



8 March 2022

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: A: 7/2022/0072NCC and B: 7/2022/0071NCC

PROPOSAL: A: VARIATION OF CONDITION 32 OF PLANNING PERMISSION 7/2011/0268NCC TO ALLOW FOR THE USE OF PORTABLE ARTIFICIAL LIGHTING ON THE ALL WEATHER PITCH.

B: VARIATION OF CONDITION 11 OF PLANNING PERMISSION 7/2018/1075NCC TO ALLOW USE OF THE ALL-WEATHER PITCH BETWEEN 09:00 AND 18:00 ON SUNDAYS

LOCATION: MULTI USE GAMES AREA, DIGBY AVENUE, MAPPERLEY, NOTTINGHAM, NG3 6DS

APPLICANT: NOVA EDUCATION TRUST and CARLTON DIGBY SCHOOL

Purpose of Report

1. To consider two planning applications for the variation of conditions attached to grants of planning permission at Carlton Digby School to allow: portable lights to facilitate year-round use; and an additional hour of use on Sunday mornings on the school Multi-Use Games Area (MUGA). The key issues relate to the traffic and amenity impacts associated with each application. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Carlton Digby School is a Special Educational Needs (SEN) school with a permitted permanent school roll of 90 children aged 3-18 located on the north side of Digby Avenue approximately mid-way between the junctions of Digby Avenue with Lambley Avenue and Shelford Road/Holyoake Road (Plan 1).
3. A MUGA on the site is located to the west of the school building, adjacent to the boundary with St Andrew's House, a warden assisted two-storey and three-storey development of 52 retirement flats managed by Gedling Homes/Jigsaw.

There is external lighting on both the Carlton Digby School building and on the external elevations of St Andrew's House. Open space and Mapperley Golf Course lie to the north of St Andrew's House and the MUGA.

4. Three-storey residential development on College Road, taking access from Digby Avenue, in the form of blocks of terraced houses, semi-detached housing or apartments is erected to the north and east of the school building. Houses on Digby Avenue opposite the school site all have off-street curtilage parking, as do residential properties on the north side of Digby Avenue, mostly bungalows, to the west of St Andrew's House.
5. Westdale Junior School (an Academy run by Nova Education Trust) and Westdale Infants School are located to the west of Carlton Digby School on the southern side of Digby Avenue. The schools are run separately with the wider campus separated by a fence. The entrance to Westdale Infants School is formed on Digby Avenue while Westdale Junior School has entrances onto both Digby Avenue and Westdale Lane. In addition, the pedestrian entrance to an Infant school-run pre-school, offering a Breakfast Club and After-School, is formed on Digby Avenue at the eastern end of the Westdale schools' campus.
6. The MUGA is used jointly by Carlton Digby School and Westdale Junior School. The junior school manages lettings to the community.



7. The Carlton Digby school car park for 20 cars including two disability parking spaces is within a securely enclosed compound adjacent to the frontage with Digby Avenue (Plan 3). 17 spaces are provided in a herring-bone layout with a further three spaces provided adjacent to the school site sprinkler tank. Vehicles enter the site towards the north-western end of the site frontage and exit towards the south-eastern end. A lay-by 45m in length is provided on the northern side of the car parking area and can accommodate 8 vehicles. The car

park is not available for community users of the MUGA. On-street parking is available on Digby Avenue.

8. A portable toilet and a storage shed are sited at the western end of the school frontage to Digby Avenue.

Background

9. Mapperley All Stars, a community-based football coaching company, use the MUGA outside of school hours within the terms of the planning permissions that have been granted, other than the use of LED portable lighting which allows the facility to be used beyond hours of daylight in darker months. The application seeks to remedy this breach of planning control. In September 2021 the facility was also being used outside permitted hours between 09:00-10:00 on a Sunday morning, although use for that hour ceased following a complaint and enforcement investigation.
10. The breaches of planning conditions have been the subject of complaints and subsequent enforcement investigation. In addition, the failure to submit details to comply with planning conditions regarding a School Travel Plan and a Community Use Agreement to secure the opportunity for non-school use of the MUGA have been raised in complaints and are subject of current work with the three schools. The need for planning permission for the portable toilet and the adjacent storage shed are the subject of separate enforcement investigations.

