

PLANNING COMMITTEE – 24 FEBRUARY 2022

PART I - DELEGATED

5. 21/1622/VAR: Deed of Variation: Application to modify Section 52 agreement to alter existing use to include a limited number of charitable functions/club organised events up to 23:00 and the sale of alcohol (limited times)

Parish: Sarratt Parish Council
Expiry of Statutory Period: 23.08.2021
Extension of time agreed: 25.02.2022

Ward: Chorleywood North and Sarratt
Case Officer: Clara Loveland

Recommendation: That the Deed of Variation be Granted.

Reason for consideration by the Committee: This application was called to Committee by the Head of Regulatory Services having regard to the proximity of the site to adjacent residential properties and to ensure full transparency regarding the exact nature of the application.

1 Relevant Planning History

- 1.1 20/1903/FUL - Change of use from Class E (Sport and Recreation with ancillary use) to Mixed use (Class E and Class F2(b)) to include children's nursery and charity functions and extension to opening hours up to 23:00 hours on Thursday/Friday and Saturday evenings. Application withdrawn.
- 1.2 15/1519/RSP - Retrospective: Part change of use of sports pavilion (D2 Use) to provide child care facility as before/after school and holiday club (D1 Use). Application permitted.
- 1.3 14/1965/FUL - Single storey rear and side extension. Approved, not implemented.
- 1.4 8/1154/89 - Single storey extension to pavilion. Application approved and implemented.
- 1.5 8/91/78 - Extension to pavilion to provide store. Application approved and implemented.
- 1.6 8/596/75 - Erection of new pavilion. Approved and implemented.
- 1.7 8/271/74 - Erection of pavilion. Application approved.

2 Summary of relevant Section 52 / Deed of Variation Agreements pertaining to the application site

- 2.1 1976 Section 53 Agreement: dated 13 May 1976 following grant of planning permission 8/596/75

The planning obligation restricted the use of the Pavilion as follows:

- 1. Shall not be used for any other purpose than as a sports pavilion for activities associated with the land;
- 2. Shall not be used after 10pm on any day;
- 3. Shall not be used for dances, discos or similar functions and no wines, spirits, beers or intoxicating liquors shall be sold or permitted to be sold;
- 4. Gates shall not be closed at any time when the Pavilion is in use.

- 2.2 1978 Deed of Variation: dated 24 October 1978

Varied the 1976 Section 52 Agreement so as to change the latest permitted closing time to 10.30pm on any day.

2.3 1990 Deed of Variation: dated 29 June 1990

The Deed was agreed as part of planning application 8/1154/89.

1. Shall not be used for any other purpose than as a sports pavilion for activities associated with the land;
2. Shall not be used after 10:30pm on any day;
3. Shall not be used for dances, discos or similar functions and no wines, spirits, beers or intoxicating liquors shall be sold or permitted to be sold;
4. Was to be built in accordance with approved plans.

2.4 1994 Deed of Variation: dated 1 August 1994

Permitted for a 2 year period from the date of the deed, the Pavilion as extended to be used for sporting activities un-associated with the playing field (including indoor bowls and keep-fit classes), painting classes, antique fairs, children's parties and jumble sales.

3 Description of Application Site

- 3.1 The application site contains a Pavilion located within the King George V Playing Fields, a designated open space located to the north-west of George V Way in Sarratt. The wider King George V Playing Field is approximately 2.3ha and comprises of a number of sports pitches and children's play area.
- 3.2 The pavilion is single storey building and contains a main hall, various equipment stores, a kitchen, toilet and changing facilities, with the latter two assessed externally from the rear of the building.
- 3.3 To the south-western boundary there are residential dwellings fronting Caroon Drive. The rear boundaries of these dwellings adjoin the shared boundary with the rear gardens generally measuring a depth of 16-20 metres.
- 3.4 The Pavilion has been in situ for some 40 years and has been subject to various Section 52 agreements and Deed of Variations which have restricted the use of the Pavilion.
- 3.5 The Pavilion is currently used for community recreation activities including: football, tennis, indoor bowls and children's care facility. It is currently a Sui Generis Use (mix of Classes F.2 and E).
- 3.6 In terms of policy designations the application site falls within the Metropolitan Green Belt.

