

meeting **PLANNING COMMITTEE**date **20 JANUARY 2004**from: **Director of Environment**

agenda item number

**4**

**ASHFIELD DISTRICT COUNCIL 4/2003/0513  
INSTALLATION OF SYNTHETIC MULTI-USE GAMES AREA WITH  
FLOODLIGHTING, ASHFIELD COMPREHENSIVE SCHOOL, SUTTON  
ROAD, KIRKBY-IN-ASHFIELD, NOTTS  
APPLICANT: ASHFIELD COMPREHENSIVE SCHOOL**

**Purpose of Report**

1. To consider a planning application for the installation of a floodlit Macadam Multi-Use Games Area (MUGA) at Ashfield Comprehensive School. The application has given rise to various concerns principally relating to visual, noise and light impact. The recommendation is to grant planning permission subject to planning conditions.

**The Site and Surroundings**

2. The site lies on the western edge of Kirkby-in-Ashfield, within a rural-urban fringe location, bounded to the north and south by residential property along Raymond Close, and Cherry Avenue and Searwood Avenue respectively. The site is bounded to the west by open countryside, with the eastern boundary being formed by Sutton Road.
3. The site comprises an open complex, accommodating the main school buildings within the eastern part of the campus. To the west of this, there are extensive playing fields, extending into the open countryside. The main school comprises a CLASP style, two storey building and in recent years, a large single storey building has been added to the east of the main school building.

**Proposed Development**

4. The application seeks to construct a floodlit synthetic Multi-Use Games Area (MUGA), comprising 3500 sq.m. of tarmacked area. The MUGA comprises two synthetic sports pitches separated by a dividing net and completely enclosed by high fencing. It would be marked out primarily to create two football pitches, but could be used for other sports including hockey and tennis. The MUGA would be sited to the immediate south-west of the main school buildings in the eastern sector of the playing field.

5. The scheme would incorporate four galvanised floodlighting columns to a height of 12m, with a proposed illumination value of up to 262 lux. The MUGA would be bounded on four sides by twin bar weldmesh fencing, to a height of 3m to 5m and colour-coated green.
6. The MUGA, which measures 70m by 50m, would be constructed over what is currently a grassed, open area, forming part of the school playing field. A location plan is attached.

### **Site History**

7. As will become apparent in the observations below, the planning issues raised by this proposal are intertwined with those relating to an athletics track also being constructed on the school campus. Permission has recently been granted by Ashfield District Council for an athletics track and associated floodlighting to the immediate north-west of this proposal. The athletics track is partially located within the urban framework and partially in the Countryside, as identified on the Local Plan. The permission is subject to a lighting scheme for twenty 10m high pole mounted floodlights being approved.
8. Ashfield District Council has been committed to finding an alternative location for the Sutton Harriers Athletics Club since they were displaced from their original site some three years ago, to make way for the B & Q Warehouse and residential development at Kings Mill. The application for the athletics track was a District Matter owing to the fact that it is being funded by Ashfield District Council's Leisure Services, partly from monies collected under a Section 106 agreement as part of the Kings Mill development, to provide a replacement athletics facility.

### **Planning Policies**

9. The Nottinghamshire Structure Plan Review (November 1996) contains no policies that are relevant to the proposal. Policy ST1 of the Ashfield Local Plan Review (Adopted November 2002) supports new development provided that there is no significant adverse effect upon the amenity, character or quality of the environment and that it does not conflict with an adjoining or nearby land use. In addition, Policy ST2 supports development within the urban area.
10. Policy RC3 of the Ashfield Local Plan Review (Adopted November 2002) supports development which would lead to the loss of formal open space, where:
  - (i) it is ancillary to the recreational use, or
  - (ii) it would assist in the retention and enhancement of the recreational use of the site, or
  - (iii) adequate replacement provision of new formal open space is provided in the locality, or
  - (iv) it is proposed to make a significant improvement to the overall quality of recreation provision in the locality, or

- (v) in the case of school playing fields the development is required for educational purposes.

