

**West Area Planning Committee**

8<sup>th</sup> April 2014

**Application Number:** 13/01344/VAR

**Decision Due by:** 9th April 2014

**Proposal:** Variation of condition 17 (Hours of use) of planning permission 13/01344/CT3 (Erection of pavilion and clubroom) to allow for the extension of opening hours.

**Site Address:** Grandpont Nature Park, White House Road (**site plan: appendix 1**)

**Ward:** Hinksey Park

**Agent:** N/A

**Applicant:** Mr Philip Jones

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## **Recommendation:**

The West Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposed variation of opening hours would enable the most efficient use of the pavilion and its ability to encourage participation in sports throughout the year. The evening hours would not have a material impact upon neighbouring residential properties in terms of increased noise, disturbance, and anti-social behaviour and any such impact could be successfully mitigated through the management plan required by condition 4 of 13/01344/CT3. The variation would therefore accord with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016, and Policy CS19 of the Oxford Core Strategy.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions:**

To include the conditions imposed on planning permission 13/01344/CT3

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Sports Pavilion Management Plan
- 5 Details of Secure By Design Principles
- 6 Details of Cycle and Refuse Storage
- 7 Construction Traffic Management Plan
- 8 Landscape plan required
- 9 Tree Protection Plan (TPP) 1
- 10 Arboricultural Method Statement (AMS) 1
- 11 Landscape hard surface design - tree roots
- 12 Landscape underground services - tree roots
- 13 Flood Risk Assessment recommendations carried out
- 14 Details of Sustainable Design Principles
- 15 Ecological Appraisal recommendations carried out
- 16 Sustainable Urban Drainage Scheme
- 17 Hours of use - Monday to Sunday 09.00 – 21.30 hours
- 18 Contaminated Land Risk Assessment
- 19 Contamination - Verification Report
- 20 Contamination- unsuspected contamination

**Main Local Plan Policies:****Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP10** - Siting Development to Meet Functional Needs

**CP19** - Nuisance

**CP21** - Noise

**Core Strategy**

**CS13**\_ - Supporting access to new development

**CS19**\_ - Community safety

**CS21**\_ - Green spaces, leisure and sport

**Other Material Considerations:**

National Planning Policy Framework

National Planning Practice Guidance

**Relevant Site History:**

13/01344/CT3 - Erection of pavilion and clubroom: Approved

**Public Consultation**Statutory Consultees

None

### Third Parties

4, 6, 11 Buckingham Street; 2, 4, 9, 15, 28, 36 Chilswell Road; 13 Cobden Crescent; 34, 39 Hodges Court; 3 Edith Road; 19, 22, 28, 24 118, 136, 152, 186, 194, 220, 244, 252, 228 Marlborough Road; 12 Osney Mill, Mill Street; 8, 31, 34, 37 Newtown Road; 6, 16, 18 Salter Close; 16, 18, 22, 24, 35, 48 Western Road; 4, 10, 11, 13, 17, 18, 21, 25, 28, 31, 41, 45a, 45b, 52, 55, Whitehouse Road; 25 Pegasus Grange, Whitehouse Road; Hogacre Common Eco Park, Whitehouse Road

### Comments Received

Comments can be summarised as follows

- The pavilion was to provide the football club with facilities that they do not currently have. This was strongly supported, but the provision of a social club for hire is not.
- The hiring out of the venue until 11pm (10pm Sunday) will lead to an increase in noise, disturbance and the disruption of local residents sleep. The closure at 6pm is adequate for the original use
- The proposal amounts to a change of use
- This is a quiet residential area and should not be turned into a place for the night time entertainment
- The field is used by the local community for a variety of uses and by increasing the hours of the pavilion it is effectively a takeover of a public space by the football club. If the venue is to be hired out to 3rd parties, then the club will not have control over who attends the events.
- There are many vulnerable and elderly residents housed opposite the recreation ground will be affected, and the change will also present a safety risk for our children
- How could a late night licence, which would lead to loud music, excessive drinking, fighting, littering, vomiting and all other negatives which are associated with football and alcohol, benefit the neighbourhood?
- Reassurances have been given that the intention is only for club meetings and 'occasional' social functions. There is nothing in the current plan that would enforce this minimal usage. Even if this is the intention of the current managers of the football club, once approval for extended opening hours has been granted there is nothing to stop more frequent and disruptive use in the future.
- There would be parking problems created from the extended hours. It is already difficult for residents who have paid for a parking space to find a space after 6pm
- There is a potential for the noise and disturbance to have an adverse impact upon the peace and tranquillity of the nature reserve to the detriment of local wildlife
- The properties bordering Dean's Ham meadow can at times already cause light pollution in an area that is meant to be nature reserve. The proposal is likely to increase the incidents of excessive light and change the character of the area which for people and animals is one where there are extended periods of quiet.
- When consulting on the development of Hogacre Common Eco Park, the developers were met with overwhelming support, with the only real concern by local residents being that we should refrain from late night activities that carry the possibility of disturbing our neighbours. It was requested that loud music and parties late at night were avoided. Despite the physical separation from its nearest neighbours, the developers respected our neighbours' wishes. As custodian of a natural resource, it would be disappointing if the opportunity for

users of Hogacre Common Eco Park to enjoy the peace and tranquillity of the site were impaired by our neighbours.

