

38/2005/213

RICHARD HUISH COLLEGE

ERECTION OF INFLATABLE SPORTS HALL ON TENNIS COURTS AT RICHARD HUISH COLLEGE, SOUTH ROAD, TAUNTON, AS AMENDED AND AMPLIFIED BY AGENT'S LETTERS, PLANS, PHOTOGRAPHS AND E-MAILS RECEIVED 14TH JUNE 2005, 16TH JUNE 2005 AND 29TH JUNE 2005

23424/23737

FULL PERMISSION

PROPOSAL

The proposal is for the erection of an inflatable sports hall on the tennis courts of Richard Huish College. The College has plans for a third phase of development, which will include a brick built sports hall. The current proposal is an interim strategy, to meet the needs of the College during the period leading up to the erection of a permanent structure. Ideally the College would like the inflatable hall for a 10-15 year time period, however, they are agreeable to a temporary 5-year consent. The College is adjacent to a Conservation Area and there is a public footpath adjacent to the application site. The proposed structure has dimensions of 37 m x 27 m and has a maximum height of 10.2 m. The hall is manufactured from polyester. An inflation/heating plant is required in order to keep the hall inflated at all times, this being sited on the south east elevation of the structure (82 m from the nearest dwelling). The upper section of the inflatable hall is to be coloured white and the details of the colour of the lower portion are yet to be agreed. It is recommended that this matter be dealt with via planning condition. A 2 m high chain link/wire mesh fence is proposed around the hall. At its nearest point the sports hall would be 24 m from the rear boundaries of the dwellings to the northwest, and 44.5 m from the nearest house itself. The College are proposing additional landscaping to help screen the hall and are also willing for a condition to be imposed, stipulating that the hall will not be used or internally illuminated after 9 pm.

CONSULTATIONS AND REPRESENTATIONS

THE RIGHTS OF WAY OFFICER the footpath will not be affected by the development. LANDSCAPE OFFICER there is good screening at low level provided by the by the boundary hedgerow form the adjacent public footpath which, with some hedgerow 'gapping up' and additional tree planting, could be improved. If the above measures are taken and the colour of the inflatable are chosen to match the existing building materials it should be possible to soften the impact of what will be an alien structure. ENVIRONMENTAL HEALTH OFFICER recommends the following condition regarding noise: "Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme

recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works".

LETTERS/E-MAILS OF OBJECTION AND REPRESENTATION have been received from 6 interested parties (including 3 Councillors) as well as a letter from a Child Psychiatrist outlining the effects the proposal would have on the child of an objector. The issues raised are as follows: The site is used as tennis courts. The proposal for a large structure means a change of use and a spoiling of a pleasant, open green field; though presented as temporary building the submission stipulated that the building would be in place for 10-15 years. This is not a temporary building but effectively, a permanent one. The spoiling of the site is likewise permanent; the development would also represent an intensification of use. An infrequently used tennis court would become a larger facility, used daily, by more people; the facility would by use of artificial light further intensify the usage of the site by extending its hours of operation late into the night. The numbers of people moving round the site would increase as would nuisances of vehicular noise and pedestrians; the building is on a massive scale, out of keeping with surrounding buildings and an over development of the site. It would almost double the surface area of the main college buildings, and would be overbearing to neighbouring properties, totally dominating the houses and gardens as it would be sited only a few feet from their boundary fences; loss of natural light; those living opposite the college and users of South Road will be able to see it looming over the college buildings and it will be visible from far away; the synthetic materials are unsympathetic to either the surrounding buildings or the fields beyond; the artificial light produced by the structure would change the current nature of the environment. The size of the dome would create a massive new light source, which would be at eye level on the second floor of adjacent houses. The light pollution would also make the structure visible on a far wider scale, negatively affecting the eye line of houses and walkers not in the immediate vicinity and who will not have been consulted on the proposal; the materials are also not of the same standards as those of a permanent building. The structure would be an eyesore from the outset, but also its deterioration would be more rapid than a permanent building. Consequently the extent to which it would degrade the area would increase over time; the building requires a generator or compressor to constantly fill the hall with air. Air halls require the services of this generator 24 hours a day, 365 days a year, even when the hall isn't being used. The generator will need to be of a powerful nature, while the intended location and the sheer scale of the proposed structure is such that the generator will necessarily be close to 2 metres high, brick walled buildings, causing the reverberation and amplification of the generator noise. All these factors mean that regardless of any subsequent restrictions on usage the building will be a constant source of sound pollution of the most persistent and aggravating sort from both the generator and the air expulsion fans and will render neighbouring gardens unusable for normal family leisure activities. This will have an effect on students as well as us. This noise nuisance will be particularly problematic at night; loss of outlook; loss of view. The blocking of views will represent a diminishing of the environment, a more closed in sensation not only for residents but for the users of the college itself and walkers who use the adjacent footpath; even if there were no pleasant view threatened, the introduction of an unpleasant one in the shape of the proposal is itself a worsening of our outlook and an eyesore for others; my son is autistic and I enclose a separate

