

Agenda Item A8	Committee Date 15 March 2010	Application Number 10/00007/VCN
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Variation of condition no. 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens	
Name of Applicant Rushcliffe (Heysham) Ltd	Name of Agent Mr L Oram	
Decision Target Date 6 April 2010	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

1.1 The 2.85 hectare site currently accommodates 2 bowling greens, a children's play area, a small pavilion, a large area of uncultivated green space and unadopted tracks. The site slopes significantly upwards from Middleton Way in the west to the rear of the existing Community Centre and Methodist Church before falling away again to the east. Most of the existing boundary treatments, such as timber fencing to the residential properties and galvanised steel railings to the Community Centre, belong to the neighbouring uses.

Though the majority of the site has no formal landscaping to speak of (with the exception of some mown grass and flower beds close to the existing bowling greens), it has an open, green appearance with a scattering of young trees and shrubs.

1.2 The local environment around the site has a number of different uses. Between the proposed health centre and the proposed sports facilities are a Community Centre and a Methodist Church, whilst north of the proposed health centre are some existing tennis courts. On the opposite side of Middleton Way is an existing health facility with another church and public house further to the north. However, the predominant use in the area is residential, with houses on Douglas Drive to the north bordering the application site.

Access to the proposed scheme is off Middleton Way via Emmaus Road. A new entrance is proposed to serve part of the health centre only.

1.3 The western edge of the site fronts onto Middleton Way, a Primary Bus Corridor. The section of the site enclosed by Middleton Way and Emmaus Road is allocated as Urban Green Space and Outdoor Playing Space.

2.0 The Proposal

2.1 The purpose of this application is to vary condition 39 attached to planning permission 09/00668/FUL. Condition 39 states

"The existing 2 bowling greens on Middleton Way shall remain in situ and available for use until the 2 new, relocated bowling greens have been completed and brought into use. Reason: To ensure no net loss of sports facilities."

The variation sought by the applicant is to permit the removal of existing bowling greens prior to the provision of the new bowling greens.

2.2 This application does not seek to change the design, scale, form, floorspace or materials of the approved building.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
09/00668/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking.	Approved
09/00776/FUL	Relocation of two bowling greens with associated landscaping.	Approved
10/00008/VCN	Variation of Condition 11 on planning permission 09/00776/FUL to permit the removal of the existing bowling greens prior to the provision of the new bowling greens.	Pending

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultees	Response
Sport England	Object to the application. The information submitted with this application is limited and does not address the issues that Sport England raised with the applicant. The proposal in its current form would not provide for replacement bowling greens of an equivalent quantity or quality prior to the existing greens being lost. Therefore the proposal is contrary to Sport England's Planning Policy Objective 2 (prevent the loss of sport development facilities), Lancaster District Local Plan saved policy R1, Core Strategy Policy SC8 and paragraph 13 of PPG17.
Cultural Services	The Service cannot support the request from the applicant to vary condition 39 on application 09/00668/FUL to permit the removal of existing bowling greens prior to the provision of the new bowling greens.
Environmental Health	No objection subject to hours of construction being adhered to (0800-1800 Mon to Fri and 0800-1400 Sat only).
Tree Officer	No significant tree related issues in relation to the proposal.
Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No representations received within the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statements (PPS) and Guidance Notes (PPG)

PPG17 (Planning for Open Space, Sport and Recreation) - seeks to protect, enhance and provide new open space and sport facilities by assessing existing supply and demand, and making planning decisions based on that robust assessment. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

6.2 Regional Spatial Strategy - adopted September 2008

Policy **L1** (Health, Sport, Recreation, Cultural and Education Services Provision) - ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for sport, recreation and cultural facilities. The facilities should ensure that accessibility by public transport, walking and cycling is a central consideration.

6.3 Lancaster District Local Plan - adopted April 2004 (saved policies)

Policy **R1** (Outdoor Playing Space) - areas designated as outdoor playing spaces will be protected from development. Exceptionally where there is clear justification for development which would result in the loss of such space, this will be permitted only where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC8** (Recreation and Open Space) - existing sport facilities should be retained unless identified as no longer capable of meeting identified needs through the Open Space and Recreation Study. New provision for formal and informal provision in line with needs identified in the Study.

7.0 Comment and Analysis

7.1 The existing greens are utilised by a bowling club. Their bowling season commences in April, at which time they require access to 2 bowling greens. If the existing greens are removed and the new ones are not ready, they will have no facility to play at. The purpose of Condition 39 is to ensure that the club has access to a playable surface at the start of the new season. Without the condition, there could be a period of time when neither the existing or new greens would be available. This net loss of sports facilities is not satisfactory.

7.2 Furthermore, no information has been submitted to demonstrate:

- When the new greens would be ready;
- What the impact would be on the club in terms of their ability to practice and compete come the start of the season (April);
- What ancillary facilities (toilets and changing facilities) would be provided to meet the club's needs prior to completion of the new sports centre; and,
- How access (including disabled access) would be maintained during the construction of the surrounding development.

The submission makes no allowance for the risk that would be created without the condition. Without adequate provision of a suitable alternative (e.g. temporary access to alternative bowling facilities in the vicinity), the club could be without playable and accessible greens for a period of time. Even with best endeavours unforeseen delays occur, such as adverse weather conditions, that result in delays. The condition should therefore be retained.

8.0 Conclusions

8.1 For the reasons set out above, it is the opinion of the local planning authority that there is no justification for the variation of Condition 39.

Recommendation

That the planning application to vary Condition 39 on planning permission 09/00668/FUL **BE REFUSED** for the following reasons:

1. Removal or variation of Condition 11 to allow the removal of the existing bowling greens prior to the new bowling greens being ready for use could potentially lead to the net loss of outdoor sports facilities, which would be contrary to Planning Policy Guidance 17.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.