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| <u>No:</u> | BH2016/05672 | <u>Ward:</u> | Wish Ward |
| <u>App Type:</u> | Removal or Variation of Condition | | |
| <u>Address:</u> | St Christopher School Sports Ground Glebe Villas Hove BN3 5SL | | |
| <u>Proposal:</u> | Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use. The use on Saturdays is proposed for a maximum of 10 days throughout the year. | | |
| <u>Officer:</u> | Joanne Doyle, tel: 292198 | <u>Valid Date:</u> | 13.10.2016 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 08.12.2016 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | David _ Janet Bailey Crossways The Roundel Old Roar Road St Leonards-on-sea TN37 7HD | | |
| <u>Applicant:</u> | 33 New Church Road Hove BN3 4AD | | |

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

| Plan Type | Reference | Version | Date Received |
|----------------------|-------------------|----------------|----------------------|
| Location Plan | 8238/02 | D | 13 October 2016 |
| Block Plan | 8238/01 | A | 13 October 2016 |
| Floor Plans Proposed | 8238/10 | C | 23 April 2012 |
| Existing Floor Plans | 8238/12 | A | 23 April 2012 |
| Elevations Proposed | 8238/15 | B | 23 April 2012 |
| Existing Elevations | 8238/16 | B | 23 April 2012 |
| Detail | (SCHEDULE OF USE) | - | 13 October 2016 |
| Location Plan | 8238/02 | D | 13 October 2016 |
| Block Plan | 8238/01 | A | 13 October 2016 |
| Floor Plans Proposed | 8238/10 | C | 23 April 2012 |
| Existing Floor Plans | 8238/12 | A | 23 April 2012 |
| Elevations Proposed | 8238/15 | B | 23 April 2012 |
| Existing Elevations | 8238/16 | B | 23 April 2012 |

- 2 Not used. (time condition)

- 3 The structure hereby permitted shall not be used except between the hours of 08.00 and 21.00 on Monday to Friday and 10:00 to 19:00 on Saturdays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4 The door located on the north elevation shall be used for emergency purposes only.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 Noise associated with plant and machinery incorporated into the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5db below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6 Not used.
- 7 Not used.
- 8 Not used.
- 9 Not used.
- 10 Not used.
- 11 Not used.
- 12 Not used.
- 13 Not used.
- 14 The refuse and recycling storage facilities provided shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 15 The cycle parking facilities provided shall be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 16 The structure hereby permitted shall be used on Saturdays for changing and kitchen facilities in association with events on Glebe Villas Playing Fields only and shall not be used as a teaching facility.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 17 The enclosed outside play space attached to the pavilion, as indicated on drawing no.8238/02D, shall not be used except between the hours of 08.00 and 18.00 Monday to Friday and not at anytime on Saturday, Sunday or Bank Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to St Christopher's School at Glebe Villas Playing Fields. The fields are located to the north of New Church Road and are bounded by detached and semi-detached houses at Glebe Villas to the east, Leicester Villas to the west and Chelston Avenue to the north. St Leonard's Church lies to the south of the playing fields which is a Grade II listed building.

- 2.2 The application relates to a pavilion (granted under permission ref: BH2012/00248) in the North West corner of the playing fields. The pavilion is a single-storey flat roofed structure of modern design and is accessed via an alleyway from Leicester Villas. The pavilion is used by St Christopher's School as changing and teaching facility.

- 2.3 Planning permission is sought for the variation of condition 3 of application BH2012/00248 to change the hours of use of the pavilion to 08.00 to 21.00 Monday to Friday and 10.00 to 19.00 on Saturday. The use on Saturdays is proposed for a maximum of 10 days throughout the year. The use on Saturdays would only include the use of the changing rooms and kitchen facilities.

- 2.4 There is currently a restriction on the use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays for a temporary 12 month period, discontinuing on or before 1st September 2016, approved under application BH2015/0154. This current application proposes to grant the extended hours of use of the pavilion on a permanent basis.

3. RELEVANT HISTORY

- 3.1 BH2015/01548- Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey

outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08.00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year. Approved 26.08.2015. Condition 1. attached to this permission restricted the use for a temporary period..

3.2 BH2014/01441- Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08:00 to 21:00 Monday to Friday and 07:30 to 20:00 on Saturday. Refused 22.09.2014. The reason for the refusal was as follows:

- 1) The variation of condition 3 would result in the use of the pavilion on Saturdays between 07.30 and 20.00. The pavilion is in close proximity to residential properties and the proposal would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2013/02043: Application for variation of condition 14 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to allow refuse to be removed daily by caretakers and bought back to the main school. Approved 1/09/ 2014.

BH2013/04118- Application for removal of condition 3 of BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) which states the structure hereby permitted shall not be used except between the hours of 08:00 and 18:00 on Monday to Friday only. Refused 28.02.2014. The reason for the refusal was as follows:

- 1) The removal of condition 3 and resulting unimpeded hours use of the pavilion is deemed inappropriate and would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2012/00248- Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities. Approved 24.05.2012.