### **Consultations**

11. **Ashfield District Council** raises no objection and supports the application subject to conditions both restricting the times of use of the MUGA and the times of operation of the floodlights, in order to protect residential amenity.
12. **Powergen** has made no response.
13. **Severn Trent Water** raises no objection.
14. **Transco** has drawn attention to the fact that there is apparatus in the area.
15. **EMEB** raises no objection.
16. **Sport England** supports the application on the basis that it would provide additional sports facilities at the school, with the floodlighting extending the times of use of the MUGA.
17. **The Crime Prevention and Architectural Liaison Officer** supports the application but recommends that the Six Acre Standard guide be consulted. This guidance details how playing fields and associated facilities can be secured by incorporating certain inbuilt design measures.

### **Publicity**

18. The application has been advertised by means of two statutory site notices and letters sent to the occupiers of Nos. 31 – 81 (odds) Cherry Avenue and Nos. 12, 14 and 16 Searwood Avenue. Seven letters of representation have been received, one of which is a bundle of pro forma letters of opposition from fifty-seven households. The letters object to the proposal on the following grounds:
  - a) proximity of the MUGA to dwellings within Cherry Avenue and Searwood Avenue;
  - b) invasive light pollution from the floodlights in a semi-rural location;
  - c) floodlighting that is beyond the requirements of the school and would only be of benefit to outside organisations;
  - d) noise pollution from outside organisations using the football pitch out of school hours, particularly in the evenings and at weekends;
  - e) the proposal would become a focal point for young people, encouraging them to congregate there and increasing the likelihood of anti-social activity occurring on the school campus;
  - f) increase in traffic congestion;

- g) application follows on closely behind an application to provide an athletics track with floodlighting and these should have been considered as a single scheme.

One letter does not expressly object to the proposal but has the following suggestion to make:

- a) There should be a 30m wide plantation of oak, beech and birch trees to the rear of the back gardens of residences within Cherry Avenue.

Other suggestions include:

- a) MUGA should be positioned further up the playing field towards the western boundary of the site and the lighting dispensed with altogether;
- b) the containment of the football pitch within the confines of the athletics track thereby requiring only one set of floodlights.

### **Highway Observations**

- 19. There are no highway objections.

### **Observations**

- 20. The proposed development would be funded by the Football Foundation and would enhance the delivery of the sports curriculum at Ashfield School, with improved football facilities. It would enable the provision of extra curricular activities for pupils together with the development of sporting opportunities for the local community. This would increase the sporting proficiency of the school and foster an enhanced community use.
- 21. Initially, consideration was given to the integration of the athletics track and the MUGA, but unfortunately the funding could not be co-ordinated. The funding for the football pitches could not be confirmed at the point when serious consideration was being given to the design of the track and its associated floodlighting. A decision was taken by Ashfield District Council's 'Track' working group to progress the athletics track separately. It is regrettable that the two schemes could not have been integrated, particularly as the athletics track is to be used by the school, as well as the Sutton Harriers Athletics Club. This would have avoided the cumulative impact of two separate sports facilities, both of which involve floodlighting, on the local amenity of adjacent residents.
- 22. The proposed MUGA would have some impact on the appearance of the school campus. It is recognised that there may be some loss of visual amenity for adjacent occupiers, particularly those in Cherry Avenue. The residents currently enjoy a view of attractive, grassed open space, with the school bounding the countryside giving an open aspect to the site. The existing boundary fencing and trees is not considered sufficient to provide adequate screening of the MUGA from dwellings in Cherry Avenue. The Multi-Use Pitch and particularly the lighting columns would be directly visible from the rear elevations of some fourteen semi-detached properties on the northern side of Cherry Avenue. It is noted that there would be a moderate

visual impact for these residents, particularly during the winter months when the use extends into the early evening.