letter from Child Psychiatrist Dr Alan Cockett to explain how autistic children cannot block out background light and sound, and how this can adversely affect their health and schooling, and therefore the schooling of others in their classes, as well as the extra strain on us in having to care for him. Indeed the effect on our son is the most acute and unsustainable version of what we would all suffer having a persistent, overbearing, source of noise, light and traffic a few feet from our windows day and night; I do not believe the amendments change the fundamental deficits of the plan. Firstly, the applicant suggests that the proposed structure could occupy the site for a shorter period. This is a source of confusion rather than enlightenment as the college originally stated that they were unable to afford an appropriate sports hall for at least ten years. The amendment does not indicate whether at the end of the five years they would bring forward the construction of a conventional building, do without any facility, or reapply for an extension after the shorter period has elapsed. In any case, a five-year building of this kind would still be intolerable; the college suggests that the hall will stop operating at night at 9 o'clock and the lights turned out. This only confirms that the college are indeed intending to intensify the usage of the courts. This is the opposite of reassuring. Restricting the hours of operation would not in any case address the issue of constant noise pollution. The company responsible for manufacturing the air hall has already established the generator would have to continue 24 hours a day in order for it to function; the college have not thought through the consequences on their students and the cheapening effect on the campus; the proposed colours and style of the structure will be out of keeping, not blend in with the existing buildings and be unsightly; the fence around the hall will not deter local youngsters from using the structure as a bouncy castle with appalling consequences. 24-hour security presence may address this; the light pollution will render neighbouring gardens unusable for normal family leisure activities; I am concerned that the application was not publicised widely enough. Summary of the Child Psychiatrist's letter regarding the son of the owners of 5 Kings Close: "The son has a diagnosis of Asperger's syndrome, which is a severe autistic disorder and produces a number of disabilities. One of those disabilities is an intolerance of persistent sound in the environment and this has been an issue for him in the past. You explained to me how this was a problem when you lived in London and that one of the reasons why you moved to Somerset was to come to an environment where such things would not be an issue, and his behaviour has improved since he has been away from, what for him, will have been an extreme and persistent irritation. I was very concerned to hear that the proposed development, which would be right next to your house, involves a large fan which would run continuously in order to keep the building inflated. I also understand that the building will be illuminated at night and this will also have an effect on the environment around the house. I would predict that he will become disturbed these things and thus, there is a real risk that his behaviour will deteriorate again. One of the other disabilities experienced by children with Asperger's syndrome is an inability to cope with changes either in routine or environment. This development is clearly going to cause a major change in his environment and that alone is likely to cause considerable distress, which in my view should be avoided. I am therefore very happy to support you in opposing this planning application on humanitarian grounds".

POLICY CONTEXT

Policy S1 (General Requirements) of the Taunton Deane Local Plan stipulates, inter alia, that proposals should not harm the appearance or character of any area, nor should it lead to noise nuisance or any type of pollution. The thrust of this policy is compounded by Policy S2 (Design) of the same plan, which states that development should "reinforce the local character and distinctiveness of the area".

Policy C5 (Sports Facilities) of the Taunton Deane Local Plan states that improved sports facilities will be permitted provided, among other things, the site is accessible to its intended users by a range of means of transport. Policy C6 (Public Rights of Way) of the Local Plan stipulates that proposals should not unduly inconvenience the users of any footpath.

Policy EN14 (Conservation Areas) requires, inter alia, that development within or affecting a Conservation Area, will only be permitted where it would preserve or enhance the appearance or character of the area.