Planning history

11. Planning permission 7/2011/0268NCC (granted May 2011) - Construction of replacement school buildings and ancillary outdoor facilities including parking, fencing and service areas followed by demolition of existing school buildings and former caretaker's house to accommodate re-provision of outdoor play space. The permission limited the number of pupils to 77 (with an increase above 70 subject to a traffic study assessing the parking and highway impacts).
12. External lighting of the building was proposed. It was not proposed in the application that the MUGA should be lit, although Sport England was '*concerned that the lack of task lighting does reduce some the potential benefit of the proposed facility to the community, this in turn reduces the potential income generation and the opportunity to offset the maintenance and replacements costs in the future*'. The reported planning observations were that '*Whilst Sport England have reservations about the all-weather pitch not being lit, and the potential benefit for sport that could arise, it is considered that extended hours of use and the visual impact of lighting could have a detrimental impact on the residential amenity of residents at St Andrew's House*'.
13. The supporting Design and Access Statement explained that '*New light columns are proposed to illuminate the pedestrian access routes within the car park and site compound*', and the lighting columns are those referenced in Condition 32. Condition 32 of the grant of planning permission stated:

32. *Prior to their installation on buildings and within the site, details of external light fittings and lighting columns, and proposed hours of illumination, shall be submitted to and approved in writing by the CPA (County Planning Authority). Prior to being installed a lux plot of proposed lighting and an assessment of light source intensity, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and shall be installed prior to the development first being brought into use, unless otherwise first agreed in writing with the CPA. All light fittings shall be shielded as appropriate to minimise the level of light spillage outside the application site.*

Reason: To safeguard the amenity of nearby residents in compliance with Gedling Borough Replacement Local Plan 2005 Policy ENV11 – Pollution Generating Development.

14. *In determining application 7/2011/0268NCC Members were advised that Community users of the all-weather pitch will not have access to the car parking spaces on the site. However, groups using the facility will do so outside of school hours when parking on Digby Avenue is likely to be less problematic and is considered to be acceptable.*

15. *Planning permission 7/2018/1075NCC (granted March 2019) - Variation of conditions 8 and 9 of planning permission 7/2011/0268NCC, allowed a permanent increase in school pupil numbers to 90. As a Variation of Condition application, conditions of the original permission were reviewed with outstanding conditions, and in particularly operational conditions, rolled forward to the new decision notice (Appendix 3). Condition 32 regarding lighting was not carried forward as it related to the provision of lighting as part of the school site redevelopment with details already having been submitted, approved and implemented. A condition relating to the hours of use of the MUGA was carried forward as Condition 11 and reads as follows:*

11. *Unless otherwise agreed in writing by the CPA, the use of the all-weather pitch and school building (with the exception of externally accessible toilet facilities) shall be restricted to the following hours:*

School Building Mondays – Fridays 07:30 – 23:00 hrs

All-Weather Pitch Mondays – Saturdays 09:00 – 21:00 hrs

Sundays, Public and Bank Holidays 10:00 – 18:00 hrs

Reason: To safeguard the amenity that nearby residents could reasonably expect to enjoy.

16. *In the 2011 report it was commented that ‘With the prior consent of the CPA, subject to approval Condition 33 (now Condition 11) would permit a degree of flexibility for occasional use outside of the specified times, for example, for a*

school open day'. However, the MUGA is being used regularly on a Sunday morning outside the scope of the hours permitted.

Proposed Development

A: Variation of Condition 32 of planning permission 7/2011/0268NCC

17. Planning permission is sought to allow the use of portable LED lighting that would allow extended use of the MUGA within the already permitted hours during darker months. The applicant has stated that without lights the MUGA currently:

January - cannot be used after 16:00

February - cannot be used after 17:00

March - cannot be used after 18:00

September - cannot be used after 19:00

October - cannot be used after 18:00

November - cannot be used after 16:00

December - cannot be used after 16:00

Lack of artificial lighting impacts on our schools' use of the pitch for after school activities in winter months and, most significantly, limits access to the all-weather pitch by community users.