BH1999/01940/FP: Demolition of existing Pavilion building D1/D2 and erection of new Pavilion D1/D2. Approved April 2000.

3/83/0414: Demolition of exiting pavilion and erection of a larger terrapin building to improve the facilities in connection with the use of the sports field. Approved 1983.

3/84/0128: Use of pavilion for pre-prep school group. Approved 1984.

4. REPRESENTATIONS

4.1 Seven (7) letters of representation have been received objecting to the proposal for the following reasons:

- The extended hours would result in overlooking, loss of privacy and increased noise and disturbance.
- The extended hours would result in traffic and parking issues.
- The extended hours would result in inconvenience to local residents.

4.2 One (1) letter of representation has been received commenting that:

- The extended hours may result in noise and traffic issues.

4.3 **Councillor Nemeth** has objected to the application, a copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 **Transport Planning:** Comment

Original comment

The applicant is proposing to vary condition 3 to increase the permitted hours of the site's use from 6pm to 9pm on weekdays and Saturdays from 10am - 7pm.

5.2 The Highway Authority notes that during these evening weekday times on-street parking is likely to be at its peak demand in the surrounding residential area.

5.3 Therefore the Highway Authority would wish to see further information being provided, prior to determination, and this would include:

- The exact nature of events to be proposed following approval (the applicant has only provided a list of previous events) and the likely number of person and vehicle trips each event will generate
- How and where vehicles associated with such events are accommodated. If overspill parking onto the highway is likely to occur during the proposed new times a parking survey, in line with the Lambeth survey parking methodology, should be provided to demonstrate that there is availability for the likely additional car parking being generated.

5.4 No Objection

Comment dated 22.05.2017

The Highway Authority deems that the likely trips generated by a pavilion of this size for the proposed use and increase in hours, are unlikely to have a significant impact on the surrounding highway network.

5.5 It is also noted that the hours of use of the associated playing field are not restricted therefore restricting hours of use of the pavilion may not significantly reduce trips to the site.

5.6 The Highway Authority therefore has no objection to the increase in hours of opening time of the pavilion.

- 5.7 **Environmental Health: No Objection**
One complaint received in May last year of noise. The enquiry into this matter did not proceed and no action was taken.
- 5.8 **Sport England: No objection**
Sport England is supportive of the variation of condition 3 of application BH2012/00248 and the proposed extension to the hours of use of the existing ancillary sporting facilities. Sport England raises no objection to this application.
- 5.9 **County Archaeology: No objection**
The proposal would not have a significant archaeological impact.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP8 Sustainable Buildings
CP9 Sustainable transport
CP12 Urban design
CP16 Open space
CP17 Sports provision

Brighton & Hove Local Plan (retained policies March 2016):

TR4 Travel plans
TR7 Safe Development
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity

HO20 Retention of community facilities
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the variation of the condition is appropriate in respect of the potential impact on the amenity of adjacent residential properties and transport issues.
- 8.2 **History and Context:**
Application BH2012/00248 granted permission for the removal of the existing pavilion and the construction of a new pavilion in the same location on 24.05.2012. Condition 3 stated the following:
- 8.3 *The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.*
Reason: *To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*
- 8.4 The condition was imposed on the hours of use of the pavilion to limit its impact on the amenity of adjacent properties in respect of noise disturbance. The pavilion is in close proximity to adjacent properties. It is immediately adjacent to the rear garden and kitchen of 24 Chelston Avenue and immediately to the rear of the gardens of 25 & 27 Leicester Villas. There are also a number of houses nearby on Chelston Avenue and Leicester Villas. The pavilion is accessed via Leicester Villas via an alleyway which runs in between 25 & 27 Leicester Villas. The use of this access also has noise and traffic implications. It should be noted that the use of the pavilion has intensified when compared to the previous pavilion. The previous pavilion had ceased to be used as it was in need of repair. The new pavilion is used as classroom and changing room.
- 8.5 It was therefore considered justifiable to limit its hours of use to limit the potential noise impact and disturbance of adjacent properties.
- 8.6 Application BH2013/04118 sought to vary condition 3 of application BH2012/00248 for unlimited use of the pavilion. This application was refused due to the unimpeded hours resulting in a detrimental impact upon amenity.
- 8.7 Application BH2014/01441 sought to vary condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08:00 to 21:00 Monday to Friday and 07:30 to 20:00 on Saturday. This application was refused due to the use on a Saturday resulting in a detrimental impact upon amenity.