23. In order to mitigate this, planning conditions could require the submission of a suitable landscaping scheme, including the planting of a row of standard trees to the rear of boundary fencing with residences in Cherry Avenue. This would ensure that there would be an element of screening of the MUGA for adjacent occupiers. The landscaping would play an important role in softening the visual amenity for residents, particularly over the long term. It is important that such a landscaping scheme is put in place at the earliest possible stage, and if possible prior to the commencement of any development.
24. Visual impact from the proposed floodlighting on adjacent occupiers could be mitigated by the positioning and angling of the floodlights, together with incorporating into the scheme the lowest level of luminance required for the satisfactory use of the MUGA. Planning conditions could ensure that the luminance level is controlled and the proposed floodlighting positioned correctly.
25. The proposed community use is estimated at approximately twenty-nine hours per week and would involve up to twenty players per evening, with this level of use rising up to a maximum of forty players when the football pitches are fully operational. In seeking a balance between the needs of the school to maximise the use of the proposed football facility and those of the residents, in terms of their local amenity, it is considered reasonable to allow the facility to be used on weekday evenings and all day Saturday subject to a requirement for use to cease at 8.30pm on weekdays and 6.00pm on Saturdays. No use of the facility would be allowed on either Sundays and Bank and Public Holidays, so allowing the residents to enjoy their local amenity uninterrupted at these key times. This will go some way to mitigating any negative impact the proposed development may have on the local amenity of adjacent residents.
26. The proposed development would be sited within the urban framework of the site and would not encroach on the adjoining designated countryside or have a significant impact on the semi-rural aspect of the site. The MUGA would be located in relatively close proximity to the existing school buildings without appearing unduly visually prominent and would be reasonably well integrated into the built fabric of this part of the site. If the proposal were to be positioned any further up the playing field towards the west of the site, it would encroach on the open aspect of both the site and adjacent countryside, as well as bringing it closer to dwellings within Cherry Avenue.
27. It is unlikely that the proposed development would result in any increase in traffic congestion along Sutton Road. The use by community organisations would take place outside normal school hours and would involve a relatively low number of organisations, numbering some twenty individuals initially and only reaching a maximum of forty people when the pitches are fully operational. It is noted that at peak times both the school access and Sutton Road contend with 2,200 pupils and their parents. It is not anticipated that the level of usage associated with the proposed MUGA would generate any substantial increase in traffic. There is also extensive car parking provision on

site that will provide sufficient parking space for the various community organisations.

28. The potential for noise impact on the local amenity of residents is recognised, and in order to reduce this to some extent the fencing specification has been modified. The MUGA would incorporate a steel mesh rebound board in place of a timber rebound board which would serve to reduce the intrusive impact from balls 'banging' against solid surfaces. Details of this can be required to be approved by conditions. In addition, the amount of use would be controlled by the implementation of a scheme whereby the football pitches would only be booked out to recognised and organised community groups.
29. It is noted that the Ashfield School site is already used by the local community for football and the proposed development would merely be putting in place an upgraded and more formalised facility. The lighting would increase the hours of use of the MUGA, thereby allowing the school to extend its community role, including the provision of sports facilities for various underprivileged groups. It is recognised that the school is a community facility that has existed at this site for many years and therefore the proposal is not introducing a new use to the site.

### **Conclusions**

30. The lack of co-ordination between these two schemes is regrettable and it would appear to be a missed opportunity to put in place an integrated development involving both the MUGA and the athletics track. Members will need to consider the cumulative impact of these two proposals.
31. It is considered that the proposed development will provide improved sports facilities for the school and an important resource for the local community. However, it is recognised that the siting of the MUGA in this location would introduce a sports use and floodlighting closer to residential properties within Cherry Avenue and to a lesser extent Searwood Avenue. Therefore, every effort should be made to minimise any loss of amenity for adjacent residents. In view of this, it is essential that the landscaping scheme is implemented at the earliest possible stage, if possible prior to the commencement of the development, but certainly as soon as possible thereafter.
32. If a degree of effective screening can be put in place, over the long term this would mitigate the visual impact of the MUGA on dwellings within Cherry Avenue. Granted that there would be some loss of amenity for the local residents, it is important that the school can function properly and deliver high quality sports provision to its pupils, whilst also fulfilling its community role. On balance, the recommendation has to be to support the proposal.

