

5d 3/12/0834/FO – Variation of Condition 26 of LPA ref. 3/03/2047/FP to allow the sports hall to be used for public and community use between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and for 24 hours use up to 10 times a year at St Mary’s Catholic School, Windhill, Bishop’s Stortford, Herts, CM23 2NQ for St Mary’s Catholic School

Date of Receipt: 14.05.2012

Type: Variation of Condition – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SILVERLEYS

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The use of the sports hall shall be restricted for use by members of the public between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and used for 24 hours up to 10 times a year by members of the public.

Reason: In the interests of the amenities of neighbouring occupants and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The school shall keep a written log of any use of the hall by members of the public after 11pm (Mondays to Saturdays) and 10pm (on Sundays or Bank Holidays) and shall upon request provide that log to the local planning authority within 14 days.

Reason: To ensure that the local planning authority is able to monitor the restricted use of the sports hall in the interests of the amenities of nearby occupiers and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It shows St Mary’s Catholic School which comprises several classrooms and other buildings, sports courts and a sports hall. To the south of the main cluster of school buildings is an area for car parking and the main entrance and exit to the school. The surrounding area is predominantly residential in character, with neighbouring properties sited to the north, east and south of the site.

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- 1.2 The sports hall building was approved under LPA reference 3/03/2047/FP subject to a number of conditions. This application proposes to vary condition 26 of this 2003 permission to permit the sports hall to be used between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and for 24 hours use up to 10 times a year for members of the public. Condition 26 of LPA reference 3/03/2047/FP reads:

The sports hall building hereby approved shall not be open for use by member of the public unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of the doubt as to the scope of this permission and in the interests of highway safety and to protect the amenities of occupants of nearby properties.

2.0 Site History:

- 2.1 The site has a substantial planning history, the most recent is as follows:

LPA Reference	Description	Decision
3/98/0037/FP	New building to give separate accommodation for existing sixth form	Approved with conditions
3/00/0714/OP	New sports centre comprising new 6-court sports hall, 4 no. netball courts with floodlights, and alterations to car park	Approved with condition (not implemented)
3/02/0691/OP	New sports centre comprising 6 court sports hall, 4 no macadam netball court with floodlights, 2 no all weather multi-purpose pitches with floodlights, car park and site entrance improvements.	Approved with conditions (not implemented)
3/03/2047/FP	New 4 court sports hall, library/science block and improvements to coach and car parking arrangements	Approved with conditions
3/06/2202/FP	New offices, classrooms	Approved with conditions

	and Tennis/Netball courts (in 2 phases)	
3/10/1199/FP	New single storey classroom block	Approved with conditions

3.0 Consultation Responses:

3.1 Environmental Health do not wish to restrict the grant of permission.

3.2 County Highways in initial comments received in November 2012 recommended that permission be refused for the reason that inadequate information had been provided to enable an informed decision to be taken on the impact of the proposal on the local road network. Following these comments, the applicant provided additional information to the Highway Authority. This information included baseline/current traffic data; confirmation of the existing and proposed means of access for the sports hall; an assessment of the person trip generation resulting from the increased use and likely distribution of trips by mode of transport and the proposed parking strategy. Having reviewed this additional information, Highways are now satisfied that the proposal will not have an adverse impact upon the operation of the highway network.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the proposal and comment that the existing condition protects the Stewarts and the surrounding residents from noise and nuisance and therefore should remain.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 16 No. letters of representation have been received from neighbouring properties which can be summarised as follows:

- Existing events held at the school cause noise disturbance to residents;
- It is unclear as to why such a change in opening hours is required;
- It would result in parking problems and an increase in traffic;
- More people would be hanging around the streets late at night;
- The hall was not built to be used as a social facility.

5.3 Chantry Community Association objects on the following grounds:

- They support the residents objections and raise concerns that the proposed hours would be unacceptable, increasing traffic on Windhill and other access roads leading to and from the school;
- Additional noise associated with the premises and the proposed uses and the car park;
- Increase in noise from music played and other activities in the sports hall;
- There is no reason as to why the current opening hours should change.

6.0 Policy:

6.1 The relevant saved Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
ENV24	Noise Generating Development
TR7	Car Parking Standards
BH6	New Developments in the Conservation Areas
LRC2	Joint Provision and Dual Use

6.2 In addition to the above it is considered that the National Planning Policy Framework is a consideration within this application.

7.0 Considerations:

7.1 This application proposes to vary a condition relating to the use of the sports hall. The main issues in this case therefore relate to the need for the condition, in relation to the tests of Circular 11/95, particularly having regard to the location of the site in relation to the proximity to neighbouring properties and impact upon the highway network.

7.2 The existing sports hall was granted planning permission by Committee in March 2004 as part of a larger redevelopment of the site within LPA ref. 3/03/2047/FP. Condition 26 of this permission precludes members of the public using the sports hall. This application now proposes to use the sports hall between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and for 24 hours use up to 10 times a year for members of the public. The applicant has submitted further information to the LPA which outlines that the sports hall will not be used by the public on weekdays during term time between the hours of 8.30am and 6pm and will therefore will only be available for a maximum of five hours per weekday during term time.

