

5i **3/11/1421/FP – Erection of Marquee between March and August for events and hire at Bishop’s Stortford Rugby Club, Silver Leys, Hadham Road, Bishop’s Stortford, CM23 2QE for Bishop’s Stortford Rugby Club**

Date of Receipt: 12.09.2011

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD - SILVERLEYS

RECOMMENDATION:

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

1. This permission shall be for a limited period only, expiring on 10 November 2012.

Reason: In order that the impact of the development can be assessed over a trial period having regard to the amenities of local residents.

2. Prior to the first use of the marquee hereby approved a Noise Management Plan detailing measures to contain music and speech noise shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the use of the marquee should accord with the approved details.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

3. No external loudspeaker systems shall be installed without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. For the avoidance of doubt, you are reminded of the requirements of the premises licence for the site.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, TR7, ENV1, ENV24, BH1 and LRC1. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. Bishop's Stortford Rugby Club is located on the northern edge of the settlement of Bishop's Stortford and is accessed from Hadham Road.
- 1.2 The application seeks permission for the erection of a marquee on the site between March and August for events and hire. The marquee is 24.4 metres long by 12.2 metres wide, and reaches a maximum height of 7 metres. The supporting statement submitted with the application states that the marquee was acquired by the Rugby Club for use in conjunction with festivals involving young rugby players and for a charity which the club supports. The marquee was first erected in April this year for an event. The Rugby Club have stated that putting the marquee up and then taking it down is very time consuming and hard work and the Rugby Club would therefore like to be able to erect it and leave it standing for a longer period of time to avoid this. Furthermore, they state that the club would like to hire it out to create the opportunity of generating income to offset the costs of the marquee and also to provide cash flow in the summer months when there is little playing activity but fixed running costs that have to be met.
- 1.3 The submitted supporting statement indicates that the use of the marquee would be for a small number of functions held during the period of its erection, and that it is envisaged that the maximum capacity would be approximately 220 people with formal seating and 350 people for an informal gathering. In normal circumstances they comment that functions will cease at midnight (the time covered by the Club's existing entertainment licence) although it may be on special occasions that an application would be made for an extension of this time limit.
- 1.4 The application site is located on land designated as existing playing fields/open space/recreation area in the Local Plan (Policy LRC1) and is

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within an Area of Archaeological Significance (Policy BH1).

2.0 Site History:

- 2.1 The application site has been the subject of a number of applications in recent years, however none are relevant to the consideration of this application.

3.0 Consultation Responses:

- 3.1 County Highways have commented that they do not wish to restrict the grant of planning permission. They comment that the established vehicular access onto principle A road, Hadham Road lies on an outside bend giving adequate visibility. Wide kerb radii, tactile paving and a refuge island for pedestrians are also present, although there is no dedicated footpath that runs through into the site. The parking area for the Rugby Club is shared with some commercial uses and it is stated by the applicant to be able to accommodate for over 150 spaces. From a site visit, 122 marked parking spaces were counted although parking did occur on unmarked areas of hardstanding. Speaking to the applicant, it was confirmed that additional parking could be provided on the adjacent playing fields if needed, thereby reducing the risk of overspill parking along Dane Park and Cricketfield Lane. East Herts parking standards suggest that a C1 conference facility use would require an additional 60 spaces, whilst D1 places of assembly/community centre use would require 33 additional spaces.

The applicant stated marquee events would predominantly occur during evenings and weekend afternoons, although weekday use could also occur. To minimise the risk of overspill parking along adjacent residential streets, the LPA may wish to consider restricting the use of the marquee to evenings and weekends. This is so that parking demand does not conflict with shared commercial uses of the site.

- 3.2 The Historic Environment Unit, HCC have commented that the proposal is unlikely to have an impact upon significant heritage assets and therefore they have no specific comments.
- 3.3 Environmental Heath has commented that they have in the past had complaint of noise from music at the site. They are therefore concerned that the development could lead to noise nuisance for residents if events occur on a regular basis. The usual methods of noise containment could not occur in a marquee, but they recommend that planning permission is granted subject to the addition of conditions relating to the submission of details to contain music and speech noise and that no external

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loudspeaker system should be installed without the written permission of the Local Planning Authority.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the application and made the following comments:

- Noise and parking nuisance;
- Policy BIS1 subsumed into GBC1 which argues against inappropriate development in the Green Belt, including areas of special constraint which Silver Leys is part of or abuts.

