

**Application Number**

P/2013/0312

**Site Address**

Windmill Hill Sports Pavillion  
Higher Audley Avenue  
Torquay  
TQ2 7PF

**Case Officer**

Mr Scott Jones

**Ward**

Tormohun

**Description**

Extensions & Alterations to existing sports pavilion (re-advertised 7 December 2016)

**Executive Summary/Key Outcomes**

The proposal is to extend an existing sports pavilion at ground and first floor to provide a new function room with a bar, kitchen and toilet facilities at first floor, and improved changing facilities at ground floor.

The principle of improving community facilities for sports and recreation is supported in both the Torbay Local Plan 2012-2030 (Policies SS11 - Sustainable Communities and SC2 - Sport, leisure and recreation) and the NPPF.

The scale and design of the proposed extension is acceptable in its location, which is at the edge of the sports field adjacent to the access road, as it would retain the open landscape character of the site.

There has been considerable local concern expressed about highway safety, on-site parking provision and noise and disturbance.

The Strategic Transport Officer has requested further information relating to the use and management of the building, particularly associated with dealing with peak events, and a Transport Statement and Travel Plan is awaited for consideration. On the information currently available the level of parking (27 spaces) exceeds the requirement detailed within the Local Plan (22 spaces) relating to the floor area of the sports pavilion.

In regard to noise and disturbance the Community Protection Team has yet to respond and their views will be reported verbally at the committee meeting. Particularly in order to address concerns about noise and disturbance the applicant has been asked to consider operating on the basis of shorter opening hours than the hours proposed, which is 9am to 11pm Sunday to Fridays (including Bank Holidays) and 9am to 12am (midnight) on Saturdays.

In addition the applicant has been asked to address the current absence of information on flood risk and protected species. An update will be reported to members at the committee meeting and in the absence of sufficient information that meets the relevant policy requirements the application should be refused.

### **Recommendation**

Approval: subject to the receipt of satisfactory further information in regard to flood risk and surface water management, protected species, and a in regard to transport impacts, and conditions delegated to the Head of Business Services to include those outlined within this report.

### **Statutory Determination Period**

Extension of time has been agreed until the 13th January 2017 to determine the application. This application was originally submitted in March 2013 and has been held pending at the applicant's request. Due to the length of time since submission the application needs to be resolved and as the applicant does not want to withdraw the application a decision should be taken on the submitted scheme.

### **Site Details**

The application site relates to an existing single storey sports pavilion at Windmill Hill. The pavilion is located close to the southern border of the playing field near to the rear of properties in Audley Avenue and adjacent to the parking and access point off Higher Audley Avenue. The building is 9m from the rear gardens and 55m from the prevailing rear building line of the nearest dwellings. The pavilion fronts the Windmill Hill playing fields which are set out to the north.

The existing building has a simple and relatively modern appearance and is finished in red brick with a brown tiled pitched roof. There is a linear tarmac parking area adjacent to the building off the single vehicular access point with 27 parking spaces. There is a mature hedge along the southern boundary of the site to the rear of the sports pavilion that defines the border with properties in Audley Avenue.

In the Torbay Local Plan 2012-2030 the site is allocated as being within an Urban Landscape Protection Area (C5.08 Hele Woods/Windmill Hill Woods).

### **Detailed Proposals**

The application is for ground and first floor extensions to the existing building.

At ground floor level the proposal is to extend the footprint to the northern side of the building facing the playing fields, over which a terrace area is proposed. The additional ground floor area would be 66m<sup>2</sup> and with internal remodelling this will

permit new dressing rooms and improved wash room facilities. In total the layout will provide 6 dressing rooms, two disabled changing rooms, and ladies, gentleman and disabled toilets.

At first floor level the extension is principally to create additional floor space over the current footprint with a terrace area over the ground floor extension. The upper floor will provide an additional 161m<sup>2</sup> of floor space and provide a function room (100m<sup>2</sup>) with a small bar area (6m<sup>2</sup>), a kitchen (9m<sup>2</sup>) and toilets (ladies, gentlemen and disabled). To the north overlooking the playing fields doors will open on to a terrace area (55m<sup>2</sup>) which would be overhung by the pitched roof. It is noted that access to the first floor level is by external staircase and internally by a lift from the ground floor.

The proposed materials are brick elevations to match existing and tiled roof to match existing. The proposed balustrade to enclose the first floor terrace would be glass.

As a result of the proposed extension the footprint of the building would increase by 66m<sup>2</sup> from 154m<sup>2</sup> to 220m<sup>2</sup> and the internal floor area would increase by 227m<sup>2</sup> to a total of 361m<sup>2</sup> along with 55m<sup>2</sup> of covered terrace.

