

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	1 <sup>st</sup> May 2018
Address/Location:	Lannett Play Area, King Edwards Avenue, Gloucester
Application No:	18/00068/FUL
Ward:	Moreland
Expiry Date:	14.03.2018
Applicant:	Mr Roy Craddock
Proposal:	Refurbishment and extension of existing changing room building to form new changing rooms and community facilities for youth activities (as revised).
Report by:	Anna Penn
Appendices:	Site location plan, block plan, elevations and floor plans

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is being reported to Committee as the development is on Council owned land and objections have been received. The application relates to the Lannett Playing Fields, located approximately 1 mile south of the city centre. The playing fields are bordered by Lannett Road and Dorney Road along the northern boundary and are bisected by King Edwards Avenue. The application site is located in the north east corner of the site, adjacent to the junction of Lannett Road with King Edwards Avenue. The current changing facilities on the site are in a poor state of repair and cannot satisfactorily accommodate the four teams which play at the site. The site has been used by Tuffley Rovers for the last 3 seasons following the dissolution of Tredworth RFC.
- 1.2 The existing building is single storey and has a footprint of approximately 94 sq. metres. It contains two small changing rooms with shared shower and toilet facilities and a store. Planning permission is sought to extend the existing building to provide new enlarged changing facilities to accommodate both male and female players. The new floorspace would amount to 212 sq. metres in total, with 118 sq. metres being additional floorspace. It will provide two separate changing rooms with showers and toilet; a multi-use community room, a smaller community room, referee changing facilities; a small kitchen with external servery and a store. The community rooms are to be used by the club for staff meetings. It will also be available for other community uses when not required by the club. The extension will be of a buff brick to match the existing building. The flat roof will be replaced by metal tile effect roofing sheets with a pitched roof. The roof will attain a maximum height of 7 metres.
- 1.3 The development will result in the loss of 236 sq. metres of green open space but it will not encroach onto the playing pitch. It was originally proposed to provide an off-street car park for 20 cars. This has been deleted from the scheme due to concerns about visual impact. An existing footpath from King Edwards Avenue will be relocated further south to serve the new main entrance facing onto the pitch.

## 2.0 RELEVANT PLANNING HISTORY

There is no relevant planning history.

### 3.0 **RELEVANT PLANNING POLICIES**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 3.3 **Development Plan**

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS include:

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

INF3 – Green Infrastructure

INF4 – Social and community Infrastructure

#### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.5 **Emerging Development Plan**

##### **Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

#### 3.6 **Other Planning Policy Documents**

##### **2002 Revised Deposit Draft Local Plan**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, only one policy is considered to be relevant to the current application.

OS.7 – New areas of Public open space

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

## 4.0 CONSULTATIONS

### 4.1 Highway Authority (Original Comments)

No highway objection is raised subject to conditions relating to the provision of visibility splays and car parking in accordance with standards.

### 4.2 Landscape Adviser (Original Comments)

The site is located on 'The Lannett' which is a public open space. The open space has mature London Plane trees on its boundary and along the central road but is otherwise open. The site is currently occupied by a changing room, with a utilitarian appearance and in a poor state of repair.

There is no in principle landscape objection to replacing the changing rooms however due to its sensitive location in an open public park it is considered that it should have a less utilitarian appearance. Whilst it is appreciated that there is a need for the building to be secure this should not be the only consideration. Some shrub planting or small trees could be located around the new facilities, to soften its visual impact, without impacting on the open character of the park. To mitigate for the increased size of the building and help enhance the character of the park a new London Plane should be located on the corner between Lannett Road and King Edwards Avenue.

It is proposed to locate a tarmac car park for twenty cars to the north of the changing room. The car park will be contrary to Policy SD7: Landscape, of the Joint Core Strategy, because of its impact on the landscape character of the open space. The parked cars will be open to views in all directions due to the openness and the level topography of the area. When the car park is not in use its detrimental visual impact will be restricted to the immediate area.

#### **Recommendation.**

There is no landscape objection to the new changing room facilities, However, additional planting such as a new London Plane on the corner of the site is recommended..

The proposed car park is not acceptable due to it being physically located on a public open space and its visual impact on the landscape character of the open space and is contrary to the NPPF, Policy SD7 of the JCS and Policy OS.1 of the Gloucester City Local Plan.

### 4.4 Sport England (Original Comments)

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

*E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.*

This being the case, Sport England **does not wish to raise an objection** to this application.