- 8.8 Application BH2015/01548 sought to vary condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays was approved on 26.08.2015. A condition was attached to the permission so the extended hours would be allowed for a temporary 12 month period, discontinuing on or before 1st September 2016.
- 8.9 **The proposed variation of condition 3:**
Planning permission is sought to vary condition 3 attached to planning permission ref: BH2012/00248. This permission granted approval for the removal of the existing pavilion and the construction of a new pavilion in the same location. Condition 3 stated the following:
- 8.10 *The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.*
Reason: *To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*
- 8.11 Application BH2015/01548 for the variation of condition 3 of application BH2012/00248 to vary the hours of use of the pavilion from between 08.00 to 21.00 Mondays to Fridays and 10.30 to 19.00 on Saturdays was approved. A condition was attached to the permission so the extended hours would be allowed for a temporary 12 month period, discontinuing on or before 1st September 2016. This condition was imposed by Planning Committee when the last application was considered in 2015.
- 8.12 Planning permission is sought to grant the extended hours of use of the pavilion on a permanent basis. The hours of use of the pavilion are proposed as the following:
- 08.00 to 21.00 Monday to Friday
 - 10.30 to 19.00 on Saturdays.
 - The use on Saturdays is proposed for a maximum of 10 days throughout the year.
- 8.13 Regard is given to the previous application BH2015/01548 which was given permission for the same extended hours of use, albeit for a temporary time period. The conclusions from this application considered the extended hours of use on weekdays would be acceptable in respect of adjacent properties.
- 8.14 The report for application BH2015/01548 states that:
No objection is raised in principle to the proposed extension of hours during the week (8am - 9pm Monday to Friday). The use during the weekdays is in line with normal working hours. These hours are deemed more acceptable in respect of adjacent properties.
- 8.15 It was noted in the report that concern had been raised within previous schemes regarding the use of the pavilion on a Saturday particularly given that Saturday mornings would be a quiet time of day within the residential area. The hours of use on a Saturday were considered acceptable as there had been no noise

complaints to Environmental Health and subject to a condition restricting the use of the pavilion for changing rooms and kitchen facilities.

- 8.16 Application BH2015/01548 was decided at Committee on 02.09.2015. Members raised concern particularly given the use of the Pavilion on a Saturday and considered that an additional condition should be attached to limit the consent to 12 months. The reason given for the temporary permission for a 1 year period was to be able to assess the impact of these extended hours upon neighbouring amenity.
- 8.17 The applicant has submitted a Schedule of Use spreadsheet detailing the use of the Pavilion between September 2015 to August 2016, during the temporary year period. The use on a Saturday recorded 2 sports events and the majority of the weekday evening use was for parent's evenings. Environmental Health have commented that there is a record of one complaint being received in May 2016, received during the temporary extended hours of use of the Pavilion. Environmental Health have commented that the nature of the complaint related to the use of the pavilion during the daytime in the week and in break time and the use of the pavilion by outside groups. An enquiry into this matter did not proceed and no direct action was taken.
- 8.18 It is noted that there have been a number of objections from neighbours throughout the history of the proposed increased hours of use of the pavilion. The concerns are connected with the use of the pavilion, the use of its outside areas and noise created when accessing and leaving the pavilion via the alleyway from Leicester Villas. The neighbour objections with this current application also mention the increased impact to neighbouring amenity since the temporary hours approved under application BH2015/01548. However given that there have not been a large number of complaints to Environmental Health in this time and no direct action has been taken by Environmental Health it is not considered that the extended hours on weekdays and the use on Saturday would impact neighbouring amenity to a detrimental degree to refuse these hours, particularly as the Saturday use are intended to be restricted to 10 times a year.
- 8.19 It should be noted that St Christopher's School uses the playing field at Glebe Villas for sports activities which is an established use with no restrictions and the use of the pavilion on Saturdays would be restricted for changing and kitchen facilities only.
- 8.20 On this basis and subject to the recommended conditions, it is considered that the proposed variation of hours of use would not result in a significant impact on the amenity of any adjacent properties with respect to noise disturbance. As such the variation of condition 3 is considered acceptable.
- 8.21 Conditions will be attached restricting the use of the outside play space between the hours of 08.00 and 18.00 Monday to Friday and limiting the Saturday use for changing and kitchen facilities only, as they are necessary to protect neighbouring amenity.

- 8.22 Condition 1 (time condition) has not been used as the works are complete.
- 8.23 Conditions 6-13 have not been used as this condition they are pre-commencement conditions and the works have already taken place.
- 8.24 **Sustainable Transport:**
The Highway Authority has no objection to the increase in hours of opening time of the pavilion. The likely trips generated by a pavilion of this size for the proposed use and increase in hours are unlikely to have a significant impact on the surrounding highway network.
- 8.25 **Conclusion:**
Having regard to the considerations above, the following conclusions are made:
- The use of the premises between 8am - 9pm during weekdays is appropriate as this would allow a more flexible use of the premises for open evenings. However, the use of the outside enclosed area attached to the pavilion is to be limited to between 8am-6pm to prevent noise impact on adjacent properties.
 - The use of the pavilion on Saturdays is appropriate subject to the use being limited for changing and kitchen facilities only.
 - The applicant has applied for the use of pavilion on Saturdays for 10 days only a year. Conditioning the use of the pavilion as such would not be enforceable. Additionally, restricting the use of the pavilion for changing and kitchen facilities only to be used for sports days and open events on the fields is considered acceptable and would not result in a detrimental impact on adjacent properties.
 - It should be noted that St Christopher's School uses the playing field at Glebe Villas for sports activities. This is an established use with no restrictions.
 - The scheme would not result in a significant demand for parking or significantly impact on highway safety.

9. EQUALITIES

- 9.1 None identified