- The South Oxford Community Centre, SOAP, Hogacre and St Matthew's Church currently provide spaces for community events, which we believe is important to their survival. Is it sensible to add another venue providing similar facilities? The White House pub (which historically has struggled to generate custom) could provide perfectly adequate facilities for post-match events and meetings etc.
- The proposal will introduce potential 'competition' with already existing, long established community organisations/resources in the area, already offering such a facility, that exist to provide this and require such use/income to remain viable.
- The football club wishes to generate some income by hiring out the clubhouse to generate extra revenue. Given that the new amenity will in general be a significant benefit to a large part of the local community in Grandpont and New Hinksey, the balance between benefit and disadvantages is difficult to judge.
- If extending hours (although not always to 11pm) served the local Grandpont community then this may be acceptable with local residents able to book to use the space in evenings and weekends for various activities. However there seems to be no provision for this and it feels like it will be turned into an evening party venue. Is there a way with the application to have limited extended hours and limit the use to more of a community centre for local residents?
- The pavilion should not have been allowed in the first place. But given that we have it, we might as well get some use out of it. Grandpont could do with a community facility where local people can get together for sports and social activities. Therefore I support extending the opening hours.
- Support this application. During British summer time the Rec is used for football training until 7 pm. Closing the facility at 6 pm will mean the clubhouse can't be used for training which would, quite obviously, partly defeat the point of having it.

## **Officers Assessment**

### **Background to Proposals**

1. The site is located on the western side of White House Road, and is bordered by the residential properties to the east, Grandpont Nursery School to the south, and the railway line to the west (**site plan: appendix 1**)
2. The site comprises the Grandpont Recreation Ground which is within Grandpont Nature Park. The recreation ground currently has hard-standing for basketball, fixed 5-a-side goals, a full sized football pitch with fixed goals (Autumn / Winter months) and a cricket pitch (Summer months). There are further cricket and football pitches on the opposite side of the railway line.
3. In August 2013 planning permission was granted for the erection of a new single storey-storey sports pavilion with clubroom for the recreation ground under reference number 13/01344/CT3. The pavilion included two 16 person changing rooms with WC's and showers; two official changing rooms with WC and shower; accessible WC; male & female WCs; external store; kitchen with server; plant room, and a community room with store. The permission has been implemented.

4. In granting planning permission, the West Area Planning Committee attached the following condition which restricted the hours of use to those stated within the application form.

*The sports pavilion hereby permitted shall only be used between the following hours (Monday to Sunday 09.00 - 18.00 hours) unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In the interests of residential amenity of the surrounding properties in accordance with Policies CP10, CP19, and CP21 of the Oxford Local Plan 2001-2016.*

5. The applicant has subsequently identified that the hours of operation they originally sought would restrict evening use of the pavilion (including the club room) limiting its basic purpose to provide facilities for sports participation on the recreation ground as well as for any other potential community uses. The current proposal is seeking to vary the condition to enable the hours of operation to 9am to 11pm (Monday – Saturday) and 9am to 10pm (Sundays).
6. The proposed variation would not alter the use of the pavilion (including the club room) from that specified within the original application. Officers consider that the principle determining issues in this case would be the impact of varying the hours of operation of the pavilion.

#### **Variation of the opening hours**

7. The sports pavilion has been provided as part of the Oxford City Councils Pavilion Modernisation Project which is improving pavilions in their existing parks and providing central bases and facilities for sports clubs within the city. The purpose of the new pavilion was to establish a facility for Hinksey Park Football Club to enable the club to expand and develop within the local community. In addition to the modern changing facilities the proposed layout also included a ‘community club room’ which the application made clear would provide social facilities for players, officials, and spectators involved with the club and also be made available for other community uses such as mother and toddler sessions, children’s parties at weekends, exercise groups, adult learning, and occasional social events.
8. In determining the initial application for the sports pavilion, officers had regard to the potential impact of the development upon the surrounding area in terms of loss of light, privacy and also noise intrusion. It was considered that the pavilion would not create any additional adverse impacts upon the surrounding residential properties. However conditions were imposed in order to mitigate any possible impact from noise intrusion, one of which required a management plan for the pavilion to be submitted before it was brought into use and to set the hours of use to those stated in the application form.
9. The current proposal is only seeking to vary the hours of use of the pavilion to enable the facility to be used in the evenings. There is no intention for extended hours to facilitate the buildings use for purposes other than those specified in the

original application. There are no proposals to form a social club or private hire venue with late night entertainment licence, or for late night parties and alcohol sales to occur on site. The Council Leisure and Parks Team have advised that this will be stipulated in the lease agreement with the football club. It is intended that the use of the pavilion (including the clubroom) would also be enforced through the management plan secured by condition on the original permission 13/01344/CT3. The management plan has yet to be formally agreed although the applicant has indicated that the following points will be included within the plan.