18. The use of 12 lights is proposed, six along the length of each side of the MUGA. The lights can be raised to a maximum height of 3.6m, are portable with a one-minute set up, each being retracted to fit a 1.1m x 0.2m x 0.2m carry bag and are removed after each evening session. The lights are powered by a Li-ion battery which can be charged by mains electricity or a 12v car charger.
19. Lux is the SI (International System of Units) unit of luminance. A measurement of 1 lux is equal to the illumination of a one metre square surface that is one metre away from a single candle. The proposed lights have been assessed in position to provide a lux range of 31-73 lux across the playing surface (average 53 lux). With the lights facing towards the playing surface, the lux level at a height of 2m at the boundary of the school site fronting Digby Avenue would range between 0.45-1.08 lux.
20. With regard to the current community group using the facility the applicant has stated that *Existing community users of the all-weather pitch are proactively combatting [increased traffic and parking on Digby Avenue] by staggering the start and finish times of their sessions to ease congestion and reminding their members to park compliantly and courteously via their regular club*

communications. In addition, community users may apply to become keyholders to the Westdale Junior School staff car park, enabling their members to park off-road after 18:00 Monday – Friday, between 09:00 and 21:00 on Saturdays and between 10:00 and 18:00 on Sundays and Bank Holidays.

B: Variation of Condition 11 of planning permission 7/2018/1075NCC

21. Planning permission is sought to vary the permitted hours to allow use of the MUGA from 09:00 hours on a Sunday morning. No other changes to the hours of use are proposed.

Consultations

A: Variation of Condition 32 of planning permission 7/2011/0268NCC - lighting

22. **Gedling Borough Council** – No comments to make on the proposal.
23. **NCC Highways Development Control** – No objection. *The use of the floodlights in order to utilise the MUGA means that the facilities can be used in months when natural light is not available. Highways Development Control would expect no noticeable difference in traffic patterns between the months that floodlights would be required compared to when they are not. The hours of operation are already permitted. Also, on-street parking is more readily available when the schools in the vicinity of the site are closed.*
24. **Sport England** - *In our response on the 2011 application, which involved the construction of the Artificial Grass Pitch, Sport England raised concerns due to the lack of sports lighting which would maximise the benefits of the facility/investment. Ultimately, Sport England supported the proposals because of the school (primarily) and community benefits from the facility even without the sports lighting.*
25. *Approval of the variation for the use of portable artificial lighting on the all-weather would allow the approved hours of use to be continued throughout the year which is currently not possible. Sport England recognises that there are a number of other matters which would need to be considered in the planning balance, but from a benefit to sport perspective Sport England support the proposed variation to allow use of the facility at the approved times throughout the whole year.*
26. *The proposal meets one of Sport England's 12 core planning for sport principles in that the proposals would; 7. Encourage and secure wider community use of existing and new sport and physical activity provision. The proposal would also be supported by Section 8 'Promoting Healthy and Safe Communities' of NPPF 2021 - Paras 92 c) and 93 a).*

27. **Via Noise Engineer** – No objection subject to a condition that the portable light batteries are not charged *in situ* using noise generating equipment (a generator).
28. *Due to a lack of lighting, the hours of use are restricted during parts of the year and particularly during the winter months, and so the use of portable floodlighting will solve this limitation. Despite use of the pitch being permitted to 21:00hrs, Westdale Junior School and Carlton Digby School have stated that any use of portable floodlighting would not extend beyond 20:10hrs Monday – Saturday and 18:00hrs on Sundays and Bank Holidays. A total of 12 portable floodlights are intended to be installed and the manufacturer states that the portable floodlights will operate silently. Extended use of the MUGA is expected to occur in the evenings during the darker winter months, however noise levels will be comparable to those experienced during the lighter months of the year when neighbouring residences would be more likely to still be enjoying outdoor spaces and have windows open.*

B: Variation of Condition 11 of planning permission 7/2018/1075NCC – extended hours

29. **Gedling Borough Council** – No comments to make on the proposal.
30. **NCC Highways Development Control** – No objection. *The proposal to vary the permitted hours to allow use of the MUGA from 09:00 hours on a Sunday morning has no highway implications.*
31. **Sport England** – *An increase in the hours of use by 1 hour to allow a 09:00am start and extend the use/community use on a Sunday is supported.*
32. *The proposal meets one of our 12 core planning for sport principles in that the proposals would; 7. Encourage and secure wider community use of existing and new sport and physical activity provision. The proposal would also be supported by Section 8 ‘Promoting Healthy and Safe Communities’ of NPPF 2021 - Paras 92 c) and 93 a).*
33. **Via Noise Engineer** – No objection. *The change will not have a significant impact in terms of traffic and recreational noise levels to nearby residents, and additional noise mitigation measures are not considered necessary.*

Publicity

34. The applications have been publicised by means of site notices and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement.