ASSESSMENT

The application was correctly publicised in line with the Authority's best practice on notifications.

The building is a temporary solution to the College's need for a sports hall. Ideally the College would like the inflatable hall on site for a 10-15 year time period. However, I consider that this length of time would constitute more than a temporary period. In light of this the College have confirmed that they would be agreeable to a temporary 5 year approval, which coupled with the non-permanence of the materials, is considered to reasonably fall within the definition of a temporary structure. An advisory note is recommended advising that permission is unlikely to be granted to extend the approval beyond 5 years. However, should any such application be submitted in the future it would have to be assessed on its own merits.

Whilst relatively large the proposed hall is not considered to be out of scale with the surrounding buildings or that it would constitute an over development of the site. The structure is well related to the existing complex of College buildings, and when viewed from a distance, will be seen against the backdrop of the existing buildings. The existing/proposed hedgerow planting will lessen the impact of the proposal, and a condition is recommended to maintain control over the colour of the lower section of the hall. Whilst it is acknowledged that the materials are not entirely sympathetic to the surrounding buildings, the structure is only temporary and the materials are not considered likely to deteriorate sufficiently over a 5-year period to harm the visual amenities of the locality. In light of this it is considered that the inflatable hall would not significantly harm the visual amenities of the area or its character or appearance. Furthermore, it is not thought that the proposal would unduly impact on the Conservation Area.

There is good screening at low level provided by the hedgerow adjacent to the public footpath, and a condition is to be imposed requiring supplementary planting. When viewed from the footpath the hall will be viewed against the backdrop of existing

buildings. The Rights of Way Officer has raised no objection to the proposal. Therefore, it is considered that the scheme will not significantly impact upon the public footpath.

The building will be 44.5 m from the nearest dwelling. This is considered ample distance to ensure that, in planning terms, the outlook of neighbouring properties will not be unreasonably harmed. This distance should ensure that the building is not over dominant in relation to neighbouring houses, nor should there be any significant loss of natural light.

It is accepted that the sports hall may intensify the use of the site. However, during College time, it is reasonable to expect that the existing tennis courts be in use on a regular basis. Concerns over the intensification of the use are most likely to apply to the evening/night time. To address this a condition is recommended to ensure that the inflatable hall is not used after 9 p.m.

Planning and Environmental Health legislation requires that all interested parties be treated in a fair and equitable manner. Legislation regarding what constitutes a reasonable level of noise/light are applied in a consistent manner, with the same standards applied to all parties. Therefore, whilst the Planning Authority and Environmental Health Section sympathise with the individual circumstances of the occupants of the nearby residents, these circumstances are not sufficient to override other planning considerations. Therefore, the application must be assessed against existing Planning and Environmental Health standards in terms of the potential impact of noise/light on the amenities of any interested party.

The Environmental Health Officer has recommended a condition regarding noise, which requires an acoustic consultant to be appointed to investigate the matter and identify any mitigation measures that may be deemed necessary. This should ensure that neighbouring properties are not unduly harmed by noise nuisance.

The upper section of the hall is white, which allows natural light to permeate the structure during day light hours. This means that the hall will not need to be internally illuminated during daylight. The concerns raised over light pollution are obviously most relevant during periods of darkness. The Environmental Health Officer has raised no objection on light pollution grounds and furthermore a condition is recommended to prevent the internal illumination of the hall after 9 p.m. In light of this it is not considered reasonable to object to the proposal on light pollution grounds.

Loss of an individual's view is not a planning consideration. The concerns raised over security are a matter for the College itself to address.

For the above reasons the proposal, is considered to be acceptable, on the basis that the hall will only be located on the site for a temporary 5 year time period.

RECOMMENDATION

Temporary permission be GRANTED subject to the following conditions of the hall shall be removed from the site on or before 31/7/2010, details of the colour of the lower part of the hall to be submitted and approved, an acoustics consultant be appointed to identify noise mitigation measures, a landscaping scheme to be submitted and approved, that the hall shall not be used or illuminated after 9pm; and details of the fencing to be agreed. Notes re the works should be carried out in accordance with the approved plans, and that the hall is unlikely to receive permission to be retained beyond the 5 year life span of this approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: