

08/01239/FUL THE ERECTION OF A TEMPORARY SPORTS CLUB HOUSE INCLUDING CATERING, BAR AND CHANGING FACILITIES (RETROSPECTIVE) ON LAND TO THE NORTH OF THE FORMER BRETTON WOODS COMMUNITY SCHOOL SITE, BRETTON PARK, BRETTON

VALID: 12 NOVEMBER 2008  
 APPLICANT: PETERBOROUGH LIONS RUGBY CLUB  
 AGENT: N/A  
 REFERRED BY: HEAD OF PLANNING SERVICES  
 REASON: THE DEVELOPMENT HAS BEEN IMPLEMENTED WITHOUT PLANNING PERMISSION AND HAS RAISED ISSUES OF WIDER CONCERN

DEPARTURE: NO

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:-

- The principle of the development
- Traffic generation
- The impact of the development upon residential amenity
- The impact of the development upon the character of the area
- The impact upon wildlife

The Head of Planning Services recommends that the application is **APPROVED**

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

#### **The Peterborough Local Plan (First Replacement)**

##### **T1: Transport implications of new development**

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

##### **T7: Public transport accessibility to development**

Development with significant transport implications will only be granted if it is well served by public transport or if improvements can be made to provide good public transport.

##### **T10: Car and motorcycle parking requirements**

Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

**LT3: Loss of open space**

Planning permission would not be given if a development would result in a loss of open space that would give rise to a deficiency.

**LT9 (b) Development of Leisure Facilities**

Any site for leisure development that lies outside of a district centre or Hampton Township Centre will be required to demonstrate the need for the development and that a sequential test has been applied.

Planning permission will only be granted if there is a clearly defined need and that there are no alternative sites higher in the sequence.

**DA2: The effect of a development on the amenities and character of an area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

**DA11: Design for security**

Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

**DA12: Light Pollution**

Permission for lighting schemes will only be granted if the level of lighting does not exceed the minimum necessary to achieve its purpose, the installation minimises glare and light spillage and does not adversely affect the amenity of an area.

**LNE16: Sites of Local Nature Conservation Importance**

Planning permission will not be granted for development which would be likely to have an adverse effect upon a Local Nature Reserve or a County Wildlife Site unless there are demonstrable reasons for a proposal that outweigh the need to safeguard the nature conservation value of a site.

**City Centre Framework Implications: NONE**

**Village Design Statement Implications: NONE**

**Central Government Advice**

**Planning Policy Guidance Note 24 – Planning and Noise** – This gives guidance on the use of planning controls to minimise the adverse impact of noise that may occur as part of a development proposal. The guidance advises that noise can be a material consideration for a local planning authority to consider in determining planning applications. It also advises that new development involving noisy activities should, if possible, be distant from noise sensitive land uses. Where it is not possible to achieve such a separation of land uses it should be considered whether it would be practical to control or reduce noise levels or to mitigate the impact of noise through the use of planning conditions or planning obligations.

**3 DESCRIPTION OF PROPOSAL****Background to the Peterborough Lions Rugby Club**

The Peterborough Lions Rugby Club was formed as Westwood Works Rugby Club in 1944 and the team played its home matches at the Baker Perkins site off Westfield Road until the late 1980's. Since then the club have played at a variety of venues including the Peterborough United Football Ground during 2006/07, followed by the Hereward Community College and during the 2007/08 season, Peterborough Showground. The club plays its matches on a Saturday afternoon. Having gained promotion this playing season they will be playing next season in Midlands East Div 2 league (south). They will be playing against teams located up to a 70mile radius from the city. Their nearest opponents are to be Huntingdon. The club have two training sessions a week, both in the evenings and offer junior/youth coaching on a Saturday morning. The Club have confirmed that on average each home game attracts a crowd of about 200 with any away support making up a small percentage of this figure given

the distances that away teams have to travel. Away teams and supporters do on occasion arrive to the games by coach. The main marquee on the site is used for various types of functions including, christenings, wedding, and birthday parties for example.