4 Description of Proposal

- 4.1 This application seeks to alter the existing Deed of Variation, to modify the original Section 52 agreement. The existing Deed of Variation currently restricts the use and operation of the Pavilion.
- 4.2 As existing the Pavilion is restricted by Section 52/ Deed of variations which do not permit the sale of alcohol and restricts the use for no other purposes than as a sports pavilion for activities associated with the land.
- 4.3 The proposed changes introduce entirely new activities and seek to extend the time in which the Pavilion operates. The proposed changes to the legal agreement are as follows:

- to alter existing use to allow a limited number of charitable functions/club organised events* (maximum of 8 per year) up to 23:00 hours;
- the sale of alcohol (limited times – set out below).

4.4 The purpose of the application is to increase the function and use of the Pavilion but does not seek to materially alter the existing use which in the LPA's view falls within a mixed use (Sui Generis).

4.5 The cover letter, application form and associated correspondence accompanying this application sets out the proposed alterations as follows:

- Charitable functions and club organised events beyond those restricted to sporting purposes with operation until 23:00 only for a maximum of 8 events per calendar year (known as 'special events');

Special events: A maximum of 8 events per calendar year such as quiz nights, firework displays, community fair and televised internal sporting events of community interest.

- Sale and consumption of alcohol on the premises

Alcohol: the sale of wines, spirits, beers and intoxicating liquors purchased from the bar located in the pavilion on Saturdays up to 9pm and on the 8 occasions the pavilion is used for a 'special event' before 6pm or after 10pm, only.

4.6 There are no internal or external alterations proposed.

5 Consultation

5.1 Statutory Consultation

5.2 National Grid – [No comment received. Any comments received will be verbally updated at the Committee meeting].

5.3 Hertfordshire County Highways – [No objection]

The proposals do not include any new or altered access (vehicular or pedestrian) nor any altered parking arrangements. There is an existing car park at the playing fields, which would be able to be utilised for any additional uses of the pavilion. Furthermore it would be reasonable to assume that many users of the proposed extended use would be residents of the local community with the potential to walk to and from the pavilion.

HCC as Highway Authority has considered that there would not be any significant or negative highway or transport impacts from the proposal. Therefore the Highway Authority would not wish to object to the granting of planning permission.

5.4 Local Plans Section – [No comment received. Any comments received will be verbally updated at the Committee meeting].

5.5 Environmental Health Officer – [No comment received. Any comments received will be verbally updated at the Committee meeting].

5.6 Sarratt Parish Council – [No objection]

If approved we ask that the applicant applies extra, careful preparations and management of these extended events to minimise any disruption or disturbance to the local residents.

5.7 Public/Neighbour Consultation

5.8 Site notice: 17.07.21. Expired 07.08.21.

5.9 Press notice: Published 23.07.21. Expired 13.08.21.

5.10 No. consulted:16

5.11 No. of responses: 12 (objection); 8 (support)

5.12 Summary of responses:

Objections:

- Additional traffic;
- Increased danger as a result of additional road traffic;
- Increased noise disturbance on neighbouring residents;
- Prevention of access for emergency services;
- Change of use is not justified (the pavilion is for sporting use, not social events);
- Current local facilities are sufficient for alcohol consumption (e.g. local pubs);
- Wording on the application is vague (number of events);
- Parking for other facilities would be reduced e.g. tennis;
- Parking facilities are not sufficient for social/fund raising events;
- Hours have already been extended;
- Disturbance to elderly residents and impact on health and well-being;
- The proposal will fundamentally change the original planning application and make the pavilion into a profit centre;
- The introduction of alcohol is unreasonable.

In support:

- There will be no impact on the neighbourhood, minimal noise and the car park is sufficient;
- The scheme will increase viability;
- Much needed community facility will become more available;
- The use is reasonable;
- It will provide community benefits and needed revenue.

5.13 During the course of the application it came to light that the application sought only to alter the existing legal agreement (Section 52 Agreement, Deed of Variation) to change the use and hours of operation. Therefore, neighbours were re-consulted and that period ended 1 December 2021.