The applicant advises that security is a primary concern and it is proposed to use high security PVCu lockable windows and pull down roller shutters to doorways when the building is not in use.

In the Design and Access statement it is advised that the proposal is to run in conjunction with the prospective lease of the land and building by Waldon Athletic Community Sports Club. The proposal is to address the current lack of maintenance of the building and increase its overall use, thus resulting in a more community friendly building with multiple uses during the daytime and evenings and not just sports orientated use.

A plan has been submitted that shows on site parking provision of 27 spaces. The plans also show a possible area for overflow parking, although no details of how this would be surfaced or accessed have been included.

It is proposed that the operating hours of the community centre/clubhouse would be Monday to Fridays including Sundays and Bank Holidays 9am to 11pm and on Saturdays 9am to 12.00 midnight.

In support of the application the applicant advises that the existing sports pavilion and sports ground is currently owned by Torbay Council and local football teams and any members of the general public can hire the facilities throughout the year. The proposal is to extend and improve the building into a more community friendly facility with emphasis on a lot more daytime usage by individual clubs and societies such as training facilities for Waldon Athletic Community Sports

Club and offer refreshments during and after matches.

The applicant states that they have carried out two separate local neighbourhood consultation meetings. It is intended to have a permanent manager on the site during operational hours together with CCTV.

### **Summary Of Consultation Responses**

*Community Safety Officer:* Initial comments that the addition of a licensed premises does have the potential to increase the number of vehicle movements, the potential noise from patrons leaving late and noise from car doors etc.

It is advised that any public nuisance issues would be picked up by the Licensing Act public nuisance provisions or Statutory Nuisance. There is also potential noise from smokers outside the premises, music breakout and noise from patrons entering and leaving the premises.

A condition to secure a scheme of sound insulation works, including the installation of acoustic lobbies, for all rooms where music entertainment is recommended in order to reduce amenity impacts and it may be appropriate to reduce operating hours to have everyone off the premises by 23.00 or even 22.00.

Updated comments are awaited and members will be advised verbally at the committee.

*Strategic Transport Officer:* Request that a Transport Statement and Travel Plan is submitted that considers traffic generation, ways of promoting sustainable travel modes and measures to avoid conflict arising from on-street parking during peak usages.

The number of parking spaces is above that required by the Local Plan which may help alleviate some pressure on street parking and more information on the overflow parking could improve this further.

Cycle parking should be supplied.

*SWW:* No objection provided that no surface water being discharged to the public sewer system.

*Drainage engineers:* Pending comment.

*Green Infrastructure Officer:* Pending Comment.

## **Summary Of Representations**

83 letters of objection and one of support have been received so far and a petition with 95 signatures. 25 of these letters have followed a recent re-advertisement of the application undertaken to ensure that local residents have had adequate opportunity to make representation when considering the passage of time.

The second period of public consultation ends on the 28th December 2016 and members will be updated of any additional concerns raised aside those outline below.

The following issues are raised by objectors;

- Increased traffic resulting in serious congestion or a road safety hazard.
- Parking problems on Higher Audley Avenue and Audley Avenue
- There are currently not enough parking spaces for people using the football grounds at weekends. The resultant effect is dozens of cars all the way down Higher Audley Avenue and Audley Avenue.
- Security pertaining to licensed premises in a residential area
- Potential for increased noise
- Possible alcohol fuelled crime
- Likely increase of anti social behaviour
- Overlooking of property
- Obstruction of view
- Loss of light
- Loss of privacy
- Light pollution
- Another entrance may have to be considered as Audley Avenue cannot be the only way up to this sports hub.
- This is an area of important wildlife, dog walking and peace and quiet.
- There is a plethora of wildlife immediately surrounding the field including fox and badgers and this must not be disturbed at any cost.

These representations have been sent electronically to Members for their consideration.

## **Relevant Planning History**

- |           |   |
|-----------|---|
| 1986/2638 | Erection of a sports pavilion and provision of car parking areas approved 26.3.87 |
| 1985/3522 | Retention of changing rooms approved 24.4.86                                      |
| 1982/1024 | Formation of sports ground approved 13.7.82                                       |
| 1980/2223 | Changing rooms (hut) approved 27.11.80  |

### **Key Issues/Material Considerations**

The main issues are the principle of the proposed improvement to the sports and community facilities in this location, highways, impact on residential amenity, design, ecology and flood risk.