A: Variation of Condition 32 of planning permission 7/2011/0268NCC - lighting

35. One letter of representation has been received from a resident of Digby Avenue:

- a) It was never intended that the MUGA would be floodlit.
 - b) Lighting would be contrary to Gelding Local Plan Policy LPD32 Amenity by increasing noise, increasing activity on the site and increasing traffic going to the site during hours of darkness.
 - c) Mapperley All Stars do not need the facility, they have left alternative facilities with car parking and lighting and may be able to return to existing facilities or a new alternative facility in the wider locality.
 - d) Residents should be able to enjoy peaceful dark winter nights, without additional noise from children and parents.
 - e) Adult men MUGA users are overbearingly loud, frequently heard using bad language and already given an Anti-Social Behaviour Order by Gedling Borough Council.
36. In addition, 18 pro-forma letters have been received from 10 properties on Digby Avenue, 2 properties (4 forms) on College Road, 1 property on Lambley Avenue, 1 property on Woodborough Road, and 1 property (2 forms) on Poplar Close, Carlton raising the following matters:
- a) Artificial lighting of the MUGA is not currently permitted. The MUGA can be used during hours of daylight. Lighting would be detrimental to residents.
 - b) Mapperley All Stars are using the artificial lighting in breach of existing planning conditions.
 - c) The facility is used for commercial gain.
 - d) Increase usage and increased anti-social behaviour by site users. One pro-forma makes a specific additional reference to the use of disgusting language on an evening.
 - e) Increased parking of vehicles making it difficult to access properties/inconsiderate parking.
 - f) A right to enjoy property during winter months free from artificial light pollution.

B: Variation of Condition 11 of planning permission 7/2018/1075NCC – extended hours

37. One letter of representation has been received from a resident of Digby Avenue:

- a) Changing the permitted hours will disturb the peace of a Sunday morning, contrary to Gedling Local Plan Policy LPD32 Amenity by:
 - increasing noise (between 9:00-10:00)
 - increasing the activity on site (30 children and sixty parents, between 9:00-10:00)
 - increasing the traffic going to the site (30+ cars arriving before 09:00 when not many cars are using the road)
 - b) Mapperley All Stars do not use the facility on a Sunday after 12:00 and the additional hour could be accommodated between 12:00-13:00 hours.
 - c) While community users may apply to become a keyholder to the car park at Westdale School, it would make more sense for the Carlton Digby car park to be made available.
 - d) Mapperley All Stars are the sole user and a for profit limited company, and not a community user.
38. In addition, 18 pro-forma letters have been received from 10 properties on Digby Avenue, 2 properties (4 forms) on College Road, 1 property on Lambley Avenue, 1 property on Woodborough Road, and 1 property (2 forms) on Poplar Close, Carlton raising the following matters:
- a) Starting at 10:00 on a Sunday allows residents to enjoy a morning of peace.
 - b) The proposal will bring an additional 30 children to an earlier Sunday session and up to 60 parents to the site.
 - c) Increase usage and increased anti-social behaviour by site users.
 - d) Increased parking of vehicles making it difficult to access properties/inconsiderate parking.
 - e) A right to peaceful enjoyment of property on a Sunday morning.

Other matters

39. One letter of representation has been received from a resident of Digby Avenue. Other conditions of planning permission have not been adhered to and enforced. No further planning permission should be granted until all existing conditions are complied with, and no continued use of temporary flood lights without a permission in place:
- a) The Community Use Agreement is in place.
 - b) A Portaloo is on site and is not acceptable in a residential setting.

40. In addition, 18 pro-forma letters have been received from 10 properties on Digby Avenue, 2 properties (4 forms) on College Road, 1 property on Lambley Avenue, 1 property on Woodborough Road, and 1 property (2 forms) on Poplar Close, Carlton raising the following matters:
- a) The externally accessible toilet at Carlton Digby School is not available to MUGA users.
 - b) A portable toilet facility is installed on site without planning permission which has only been emptied once.
 - c) Impact on visual amenity.
 - d) Impact on house prices.
 - e) Development is unauthorised.
 - f) A right to enjoy property free from smell and environmental impact under the Environmental Protection Act 1990.
41. Cllr Michelle Welsh and Councillor John Clarke have been notified of the application.
42. The issues raised are considered in the Observations Section of this report.