5.0 Other Representations:

5.1 The applications have been advertised by way of site notice and neighbour notification.

5.2 Two letters of representation have been received which can be summarised as follows:-

- The marquee should only be erected when needed;
- There would be a natural desire to hire the marquee to as many customers as possible to facilitate income for the Rugby Club;
- The noise from the site would be intolerable during summer months when residents are likely to have windows open, and whilst there is no objection to the occasional use of the marquee, having the marquee in place for 6 months will increase the frequency of events;
- The marquee is proposed to be located on open playing fields and the appearance of this land as open playing fields should be retained;
- There have previously been noise issues with events at the site;
- How do the Council propose enforcing the licensing of events at the site if the planning application is approved?

6.0 Policy:

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

SD2	Settlement Hierarchy
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality

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ENV24 Noise Generating Development
BH1 Archaeology & New Development
LRC1 Sport and Recreation Facilities

7.0 Considerations:

7.1 The determining issues in relation to the consideration of this application are as follows:

- Principle of development;
- Visual impact of marquee;
- Impact on neighbour amenity;
- Parking/Highway Considerations;

Principle of development

7.2 Whilst the site lies within the built-up area of Bishop's Stortford where in accordance with policy SD2 of the Local Plan there is no objection in principle to development, the site is allocated in the Local Plan as existing playing fields/open space/recreation area (policy LRC1). Policy LRC1 of the Local Plan states that proposals which will result in the loss of public or private, indoor or outdoor, sports, recreation and open space facilities, or school playing fields, will be refused unless they meet the criteria outlined in the policy. In this case, the site is used for rugby pitches, hence its allocation as a sport facility in the Local Plan. However, the area of land on which it is proposed to locate the marquee is on the edge of the site and is not used or marked out for playing pitches.

7.3 Therefore the proposed temporary siting of the marquee in this location would not affect the use of the rugby pitches at the site and would therefore not result in a loss of the existing facilities provided at the site. Furthermore, the marquee is proposed to be erected mainly within the summer months when the use of the site for the playing of rugby is somewhat reduced as compared to the winter months. Taking these considerations into account, it is considered that the proposal, whilst located on land designated as existing sport facilities, would not actually result in the permanent loss of outdoor sports facilities and would therefore not harm the overall provision of such sites within the District. It is therefore considered that there are circumstances in this case that warrant a departure from policy LRC1.

Visual impact of marquee

- 7.4 The site, due to the nature of its use, is very open. Whilst there is some landscaping on the boundary of the site with Hadham Road, due to the size of the marquee it will be visible from points along Hadham Road. However, the marquee will be sited adjacent to the clubhouse and would therefore be seen as part of the collection of buildings/structures on the site. Whilst Officers note the concerns of local residents in respect of the impact of the proposal on the character of the site, Officers do not consider that the erection of a marquee on the site for six months of the year would have an unacceptable harmful impact on the character and appearance of the site such as to warrant refusal of the application.

Impact on neighbour amenity

- 7.5 The third party representations received, and the comments from Bishop's Stortford Town Council and Environmental Health all raise concerns in respect of noise and disturbance associated with the proposed use of the marquee, and it is acknowledged that due to the nature of the construction of a marquee, it is difficult for noise generated inside to be retained within the structure. As such, the use of a marquee for events which use a loud speaker system for music or speech will inevitably cause some disturbance to local residents.
- 7.6 In this case, the marquee is proposed to be sited approximately 145 metres away from the closest residential properties. Whilst it is acknowledged that the use of the marquee for events may result in some noise and disturbance to local residents there are a number of issues which should be considered in this respect.
- 7.7 Firstly, it is important to consider the frequency of events to be held at the marquee. Whilst the marquee would be available for use everyday of the six month period for which it is erected, it is more reasonable to consider that events are unlikely to take place this frequently and are more likely to be held only at the weekends. Furthermore, the use of the site for the playing of live and recorded music and the sale of alcohol is currently restricted by its existing licence from 08:00 to 12:00 midnight. This licence therefore requires the playing of live and recorded music to cease at 12:00 midnight. If events were to go on beyond this time the Rugby Club would need to obtain a Temporary Event Notice.
- 7.8 Turning now to the comments of Environmental Health, although their comments did note their concern at possible noise nuisance for residents if events were to occur on a regular basis, they did not recommend that planning permission be refused. Instead they recommended that any permission granted should include a condition requiring details of