6 Reason for Delay

6.1 There have been on-going discussions with the applicant, Officers and the Council's Planning Solicitor regarding the Heads of Terms. During the course of the application Officers have amended the description on the basis of the additional submitted details and correspondence and assessed the application accordingly.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

7.2 On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

7.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP4, CP1, CP6, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM11, DM12, DM13 and Appendices 2 and 5.

7.4 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

8 **Analysis**

8.1 Overview

8.2 It should be noted that this application does not seek to materially alter the existing use class of the Pavilion rather, to vary the Section 52 Agreement to enable increased functionality of the pavilion within its existing planning use.

8.3 The following Heads of Terms have been drafted:

8.4 Definitions:

Child Care Facility means the use of the Pavilion catering for the care of children between the ages of 0 and 11 years.

Function means a party, special meal, ceremony or social event.

Members means Sarratt Tennis Club, Sarratt Bowls Club, Sarratt Football Club, Sarratt Rebels Youth Football Club and any other sports club (and/or event **spectators***) using the Land who's use of the Pavilion has been approved in writing by the Local Planning Authority.

***Spectators** means any person(s) observing a sports event which the **Members** are participating in on the Land whose use of the Pavilion has been approved in writing by the Local Planning Authority.

Special Event means a community social event (which shall exclude private parties) not related to the incidental use of the Land by Members (for the avoidance of doubt a Special Event shall not be permitted to incorporate a dance or discotheque).

8.5 **Term Time** means the school term dates as published by Hertfordshire County Council.

8.6 Current proposed Heads of Terms:

1. Not to use or permit the use of the Pavilion for any other purpose than as:
 - (a) a Child Care Facility, and
 - (b) as a sports pavilion by Members for purposes incidental to the lawful use of the Land, other than the 8 occasions per calendar year when the Pavilion may be used for a Special Event
2. Not to use or permit the use of the Pavilion after 22.30 hours on any day other than the 8 occasions per calendar year when the Pavilion may be used for a Special Event
3. Not to use or permit the use of the Pavilion at any time for dances or discotheques
4. Not to use or permit the use of the Pavilion for Functions other than the 8 occasions per year when the Pavilion may be used for a Special Event
5. Not to sell or permit the sale of wines, spirits, beers or intoxicating liquors at the Pavilion at any time other than: 1) on Saturdays up to 21.00 hours and, 2) on the 8 occasions per year when the Pavilion may be used for a Special Event
6. Not to permit the consumption of any wines, spirits, beers or intoxicating liquors on the Land unless purchased from the bar located in the Pavilion.

Special Event:

1. Not to operate any Special Event after 23.00 hours (and to require all persons attending a Special Event to leave the Site by 23.15 hours)
2. Not to permit more than 60 persons to attend any Special Event (including any persons who organise/host the Special Event)
3. Not to permit more than 8 Special Events to take place each calendar year
4. Not to sell or permit the sale of wines, spirits, beers or intoxicating liquors at Special Event before 18:00 hours or after 22:00 hours
5. Not to operate any Special Event so that audible music can be heard at the Site boundary at any time.
6. Not to operate any Special Event at the same time as a sporting fixture on the Land associated with the Pavilion.

Child Care Facility

1. Not to operate any Child Care Facility outside the times of 7:30am to 09:00am and 15:00pm to 18:30pm Mondays to Fridays during Term Times
2. Outside of Term Times, not to operate any Child Care Facility outside the times of 8:00am to 18:00pm Monday to Fridays
3. No to use or permit the use of the Pavilion for any Child Care Facility on Saturdays, Sundays or Bank holidays.

Notice Provisions

- 1) Not to hold or permit a Special Event to be held unless the Council has been given 10 Working Days prior notice of it.

8.6.1 It should also be noted that the Child Care Facility is included within the proposed Deed of Variation as it was omitted when planning permission was previously granted in 2015 via 15/1519/RSP.