However, I have consulted with the Football Association and the Football Foundation, who are both fully supportive of the application, but there are fundamental issues concerning the design which would need to be addressed should the applicants seek funding from the Football Foundation:

The Football Foundation has made a series of detailed comments regarding the number of officials changing rooms; the location of the tea room and the number of toilets. In addition, it is suggested that the design of the building should be in line with FA requirements.

#### **4.5 Environmental Health**

This application is for an extension to the building for new changing rooms which includes the building being updated in addition to 20 parking spaces on a Council playing field. Publicity for the planning application has resulted in objections to this application based upon potential Anti-Social Behaviour resulting from the development once in use.

Tuffley Rovers AFC are in possession of a Premises Licence that entitles them to provide the sale of alcohol from 10:00hrs – 23:00hrs 7 days per week. This licence was obtained so that they may provide for resale alcohol during sporting fixtures at the site. I have examined our electronic records and can confirm that two separate Temporary Event Notices were approved by the Council in 2014/15, additionally since the premises obtained a Premises Licence under the Licensing Act 2003 the Council have not been in receipt of complaints of statutory nuisance/ASB resulting from the existing use of the building. The council have also not received any complaints of an unauthorised use of the land resulting in ASB etc.

As there is no evidence to support an objection to this application I would be minded to recommend approval providing measures are put in place to prevent any unauthorised use of the proposed car park that may give rise to statutory nuisance/ASB resulting from youths congregating in the car park when not in use by the club. Consequently and should consent be granted I would recommend a condition be imposed to require the applicant install and routinely make use of a lockable barrier so as to prevent access to the car park outside of licensed activities or any other time that a responsible person is not on site,

#### **5.0 Publicity and Representations**

5.1 One hundred and eight neighbouring properties were notified and press and site notices were published.

5.2 18 letters of objection raising the following issues were received, in relation to the original plans showing the car park. Following the receipt of amended plans, further consultation has been carried out and any further representations will be reported at the Committee meeting.

- The proposal will result in an increase in anti-social behaviour and littering;
- It will lead to a later application for a licensed bar;
- There is plenty of on-street parking available therefore there is no need to park on the open green space;
- Speeding cars are a persistent problem so an increase in accidents is likely;
- The horrendous car park design should be replaced with grasscrete;
- The car park would destroy a large green area and will spoil views;
- Loss of green open space will be contrary to the GCC Open Space Strategy 2014 – 2019;
- Twenty parking spaces are not sufficient for the proposed development;
- There are a number of community facilities within the area therefore there is no need for additional facilities;

- Tuffley Rovers should create a facility within their own locality;
- There is an opportunity for more tree planting;
- Devaluation of property prices;
- Concern at lack of notification from the Club prior to the application being submitted.

5.3 Three letters of support have been received welcoming the additional sports facilities available for youngsters.

The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations

### 6.5 *Principle of Development on Playing Pitches*

6.6 Paragraph 74 of the NPPF states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location; or

The development is for alternative sports and recreational provision, the needs for which clearly outweighs the loss’

JCS Policy INF4 which relates to social and community infrastructure provides that new or refurbished provision should be of an appropriate type, standard and size.

6.7 The application has received detailed comments from Sport England and the Football Foundation, who raise no objection to the scheme. The layout plans have been revised to take into account the advice from the Football Foundation but there has been no significant change to the external appearance of the building. The principle of the development is supported as it will not result in the loss of playing pitches and it will enhance the existing facilities on site. This will encourage greater use of the existing playing pitches. The principle of development is considered to be acceptable, subject to assessment against other planning considerations in the remaining sections of this report.

6.8 ***Design, Layout and Landscaping***

The NPPF states that new developments should be of high quality design and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design. Policy SD6 requires development to protect or enhance landscape character. Development will be expected *“to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.”*

6.9 JCS Policy INF3 seeks to conserve and enhance existing green infrastructure within the city, including public parks, recreation grounds and play spaces. JCS Policy INF4 seeks to protect existing community facilities where possible. It states that *“new or refurbished provision will be of an appropriate type, standard and size ..... centrally located to the population it serves and be easily accessible on foot and bicycle. It should be located so as to have the potential to be well served by public transport.”*

6.10 The proposed extension to the existing changing rooms will be of a functional design which typically reflects that of sports changing facilities. The development will result in an improvement to the appearance of the existing building by the provision of a new pitched roof. This roof will replace the existing flat roof which gives the building a stark appearance. The extension will be clad in buff coloured bricks to match the existing building. The orientation of the building will be altered with the main entrance and windows facing onto the pitch. An overhanging canopy will protect observers from the elements, with a serving hatch providing access to refreshments. The provision of additional landscaping around the building and the planting of a new plane tree will soften the impact of the building.

