



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th February 2011

Subject: APPLICATION 10/04932/FU – Retrospective application for raised decking area to rear, Hunslet Green Community, Sports Club, The Oval, Hunslet, Leeds, LS10 2AT.

APPLICANT

Mr P Rainford

DATE VALID

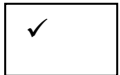
18/11/2010

TARGET DATE

13/01/2010

Electoral Wards Affected:

City and Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Hours of use restricted (22.00 hrs) Monday to Sunday.
2. Prohibit use of amplified sound on the decking area.

Reasons for approval: The application site is designated as N5 Greenspace within the adopted development plan. The development (raised wooden decking) has replaced an outdoor sitting area which had become unsightly and hazardous and therefore is considered to have resulted in an improvement to the existing facilities. The development is consistent with the use of the site as playing pitches and will not result in the loss of any useable playing pitch areas. The development also affords the council the opportunity to control the use of this outdoor area and alleviate the threat posed to residential amenity.

As such the application is considered to comply with policies GP5, BD6 and N5 of the UDP Review, as well as guidance contained within PPS1 and having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1 The application is brought to Panel at the request of Councillor Nash in her capacity as a Ward Councillor on the grounds that the development poses a threat to residential amenity from anti social-behavior and noise. A members site visit is also requested in order that members can assess the nearness of the residential properties and the potential noise that may emanate from the decking.

2.0 PROPOSAL:

- 2.1 This application has been received following an enforcement complaint and seeks retrospective permission for raised decking area with wooden balustrade to rear of Hunslet Green Community Sports Club. The applicant Mr Rainford, has confirmed that the decking was constructed during the summer of 2010 and replaced a paved patio/grassed area which was previously used as a sitting out area, ancillary to the main use.
- 2.2 The decking extends a further 3m than the paved patio area to accommodate 4 wooden patio tables with seating for up to 32 people. Access to the decking area remains unchanged and is reached through the lounge and patio doors, or from a paved area which surrounds the clubhouse. Pedestrian access is also available from the playing pitches by the use of wooden steps.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises of a football pitch and two rugby pitches with club house to the southeast corner. Adjacent to the eastern boundary is a long strip of hard standing which is used for parking and provides pedestrian access to the club house.
- 3.2 The site is bound on three sides by residential properties. Properties bounding the site in the northerly direction (Penny Lane) sit adjacent to the playing pitches (approx 170m away), properties on Gardener Court (approx 130m) and properties located to the south adjacent to the club house (33m away).
- 3.3 The Club house is a brick built, two storey building which features a first floor glazed balcony directly over the decking area which faces towards the playing pitches.
- 3.4 The premises currently hold an entertainment licence for alcohol and regulated entertainment until 00.00hours Monday to Saturday and 23.00 on Sundays.
- 3.5 The decking is 1m above ground level with 1m balustrade above. The decking projects 7.46m at its furthest from the club house

4.0 RELEVANT PLANNING HISTORY:

- 4.1 99-20/137/93/FU: Hunslet Green Off Jack Lane Leeds 10 Detached two storey clubhouse - Approved: 08-SEP-93
- 4.2 21/163/05/FU: Hunslet Warriors RLFC The Oval Leeds - Three 15m high floodlights to training area - Approved: 07-JUL-05
- 4.3 Enforcement: 10/00735/UBAX3: Sports Club, The Oval, Hunslet, Leeds, LS10 2AT

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was advertised by sited notice and posted on 26/11/2010. No representations have been received.

6.0 CONSULTATIONS RESPONSES:

Non-statutory:

- 6.1 Neighbourhoods and Housing: commented that they had received complaints relating to loud music. However, none of these complaints have been substantiated to date.
- 6.2 Details of the complaints are as follows:

One complaint regarding loud music was received from a complainant on Penny Lane Way in June 2007. There was no action taken and no further reports came from this person.

In June 2008 a local resident on Gardeners Court also complained about loud music and reported this to Cllr Steve Smith. The complainant made further complaints in August 2008 and July 2010. In each case the initial complaint was made and then nothing else reported. In July 2010 the complainant referred to the "smoking area" on the raised decking prior to that the reports were about loud music and shouting.