8.7 Principle of proposed changes

- 8.8 The application site is located within the village of Sarratt and is located within an area of the Metropolitan Green Belt. Place Shaping Policy PSP 2 of the Core Strategy (adopted October 2011) requires that development in Villages as Sarratt, will;
- (a) Be strictly controlled in order to protect the character, landscape, heritage and wildlife of the wider countryside, and the openness of the Green Belt*
- (d) improve the viability, accessibility and community value of existing services and facilities, for example village shops and post offices, rural petrol stations, village and church halls, rural public houses and bus services that play an important role in sustainable village communities*
- 8.9 The National Planning Policy Framework (NPPF) promotes economic development and states that planning policies should support sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing building and well-designed new buildings. Also, the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 8.10 In addition the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 8.11 PSP4 states that development will be strictly controlled in order to protect the character, landscape, heritage and wildlife of the wider countryside, and the openness of the Green Belt. In addition development will improve provision of and access to, services and facilities to meet future demands, specifically through creating a play area in Sarratt to meet identified need and expansion of existing schools and/or provision of new schools to meet identified needs in the Villages.
- 8.12 Policy CP1 of the Core Strategy (adopted October 2011) states that development should improve access to jobs, skills, services and facilities and protect and enhance community, leisure and cultural facilities and provide new facilities.
- 8.13 Policy CP6 of the Core Strategy states that the Council will support development that sustains parts of the District as attractive areas for business location; provides an appropriate number of jobs to meet strategic requirements and promotes skills and learning of the local workforce.
- 8.14 Policy DM11(e) of the Development Management Policies document sets out that dual and multiple use of sports facilities will be encouraged, particularly involving public use. In appropriate circumstances the Council may grant planning permission subject to condition or seek to enter into a planning obligation with the developer to ensure dual or multiple use of facilities.
- 8.15 Policy DM12 of the Development Management Policies document states that proposals for redevelopment or change of use of any premises resulting in the loss of facilities that support the local community will only be permitted where the Council is satisfied that:
- The existing facility can be satisfactorily relocated within the development; or
 - The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or

- The premises or site cannot readily be used for, or converted to, any other community facility and:
- The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

8.16 As existing the Pavilion is lawfully able to operate until 10:30pm on any day of the year and shall not be used other than for the purposes of a sports pavilion for activities associated with the land. This is subject to the existing legal agreement - Deed of Variation (1990).

8.17 This variation seeks to amend the hours of operation until 11pm but only for the 8 special events per calendar year. Special events would facilitate a wider community use such as quiz nights, fairs, televised internal sport and firework displays, for example. Special events would be controlled by the proposed Deed of Variation (2022). The special event would not be able to operate after 11pm and all persons attending a special event would be required to leave by 11:15pm. Special events are not to be held unless the Council has been given 10 working days prior notice of it.

8.18 The application also seeks to sell and consume intoxicating liquors. The sale and consumption of alcohol would be controlled by the Deed of Variation (2022). It is also considered that there would likely be a need for a licence at the premises. The sale of alcohol would be limited to only on Saturdays until 9pm and on the 8 special events per year and could only be purchased from the bar located in the Pavilion.

8.19 The proposal seeks to retain the existing use and widen its ancillary uses. Therefore, it would retain a sporting and recreational facility for use of the local community. As such, the extension of the existing planning use of the building is considered to be acceptable in accordance with Policies PSP4, CP1, CP6 and CP12 of the Core Strategy (adopted October 2011) and Policy DM12 of the Development Management Policies document (adopted July 2013) and the NPPF (2021).

8.20 A Material Change?

8.21 Correspondence provided during the course of this application sets out that the applicant does not seek to materially alter the existing use class of the Pavilion. The Pavilion is currently in a mixed use class (Sui Generis) and given the nature of special events (to be agreed in advance with the LPA) this will ensure that no material change of use will occur.

8.22 It is acknowledged that the 8 special events would increase the activity of the pavilion with a potential increase in the number of attendees and comings and goings but this is viewed in conjunction with its existing lawful use.

8.23 As a matter of fact and degree, in this case, it is considered that the proposed special events would not constitute a material change of use.

8.24 Green Belt

8.25 The application site is located within an area of the Metropolitan Green Belt. The National Planning Policy Framework sets out certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are set out at paragraph 150 of the NPPF. Paragraph 150e states:

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

8.26 As set out above, the proposed use as a matter of fact and degree would not result in a material change of use. Therefore, no operational development/change of use would arise

as a result of the proposed changes. Given that no development would arise as a result of the proposed changes, there would be no adverse harm to the Green Belt as the use of the building for such purposes would be an appropriate use.