### **Statutory and Policy Implications**

33. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report. Members' attention is, however, drawn to the specifics as follows:-

## **Human Rights Act Implications**

34. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposal has the potential to introduce moderate impacts of light, noise and visual intrusion for residents within Cherry Avenue and to a lesser extent Searwood Avenue. However, these considerations need to be balanced against the benefit that the proposal would bring to some three thousand pupils and the wider community. Members will need to consider whether the benefits that the proposal would bring would outweigh the cumulative impact of this proposal, when taken in conjunction with the athletics track, on the local amenity of adjacent occupiers.

## **RECOMMENDATION**

35. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

## **REASON FOR DECISION**

36. Despite short term loss of amenity to adjacent residents, which is capable of being successfully mitigated in the long term, the proposal will bring benefits to the school and local community, in accordance with the Development Plan.

PETER WEBSTER  
Director of Environment

## **Director of Resources' Financial Comments**

As the report considers only the planning requirements of the scheme there are no financial implications arising. [IC 9.1.04]

## **Head of Legal Services' Comments**

Planning Committee has power to decide the Recommendation. [SHB.9.01.04]

## **Background Papers Available for Inspection**

7 letters from local residents dated between the 19.05.03 and 28.06.03, including a bundle of 57 signed pro forma letters.

## **Electoral Division(s) Affected**

Kirkby in Ashfield North

EPD.DW/EP4481

8 January 2004

Please note. Copies of plan(s) referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email [john.sheffield@nottsc.gov.uk](mailto:john.sheffield@nottsc.gov.uk) or from Peter Barker at the same address, tel 0115 977 4416, email [peter.barker@nottsc.gov.uk](mailto:peter.barker@nottsc.gov.uk).

## RELEVANT PLANNING POLICIES

### Ashfield Local Plan Review (Adopted November 2002)

#### Policy ST1

DEVELOPMENT WILL BE PERMITTED WHERE:

- a) IT WILL NOT CONFLICT WITH OTHER POLICIES IN THIS LOCAL PLAN;
- b) IT WILL NOT ADVERSELY AFFECT THE CHARACTER, QUALITY, AMENITY OR SAFETY OF THE ENVIRONMENT;
- c) IT WILL NOT ADVERSELY AFFECT HIGHWAY SAFETY, OR THE CAPACITY OF THE TRANSPORT SYSTEM;
- d) IT WILL NOT PREJUDICE THE COMPREHENSIVE DEVELOPMENT OF AN AREA;
- e) IT WILL NOT CONFLICT WITH AN ADJOINING OR NEARBY LAND USE.

#### Policy ST2

DEVELOPMENT WILL BE CONCENTRATED WITHIN THE MAIN URBAN AREAS OF HUCKNALL, KIRKBY IN ASHFIELD AND SUTTON IN ASHFIELD AS SHOWN ON THE PROPOSALS MAP.

#### Policy RC3

DEVELOPMENT WHICH WOULD LEAD TO THE LOSS OF FORMAL OPEN SPACE WILL ONLY BE PERMITTED WHERE:

- a) IT IS ANCILLARY TO THE RECREATIONAL USE, OR
- b) IT WOULD ASSIST IN THE RETENTION AND ENHANCEMENT OF THE RECREATIONAL USE OF THE SITE, OR
- c) ADEQUATE REPLACEMENT PROVISION OF NEW FORMAL OPEN SPACE IS PROVIDED IN THE LOCALITY, OR
- d) IT IS PROPOSED TO MAKE A SIGNIFICANT IMPROVEMENT TO THE OVERALL QUALITY OF RECREATION PROVISION IN THE LOCALITY, OR
- e) IN THE CASE OF SCHOOL PLAYING FIELDS THE DEVELOPMENT IS REQUIRED FOR EDUCATIONAL PURPOSES.