The Environment Protection officer requests that if planning permission is to be granted the following conditions be imposed to protect the amenity of the area:

1. Prohibiting the use of loud speakers on the decking area.
2. The decking area being closed at 23.00 hours Monday to Sunday.

- 6.2 Environment Agency – made no adverse comments to the application.
- 6.3 Architectural Liaison Officer - supported comments made by the Environment Officer and suggested a temporary consent be given in order that the installation can be monitored given the potential for noise nuisance. Now confirmed that Environmental Health deal with noise complaints and as such it is not a police matter.

7.0 PLANNING POLICIES:

Development Plan

- 7.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal. The following policies from the UDPR are relevant.:
- GP5 – Applications should resolve all planning considerations.
 - BD6 – refers to all alterations and extensions respect the scale, form, detailing and materials of the original building.
 - N5 – Proposed open space.

Government Planning Policy Guidance/Statements

8.0 MAIN ISSUES

- Principle of development.
- Design, appearance and layout.
- Impact on residential amenity.

9.0 APPRAISAL

Principle

- 9.1 The application site is designated as N5 Greenspace within the adopted development plan. The proposed development is considered consistent with the use of the site as playing pitches. The development will provide an improvement in the existing facilities and will not result in the loss of any useable playing pitch area. The principle of the development is therefore considered acceptable subject to all other material considerations being acceptable.

Design, Appearance and Layout

- 9.4 The design and scale of the decking is attractive and appropriate in scale to the host property. The use of wood rails and decking are acceptable materials which relate well to the existing building. The decking area is hidden from the view of its closest neighbours who are situated to the south side of the building separated by some robust boundary treatment. Residents opposite are a distance of approx 180m from the club house separated by the playing fields. The development is therefore not considered to pose a threat to the local character of the area.

10.0 Residential Amenity

- 10.1 The applicant Mr Rainford, has confirmed that the decking was constructed during the summer of 2010 and replaced a paved patio/grassed area which was previously used as a sitting out area, ancillary to the main use. The decking has been in place for around 6 months now, and there have not been any complaints in this period to Environmental Protection regarding the decking. The Architectural Liaison Officer has confirmed that matters of noise nuisance are dealt with by the Environmental Protection Team and as such is not a police matter. Nevertheless, the suggestion of a temporary permission has been noted however it is considered that there has already been a period of monitoring. Furthermore, the Environmental Protection Officer has not objected to the application, subject to conditions restricting the use.
- 10.2 In assessing the threat posed to neighbouring amenity from the decking area it is acknowledged that the decking area replaces a facility which already existed albeit a little smaller and less formal. However in improving the facility it seems sensible to presume that more people will use the seating area and therefore care needs to be taken to ensure that noise associated with the use does not unduly compromise neighbouring amenity especially late in the evening when there is very little background noise.
- 10.3 It is also duly noted that a fall back position exists, in that there are no planning conditions imposed on the original planning approval for the clubhouse to restrict this outdoor use. In the event that the decking was removed and replaced with a paving area of similar size, the need for planning would no longer exist and yet the potential threat to amenity would. The development therefore affords the council the opportunity to restrict the use accordingly, to protect amenity.

- 10.4 Although it is noted that the recommendation of the Environmental Health Officer is to restrict the hours of use until 23.00 it is considered that this could still lead to a loss of amenity to nearby residents, particularly in the summer months when residents should be able to have windows open. Therefore it is recommended that hours of use are restricted to 22.00 hours.
- 10.5 In light of the above and subject to conditions restricting the use, it is therefore considered that the development poses less of a risk to residential amenity than that which previously existed or the fall back position which exists.

11.0 CONCLUSION

- 11.1 Subject to conditions limiting hours of use and prohibiting the use of amplified sound on the decking to protect amenity the development is considered to comply with local policy and national guidance and as such is recommended for approval.