6.11 The proposed parking area has been deleted from the application. This was due to concerns raised by the Council's Landscape Officer and a number of local residents about the visual impact of a tarmacked surface on a prominent green open space. Discussions were held with the applicant's agent about using a more sensitive material such as grasscrete. However, this was dismissed due to cost and maintenance implications. It is proposed to plant an additional London Plane tree on the junction with Lannett Road and King Edwards Avenue.

6.12 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network. The County Highways Officer has indicated that there is no objection to the loss of the proposed car park from the application. The site is located in close proximity to public transport and is accessible by foot and bicycle. Local residents have commented that there is ample on-street parking within the vicinity of site and that a car park is not needed. The proposal therefore accords with JCS Policy INF1.

6.13 ***Residential amenity***

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality

design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.14 The proposed development is situated in close proximity to residential properties on the opposite side of Lannett Road, some 40 metres away. However, the use is an existing one and local residents are accustomed to sporting activity on the site. The removal of the car park from the scheme will discourage the congregation of youths outside the building in the evenings. The provision of community space within the building will be of benefit to the wider community. It is not intended that the premises will be operated as a public bar. This would be the subject of a separate temporary events license, in any event. It is pertinent to note that no complaints have been made in respect of the existing use of the premises which has had 2 separate temporary licenses granted. A condition will be imposed which restricts the hours of operation to prevent any noise from the building late in the evenings. The development therefore accords with JCS Policy SD14.

6.15 ***Drainage and flood risk***

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

6.16 The site is located within Flood Zone 1 which is an area of lowest risk of flooding. The proposal will therefore not have any impact on flood risk.

6.18 ***Conclusion***

This application has been considered in the context of the policies and guidance referred to above. The proposal will result in an enhancement of the existing changing facilities enabling it to be used by both girls and boys. The provision of the community rooms will also be of benefit to the wider non-footballing community. The proposal will result in a modest visual improvement to the appearance of the building which will be softened by additional landscaping. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

6.19 **Human Rights Act**

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters, warrant any different action to that recommended.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

That planning permission is GRANTED subject to the following conditions;

**1. Time limit for commencement (full permission)**

The development hereby permitted shall be begun before the expiration of three years from the

date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## **2.New Approved Drawings**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 8677 – PL02; PL03; and 04 received on 16<sup>th</sup> January and 05B; 06A; and 07A received by the local planning authority on 5<sup>th</sup> April and any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Joint Core Strategy (2017).

## **3.Scheme of refuse storage and recycling**

Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first use of the development hereby permitted and thereafter maintained for the life of the development.

Reason: In the interests of amenity in accordance with policies contained within Joint Core Strategy (2017).

## **4.Landscape scheme**

No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies contained within Joint Core Strategy (2017).

## **5. Landscape scheme - implementation**

The landscaping scheme [approved under condition 4 above] shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance

the quality of the environment in accordance with policies contained within Joint Core Strategy (2017).

## **6. Protection of trees**

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows have been submitted to and approved in writing by the local planning authority. This shall include:

(a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with policies contained within Joint Core Strategy (2017).

## **7. Restriction on Hours of Opening**

The premises hereby permitted shall not be open to users between the hours of 21.30pm and 08.00am daily.

Reason: To safeguard the amenities of the locality.

**Person to Contact:** Anna Penn (396732)

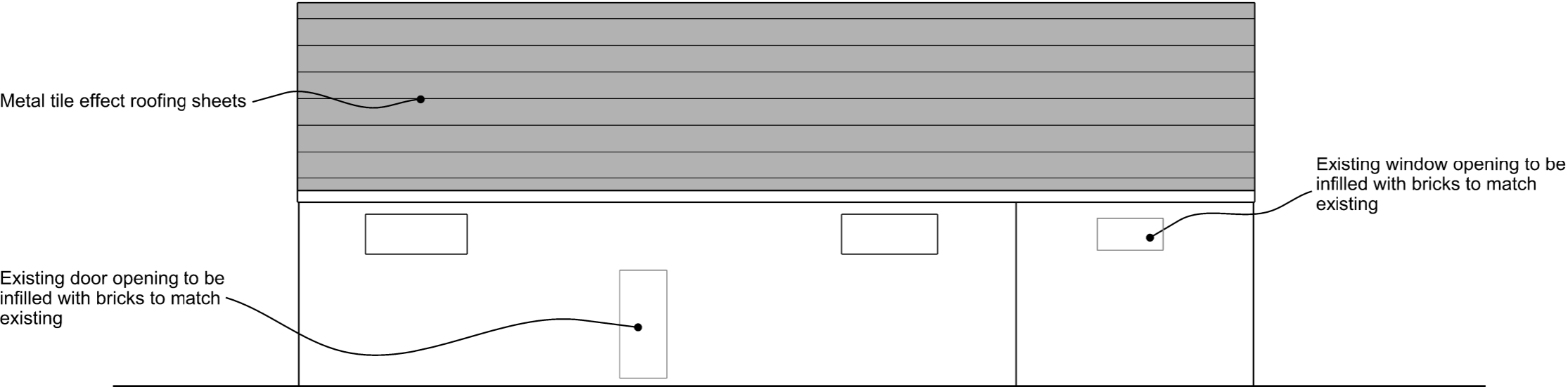
Planning Application: | 18/00068/FUL

Address: | Lannett Play Area King  
| Edwards Avenue Gloucester

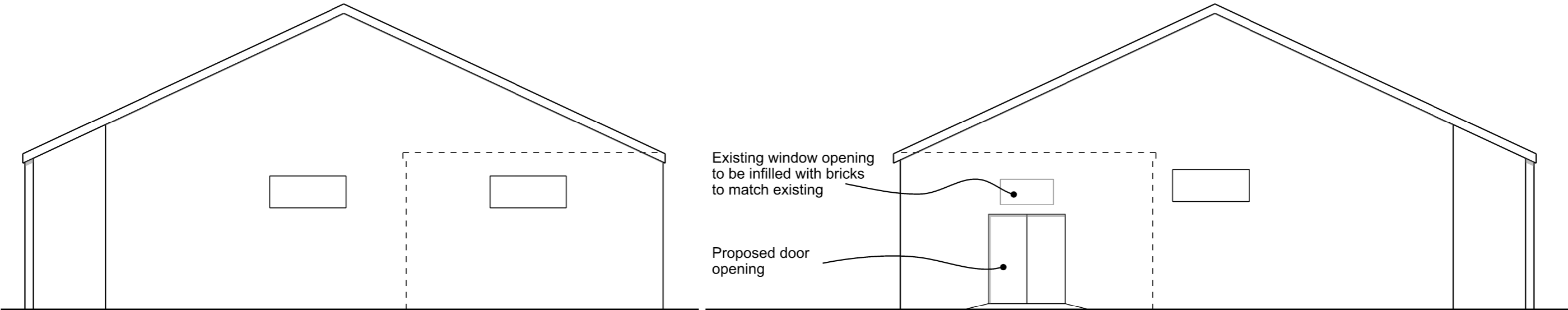
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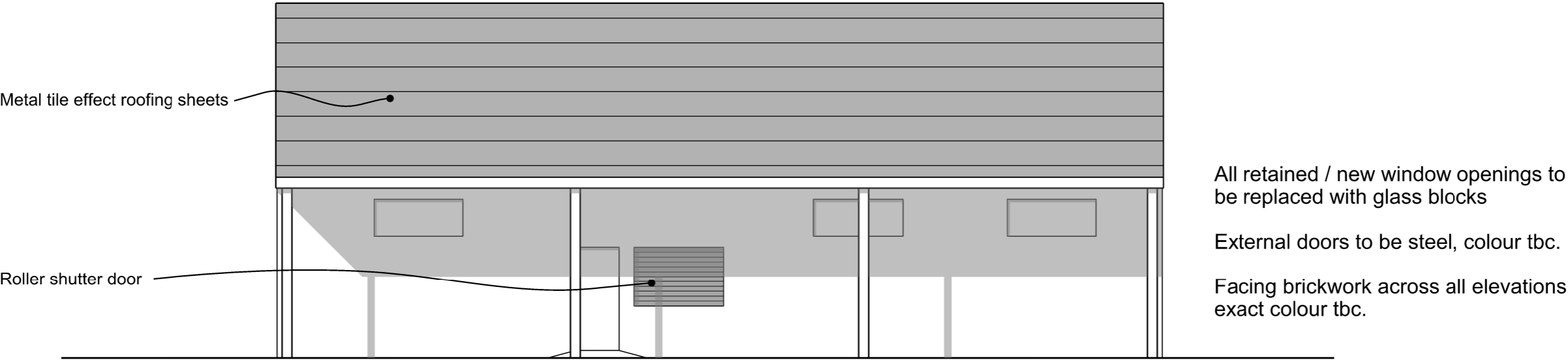


West Elevation



North Elevation

South Elevation



Rear Elevation

Proposed Extension 118sqm

Refurbishment of Existing Building 94sqm

