

NORTH YORKSHIRE COUNTY COUNCIL
PLANNING AND REGULATORY FUNCTIONS COMMITTEE

18 DECEMBER 2007

**C8/19/223AN/PA - PLANNING APPLICATION FOR THE ERECTION OF A
FLOODLIT MULTI-USE GAMES AREA AT SELBY HIGH SCHOOL,
LEEDS ROAD, SELBY ON BEHALF OF THE CORPORATE DIRECTOR,
CHILDREN & YOUNG PEOPLE'S SERVICE
(SELBY DISTRICT) (SELBY BARLBY ELECTORAL DIVISION)**

1.0 PURPOSE OF REPORT

To determine a planning application for the erection of a floodlit Multi-Use Games Area at Selby High School, Leeds Road, Selby which has been subject to a number of objections from local residents as a result of the publicity required to be undertaken. It is for this reason that this application is reported to this meeting of the Committee.

2.0 BACKGROUND

- 2.1 This planning application proposes a floodlit all-weather Multi-Use Games Area (MUGA) at Selby High School, Leeds Road located in the built development limits of the town of Selby (as shown on the Plan attached to this Report). Members will recall undertaking a Site Visit on 19 November 2007 to view the current application site. An alternative location for the MUGA to the south of this site, adjacent to the railway line, was also viewed during the visit. The planning application in respect of this alternative site has now been withdrawn. It is, therefore, only the current planning application that remains to be determined by Members of this Committee.
- 2.2 The application site is located in close proximity to the Leeds Road Conservation Area and, therefore, this boundary is also shown on the Plan.
- 2.3 The School, as Applicant, has stated that it requires the proposed Multi-Use Games Area to:
1. increase the range and quality of the sporting opportunities available to the students;
 2. have outdoor facilities available when the school fields are unfit for use; and,
 3. attain the standard of playing field space for the size of Selby High School.

Furthermore, the School has also indicated that the Multi-Use Games Area

would significantly contribute to meeting the shortfall in outdoor games area of the School.

3.0 THE PROPOSAL

- 3.1 The application site of the proposed MUGA is located to the south-west of the main School building complex and directly south and adjacent to an existing tarmac Tennis Court on the playing field of the School. The application site is, for the most part, surrounded by built development within the urban limits of the town of Selby.
- 3.2 The proposal comprises the construction of a floodlit all-weather MUGA measuring 48 metres by 75 metres and orientated in parallel with the existing Tennis Court. This area of the application, measuring 3,600 square metres, encompasses the total area including the perimeter fencing. However, the actual playing surface, itself, measures 42 metres by 61 metres, totalling 2,562 square metres.
- 3.3 The playing surface of the MUGA is proposed to be constructed with a sand dressed synthetic turf with a rubber-bound shockpad combination and the layout of the playing surface proposed has been so designed as to accommodate such sports as hockey, netball as well as seven-a-side football. In order to reduce the visual impact of the proposed MUGA, the Applicant has confirmed that the playing surface would be coloured green. A new paved path allowing access to and from the MUGA to the School buildings is also proposed as shown on the Plan.
- 3.4 Similar to the boundary treatment of the existing tennis court, the application site is also proposed to be bounded by a heavy-duty (50mm x 50mm x 4mm diameter) weld-mesh fence with a green powder-coated paint finish. This fence would be 3 metres in height along the northern and southern sides of the proposed MUGA and 4.5 metres in height behind the goals at each end of the MUGA. The perimeter fence is shown on the application drawings as having four gates located at each of the four corners of the MUGA and goal storage areas within the perimeter fence would accommodate goals when not in use.
- 3.5 In common with the design of other MUGAs, the proposal includes kickboards around the perimeter for rebound during the playing of ball games. However, instead of the use of softwood kickboards which have previously been incorporated into the design of such MUGAs, the Applicant proposes in this instance to incorporate an inner perimeter weld-mesh rebound fence of a height of 1 metre which will contribute to the mitigation against any potential noise impact and also contributes to ensuring the safety of children using the MUGA by greater visibility into the MUGA itself.
- 3.6 The boundary between the proposed MUGA and residential properties to the west along White Lodge currently comprises a mature hedgerow interspersed with a handful of trees. The boundary between the school and residential properties on Fairfax Avenue to the south of the application area currently

comprises a hedgerow, but, unlike the western boundary, fewer trees exist along this particular hedgerow. To the north and the east of the application site lie existing school land and premises.

- 3.7 The proposed times of opening are 9.00am to 6.00pm Monday to Friday, with no use of the MUGA proposed for weekends, Bank and Public Holidays.
- 3.8 The average light level of 250 lux over the playing surface is proposed to be achieved by six lighting columns of 8 metres in height. Each of the four corner floodlight columns would accommodate one floodlight and the two centre columns would accommodate two floodlights. The application has been accompanied by detailed information and calculations of light spillage in respect of this proposal.
- 3.9 Whilst the main building of Selby High School is a Grade II Listed Building, the proposed MUGA would be located some 270 metres to the south-west of this Listed Building as shown on the plan attached to this Report.

