

Agenda Item A9	Committee Date 15 March 2010	Application Number 10/00008/VCN
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Variation of condition no. 11 on application 09/00776/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 2 March 2010	Reason For Delay Committee cycle	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The 0.419 hectare site is located in an area of green space found in the predominantly residential area of Heysham.

The site is currently being developed for the permitted 2 bowling greens. With the exception of the fencing that surrounds the Youth and Community Facility and the rear fences of the residential properties on Douglas Drive, no boundary treatments define the site.

It was a sloped site with a natural grass covering, though extensive earthworks have taken place to level the site.

- 1.2 The site is accessed off Middleton Way by way of Emmaus Road which wraps round the existing playground and the southern of the 2 bowling greens. A track runs uphill from Emmaus Road in an easterly direction between Heysham Youth and Community Centre and Heysham Free Methodist Church.

The semi-detached houses on Douglas Drive are located to the north of the site with Heysham Youth and Community Centre to the west. The other 2 boundaries are not currently defined, but rather are a continuation of the site's previous natural grassed state.

- 1.3 Middleton Way forms part of the Primary Bus Corridor whilst the existing tennis courts and bowling green are allocated as Outdoor Playing Spaces along with the Youth and Community Centre. The space fronting Middleton Way is also designated as Urban Greenspace.

The site itself is not subject to any designations.

2.0 The Proposal

- 2.1 The purpose of this application is to vary condition 11 attached to planning permission 09/00776/FUL. Condition 11 states:

"The existing 2 bowling greens on Middleton Way shall remain in situ and available for use until the approved development has 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, access, landscaping or materials of the approved bowling greens.

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
10/00007/VCN	Variation of Condition 39 on planning permission 09/00668/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 11 on application 09/00776/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 11 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 11.

Recommendation

That the planning application to vary Condition 11 on planning permission 09/00776/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