### **Principle and Planning Policy -**

Policies SS11 (Sustainable communities) and SC2 (Sport, leisure and recreation) of the Torbay Local Plan 2012-2030 support the investment, improvement and access to sports and community facilities. In paragraph 73 of the NPPF it is recognised that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

The principle of investing in and improving sports facilities would result in a positive contribution to the well being of the community and would provide the opportunity of delivering enhanced facilities in this location. The existing building currently has a rundown appearance and has been subject to vandalism and graffiti. There does appear to be an opportunity for the facilities to be enhanced and improved and an increase in use would be likely to deter vandalism of the building. It is intended that the improvement of this facility will encourage greater use of the adjacent outdoor playing field.

The proposal does include an improvement to existing sports facilities, however, the principal component of this application is to introduce community facilities in the form of a function room with a small bar area. Effectively, the proposal would result in an expansion in the use of the building from primarily sports based use to a mixed sports and community facility use.

The introduction of additional space for community use would make effective use of an existing building. The site is located within a residential area and there would be a benefit to local residents to have a community facility nearby. Use by community groups would have the potential to increase well being of users through providing increased opportunities for social interaction and potentially information and support through drop in facilities.

However the potential for investment and improvement in facilities in this location has to be balanced against the concerns of local residents that have been expressed in the objections to the application.

### **Highways -**

Local residents have raised serious concerns about increased traffic generation to the site. The only vehicular access to the site is via Audley Avenue and Higher Audley Avenue and residents advise that with on street parking these roads can be difficult to negotiate.

The site currently contains two football pitches and two junior pitches and is used

for sports purposes. There are no external flood lights so this use is restricted to day light hours. It is not clear from the application whether the applicant proposes to increase the sports use of the site however this could be done without the benefit of planning permission as it is an existing use.

It would be difficult to argue that an increase in use of the site for sports purposes should be refused planning permission due to inadequate off street car parking as the site has more parking than the current Local Plan requires of such development.

This means that the highway concerns should be addressed principally to the expansion of a community use of the property.

The Strategic Transport Officer has requested additional information to provide greater understanding of the traffic implication and the management that is proposed to limit any additional pressure upon street parking. It is noted that there is potential for overflow parking that if appropriately managed and promoted could reduce the impact upon local streets through parking.

It is also requested that 10 secure cycle parking spaces are provided in-line with the Local Requirement.

Essentially the proposal is supported by adequate on-site parking and, subject to cycle parking, accords with the requirements laid out within Local Plan Policy TA3 (Parking requirements) and the related Appendix F for sports recreation. However the community use element may result in certain peak demands and therefore additional information is considered necessary to determine whether management and potential overflow parking arrangements could be adequate to limit the impact of the development.

Further information is expected and Members will be updated verbally on this matter at Committee.

#### **Impact on residential amenity -**

Local residents have raised concerns about noise and disturbance resulting from the use of the premises for functions, the effect of unruly behaviour and the size and relationship of the building with existing nearby dwellings.

A significant level of local concern has been raised relating to potential noise and disturbance. It is advised that the area is currently quiet and the proposed use would have a notable effect on noise levels in the area. This is a very valid concern but should be considered against the fact that there is an existing sports facility on the site that does generate activity.

The site will be used by a Community Sports Club and it would be reasonable to expect that the social use of the building would be ancillary to the primary use as

a sports facility which would be different from a proposal to provide a pub or restaurant on the site.

The Community Safety Officer has suggested that noise breakout could be reduced by incorporating sound proofing measures into the building fabric. In addition the officer suggests a review of the proposed hours of operation.

Given the residential character of the surrounding area it is considered that a reduction in the proposed opening hours would be justified. Therefore, a condition is suggested to restrict the hours of operation to 10pm Monday to Friday including Sundays and Bank Holidays and 11.00pm on Saturdays

Local residents have raised concerns about unruly behaviour resulting from the sale of alcohol from the premises. Behaviour of users on the site is not strictly a planning consideration and would be more appropriately addressed through the licensing process. In the application it is advised that a permanent manager will be employed on the site and it would be reasonable for the manager to address and control behaviour issues.

The impact of the proposed first floor extension on nearby properties has been raised. It is considered that the proposed extension would be sufficient distance from properties in Audley Avenue (over 50 metres) to avoid any overbearing effect. There would be no loss of light due to the distance from these properties and because the pavilion is on the northern side of the existing dwellings. There would be only one first floor kitchen window facing properties in Audley Avenue and this would not result in overlooking due to the distance between buildings.

Subject to suitable restricted hours and noise insulation, achieved by condition, the proposal is considered acceptable on amenity grounds and consistent with Policy DE3 (Development amenity) of the Local Plan.

