

Item No. 10

APPLICATION NUMBER	CB/13/02796/REG3
LOCATION	Land Adjacent To 94, Ampthill Road, Flitwick
PROPOSAL	Flitwick Football Centre - Proposals comprise multiple facilities including; community room, kitchen, small office/reception, toilet facilities and 4 changing rooms. Forming new entrance off Ampthill Road with 33 car parking spaces, with 2 mini buses spaces and 2 disabled parking bays. The erection of a 3m high acoustic fence adjacent to the southern boundary and erection of a 6m high 'ball stop' netting barrier to the northern boundary adjacent to the A507 road.
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Judy Self
DATE REGISTERED	16 August 2013
EXPIRY DATE	15 November 2013
APPLICANT	Facilities and Projects Manager - Central Bedfordshire Council
AGENT	B3 Architects
REASON FOR COMMITTEE TO DETERMINE	Facilities and Projects Manager – Central Bedfordshire Council
RECOMMENDED DECISION	Full Application - Granted

Summary of Recommendation

The proposal would provide an enhanced facility to the community of Flitwick. It would not result in any significant harm to either the character or appearance of the area and there will be no adverse impact on the residential amenity of any neighbouring property by reason of loss of light, privacy or noise and disturbance. Public Protection have not raised any objection to the proposed development. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards. The proposal therefore complies with the National Planning Policy Framework (2012), Policy CS3: CS14: DM3 CS4: DM4: DM14: DM15 of the Core Strategy and Development Management Policies November 2009 and Policy 22: 36: 38: 43: 57: 59 of the draft Development Strategy for Central Bedfordshire.

Site Location and proposal:

The site lies to the north of Flitwick and is adjacent to both Ampthill Road and the A507. The site is located within both open countryside and the South Bedfordshire Green Belt.

Previous planning permission was granted for a pavilion at Flitwick in 2009. The current proposal slightly repositions the building and provides for a slightly different design. The new football pitch facility is a replacement for the existing pitches at the Flitwick Leisure Centre. The proposed building measures 30.7m x 16.8m with height to ridge of 6.4m (max).

The design comprises of a community room, kitchen, small office/reception, toilet facilities and 4 changing rooms. The pavilion offers changing and showering facilities for both players and officials with the size and numbers being based upon the requirement for the pitches shown with additional limited support facilities for the spectators, anticipated to be mainly young player's parents.

It is proposed to erect a 3m high acoustic fence adjacent to the southern boundary and erection of a 6m high 'ball stop' netting barrier to the northern boundary adjacent to the A507 road.

Planning permission had been recently granted for a change of use of land from agricultural to D2 (outdoor sport and recreation) and associated landscaping. Currently works have commenced on site to clear the site and for the associated work which were approved under CB/13/00333/REG3. The site is owned by Central Bedfordshire Council.

During the determination of the application the acoustic fence was reduced in length following discussions with the Environmental Health Officer (public protection) as there is no need to extend this beyond a point which is perpendicular to the rear of properties on Chantry Way. All the neighbours have been consulted over the revised plan.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies, November 2009

CS3: Healthy and Sustainable Communities

CS14: DM3 High Quality Development

CS4: Linking Communities - Accessibility and Transport

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

Development Strategy for Central Bedfordshire

Policy 22: Leisure and open space provision

Policy 36: Development in the Green Belt

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High quality development

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, trees and hedgerows

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014.)

Supplementary Planning Guidance

None applicable to this application

Planning History

CB/13/00333	Regulation 3: Change of use of land from agricultural to D2 (outdoor sport and recreation) and associated landscaping. It is proposed to use the land for outdoor sports and recreation - playing fields with 1 full sized and 6 junior grass pitches.
CB/09/05708	Regulation 3: Change of use of land to football pitches with associated changing pavilion and external landscaping - approved

Representations: (Parish & Neighbours)

Flitwick TC	Supports the application. Members had concerns regarding the number of car parking spaces outlined in the application as it appeared to be insufficient. Members would like to see a provision for overflow parking, particularly due to the function room included in the application which would need to accommodate more vehicles.
Neighbours	Four objections have been received. 1 The Birches 1B The Birches 2 The Birches 94 Amphill Road Management Ltd