Observations

43. In granting planning permission for the variation of planning conditions, in addition to considering whether new planning conditions are required relevant to the proposed changes, existing planning conditions (Appendix 3) need to be reviewed. Outstanding matters of planning permission 7/2018/1075NCC relate to a joint School Travel Plan review (Condition 10 – which has been submitted to the County Council although not yet approved) and a Community Use Agreement (Condition 12). It is recommended that these conditions are repeated as recommended in Condition 8 and Condition 11.
44. Condition 13 of the 2019 grant of planning permission is an operational noise condition that relates to an area of outdoor school play space between the school building and properties on College Road. The specified noise level has been determined through a noise assessment in the original grant of planning permission. It is recommended that 'on College Road' is added to the end of recommended Condition 12 to provide clarity.

A: Variation of Condition 32 of planning permission 7/2011/0268NCC - lighting

45. Gedling Part 2 Local Plan (2018) Policy LPD 32: *Amenity* seeks to safeguard against proposals that would have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures. Relevant factors to be considered in the determination of this

application are: noise; the level of activity on site; traffic; residential visual amenity; and pollution in terms of lighting impact (Appendix 2). The policy supporting text at 10.2.2 explains that while the policy seeks to ensure good living standards it does not mean that there will be no impact, and the Table sets out how relevant criteria should be assessed.

46. In assessing the impact of the proposals on the amenity of nearby residents and occupiers, it should be noted that, of the representations received, 6 are from residents of properties on the south side of Digby Avenue opposite the frontage to Carlton Digby School and MUGA, 2 are from residents of properties on College Road that have a direct view of the MUGA, albeit largely obscured by the mass of the school building, and 4 are from properties with frontages to Digby Avenue located to the west of St Andrew's House. Other pro-forma representations received are from those living further afield.
47. The proposed lighting has been observed in operation and when viewed from Digby Avenue its appearance is similar in terms of its visual impact to external lighting around the Carlton Digby school building and outside St Andrew's House. The introduction of lighting on the MUGA does not significantly change the character of the area. Although the playing surface is suitably lit for its current football use there is little light spillage beyond the area of the MUGA. Having regard to the location in the context of the unlit expanse of the golf course to the north, the area is considered to be within the Rural Zone E2 (relatively dark outer suburban locations) when referring to Institute of Lighting Professionals (ILP): *Guidance notes for the reduction of obtrusive light*. A light reading of approximately 1lux at the boundary of the site with Digby Avenue would reduce further over distance and lighting impact on the amenity of facing residential properties. In Zone E2 the ILP Guidance advises that pre-curfew (before 23:00 hours) the lux level at windows of properties should not exceed 5lux, and it is considered that the impact of lighting is within acceptable levels. There is little back light spillage from the temporary lights and lighting does not have a significant adverse impact on St Andrew's House.
48. Although it is reported in representations that the MUGA was never intended to be lit (Paragraph 35a), lighting of the MUGA was not specifically proposed in the original school redevelopment application. Although lighting of the MUGA was promoted by Sport England the conventional lighting of sporting facilities (usually 6m-8m lighting columns) could have had a detrimental impact on the amenity of St Andrew's House. However, a lighting scheme was neither proposed nor assessed as part of that application. The proposed lighting now proposed is modest in terms of its height and the impact of lighting on the amenity of the area is to be considered on its individual merit.
49. The 2019 permission allows the MUGA to be used until 21:00 hours Monday-Saturday and until 18:00 hours on Sunday. Hours of natural daylight have previously limited practical use of the facility and the proposed use of lighting would allow the MUGA to be used throughout the year. Sport England supports the greater use of the facility. The MUGA has a finite capacity and the proposed development would not lead to its more intensive use compared to summer months, although the same potential intensity of use could occur throughout the