A PLANNING CONDITION WILL BE IMPOSED OR PLANNING OBLIGATION NEGOTIATED, AS APPROPRIATE, TO SECURE OFF SITE PROVISION OF FORMAL OPEN SPACE OR OTHER FACILITIES.

### SUGGESTED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 5 years from the date of this permission.
2. Unless otherwise agreed in writing by the County Planning Authority (CPA) the development hereby permitted shall be carried out in accordance with the details shown on the approved Plan Drawing No. CL/S/03/14904/03, as received by the CPA on the 6<sup>th</sup> October 2003 and Drawing No. CB/001 and Drawing No. CB/002, as received by the CPA on the 17<sup>th</sup> October 2003.
3. Prior to the commencement of the development hereby permitted, measures shall be taken for the protection of all trees and hedges from damage during the course of the development before any equipment, machinery or materials are brought onto the site for the purpose of the development. The means of protection shall include measures to prevent disturbance or reduction in soil levels within the area of the root spread of the hedgerow; and the adequate fencing off of all trees. The means of protection shall be implemented and retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within these areas shall not be altered nor shall any excavation be made without the prior written approval of the CPA.
4. Any trees or shrubs, which become damaged during the course of the development shall be replaced in the first available planting season with the same specimens to those originally planted; the size of these trees shall be at least 14-16cm in girth and the shrubs 60-90cm in height.
5. Prior to the commencement of the development hereby permitted, a scheme for the landscaping of the area immediately adjacent to the fencing along the southern boundary with residences in Cherry Avenue shall be submitted to the CPA for its written approval. Such a scheme shall include details of planting, seeding, turfing and a maintenance schedule. The scheme shall include a row of standard trees parallel to the site boundary and the size of these trees shall be at least 8-10cm in girth at the time of planting.
6. All planting or seeding shall be carried out in accordance with the details approved under Condition 5 in the first available planting and sowing seasons following approval of details pursuant to Condition 5. The planting scheme shall be maintained in accordance with the approved maintenance schedule and good arboricultural practice for a period of five years following its implementation and any plants or trees which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with similar species to those originally planted.
7. Prior to the commencement of the development hereby permitted, details of the proposed steel mesh rebound board shall be submitted to the CPA for its written approval. The development shall thereafter be carried out in accordance with the approved details.

8. Except with the prior written agreement of the CPA no construction work shall be carried out or plant operated other than between the following hours: 0730hrs to 1730hrs Monday to Friday, 0800hrs to 1330hrs on Saturday and at no times on Sunday, Bank or Public Holidays.
9. The floodlights shall not have a greater illuminance level than 200 lux and the floodlights shall be positioned, directed and angled downwards to avoid glare and dazzle to neighbouring residents such that this can be verified on site by the CPA within three months of the date of the commencement of the use of these floodlights, the date of which shall be notified to the CPA within 7 days.
10. Except with the prior written agreement of the CPA the Multi-Use Games Area and the floodlights shall only be used between the hours of 0830hrs to 2030hrs Monday to Friday and 0900hrs to 1800hrs on Saturday and at no times on Sunday, Bank or Public Holidays.

#### Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
- 3-6. To ensure a satisfactory visual appearance for the development and to accord with Policy ST1 of the Ashfield District Local Plan.
- 7-10. To protect residential amenity and to accord with Policy ST1 of the Ashfield District Local Plan.

#### Note to Applicant

The applicant's attention is drawn to the advice from The Crime Prevention and Architectural Liaison Officer and Transco.

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8 January 2004