### **Design and visual impact -**

The design of the proposed extension would be functional and would respect the form of the existing building. The use of bricks and roof tiles to match the existing building would assist in assimilating the development into its setting. The scale and proportion of the proposed development would be acceptable in this location and would be appropriate for the proposed use and the scale of the sports pitch to which it would serve, in accordance with Policy DE1 (Design) of the Torbay Local Plan 2012-2030.

The application site is designated as being within an Urban Landscape Protection Area in the Torbay Local Plan and Policy C5 is applicable. The policy states that development will only be permitted within an Urban Landscape Protection Area where it does not undermine the value of the area as an open or landscaped feature within the urban area and it makes a positive contribution to the urban environment and enhances the landscape character of the area. In



this case the footprint of the building would be increased by a small amount and would encroach only a minor amount onto the existing grassed area. It would not affect the existing pitches on the site. Due to the relatively minor increase in size of the footprint of the building the proposal would protect the essential open landscape character of the Urban Landscape Protection Area.

For the reasons above the proposal is considered acceptable in terms of design and visual impact as it would accord with the aims and objectives of Policies DE1 (Design) and C5 (Urban Landscape Protection Areas) of the Torbay Local Plan 2012-2030.

### **Ecology -**

Concern has been raised about the impact of the proposal on existing wildlife.

As the proposal increases the footprint of the building to a minor extent and the majority of the proposed development would be at first floor level, the physical works on the site would have no impact on adjacent wildlife habitat.

As a result of the proposal it is likely that there would be increased activity on the site, however it is noted that there are residential properties abutting two sides of the existing site which would result in light and noise emissions, and it is considered unlikely that the potential increased use of the site would harm wildlife habitat in the area.

Due consideration of the building itself is necessary as there may be bats or bird nesting potential. An ecological survey has been requested in order to ensure that there would be no undue impact upon protected species and in the absence of this the application could potentially be refused due to the lack of certainty.

Further information is expected and Members will be updated verbally on this matter at Committee.

Subject to the findings of an ecological survey the proposal is considered consistent with the aims and objectives of Policy NC1 (Biodiversity and geodiversity) of the Local Plan 2012-2030.

### **Flood risk -**

Torbay has been designated a critical drainage area (CDA) with a more rigorous surface water disposal strategy required in order to ensure that all sites achieve much reduced rates of surface water runoff.

The application is currently not supported by a flood risk assessment that includes a detailed strategy for the management of additional surface water runoff. The applicant has been asked to address this and submit a detail design.

If it is not proven that the development will not result in an increased risk of

flooding on land or buildings adjacent or elsewhere the application should be refused as it fails to meet the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

Further information is expected and Members will be updated at the committee on this matter.

**S106/CIL -**  
N/A.

### **Conclusions**

In conclusion, the proposal is to improve the facilities of the existing sports pavilion principally by providing a function room, bar and kitchen at first floor level. There has been considerable local concern expressed about highway safety and noise and disturbance to local residents. The proposal includes adequate parking provision on the site and could also provide an overflow parking area. Concerns about noise and disturbance could be addressed by including sound insulation measures in the construction of the building and by reducing the proposed opening hours in order to lessen the potential of noise and disturbance to residents in the area. Subject to these measures being agreed the proposal is considered to be acceptable in this location.

### **Proposed Conditions:**

1. That the identified level of parking (27 spaces) is maintained and made available at all times for the use ancillary to the sports pitches and function room,
2. There shall be a submission and approval of a management plan that shall include details of how the premises will be managed to prevent noise and disturbance to nearby residents and nuisance from inconsiderate parking, including the operation of any parking overflow,
3. That the use hereby permitted shall not be open to customers outside the hours of 9am to 10pm Monday to Friday including Sundays and Bank Holidays and 9am to 11pm on Saturdays,
4. That prior to the commencement of works a scheme of sound insulation works including the installation of acoustic lobbies shall be submitted to and approved for all rooms where music entertainment is to be provided. The sound insulation works shall be completed before the extension hereby approved is occupied,
5. That the development shall proceed in accordance with an agreed surface water drainage strategy, and
6. That the development shall proceed in accordance with an agreed ecological strategy.
7. 10 secure cycle parking spaces should be provided prior to the first use of the building and maintained thereafter.

**Relevant Policies**

- L5 Urban Landscape Protection Area
- CF1 Provision of new and improved community
- CF2 Crime prevention
- RS Recreation and leisure strategy
- R2 Outdoor recreation developments
- BES Built environment strategy
- BE1 Design of new development
- NCS Nature conservation strategy