8.27 Impact on amenity of neighbours

8.28 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.

8.29 It is acknowledged that a number of objections have been raised in regards to disturbance, particularly noise, to the residents located in close proximity to the Pavilion. Caroon Drive is a residential street which is locality immediately behind the Pavilion.

8.30 Currently, the Pavilion is permitted for sporting and recreational purposes associated with the land such as football, tennis, indoor bowls club and a children's play area. The Pavilion can be in use until 10:30pm on any day. The proposal seeks to only extend the hours of use from 10:30pm until 11pm, 8 times per year (known as a special event). The extension of hours would therefore be limited; however, it is recognised that the expansion of its current use on those 8 occasions may have an impact.

8.31 Although only increasing in length of time by 30 minutes, the proposed events may have an impact by virtue of the different uses at the site which could alter the comings and goings and increase the potential activity within and close to the Pavilion and on the wider site such as the associated car parking facility by way of more vehicles and parked cars. Noise and disturbance may also increase as a result. However, it is noted that the proposed use would be of community nature with community style events which are to be approved in writing by the LPA prior to operation. Further, no private parties, discotheques or dances are to be held at the Pavilion which would ensure the nature of the events are community orientated. Given their community nature, it is likely that local residents may benefit from the proposed use. Further, the comings and goings would likely be predominately from the local residents rather than people who are not resident within the area. As such, there may be less reliance on vehicle use to access the site. Furthermore, the Pavilion has limited openings to the rear (closest to residential properties). It is acknowledged that there are toilets located to the rear of the pavilion which may be used during an event. However, the rear of the pavilion is of limited scale and is enclosed by a fence. Given the limited space, it would not give rise to a possibility of people congregating and unlikely to result in any additional significant noise or activity level. As such, the proposed events taking place would be well contained within the Pavilion. Moreover, the fields in front of the pavilion are set further away from the neighbouring dwellings. It is also acknowledged that the number of people would be restricted to 60 attendees and the pavilion itself it's of a limited size, physically limiting the numbers of attendees. In addition, the closest rear neighbouring dwellings are set some 18m distance from the rear boundary of the Pavilion. The rear boundary is also screened by mature vegetation. The closest residential neighbours to the car park are set 11m from the car park boundary and screened by mature vegetation.

8.32 As highlighted above, given the size of the Pavilion, the physical capacity of attendees would also be limited to 60 attendees. It should also be noted that noise levels which might arise from additional activity would also be controlled via the Deed. It is set out and agreed that no audible music can be heard at the site boundary at any time. This obligation would mitigate any additional noise activity associated with the proposed use. Given these obligations, it is considered that the proposal would not result in any adverse harm on any immediate neighbour.

8.33 Subject to the heads of terms which place restrictions on the hours of use, number of attendees, number of functions, and sale of alcohol, it is considered that the changes proposed would not result in any unacceptable impact on adjacent neighbours. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy

(adopted October 2011), Policy DM12 of the Development Management Policies Document (adopted July 2013).

8.34 Highways, Access and Parking

8.35 Policy CP10 of the Core Strategy (adopted October 2011) sets out that development should make adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians. Parking standards are set out in Appendix 5 of the Development Management Policies document (adopted July 2013).

8.36 The King George V Playing Fields and the associated Pavilion provide facilities for a range of different indoor and outdoor sports and recreational activities. The site includes two football pitches, a cricket pitch (although these sports are not played simultaneously) and two tennis courts. The Parking Standards states that outdoor sports grounds with football pitches should provide 20 spaces per pitch and tennis courts should be provided with 4 spaces per court. The pavilion also provides a children's care facility which requires 11 spaces (1 space per four pupils). Evidently, the number of spaces in the car park do not meet the requirement of activities available at King George V Playing Fields. Nevertheless, it should be noted that these activities do not occur simultaneously and therefore, the car park is unlikely to reach capacity.

