

**Item No. 12****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/11/02984/VOC</b>
<b>LOCATION</b>	<b>Northhill Lower School, Bedford Road, Northhill, Biggleswade, SG18 9AH</b>
<b>PROPOSAL</b>	<b>Variation of Condition: Formation of multi use games area with mesh fencing approved on planning permission MB/05/01313/FULL dated 20 October 2005. Application for removal of condition 4 for development to be used by pupils and staff of the school and variation of condition 5 for hours of use to 9am to 8.30pm Monday to Friday. The multi use games area shall only be used at weekends or public holidays following prior written agreement by the Local Planning Authority.</b>
<b>PARISH</b>	<b>Northhill</b>
<b>WARD</b>	<b>Northhill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>06 September 2011</b>
<b>EXPIRY DATE</b>	<b>01 November 2011</b>
<b>APPLICANT</b>	<b>Northhill VA Lower School</b>
<b>AGENT</b>	<b>Landscape Land and Property</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Assistant Director - Planning, has referred the application to Committee due to the extent of public interest on an application site owned by the Council</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Refused</b>

**Site Location:**

The application site is Northhill Lower School on Bedford Road in Northhill, opposite St Mary's Church on the north side of the road. The main school building is a single storey red brick building within the Northhill Conservation Area. There is a small car-park to the side (west) and the school play ground, Multi-Use Games Area (MUGA) and playing field are to the rear (north), outside the conservation area but still within the Northhill Settlement Envelope.

The general area is residential in character. The cemetery is to the west of the school's site, to the north is open countryside and the eastern boundary of the school site is lined with residential dwellings.

**The Application:**

This application seeks to vary conditions 4 and 5 of a previous application for the erection of a MUGA granted in 2005, (MB/05/01313/FULL). Condition 4 relates to the use of the MUGA for pupils and the staff of Northhill Lower School only, and

Condition 5 relates to the hours of use of the MUGA being restricted to between 08:00 to 17:00, Monday to Friday, and at weekends or public holidays only following prior written agreement by the Local Planning Authority.

This application seeks to remove condition 4 and vary condition 5 to allow the use of the MUGA during the school holidays, evenings and Saturdays until 8.30pm, by residents of the village and the wider community.

The existing MUGA is predominantly an all weather, fenced tennis court which can be used for a range of games including volleyball, football, basketball and tennis. It has a metal framed structure with 3metre chain link fencing enclosing it. The structure has a floor area of 665 sq. metres.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1: Delivering Sustainable Development (2005)

### **Development Management Policies of the Adopted Core Strategy, 2009**

DM3: Amenity

DM4: Development Within and Beyond Settlement Envelopes

### **Regional Spatial Strategy**

East of England Plan (May 2008)

### **Supplementary Planning Guidance**

Design in Central Bedfordshire, Adopted Design Guide, 2010

### **Planning History**

CB/09/05330/FULL	Full: Erection of fitness trail on school playing field. <b>Granted.</b>
MB/08/02296/FULL	Full: Replacement of existing flat-roof bay windows with new pitched-roof bay windows. <b>Granted.</b>
MB/05/01313/FULL	Full: Formation of multi use games area with mesh fencing. <b>Granted.</b>
MB/05/00554/FULL	Full: Formation of all weather Surface multi-use games area with mesh fencing. <b>Refused.</b>
MB/04/01945/FULL	Full: Formation of all weather surface multi-use games area including mesh fencing and floodlighting. <b>Refused.</b>

### **Representations: (Parish & Neighbours)**

Northill Parish Council      Commented that they would like to see evidence of public consultation and if approval is given, the following conditions should be imposed:

- Higher fencing installed to prevent tennis balls going

- into neighbouring gardens;
- An annual limit on the number of lettings outside the current restricted hours.

## Neighbours

13 letters of **objection** have been received. The main grounds of objection are summarised below:

- Increase in traffic as a result of increased use of the MUGA;
- There is not an identified need for the facility;
- The situation hasn't changed since conditions 4 and 5 were imposed on the original application and the same reasoning for these conditions remains;
- The proposal would lead to an application for floodlighting for the MUGA;
- The open accessibility of the MUGA to the general public up to 8.30pm, and all day on Saturdays would will pose an increased security risk;
- The impact of noisy and intrusive team activities;
- Additional noise and disturbance in the evenings and weekends and outside of school hours;
- Loss of privacy outside of school hours;
- Insufficient parking will cause parking problems around the site.

3 letters of **support** have been received. The main reasons for support are summarised below:

- The village needs the facility to help sustain village life;
- This is an opportunity to build sports associations using the school's facilities, bringing in new people, activity and life to the village and hopefully new investment;
- Parents will have the opportunity to play sport with their children;
- Local residents will not have to drive to other facilities;
- Will provide a safe place for children to play within the village;
- It will make sport more attractive and available to the few young people who live in the village;
- Having some limited sports facility within the village will be more environmentally friendly by reason of avoiding the need to use a car to participate in sporting activities;
- It will be in line with the Governments Way4Life initiative that encourages no less than 20 minutes activity per day to reduce obesity;
- Saying yes to this proposal is in line with the Governments proposals to say yes to planning;
- Rejecting the proposal would kill off the spirit of those trying to create another dimension to the community and represent a failure to maximise the value of

existing assets within the community that lies unused for the majority of time.

## **Consultations/Publicity responses**

Highways	No objection.
Public Protection	No objection subject to conditions relating to the hours of use restricted to 8am to 7.30pm only, and only at weekends and public holidays with prior written agreement of the Local Planning Authority, and the submission of a noise management plan.

## **Determining Issues**

The main considerations of the application are:

1. The principle of the development
2. The impact on the character and appearance of the area
3. The impact on the residential amenities of neighbouring properties
4. Any other implications of the proposal

## **Considerations**

### **1. The principle of the development**

The application site lies within the village settlement envelope where Policy DM4 of the Adopted Core Strategy seeks to support schemes for community, education, health and sports and recreation uses or mixed community uses and advises that such development should make the best use of available land and lead to more sustainable communities.

This proposal relates to an existing MUGA which has been in use by the school for the last 5 years, and the application seeks to remove condition 4 to allow the school to be used by all members of the community and to vary condition 5 to extend the hours of use to 20:30 hours in the evening, at weekends and during the school holidays. National Planning Policy in PPS1: Delivering Sustainable Development, and PPS3: Housing, encourages the use of shared community facilities and recognises that there is the potential for greater use of community assets for a wider range of people and at different times.

The proposed rationale behind the proposal to extend the opportunity for use of the facility and for a wider range of people is supported therefore, in both national and local planning policy. The proposal must also accord with Policy DM3 of the Adopted Core Strategy however, which seeks to ensure that the amenity of surrounding properties is respected, the consideration of which is detailed in section 3 of this report.

Whilst this application is to remove and vary conditions of the original permission, in accordance with Section 73 of the Town and Country Planning Act 1990, the Council would be issuing a new planning permission for the

development if this application was approved. As such, it is necessary to consider whether the development itself is acceptable in light of any change of circumstances.

There are no apparent changes in circumstances and in view of the Council's decision to approve the development in the last application, it is considered that the existing MUGA, as it stands presently, remains acceptable.

## **2. The impact on the character and appearance of the area**

The MUGA structure in question has already been erected and this application relates solely to the removal and variation of conditions relating to the use of it. There are no physical alterations or lighting proposed in the current application and thus it is considered that the proposal in this application would have no greater impact in terms of the character and appearance of the area, than there is as existing.

## **3. The impact on the residential amenities of neighbouring properties**

The existing MUGA is sited adjacent to the east side boundary of the school site, and close to the rear boundaries of residential dwellings along Thorncote Road. A 2 metre close boarded fence has been erected along this boundary. The rear gardens of the closest neighbouring properties to the MUGA, No.s 12 Bedford Road and 9 and 11 Thorncote Road are 2metres away. By virtue of the close proximity of the facility to the rear gardens of No.s 12 Bedford Road, 11, 13 and 15 Thorncote Road, there is presently some noise disturbance to these properties, although this is mitigated somewhat by the existing acoustic fence along the boundary.

Conditions 4 and 5 of the original approval (MB/05/02984/VOC), were imposed to protect the residential amenity of occupiers of dwellings adjoining the application site, from the potential noise disturbance that may be caused outside of the approved hours and from the potentially greater intensity of use that could be caused by a wider mix of users of the facility.

Since planning permission was granted and the MUGA erected in 2005, the physical characteristics of the site haven't changed and the relationship, and in particular, the proximity of the development with the neighbours remains the same. The proposal would however result in an intensity of the use of the facility.

Concerns have been raised therefore, in respect of the potential for additional noise disturbance for a longer period of time in the evenings, weekends and during school holidays, should the hours of use be altered. Presently, the hours of use of the MUGA are restricted by a condition imposed on the original permission. The hours of use are for between 08:00 to 17:00, Monday to Friday. The proposal to vary condition 5 to extend the hours of use into the evening until 8.30pm, at the weekend and during school holidays, would extend the existing noise disturbance at times when it is considered reasonable that the occupiers of these properties would expect to have the quiet enjoyment of their property and rear gardens. The Council's Public Protection Officer has not raised an objection subject to restricting the hours of use to those proposed and the submission of a noise management plan to control the type of activities taking

place in the facility after 5pm. Notwithstanding those comments, it is considered that the proposal would result in a greater occurrence of noise disturbance to neighbouring properties to the detriment of their residential amenity, given the close proximity of the adjacent rear gardens. Furthermore, it is considered that even if a noise management was to be submitted, this would not be possible to enforce effectively.

Several other points have been raised concerning privacy, overbearing impact and possible lighting. It is not considered that the proposal would adversely impact upon privacy or result in an overbearing impact, as the structure itself would not be altered. In respect of lighting, no columns are currently proposed.

#### **4. Any other implications of the proposal**

The Highways Officer has confirmed that the proposal would not impact on the highway safety of the local area.

There are no other issues.

#### **Recommendation**

That Planning Permission be **Refused** subject to the following:

- 1 The proposal to remove condition 4 to allow all members of the community to use the facility and vary condition 5, to alter the hours of use from 08:00 to 17:00 hours to 09:00 to 20.30 hours in the evenings and on Saturdays, would result in a greater intensity of use and an extension to the period of noise and disturbance generated by the use which would have an adverse impact on the amenities of occupiers of nearby residential properties. As such, the proposal is contrary to Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

#### **DECISION**

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