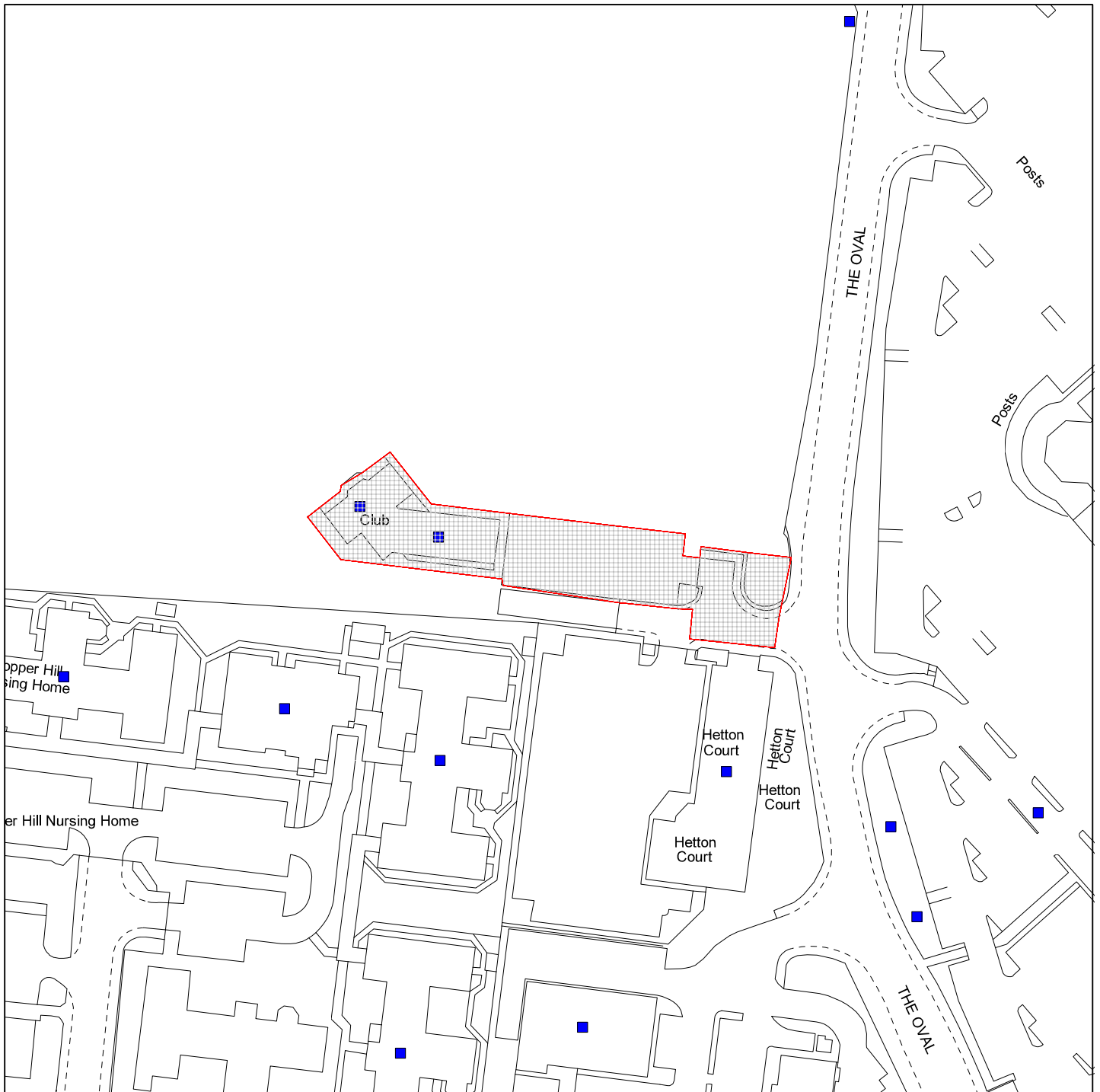
Background Papers:

Application and history files.

Certificate of Ownership – Signed as applicant.

Hunslet Sports Club

10/04932/FU



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	East Panel, 17th Feb.
Date	04 February 2011
SLA Number	Not Set