year. Similarly, there would be no greater noise arising from the extended year-round use of the facility compared to what is already permitted, as the same level of noise could be generated in summer without the need for lighting. The impact of noise on residential amenity in darker colder months is likely to be not as great, as nearby residents are less likely to have windows open or be out in their gardens. However, it is acknowledged that players calling and the use of unacceptable language by older groups, likely to be using the facility during later sessions, may become an issue for local residents. Use by younger age groups would be supervised and upsetting behaviour such as swearing can be managed by the coaches. Westdale Junior School is responsible for the management and letting of the MUGA and it is recommended that in reviewing conditions of the 2019 permission additional clauses are added to the Community Use Agreement to include availability of the toilet during pitch hire and how noise-related complaints are to be redressed (Condition 11). Although not proposed in the application, a condition is recommended to exclude the use of an electrical generator to recharge the portable lighting packs or otherwise power lighting on the site, as the potential operating noise of a generator has not been considered in this application (Condition 13 and Note 1).

50. The lighting currently in use is provided by Mapperley All Stars and not by Westdale Junior School as part of the pitch hire. The lighting impact of the lighting currently in use has been considered in this application. Sport England guidance recommends surface lighting of 120 lux for community 5-a-side football, but that would increase to 200 lux if to be used for hockey. The lighting being used (with an average 53 lux) must be suitable for the current user as it is the level being proposed in the application, although it falls below the Sport England recommendation for football. Should the school wish to provide lighting as part of the pitch hire, or if other hirers were wanting to use their own lighting it should not be taller or have greater luminance than that considered in this application without further assessment of impact. Recommended Condition 10 also includes a 10-minute grace period at the end of an evening session to allow lighting to be switched off, dismantled and packed away, and users having some light by which to safely leave the site with the benefit of some artificial light.
51. The purpose of the Community Use Agreement is to ensure that the facility is made available for use by the broader community and to encourage active lifestyles. The reported representations that the facility is used for commercial gain is not material to the determination of this planning application. There is a requirement in the extant planning permission to provide community access, not to offer a facility on a non-profit basis. Work is on-going with the applicant and although the terms of the Community Use Agreement have not yet been submitted, the fact that the MUGA is being used outside of school hours is to be regarded positively, although that use needs to be in accordance with approved planning conditions.
52. Reference is made in representations to a lack of need for the facility, with alternative facilities available elsewhere. A MUGA in this location, usable on lighter evenings until up to 21:00 hours, is already permitted. Consideration

needs to be given to the impact of lighting and associated extended use year-round on the amenity of the local area, not the principle of the use.

53. There would be less traffic associated with use of the MUGA outside of school hours compared to that which occurs at the beginning and end of the school day associated with Carlton Digby, Westdale Infants and Westdale Junior schools, with on-street parking available locally. The use of the MUGA throughout the year at times when on-street parking would be readily available would not give rise to a highway capacity or safety issue. The operation of the MUGA with minimal impact on the local community, including the opportunity for off-street parking to be made available at Westdale Junior School, can be best managed through the terms of letting and is a matter to be considered in satisfying Condition 11 of the recommended conditions.

B: Variation of Condition 11 of planning permission 7/2018/1075NCC – extended hours

54. The proposed earlier Sunday 09:00 morning start would bring the hours of operational use into line with those on other days, except for Public and Bank Holidays, although a 18:00 hours finish would remain.
55. In determining the original grant of planning permission, it was reported that the wording of the condition *would permit a degree of flexibility for occasional use outside of the specified times, for example, for a school open day*. The intention of the condition was to safeguard the amenity of local residents, particularly those living at St Andrew's House. The change to hours is proposed to be permanent so needs to be regularised through a variation of the planning condition. In assessing the impact of the proposals on the amenity of nearby residents and occupiers, it should be noted that, of the representations received, 6 are from residents of properties on the south side of Digby Avenue opposite the frontage to Carlton Digby School and MUGA, 2 are from residents of properties on College Road that have a direct view of the MUGA, albeit largely obscured by the mass of the school building, and 4 are from properties with frontages to Digby Avenue located to the west of St Andrew's House. Other pro-forma representations received are from those living further afield.
56. The proposal would lead to earlier on-street traffic movement and parking in the vicinity of the site on a Sunday morning than is currently permitted. However, there is adequate on-street parking available locally, and the number of vehicles attending would be less than that associated with the Carlton Digby, Westdale Infant and Westdale Junior schools.
57. It is suggested in representations that the Carlton Digby School car park could be made available to users. However, that is not part of the application for consideration, but would open up accessibility and present a potential security risk to larger areas of the Carlton Digby School site outside of its normal operational hours. Westdale Junior School (Nova Education Trust) are responsible for the letting of the MUGA.