## **Proposal**

The proposal is retrospective and seeks to retain three marquees linked together all with pitched roofs. All of the marquees have roofs made of White PVC made with PVC frames holding double glazing windows floor to eaves forming the walls. The main marquee area has an east to west aligned ridge with a rectangular footprint of approximately 450sq.m and a height of 5m. This is a hospitality suite area with an additional smaller marquee attached to its western elevation aligned in a north to south orientation. This marquee has a floor area of 72sq.m and a height of 3.2m and is being used for storage purposes. A further marquee is fixed parallel to the southern elevation of the main marquee that has a floor area of 126sq.m, with a ridge height of 3.5m and houses the kitchen and bar. The smaller marquee is 9m to the north of the 4 retained tennis courts to the west of the marquee. A conservatory structure is attached to the eastern side of the main marquee described as a porch on the application drawings. This has a footprint of approximately 30sq.m.

To the west of the marquees are located 4 portacabins that are used as changing accommodation and toilet facilities. These are painted grey with a blue trims. There are also a number of individual toilet blue cubicles that are used by spectators to the Rugby matches and in association with the functions held in the main marquee. To the north of the main marquee is a grassed floodlit area used for training purposes.

The main parking area to serve the use is an established car park that lies to the south east of the marquee complex and was once used as a parking area for the former Bretton Woods School. It is hard surfaced and can accommodate up to 55 cars. 18 more spaces are available just to the south of the main car park and there are additional parking spaces along the road to the site. The vehicular access to the car park is via a tarmaced track off the service road to the rear of the Sainsbury's.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application site lies at the very southern end of the Bretton Park and comprises the aforementioned buildings/structures. To the east, south and west are woodland areas. These areas are of local nature conservation importance. To the north are the 2 enclosed Rugby pitches and a cricket square. Further to the north is the open Bretton Park playing field. The former Bretton Woods School Car Park lies just to the north of the southern woodland area accessed by a hard surfaced road off the service road to the north of Sainsbury's. It is enclosed by green painted 2.5m high palisade fencing. Prior to the latter a road forks off to the north to an area of parking that runs alongside the west side of the site and the Rugby pitches. This area has long been used by those playing tennis or making use of the facilities in the park. Once off the service road there are parking spaces to the north and closer to the larger car park there are 18 parking spaces either side of the road. The various marquees are located on four of the original 8 tennis courts with the fencing around the courts remaining. Within the main car park there were two touring caravans and a shipping container taking up a number of parking spaces.

## **5 PLANNING HISTORY**

None relevant

**INTERNAL**

**Building Control** – The plans are not of sufficient detail to provide a full and proper comment. The various structures may be sited to close to the site boundaries.

**Head of Highways and Transportation** – No objections raised subject the flood lighting and ancillary lighting not endangering users of the nearby public highways. Details of 30 car parking spaces, 2 coach parking spaces and 22 cycle parking spaces are to be provided to serve the facilities of the club.

**Operations Manager – Bereavement and Sports Services** – The current temporary arrangements for the Lions Rugby Club forms a part of a much bigger picture that will lead to significant investment by the Rugby Club in the future.

**Head of Culture** – The objectives of the applicant are in line with the Council's Draft Sports Strategy that the Council are currently exploring. Full support.

**Head of Strategic Property** – The Rugby Club was advised on 1 September 2008 that they could occupy the site the subject of this application in accordance with a conditional licence agreement. The conditions permitted the Rugby Club, to fence the site and prepare the pitches to their requirements, to ensure that the remaining tennis courts were kept available for use and that the pitches are kept in a suitable condition to allow the playing of cricket with no rugby being played over the existing cricket wicket. The licence will run from 28 July 2008 until 26 July 2009. The licence restricts the use of the site to be the home ground solely for the Peterborough Lions Rugby Club.

**EXTERNAL**

**Bretton Parish Council** – The application is clearly retrospective and has resulted in the closure of 4 tennis courts. These were always open for use by the general public. No planning permission has been granted for any of the works undertaken by the Rugby Club. The Parish Council is aware that the use of the facilities has resulted in a number of noise nuisance complaints from the residents of the dwellings to the west of the site. The application has ignored the presence of the Ancient Woodland to the south and east of the site which is also a Local Nature Reserve. The application details have ignored, in terms of the site area of the development, the area that has been enclosed by mesh fencing.

**The Head of Environmental Health Services** has advised that two noise nuisance complaints have been received directly about the use of the premises one of which included a 'noise log' of the problems that have been experienced from the use of the site. The complaints that were logged were noise nuisance from the use of the hospitality marquee at between 11 – 11.45pm with the words of the singer being clearly audible. This required the complainant having to turn up the volume of the television and affected his ability to sleep.