4.0 CONSULTATIONS

- 4.1 Selby District Council (Planning) - raise no objection to the proposal subject to the imposition of a planning condition restricting the operating hours of the games area to 6.00pm Mondays to Fridays only and further information concerning the level of light spillage on to the pitch being supplied in the forms of a contour map showing illumination spill the main beam angle, the infirmity ratio, the level of luminance and the final height of the stanchions. This information has been supplied by the Applicant and the District Council re-consulted on the additional information.
- 4.2 Selby District Council (Environmental Health) - raised no objection to the proposal. The additional information to which paragraph 4.1 refers has been sent to the Environmental Health Officer and no further information has been requested. Based on the information provided the Environmental Health Officer states that it would appear that the lighting levels are sufficient and do not exceed the levels in guidance produced by the Institute of Lighting Engineers subject to the operating hours of the pitch being restricted to school hours up to 6.00pm Monday to Friday with no weekend operation.
- 4.3 Selby Town Council - raise no objection to the application subject to assurances that the floodlights will not have detrimental effect on the amenity of local residents.
- 4.4 English Heritage – stated that it did not wish to offer any comments on this occasion.
- 4.5 The Environment Agency - raise no objections to the proposal. However, in response to concerns raised by local residents, a further letter recommends the imposition of a planning condition in the event of planning permission being granted. This condition concerns the requirement for the Applicant to provide a scheme for the provision of surface water drainage works in order to

prevent the increased risk of flooding as surface water appears to currently drain to ineffective soakaway.

- 4.6 The National Playing Fields Association - were consulted by letter with regards to the proposal on 26 July 2006. No response has been forthcoming within the consultation period.
- 4.7 The County Council's Heritage Unit - wish to make no observations in respect of the proposal.
- 4.8 The County Council's Highway Authority - raises no objections to the proposals but recommends conditions be imposed, in the event of this planning application receiving approval, to include precautions to prevent mud on the highway during the period of construction and on-site parking to be provided for construction vehicles plant and machinery and any other associated equipment.
- 4.9 Sport England - raise no objections to the proposal stating that the development involves replacing part of the existing grass playing field at Selby High School with a floodlight Multiuse Games Area. The provision of the new facility would increase the variety of sport which can be played as well as extending the duration of play and the opportunity for public participation in sport. The proposed development is for another sports facility, the provision of which would be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of the playing field.
- 4.10 County Councillors Steve Shaw-Wright and Brian Marshall - were notified by letter in respect of the proposals on 24 July 2007.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The proposal was advertised by means of a Site Notice on 25 July 2006 and by a press advertisement in the Selby Times on 3 August 2006. A total of 27 letters of Neighbour Notifications were sent to residents along Fairfax Avenue, Leeds Road and White Lodge as indicated on the plan attached to this Report. As a result of this publicity, nine letters of objection have been received. A petition containing ten signatures (four of which are from residents who have also written letters of objection) has been submitted. The following is a summary of their concerns about the proposal in that it would lead to:
 - a) an unacceptable impact upon the residential community of adjoining properties in terms of noise nuisance in what is presently a quiet and peaceful area outside of normal school hours;
 - b) an unacceptable level of light pollution due to floodlighting pylons to the rear of the adjacent residential properties;
 - c) an adverse impact upon the setting of the main Selby High School building a Grade II Listed Building;

- d) an adverse impact upon the character and appearance of the Selby Conservation Area;
- e) an increase of vandalism and anti-social behaviour in the locality;
- f) a disruption in the local drainage pattern and lead to flooding of surrounding gardens;
- g) an increase in vehicle movements to and from the site with a consequential increase in on-street parking;
- h) a duplication of other similar facilities elsewhere, such as that at the Abbey Leisure Sports Centre; and.
- i) usage later into the evening and into the weekend, notwithstanding, the fact that the application site has been specified as for use from 9.00am through to 6.00pm Monday to Friday.

5.2 The Head Teacher of Selby High School has personally written to each occupant of the nine properties addressing their individual concerns. However, further letters have since been received reaffirming the occupants' original objections.