methods to contain music and speech noise (Noise Management Plan) to be provided to the Council prior to the first use of the marquee. The submission of such details would allow the Council to ensure that specific measures are put in place i.e. the placement of speakers within the marquee, to minimise the dissipation of noise from the marquee. They also recommend that a condition is attached to any grant of permission to ensure that no external loudspeaker systems are installed without the written permission of the Council.

- 7.9 It is considered that the provision of a Noise Management Plan would allow the Council to ensure that measures are put in place to limit noise and disturbance from the use of the marquee. However, it is considered that to allow for monitoring of the impact of the use to be undertaken, and recognising that noise and disturbance may occur from the use, it is recommended that any permission granted should be a temporary permission for a period of 1 year. The granting of a temporary permission would allow the Council to assess the impact of the marquee during the six month period when it is in use, and determine whether the use is resulting in unacceptable levels of noise and disturbance that cannot be mitigated against by measures put in place by the Noise Management Plan.
- 7.10 Having regard therefore to the above considerations, it is considered that whilst due to the nature of the construction of a marquee it is difficult for noise generated inside to be retained within the structure, regard should be had to the frequency of events; the distance to the closest residential properties; the measures that could be put in place to minimise the impact of noise and disturbance from the site and that any permission would only be for a temporary period to allow the impact of the use to be reconsidered. Taking these considerations into account, on balance it is considered that the harm that may arise from the use of the marquee would not be to such a degree that would warrant refusal of the application, and measures have been put in place to allow the impact of the use to be reconsidered in one year's time. The proposal is therefore considered to accord with policies ENV1 and ENV24 of the Local Plan.

Parking/Highway Considerations

- 7.11 The submitted application indicates that the site could accommodate in excess of 150 parked cars. County Highways have commented that from a site visit they noted that there were 122 marked parking spaces although parking did occur on unmarked areas of hardstanding. They also state that the applicant has confirmed that additional parking could be provided on the adjacent playing fields if needed.

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- 7.12 Turning then to the car parking standards as set out in the Local Plan, there is not a specific category that the use of the marquee would fall within. However, looking at similar uses the parking standards would require a maximum of between 33 and 60 car parking spaces. Clearly the site currently provides car parking spaces in excess of these figures and Officers are therefore satisfied that sufficient parking can be provided within the site, and this view accords with the comments of County Highways. Officers note County Highways comments in respect of restricting the use of the marquee to evenings and weekend so that the parking demand does not conflict with visitors to the commercial activities that occur on the site. It is considered however that many of the events held at the marquee would occur at evening and weekends and therefore would occur at times when the other uses at the site are not operating. Furthermore, sufficient parking exists on the site to accommodate the need for parking generated by the use of the marquee, and there would be some 62 spaces available on the site in excess of the maximum parking provision required by the car parking standards in the Local Plan. It is therefore considered that such a condition would be unnecessary and therefore unreasonable. The proposal is therefore considered to accord with policy TR7 of the Local Plan.
- 7.13 In respect of the impact of the development on highway safety, County Highways have commented that the established vehicular access onto Hadham Road lies on an outside bend giving adequate visibility. They raise no concerns with the impact of the development on the existing access to the site or highway safety.

8.0 Conclusion:

- 8.1 Having regard therefore to all of the above considerations, it is considered that the proposal would not have an unacceptable impact on the use of the existing site for outdoor sport, the character and appearance of the area, noise and disturbance or parking and highway issues. It is therefore recommended that a temporary permission is granted subject to the conditions outlined at the head of this report.