**Police Architectural Liaison Officer – Secure by Design** – The facilities are expected to attract those intent on crime, damage and anti-social behaviour. The site is particularly vulnerable due to its remote location, lack of any natural surveillance and the temporary nature of its construction. Entry through PVC material is very easy. The site is going to be particularly at risk when not in use. Care has to be taken that the site area is not used as a 'hang out' for local youths. The applicant has advised that he intends to install a CCTV system. Significant concerns in relation to the long term policing of the site if the temporary nature of the use was to be extended much beyond the planned 12 month planned time scale. To assist in securing the site and in addition to the proposed CCTV system and the fencing that has been erected the use should have a fully monitored alarm system to BS4737, fully trained security staff to be employed to protect the site out of hours and the bar and stock room should be contained within a secure and alarmed enclosure

**Natural England** – No objections to the proposed development in respect of any statutorily designated sites. As the site is in close proximity to areas of woodland light pollution is to be avoided. Light pollution can have a range of adverse impacts upon wildlife such as disturbance to nocturnal mammals and disruption to the behavioural patterns of birds and invertebrates for example. The proposal should include details of enhancements for biodiversity in line with the aims of Planning Policy Statement (PPS9) – Biodiversity and Geological Conservation. Such enhancements could include habitat creation to buffer and extend the adjoining County Wildlife Site and the use of native species of local provenance within any additional landscape proposals, the inclusion of green roofs or climbing plants on unused walls as nesting habitat for birds and invertebrates and the use of a sustainable urban drainage system.

**Sport England** – It will normally oppose development that would lead to the loss of, or prejudice the use of, all or part of a playing field without meeting at least one of the specific exception criteria identified its policy guidance contained within its document entitled ‘Planning for Sport Playing Fields’. In principle the proposal could be viewed as complying as an exception to its normally restrictive policy in that it provides ancillary facilities associated with the principle use of the site as a playing field without adversely affecting existing sports pitch provision. No objections to the ancillary facilities, such as the changing areas, showers and toilets on the grounds that they are a temporary provision. Sport England does have its own standards for permanent sporting facilities for the players. The loss of a number of the tennis courts would be acceptable provided that the remaining courts are to be upgraded as stated by the applicant

A **petition** signed by the occupants of 10 residential properties in Barnstock was submitted in December to the Environmental Health Pollution Control Team specifically objecting to the disturbance they experienced from music being played excessively loud in the marquee. The Pollution Control Team has not received any complaints since January 2009.

A resident of **Benland** has objected to the loud playing of music at the Marquee at anti social times, a noisy generator, requests to the Rugby Club to turn the volume of the music down have been ignored, the lack of any consultation with the local community prior to the commencement of the uses and the noise and general inconvenience of vehicle movements late at night.

## **COUNCILLORS**

No representations from Members of the Council have been received.

## **7 REASONING**

### **Principle**

The Peterborough Lions Rugby Club have a long established history and the First Team are playing a high standard of competitive Rugby to regional league level just two leagues down from the Peterborough Rugby Club which is based in Fengate. They are looking for a new home as they have been effectively nomadic since the late 1980’s. As a result they approached the Council for assistance and, albeit without first having secured the necessary planning permission, the Cabinet Member for Efficiency and Business Improvement agreed the use of the tennis courts for a period of 1 year for the siting of the various marquees and portacabins associated with the Rugby Club. The 1 year period will expire on 26 July 2009. The club have a long term plan to be permanently based at the site. The lease also provides a 5 year window during which time the permanent development of the site could take place and thereafter a 60 year lease to commence on completion of the permanent construction works.

Sport England has advised that in accordance with its policy the facilities would be acceptable provided that the 4 remaining tennis courts were to be upgraded. This is desirable but should only be sought were the Rugby Club to gain the necessary full planning permission for permanent facilities on the site. Such expense would be an onerous requirement at this stage where only temporary planning permission is being sought. The Rugby Club have agreed to undertake the upgrades of these remaining tennis courts. Sport England are satisfied that the

general Rugby facilities are not taking away the open use of the southern end of Bretton Park and that local cricket clubs are still to be able to make use of the cricket pitch located between the two rugby pitches. To aid this the lease of the land to the Rugby Club requires that they do not encroach on the cricket square and keep the rugby pitches maintained to allow for a decent cricket outfield.

Policy LT9 of the Peterborough Local Plan (First Replacement) does require that for such leisure facilities that are to be based outside the city or district centres that applicants undertake a sequential test to seek to demonstrate that there are no other more suitable locations for the facility in such areas and also to demonstrate a need for the facility. The applicants have done neither in this case. However, there are considered specific individual circumstances that can enable the determination of the application without the necessity to rely on a sequential test having been undertaken.

