that those children walking back to school accompanied or unaccompanied would be able to do so with a reasonable level of lighting. Although it might not be considered necessary today, I have little doubt that those responsible for Health and Safety would require improvements to the lighting before an unfortunate accident occurs. I anticipate that this would lead to further and distinct harm to the character and appearance of the Conservation Area.

Neighbour Interests

24. Insofar as neighbours are concerned, there is individual concern that views from particular windows or points in gardens of the lighting stanchions would be intrusive and, when in use the light would materially affect the outlook for residents. For my part, I must first of all state that no one has an inalienable right to an uninterrupted view. In law, it is a matter of fact and degree. In this particular case, however, I do have some sympathy with the local residents.
25. Although the intrusion into their outlook during daylight hours may not be pronounced or inordinate, I believe that to some small extent any sight of the stanchions would run counter to their reasonable expectations. Essentially, this is a Conservation Area defined by the

elements referred to above. As such, their views could reasonably be expected to reflect this and as said, the lighting stanchions would constitute an alien feature in the Conservation Area. As to the level of illumination when in use, again this rests uneasily alongside what might be expected in a conservation area and this one in particular. In saying this, I acknowledge that the actual light spillage into gardens would not be inordinate. In combination, however, I believe these factors register a further modest level of objection to the proposals.

26. As far as noise and disturbance are concerned, the proposals would undoubtedly introduce further activity to the area and this would have some consequences for neighbours. However, my perception of the School's organisation and discipline, confirmed by the responses to resident's concerns so far, do not indicate to me that this would introduce an untenable level of noise and disturbance for residents. I have, therefore, afforded this aspect only very limited weight.

Other Matters

27. A part of the appeal site lies within an Area of Best Landscape defined in the LP. Even so, very little was made of this point by the Council and I agree that on the very fringe of the designation there is a reasonable argument to say that less weight should be attached to any visual intrusion. The appeal site is not included in any of the City views defined within the LP for protection. Accordingly, I have attributed no negative weight to this factor.
28. Moving on to traffic and parking, there is an almost inevitable area of tension between those dropping off or collecting children and the local residents. In the organisation that pertains today, there is clearly an appreciation on behalf of the School of this difficulty and the residents seem to accept that the School is doing as much as it can. I have no reason to believe that this would not continue were the floodlights installed and later hours of operation during the winter months follow.
29. Having said this, the off-road parking associated with the playing fields is fairly limited and I have little doubt that many parents would park on Latham Road and in Latham Close. Both are relatively narrow and poorly lit and, thus, I would expect that parking on the grass verges would become more of a feature than it has in the past. Moreover, it is clear that with the loss of the facility at Leys School, there will be greater use of the playing fields, irrespective of whether the floodlights are introduced or not. A final point to enter into the equation is that both Latham Road and Latham Close are unadopted private roads. For this reason, the Highway Authority has very restricted scope of action in the event problems ensue.
30. For my part, I view the level of off-street parking provided not as a consequence of the proposed floodlight scheme, but more a function of the upgrade to the sporting facilities and the erection of the new pavilion, both of which were granted planning permission sometime ago. Even without lighting, during the days with longer hours of light there is likely to be additional activity and the occasional breach of common sense. However, the roads are very narrow and, thus, drivers are likely to take greater care. Although I can see the possibility of tension between parents and residents, I have not seen this as a determining issue in the specific context of the appeal proposals. My main concern from the extended hours of use would be the pressure I anticipate for improved lighting and the effect this would have on the presentation of the Conservation Area.

Summary and Conclusion

31. At the outset, I recognise that there is very strong support for making the best use of existing sporting facilities and extending the opportunity available to children of all ages for exercise and recreation. I agree also that in technical terms the level of illumination necessary is delivered in the most efficient way possible and minimises the spillage. As noted above, I believe that more might be done to reduce the visual impact of the stanchions and lights when not in use, but this is not a matter before me or that I believe could be conditioned as part of a planning permission for the appeal scheme. In any event, I have distinct doubts that any such arrangement would overcome the key objections.
32. Against these positive elements, it is necessary for me to weigh in the balance the negative effects of the proposal. As I see it, from the evidence presented to the hearing and objective support for the proposal I conclude that the lights are highly desirable, but not essential facilities for use in conjunction with the playing fields. As such, they must by definition constitute inappropriate development in the Green Belt for which there is a presumption against a grant of planning permission. Had the only objection stemmed from the Green Belt designation then applying proportionately to the effect on the aims and attributes of the Green Belt it might have been possible to demonstrate a stronger need argument based on more detailed curriculum information. However, in the absence of this and greater detail about the out of school clubs etc I have not found the need arguments constitute very special circumstances.
33. Notwithstanding, the strongest argument against the proposals is the harm that I anticipate to the character and appearance of the Southacre Conservation Area. Not only do I believe that this would be substantial and a direct result of the current appeal proposals, I foresee the greater use leading to a further pressure for change in the character through the introduction of additional street/footpath/cycleway lighting for safety reasons. Even taking the most proportionate and optimistic view of the proposals and their impacts I find it impossible to reconcile them with national guidance and local policies contained in the Development Plan, which look to preserve or enhance the character or appearance of the Conservation Area. Moreover, when this is taken in combination with the Green Belt objection and a further modest supporting objection stemming from the likely infringement to the reasonable expectation of neighbours I find the cumulative objection to be overwhelming.
34. I have taken into account all other matters raised in the evidence and representations, but have found nothing of such significance as to outweigh the material planning considerations leading to my conclusion that this appeal should fail.



INSPECTOR