Whilst a number of the queries relate to the previous application (CB/00333/REG3) the following issues and concerns have been raised. The comments received have been summarised as following:

- 1. Concern that work has commenced on site ahead of a planning decision.*
- 2. Concern over the location of the facilities.*
- 3. Concern over the proposed opening hours.*
- 4. Concern over noise protection measures (acoustic fence and bund) given that an acoustic report is not available – also concern over the design / length of the soil bund as it does not extend continuously along the southern boundary. The following measures should have been considered:*

- a. *That the applicant pays for the overhead power lines to be buried underground (as was discussed with the original plans in 2009) so that the earth bund can extend further along the southern boundary;*
 - b. *The acoustic fence looks very unattractive and there should be planting on its southern boundary.*
5. *Concern over the level of use from the Football Centre and the potential for noise and disruptive behaviour and would like assurances that:*
- c. *No alcohol licence is granted in the future should approval be recommended*
 - d. *That the gates be locked to the site when it is not in use to prevent anti-social behaviour*
6. *Concern over the traditional style of the development given that the previously approved planning application detailed a low visual impact building with a green roof.*
7. *Will the building offer the same type of sound proofing provisions as the previously approved building.*
8. *The plans are not clear with regards to the landscaping on the bund.*
9. *The details of the perimeter fencing along the Ampthill Road boundary are not clear on the submitted plans as people are using the gated access to the track which allows access to the field at the rear. Is this to be permanently fenced off as school children and dog walkers are using it as a cut through.*

Consultations/Publicity responses

Internal Drainage Board (IDB)	No objection
Environment Agency	No objection
Public Protection - contamination	No comments to make
Highways	No objection subject to conditions
Play and Open Space Officer	No comments to make
Community Safety Officer	No comments to make
Sport England	Supports the application
Ecology	Supports the SUDs proposals
Tree & Landscapes	No objection subject to a landscaping condition
Archaeology	No objection

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The visual impact of the development and the impact upon the Green Belt
3. Impact on the amenities of neighbours
4. Highway considerations
5. Other Considerations

Considerations

Human Rights issues

The development has been assessed in the context of the Human Rights and would have no relevant implications.

Equality Act 2010

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

1. The principle of development

The application site lies outside the Settlement Envelope for Flitwick in open Countryside and within the Green Belt.

Permission was granted in 2009 for a new football pitch facility on the land as the site was deemed to be a suitable location for the proposed development. As such the principle of development has been established as acceptable. In addition the National Planning Policy Framework (2012) states that local planning authorities should:

- *“Plan positively to enhance the beneficial use of the Green Belt, such as to provide opportunities for outdoor sport and recreation”.*

It is considered these would also be in accordance with the NPPF as national planning policy supports facilities which would be for outdoor sport and recreation.

2. The Visual Impact of the Development and the Impact upon the Green Belt

The building is located parallel to the western boundary and close to the existing road so that it does not impinge onto the playing field too much and relates to the hedgerow. The car parking is formed between the proposed building and the main road.

The roofing materials have been revised from the previously approved scheme in the light of robustness, long life and security. The building is to be brick clad under a mill finished, stucco embossed aluminium double pitched roof. The roof finish will age and dull over time with the sheets taking on a dull grey patina.

The site lies to the north of Flitwick and is adjacent to both Ampthill Road and

the A507. The site is located within both open countryside and the South Bedfordshire Green Belt. The National Planning Policy Framework supports the:

- *“Provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”.*

The proposed development is considered to accord with the National Planning Policy Framework as it is an appropriate use within the Green Belt and would preserve the openness of the Green Belt. In addition, the emerging Development Strategy for Central Bedfordshire places an importance on providing new ‘green space’ in the form of playing pitches that provides opportunities for open access to the public for recreational purposes.

In conclusion it is considered that the proposal would not result in any harm to the character and appearance of the area and would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

3. Impact on the amenities of neighbours

The western part of the southern side of the site is adjacent to a number of existing residential properties. At the closest point the proposed football pavilion is positioned 80m from the nearest properties on the modern 'close' setting of 'The Birches'. Given the degree of separation no direct impact to the residential amenity of neighbouring occupiers would result by way of overbearing impact; loss of privacy or loss of light. The issues raised from the consultation process primarily relate to noise disturbance and these concerns have been addressed below.

Response to the objections received:

1. Concern that work has commenced on site ahead of a planning decision.

Response: The pitch construction has already gained planning permission under CB/13/00333 and the design and formation of the pitches will not result in any net rising of the ground and the flood plane. Pitch construction has taken advantage of existing gradients with grading only to remove any small peaks and troughs forming a suitable playing surface. A soil storage area has been retained to site the pavilion on.

Currently works have commenced on site to clear the site and for the associated work which were approved under CB/13/00333/REG3.

2. Concern over the location of the facilities.

Response: The proposed pavilion is positioned approximately 72m away from the southern boundary and centred within the area in accordance with the previously approved scheme

3. Concern over the proposed opening hours.

Response: The hours are stated to be Monday to Friday 08:00 to 20:00; Saturday 08:00 to 24:00 and 08:00 to 22:00 on Sunday's and bank holidays. As part of the planning process guidance is sought from Environmental Health (Public Protection) and appropriate conditions will be attached to any grant of permission.

4. Concern over noise protection measures (acoustic fence and bund) given that an acoustic report is not available – also concern over the design / length of the soil bund as it does not extend continuously along the southern boundary. The following measures should have been considered:
 - a. That the applicant pays for the overhead power lines to be buried underground (as was discussed with the original plans in 2009) so that the earth bund can extend further along the southern boundary;
 - b. The acoustic fence looks very unattractive and there should be planting on its southern boundary.

Response: It is inevitable that some noise will be generated by the training, playing and supporting of football on the site but these outside activities will only take place during daylight hours during the year as no floodlighting of the pitches is being proposed. The grass pitches would be in limited use given the need to prevent damage from over-use.

Whilst the idea of burying the power lines was mooted a number of years ago it was reliant on an external funding source which is no longer available.

A consultant acoustician has been consulted by the applicant about the generation of noise on the site and the potential for noise nuisance to residents. It was suggested that the best way of deflecting noise away from the residential area to the southwest was be the erection of an acoustic fence 3m high. Whilst it is considered that the introduction of such a fence would have some visual impact to the occupants of the adjacent properties, given the comments received during the determination of the previous application and the current application it was considered that noise was the overriding issue and concern.

As detailed in the previously approved planning application, extensive tree and shrub planting is detailed and is being considered by the Council under one of the conditions imposed. The first 62m of the fence running west to east will be screened by sympathetic planting with native trees and shrubs however this planting cannot be undertaken where electricity overhead power lines rise out the ground further east and stretch for the remainder of the site. Restrictions are in place on objects and items placed or grown under the overhead lines by the utility company. The fence would be placed north of the overhead power lines as necessary to comply with statutory regulations and would be unscreened in this area.

5. Concern over the level of use from the Football Centre and the potential for noise and disruptive behaviour and would like assurances that:

- c. No alcohol licence is granted in the future should approval be recommended

Response: The building would be sited a sufficient distance away from the nearest residential property and a noise barrier (bund and fence) would be provided. The application does not include a bar.

- d. That the gates be locked to the site when it is not in use to prevent anti-social behaviour

Response: The new entrance off Ampthill Road will be gated with the height restriction barrier. Any gaps within the existing hedge line will be reinforced with a timber post and rail fence whilst establishing the newly planted hedge.

6. Concern over the traditional style of the development given that the previously approved planning application detailed a low visual impact building with a green roof.

Response: The impact on the sky line is intended to be minimal under the proposal. The changing and community room building is designed to be formed at a low pitch with an aluminium standing seam mill finish stucco embossed roof covering. The roof finish will age and dull over time with the sheets taking on a dull grey patina which will further reduce the overall visual impact of the structure and helping it sit within the natural openness of the site.

The external appearance of the building is broken down by using different types of finishes such as feature panels of Western Red Cedar timber cladding.

7. Will the building offer the same type of sound proofing provisions as the previously approved building.

Response: As part of the planning process guidance has been sought from Environmental Health (Public Protection) and appropriate conditions will be attached to any grant of permission.

8. The plans are not clear with regards to the landscaping on the bund.

Response: As detailed in the previously approved planning application, extensive tree and shrub planting is detailed and is being considered by the Council under one of the conditions imposed. This extensive tree planting of earth mounds and bunds formed is considered to enhance the currently poor quality habitat that exists on the site aiding the local ecological environment and also to provide a softer more natural screen for the neighbouring properties.

9. The details of the perimeter fencing along the Ampthill Road boundary are not clear on the submitted plans as people are using the gated access to the track which allows access to the field at the rear. Is this to be permanently fenced off as school children and dog walkers are using it as a cut through.

Response: The track which allows access to the field at the rear is within private ownership and is not Council owned land.

4. Highway implications

Access to the site is from Ampthill Road with 33 car parking spaces, with 2 mini buses spaces and 2 disabled parking bays. Whilst the comments from Flitwick Town Council have been noted the proposed development is in accordance with the Local Transport Plan: Appendix F - Parking Standards. Discussions have taken place with the Highways Authority and they are satisfied that the proposed scheme is acceptable in terms of highway safety.

5. Other considerations

Acoustic fencing and barriers

Having discussed the use of the premises, the timing and the duration of activities with Environmental Health (Public Protection) they are satisfied that an acceptable balance can be achieved between the proposed use of the football pitches and the existing residents in terms of minimising any impact. The installation of an acoustic fence to a height of 3m is considered to be a suitable option to minimise the noise from the pitches and the construction of the fence will also minimise the impact on residents of any noise associated with the community building. Whilst the plans (as submitted with the application) details the acoustic fence to extend the full width of the site it is the opinion of Environmental Health (Public Protection) that there is no need to extend this beyond a point which is perpendicular to the rear of properties in Chantry Way. Revised plans have been received and all the neighbours have been consulted.

No objection has been raised by Environmental Health subject to the specified conditions.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 3 **No development shall commence until wheel-cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 4 Notwithstanding the details submitted as part of the application, samples of the external walls and roof shall be submitted for written approval by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the visual amenities of the building and of the area generally.

- 5 Before first occupation of the approved development, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 6 Concurrent with the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb, removing the existing hardsurfacing and reinstating the footway and verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 7 Before first occupation or use of the development the access roads and parking areas as shown on the approved Plans shall be provided and maintained thereafter for that use.

Reason: To ensure the development makes adequate provision for the off-

street parking and manoeuvring of vehicles likely to be associated with its use.

- 8 All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

- 9 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 10 Before the pitches are first brought into use, details of any lighting to be erected, including height; design and details of its level of intensity, shall be submitted to and approved in writing by the Local Planning. The lighting shall be erected in accordance with the approved details.

Reason: In the interests of residential amenity and the safety of traffic on the adjoining road network

- 11 No sound reproduction or amplification equipment (including public address systems, loudspeakers, tannoys etc) which is audible from the site boundary shall be installed without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of nearby residents.

- 12 The football pavilion hereby permitted shall not be used except between the hours of 08:00 to 22:00 Monday to Friday, 0800 to 24:00 on Saturdays and 08:00 to 22:00 Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In order to protect the amenities of nearby residents.

- 13 Notwithstanding the details submitted as part of the application a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing how noise from the use hereby approved shall be effectively managed to protect the amenity of local Residents. The approved plan shall thereafter be implemented in full prior to the use hereby permitted first being brought into use.

Reason: To protect the residential amenity of neighbouring properties

- 14 The final specification of the proposed acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. It shall thereafter be completed in accordance with the agreed specification prior to the use hereby permitted first being brought into use.

Reason: To protect the residential amenity of neighbouring properties.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 91235.G71.SI-90.(site location); 91325.G71.95.E (general layout plan); 91235.G71.98.A (entrance & car park); 91235.G71.98.B (entrance & car park area); 91235.G71.98.C (entrance & car park layout); 91325.G71.99.A (site plan); 20193.GA.G2-102.A (floor plan); 20193.GA.G2-103.A (roof plan); 91325.GA.G2-104 (elevations); 91325.GA.G2-105 (elevations); 91325.GA.G2-106 (sections); CBC/001 (planting).

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 or 278 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
4. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)