The aim of policy LT9 is to seek to congregate uses that can be expected to attract people to locations that are accessible by a variety of different modes of transport and not solely by the motor vehicle. Clearly a rugby club could not have a base other than near to the rugby pitches which in turn have to be located in an area of green open space, such as the playing fields to the north of the marquees, the subject of this application. Whilst the marquees will be used primarily for ancillary rugby purposes, in order to raise revenue for the clubs expansion it proposes to continue hiring the marquees out, which would be mainly at weekends. The location of the site is such that being close to the edge of the Bretton Centre that both the functions to be held at the club and the rugby matches would be accessible by public transport from most parts of the city. There is also a cycle route that passes the site. Thus the site is considered accessible and the terms of the requirement of policy LT9 have been addressed by the development and its location.

The Police Architectural Liaison Officer considers that the remoteness of the site, the ease that the marquees could be entered by those intent on causing crime and damage and the lack of natural surveillance means that the site is very vulnerable. Accordingly he has advised that the security measures for the development have to be improved. The applicant has agreed to installing a CCTV system. Further it has been advised that the structures should be alarmed, the bar and stock should be contained in a secure area and when the facilities are not in use that the site should be guarded by security staff. These measures are proposed to be secured by condition.

**Need** – The Peterborough Lions Rugby Club have a real need to find a permanent home as evidenced from its recent history of constantly changing home grounds. Without such a home the club would have a limited chance of reaching its aims, amongst which is for the club to play high league competitive rugby, whilst having the facilities to promote and encourage youth rugby. The club are benefitting from the use of two good quality playing pitches which in accordance with the lease they are to retain them as such. The portacabins are an essential requirement in the absence of permanent changing facilities for the players and match officials.

**The marquees** – These appear at first glance to be quite lavish in scale and appearance. However, whilst the floor area of the marquees exceeds 600sq.m the club do require a function room facility, as have Peterborough Rugby Club based in Fengate. The Club have advised that the crowd for home games has been on average around 200 with peaks in the region of 300, dependent upon the opposition. The after game socialising is a key element of the rugby experience and as such a facility will be required to accommodate players and spectators, particularly after a game. This also provides a source of revenue for the club. The marquees have also been used for private functions but this is not a regular occurrence and its principle role is to provide match day facilities.

## **Traffic generation**

The traffic generated by the uses of the site are greatest on first team match days and when private functions are held in the main marquee. The site can accommodate at present 55 car parking spaces in the main car park and 18 either side of the access road nearest to the main car park. Vehicles do also park on a strip of parking along the access road although this lies outside of the application site area. The Rugby Club have confirmed that visiting teams/spectators do, on occasions, arrive by coach given the travelling distance. The main car park can accommodate a couple of coaches although in doing so a number of the car parking spaces could not be used. However, the pressure for on site parking in such cases must be offset against the reduced number of cars that a visiting team would normally bring. This can only be expected as a result of first team games and other functions held in the marquees would be expected to generate car traffic only. The parking of a coach(s) can be accommodated within the main car park and a condition has been suggested that requires details of the parking provision to include coach parking arrangement. Even with a coach(s) parked within car park and their turning requirements it is expected that there would still be provisions for up to 45 on site car parking spaces that is considered satisfactory in this instance.

## **The impact of the development upon residential amenity**

Complaints had been made to the Environmental Health Team, including a petition from residents of the residential area to the west of the site following an initial number of functions held in the marquees. However, there have been no complaints about any functions that have been held since January. This tends to lead to the conclusion that the functions are being better managed by the club. The nearest residential property to the marquees is approximately 80m away with quite dense woodland in between the two. Vehicles leaving functions at night have been cited as a cause of noise nuisance but this should be minimal as the roads are all hard surfaced to the public highway and the nearest to a dwelling that the road passes is 17m. A noise restricting condition and a temporary one year condition for the retention of the marquees are to be applied such that if the use does cause problems to the amenities of the occupiers of the nearby residential properties then the Authority retains control over it.