- 7.3 The applicant has outlined several reasons as to why the use the sports hall should be amended:
- There is increasing demand for sporting bodies and clubs to hire such a facility, with recent enquires from football clubs, karate clubs, netball providers and the scouts;
 - Other comparable facilities in Bishop's Stortford that are also set in similar residential areas (such as Bishops Stortford High School), are permitted to hire their facilities to at least 11pm;
 - An increase in lettings would result in additional funds for the school.
- 7.4 The applicant has also outlined that several steps have been taken to ensure that the proposal would increase community provision without being detrimental to the community, neighbouring residents and highway safety. These measures include previous experience with working with the wider community successfully and managing any lettings responsibly and professionally. The applicant also outlines that the sports hall is only partly visible to a few neighbouring properties who are sited at least 100 metres away and is bounded by mature hedging.
- 7.5 The concerns raised by the third parties, including neighbouring residents, Bishop's Stortford Town Council and Chantry Community Association have been acknowledged. The main concerns raised by these third parties relate to the increased opening hours of the sports hall having a harmful impact upon neighbour amenity, in the form of noise disturbance from noise inside the hall as well as from people entering and exiting the premises, both on foot and by car. An increase in traffic movement is also a concern raised.
- 7.6 It is therefore evident that the majority of concerns raised by third parties in this instance relate to potential noise disturbance from the opening hours that are proposed. However, it should be noted that the grant of permission in 2003 for the sports hall building did not include a condition which restricted the hours of use of the building; it only restricted the use of the building by the public. The building could therefore be used now by the school at any time without restrictions, and this is a material consideration in the determination of this application.
- 7.7 The Council's Environmental Health Team have been consulted on the application, and they have recommended that the application be granted and have not commented further or suggested that the opening

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hours of the sports hall as proposed within this application should be altered.

- 7.8 It is also important for Members to note the location of the sports hall in relation to neighbouring properties. Whilst Officers acknowledge that the school is encompassed by residential dwellings, the existing sports hall is located centrally within the site and retains some 110 metres to the rear and front elevations of the closest neighbouring properties. The school is also bounded by residential dwellings in Windhill and The Stewarts to the south and east, and Bells Hill to the north east, all of which are sited at least 140 metres from the existing sports hall.
- 7.9 The existing sports hall building is located centrally within the site and is set behind a raised bank. It is also noted that the site is encompassed by mature boundary landscaping and hedging. In Officers view, both of these factors are likely to help reduce any impact on neighbours amenity from noise disturbance.
- 7.10 Taking into account the above considerations, it is acknowledged that the use of the sports hall by outside groups and organisations during the hours proposed will increase the level of activity on the site. However, it must be considered whether the increase in activity would be so harmful to the amenities of local residents to warrant refusal of the application.
- 7.11 The representations made by local residents have been noted, and many of these refer to past (mainly outdoor) events that have taken place on the site and have resulted in disturbance to those residents. It should be noted however that in respect of this application, the proposal is to use a building and is not in relation to outdoor activities (which the planning history of the site does not restrict). Having regard to the type of sports activities St Mary's are proposing to use the existing sports hall for e.g. football, karate, netball, dance, scouts and boot camps; the distance to neighbouring properties and the recommendation of approval from Environmental Health, it is the view of officers that the proposed use of the sports hall is unlikely to result in significant harm to the amenities of nearby properties to warrant refusal of the application.
- 7.12 The proposed amendment to condition 26 of LPA ref. 3/03/2047/FP is considered to be precise, enforceable, relevant to planning and relevant to the development. Should any potential music events or other events held within the sports hall cause a noise nuisance, then Environmental Health legislation can be applied and noise disturbance controlled in this way.

Access and parking

- 7.13 With regards to access and parking, there would be no changes to the existing access arrangements for the sports hall. In respect of parking provision, it is also important to note that the sports hall will not be used by the public on weekdays during term time between the hours of 8.30am and 6.00 pm and will only be available after most of the pupils and staff have left for the day. The additional hours of use would not therefore add to any existing parking demands. Furthermore, there is space on site to park 60 vehicles which is considered to be sufficient for a sports hall of this size. The applicant states that it is unlikely that such a number of cars (60) would be parked on site; the sports hall will only cater for one hirer at time and is most likely to be used by those interested in using for sports purposes, for example football, netball and badminton. Such activities would typically see up to 30 people using the sports hall which would not result in vehicles over spilling into highway. It is also a consideration that the site is located in close proximity to the town centre and bus routes. Having regard to this and the comments received from County Highways, Officers consider that the sufficient parking would be provided and that the proposal would not have an adverse impact upon the operation of the highway network.

Other Matters

- 7.14 In considering this application regard should also be had to the benefit of allowing sport and community groups and organisations. Policy LRC2 of the Local Plan promotes the joint provision and dual use of educational facilities. This proposal therefore accords with this policy, and weight should be attached to this consideration in the determination of the application.

8.0 Conclusion:

- 8.1 The proposed variation in wording of this condition to allow members of the public to use the sports hall between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and for 24 hours up to 10 times a year is considered to be acceptable and would not in Officers view, cause undue noise disturbance to neighbours amenity and would not prejudice highway safety.
- 8.2 The application is therefore recommended for approval.