8.37 It is acknowledged that objections have been raised on this application with regard to the nature of parking along neighbouring residential streets. It should be noted that the LPA is not able to control parking on the residential roads in close proximity to the application site. Given the community nature of the events, it is likely that local residents would be the predominant attendees rather than people who are not resident within the area. Therefore, there would likely be less reliance on car use to access the event. These events would also be limited in number and capacity. Given the nature of these events it is considered that there would not be a significant increase in the number of vehicle movements generated by the use. Additionally, the site is accessed from George V Way and is served by a large car park which provides 43 parking spaces. Given the nature of the proposed community events ('special events'), it is likely they would be held in the evening which would be after the peak hours of recreational use which benefit from the shared parking area. The proposal does not seek to alter the existing parking circumstances. It is considered that the proposed use of the Pavilion would not generate a significant increase in vehicles and could be accommodated within the existing car park.

8.38 It is acknowledged that the car park is used for multiple activities for the wider King George V playing field site. It is considered that the existing car park is of a sufficient size to serve existing and proposed uses of the application site.

8.39 The Highways Officer was consulted on the application and considered the parking and access to be adequate to accommodate the proposed use of the site. The Highway Authority did not identify any detrimental impact of the proposal on users of the highway and consequently held no objection.

8.40 As such, it is considered that there would be sufficient parking available to serve the expanded range of uses to be held at the Pavilion and there are no objections on parking or highway grounds in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

9 Recommendation

9.1 **That the proposed heads of terms are agreed (as set out below) and the Deed of Variation completed:**

Definitions

Child Care Facility means the use of the Pavilion catering for the care of children between the ages of 0 and 11 years.

Function means a party, special meal, ceremony or social event.

Members means Sarratt Tennis Club, Sarratt Bowls Club, Sarratt Football Club, Sarratt Rebels Youth Football Club and any other sports club (and/or event **spectators***) using the Land whose use of the Pavilion has been approved in writing by the Local Planning Authority.

***Spectators** means any person(s) observing a sports event which the **Members** are participating in on the Land whose use of the Pavilion has been approved in writing by the Local Planning Authority.

Special Event means a community social event (which shall exclude private parties) not related to the incidental use of the Land by Members (for the avoidance of doubt a Special Event shall not be permitted to incorporate a dance or discotheque).

Term Time means the school term dates as published by Hertfordshire County Council.

Current proposed Heads of Terms:

1. Not to use or permit the use of the Pavilion for any other purpose than as:
 - (a) a Child Care Facility, and
 - (b) as a sports pavilion by Members for purposes incidental to the lawful use of the Land, other than the 8 occasions per calendar year when the Pavilion may be used for a Special Event
- 2) Not to use or permit the use of the Pavilion after 22.30 hours on any day other than the 8 occasions per calendar year when the Pavilion may be used for a Special Event
- 3) Not to use or permit the use of the Pavilion at any time for dances or discotheques
- 4) Not to use or permit the use of the Pavilion for Functions other than the 8 occasions per year when the Pavilion may be used for a Special Event
- 5) Not to sell or permit the sale of wines, spirits, beers or intoxicating liquors at the Pavilion at any time other than: 1) on Saturdays up to 21.00 hours and, 2) on the 8 occasions per year when the Pavilion may be used for a Special Event
- 6) Not to permit the consumption of any wines, spirits, beers or intoxicating liquors on the Land unless purchased from the bar located in the Pavilion.

Special Event:

7. Not to operate any Special Event after 23.00 hours (and to require all persons attending a Special Event to leave the Site by 23.15 hours)
8. Not to permit more than 60 persons to attend any Special Event (including any persons who organise/host the Special Event)
9. Not to permit more than 8 Special Events to take place each calendar year
10. Not to sell or permit the sale of wines, spirits, beers or intoxicating liquors at Special Event before 18:00 hours or after 22:00 hours
11. Not to operate any Special Event so that audible music can be heard at the Site boundary at any time.
12. Not to operate any Special Event at the same time as a sporting fixture on the Land associated with the Pavilion.

Child Care Facility

4. Not to operate any Child Care Facility outside the times of 7:30am to 09:00am and 15:00pm to 18:30pm Mondays to Fridays during Term Times
5. Outside of Term Times, not to operate any Child Care Facility outside the times of 8:00am to 18:00pm Monday to Fridays
6. No to use or permit the use of the Pavilion for any Child Care Facility on Saturdays, Sundays or Bank holidays.

Notice Provisions

- 7) Not to hold or permit a Special Event to be held unless the Council has been given 10 Workings Days prior notice of it.