## **The impact of the development upon the character of the area**

The retention of the marquees and ancillary facilities such as the portacabins will have an impact upon the character of the locality given their scale and the fact that the previous use of the site was for tennis courts. However the parking area remains the same as used in associated with the Bretton Woods School. The marquees, whilst visible from the north of Bretton Park can be expected to be reasonably screened from views from all other directions due to the dense woodland on all other sides. The use will clearly generate greater vehicle movements at times when the traffic generated by the former school would not have been generated but this will be occasional and certainly not on a daily basis. The use will require lighting and this will increase the prominence of the marquees in the evening. However on balance the general lightweight appearance of the marquees and their use is not expected to have a long lasting impact upon the character of the area.

## **The Impact upon Wildlife**

The site is surrounded on three sides by woodland that is designated in the Local Plan as having local nature conservation importance. Natural England has raised no objections to the proposal. They have however requested that the proposal should include enhancements for the bio-diversity of these areas. They have suggested a number of options although as the proposal is for a temporary permission it is considered that to undertake this would be onerous upon the applicant. However, should the applicant prove successful at securing permanent buildings on the site the requirements of Natural England should be adhered to.

## 8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:-

- The marquees and portacabin buildings are acceptable as ancillary facilities, on a temporary basis, in association with the use of the adjoining playing fields for the playing of competitive Rugby and Cricket and would be in keeping with the Authority's Sports Strategy and accord with policy LT10 of the Peterborough Local Plan (First Replacement)
- The use of the marquees for non Rugby related functions are acceptable on the grounds that such functions are only sporadic, that they are helping to fund the development of the Rugby Club, the site is located within walking distance of the Bretton Centre and over time the functions have not been detrimental to the amenities of the occupiers of the nearby residential properties in accordance with policies DA2, and T7 of the Peterborough Local Plan (First Replacement).
- The parking provision for the Rugby Club and independent functions is considered to comply with policy T10 of the Peterborough Local Plan (First Replacement)

## 9 RECOMMENDATION

The Head of Planning Delivery Services recommends that this application is **APPROVED** subject to the following conditions:

- C1 The marquees and portacabins hereby permitted shall be removed and the land restored to its former condition on or before 30 June 2010 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: In order to reinstate the original use of the land or site, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C2 Within 4 weeks of the date of this permission details of the parking provision to serve the use of the rugby playing facilities and the marquees hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The parking provision shall include facilities for up to 2 coaches and all cars are to be able to enter and leave the main car parking area in a forward gear. Thereafter the parking and turning facilities shall be implemented in accordance with the approved details and shall not be used for any purpose other than for the parking, turning, loading and unloading of vehicles in connection with the uses of the rugby playing facilities and the marquee.

Reason: In the interest of Highway safety, in accordance with Policies T1 T9, T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

- C3 The marquees shall not be used for any functions either in association with the use of the site by the Peterborough Lions Rugby Club or private functions before 1000 hours and after 2400 hours on any day.

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C 4 The marquees shall be used solely used for the activities and functions of the Peterborough Lions Rugby Club and for private functions that are to be attended solely by invited guests only and for no other purpose (including any other purpose within Class A3 and A4 and Class D2 of the Schedule of the Town and Country Planning (Use Classes) Amendment Order 2005) (or any Order revoking and re-enacting that Order, with or without modification), notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification).

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C 6 Within 4 weeks of the date of this permission details of the amplification system for music associated with functions to be held in the marquees hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The amplification system shall be configured such that the speakers direct sound away from the residential properties to the west if the site in a north easterly direction. Thereafter, the amplification system shall accord with approved details for each function.

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C 7 Within 4 weeks of the date of this permission is proposed a noise limiter, including its setting, shall be connected to the amplification system in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the noise limiter shall remain installed in accordance with the approved details, shall be kept entirely free from obstruction and shall be in use for the duration of functions held in the marquees. The agreed noise level restriction, shall not be altered unless by written agreement with the Local Planning Authority. The effectiveness of the noise limiter will be monitored by the Local Planning Authority and should the set level be found to be too high the noise meter will be reset accordingly. The applicant shall afford access at all reasonable times to an Officer nominated by the Local Planning Authority to enable the resetting to be undertaken.

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C8 Within 4 weeks of the date of this permission space shall be laid out within the site for the secure parking of 22 bicycles and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To encourage the use of a sustainable method of transportation to the site in accordance with policy T9 of the Peterborough Local Plan (First Replacement)

- C9 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

#### Notes relating to the decision

1. If the development is to involve works within the public highway in order to provide services to the site such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Environment, Transport & Engineering – Street Works Coordinator on (01733) 453578.

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