- The Football Club will manage the bookings for the facility in collaboration with the Oxford City Council's parks department who will retain full management of the adjacent football pitches.
- A management committee will be formed by the club in order to assist in the management of the pavilion. The committee membership will be made up by representatives of the football club, ward councillors, Oxford City Council Officers, South Oxford Community Association, Thames Valley Police, the local schools and local residents.
- The community room will only be made available for events through a booking system and these bookings will be confirmed following consultation with the management committee. The committee will act in the interest of the club and local community to ensure that any events will be managed responsibly and be respectful of the local community
- There will be no alcohol consumption allows at the site unless agreed through a temporary entertainment licence in the name of Hinksey Park FC.

10. The applicant has also confirmed that the management plan should also include a caveat that no live or amplified music be played after 9.30pm. Similarly they have also indicated that they would be prepared to accept opening hours which have the pavilion closing at 9.30pm (Monday – Sunday) to be out by 10pm rather than the 10pm (Mon-Sat) and 11pm (Sunday) finish proposed.

11. Having reviewed the application officers would support the variation to the opening hours for the following reasons. Firstly it is regrettable that the hours of operation originally specified within the application were not fit for purpose as it was clear that a degree of evening usage would be required, if only, for sports clubs to use the facilities throughout summer months and for the clubroom to be used for meetings associated with the club throughout the year. In that regard the early evening closing time (6pm) is inadequate and would certainly undermine the use of the pavilion and its ability to encourage participation in sports throughout the year. Therefore there is a clear operational need for the pavilion to open beyond the currently allowed time.

12. The recreation ground lies on the outskirts of a residential suburb, with properties located on the eastern side of Whitehouse Road. Therefore the potential for noise intrusion arising from the evening use needs to be examined. The Oxford Local Plan has general policies that relate to environmental impacts arising from development. Policy CP19 states that permission will not be granted for proposals that cause unacceptable nuisance, and where such a nuisance is controllable planning conditions will be imposed. In addition Policy CP21 also states that

permission will be refused for proposals that cause unacceptable noise, with conditions also used to minimise any adverse impact from noise.

13. The pavilion would be located some 65m away from the nearest residential property in Whitehouse Road and is separated from these properties by the mature screening to the recreation ground and the public highway. The community room has been sited to the western side of the building and so is further away from residential properties. The clubroom is only 70.6m<sup>2</sup> and has a small kitchen leading from the space. In determining the existing permission, officers concluded that the proposal would not create any additional noise impacts that would have a particularly adverse impact upon the surrounding residential properties given the location of the pavilion, and range of uses proposed within the building. Furthermore any such impact would be controllable by conditions in accordance with the above mentioned policies. This would still be the case, even with the opening hours varied to enable an evening use.
14. Secondly the principle of the clubroom being used by the wider community was accepted in the original application, and the Oxford Core Strategy encourages these types of facilities being made available to the wider community irrespective of whether there are other similar type facilities within the area. It is clear from the original application that there is no intention to hire out the venue for uses that would have a harmful impact upon the surrounding area and this is unchanged by this application. The management plan secured by condition on the original permission will ensure that this is the case, and the information provided by the applicant with respect to their draft management plan provides comfort in this regard. This states that social events will be on an occasional basis and would be subject to a temporary events licence, which would need to be issued by the licensing authority. Officers welcome the applicant's intention to close at 9.30pm as this would be a more appropriate time and alleviate concerns raised by third parties raised during the consultation process..
15. Officers consider that varying the hours of operation to enable a 9.30pm finish on a daily basis would not have a significant impact upon neighbouring residential properties in terms of increased noise and disturbance in accordance with the aims and objectives of Policies CP1, CP19, and CP21 of the Oxford Local Plan 2001-2016.

## **Highway Matters**

16. The existing recreation ground is in a sustainable location within the Transport Central Area which is highly accessible in terms of walking, cycling and public transport. The county council car park to the north of the recreation ground currently provides parking for the recreation ground with limited hours parking available on street in Whitehouse Road. The site has no vehicular access other than for maintenance vehicles and emergency vehicles.
17. The Transport Statement approved as part of the planning permission recognised that the only potential change in traffic conditions would be through the use of the club room, and this would generally be associated with evening and weekend use of the room. The Local Highways Authority raised no objection to the proposal in

terms of traffic generation or highway safety and concluded that the club room is small and its use would not generate significant amounts of traffic and is likely to primarily serve the local community who are within walking distance. The variation of condition would not alter the situation beyond that which was already considered as part of the application.

### **Other matters**

18. In terms of impact upon biodiversity, an ecological appraisal was approved as part of the application. Natural England has raised no objection to the proposal as it is unlikely to affect any statutorily protected sites or landscapes or any European Protected Species. The variation of condition would not alter the situation beyond that which was already considered as part of the application, as the amendment to the opening hours would not introduce any uses that would have an impact.

### **Conclusion:**

19. The proposal is considered to be acceptable in terms of the relevant policies of the adopted Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 24th March 2014