58. The proposed additional hour of use on a Sunday morning would attract more children and parents to the area at an earlier hour. However, Via Noise Engineer advises that the change will not have a significant impact in terms of traffic and recreational noise levels to nearby residents. It is acknowledged that the application would permit noise earlier and for a longer duration on a Sunday morning, but the application does not seek to allow operation during curfew hours (23:00-07:00 hours) when there would be an expectation of lower noise levels and greater sensitivity to the impacts on residential amenity.
59. Gedling Part 2 Local Plan (2018) Policy LPD 32: *Amenity* will permit development that does not have a *significant* adverse impact on the amenity of nearby residents. It is considered that an additional one hour of operational use on a Sunday morning would not result in significant harm, and is considered to be acceptable. The recommended revised hours are proposed in Condition 9 of Appendix 1.
60. It is suggested in representations that the additional hour of Sunday use could be provided later in the day. Although not currently used by Mapperley All Stars the facility could be used through other lettings, as use of the MUGA is not restricted to a single party. Notwithstanding the above, the application for consideration is use of the facility for a start one hour earlier on a Sunday morning. It is considered unlikely that the earlier start would give rise to increased anti-social behaviour stated on the pro-forma representations.
61. With reference to the representation (Paragraph 39) that no further planning permission should be granted until all existing conditions have been complied with, it is advised that outstanding breaches of planning conditions related to the Joint School Travel Plan Review and Community Use Agreement are actively being progressed by the applicant and the timescale (3 months) for the submission and approval of details set out in recommended Condition 8 and Condition 11 are realistic. The inclusion in the Community Use Agreement of the terms of the availability of the externally accessible toilet at Carlton Digby School when hiring the MUGA would address the need for the Portaloo identified in the representation.
62. The reported representations that the facility is used for commercial gain is not material to the determination of this planning application. There is a requirement to provide community access, not to offer a facility on a non-profit basis.

Other Matters

63. Following further investigation by NCC Enforcement Officers it has been established that the storage shed has been installed by Mapperley All Stars. In other circumstances on a school site the building would be permitted development. However, as this is not a school building the need for planning permission has been referred to Gedling Borough Council.
64. The impact of development on house prices is not a material planning consideration.

Other Options Considered

65. The report relates to the determination of two planning applications. The County Council is under a duty to consider the planning applications as submitted. Accordingly, no other options have been considered.

Statutory and Policy Implications

66. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder and Safeguarding of Children and Adults at Risk Implications

67. No changes to perimeter site security are proposed. Community users provided with site access would be required to enter a keyholder agreement with the school managing lettings (Westdale Junior School). Children would be supervised during their use of the MUGA.

Data Protection and Information Governance

68. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

69. The applicant would be expected to cover all reasonable legal costs incurred during the drafting and execution of the required Community User Agreement.

Human Rights Implications

70. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to noise and disturbance from activity and comings and goings associated with use of the site use for longer periods on Sunday, and during evenings throughout the year. However, these potential impacts need to be balanced against the wider

benefits the proposals would provide in providing the opportunity for increased community participation in activity and in particular sport. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Service Users

71. The development will provide increased opportunity for community participation in sport and other activity.

Implications for Sustainability and the Environment

72. The proposal, within a developed urban area offers the opportunity for greater involvement in activity, supporting the sustainability of the local community.
73. There are no Human Resources, Public Sector Equality Duty, implications arising.

Statement of Positive and Proactive Engagement

74. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

75. It is RECOMMENDED that:
 - (a) planning permission be granted for the variation of Condition 32 of planning permission 7/2011/0268NCC;
 - (b) planning permission be granted for the variation of Condition 11 of planning permission 7/2018/1075NCC;

for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 28/02/2022]

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 10/02/2022]

There are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4374

Electoral Division and Members Affected

Arnold South	Councillor Michelle Welsh
Arnold South	Councillor John Clarke

Report Author/Case Officer
David Marsh
0115 9932574

For any enquiries about this report, please contact the report author.

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