6.0 PLANNING POLICIES

- 6.1 The determination of planning applications has to have due regard to national, regional and local planning policies and guidance. In the first instance, such guidance at the national level is provided in Planning Policy Guidance (PPG) note No 17 entitled "*Planning for open space, sport and recreation*" (issued July 2002). This advises that planning authorities may wish to allow small scale structures where these would support existing recreational use ensuring sensitive regard to local context.
- 6.2 Taking into consideration the proximity of the application site to the boundary of the nearby Leeds Road Conservation Area and the existence of a Grade II Listed Building on the Selby High School site, guidance should also be referenced to that provided within PPG15 entitled "*Planning and the Historic Environment*". It advises that the historic environment is all-pervasive and cannot, in practice, be preserved unchanged. With this in mind, local planning authorities must ensure that when proposals for new development come forward, they assess their impact on the historic environment and give it full weight, alongside other considerations.
- 6.3 Also relevant is the national planning guidance provided within PPG24 which concerns planning and noise. As noise has been cited as one of the principal reasons for raising an objection to this proposal by the local residents, this guidance is relevant to the determination of this proposal. There are instances where certain developments are considered inappropriate in terms of physical location. However, the siting of local sports facilities is not indicated as being physically incompatible with residential development. Nevertheless, PPG24 does advocate that where such development is

proposed local authorities should consider the use of appropriate planning conditions to effectively mitigate against any potential adverse impact upon noise-sensitive premises such as residential properties where this is deemed to be appropriate; so long as those conditions are necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects. In this instance, the noise from recreational and sporting activities has to be considered in the light of how often the noise will be generated and how disturbing it will be. This, then, has to be balanced with the enjoyment of the participants of the proposed development.

- 6.4 At the regional level exist the policies of the emerging Regional Spatial Strategy (RSS) for Yorkshire and the Humber. Policy ENV11 advocates that plans, strategies, investment decisions and programmes should help improve the health of residents by providing, safeguarding and enhancing facilities for sports and recreation and is, therefore, relevant in the determination of this application.
- 6.5 At the local level, as paragraph 6.1 above refers, more specifically, the determination of this particular proposal, also has to have due regard to the policies contained within the Selby District Local Plan (adopted September 2005). Whilst only 'saved' policies in Local Plans can be used for development control purposes from 27 September 2007 onwards, the relevant Local Plan in this instance is that for Selby District and as the Local Plan was adopted relatively recently in 2005, all of the policies contained within that Plan remain extant and can still be used for development control purposes. With this in mind, planning policies ENV1, ENV3, RT3 should be taken into consideration with respect to this proposal.
- 6.6 Policy ENV1, concerning the control of development, sets a general policy presumption in favour of new development which succeeds in meeting the detailed criteria contained within the Policy. In summary, the criteria include the
- effect of the development on the character of the area and residential amenity;
 - relationship of the proposal to the highway network;
 - capacity of local infrastructure to accommodate the development;
 - standard of layout, design and materials;
 - potential loss or adverse affect upon features of importance;
 - extent to which the needs of the disabled are taken into account;
 - energy conservation; and,
 - all other relevant material considerations.
- 6.7 Policy ENV3, concerning Light Pollution, sets a general policy presumption in favour of proposals involving outdoor lighting where the detailed criteria with which it is accompanied are met. In summary, these criteria comprise lighting schemes which
- represent the minimum level required for security and/or operational purposes;
 - are designed to minimise glare and spillage;
 - would not create conditions prejudicial to highway safety; and,

- would not detract from the character of a rural area.

6.8 Policy RT3, concerning formal sport and recreational facilities, sets a general policy presumption in favour of sport and recreational development which fulfil certain criteria. In summary, these advise that development should not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated noise and should not adversely affect highway safety or local amenity. Furthermore, the proposal should be well designed and appropriately landscaped as well as allowing easy access for disabled people.

7.0 PLANNING AND POLICY CONSIDERATIONS

7.1 The proposal falls to be determined in accordance with Section 54A of the Town and Country Planning Act 1990 as amended by Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that the proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.

Visual Amenity and Historic Environment

7.2 Whilst the application site lies within close proximity of the boundary of the Leeds Road Conservation Area, it does lie to the rear of the properties along Leeds Road and this, thereby, reduces the opportunity of full views of the development from the major public viewpoints. Furthermore, the application site also lies to the rear of properties along Fairfax Avenue. The development principally comprises six 8-metre high lighting columns together with 3 and 4.5 metre high weld-mesh fencing surrounding a playing pitch and as such there are few 'solid' visual barriers in views of the development. In combination with the density of existing built development and associated landscaping already in-situ, the proposal would, therefore, be largely sheltered from long and short distance views within the vicinity especially when the floodlights are not in use. However, whilst the floodlights are in use, there will undoubtedly be a degree of visual impact. Notwithstanding this, the proposal stipulates the intention to cease the use of the MUGA after 6.00pm on weekday evenings and there would be no use of the MUGA during the weekends, or on Bank and Public Holidays. For the major part of the School Year, the use of the floodlighting would not be necessary as the use of the MUGA would take place during daylight hours. On balance, the proposal would not have a significant material visual impact upon the character of the nearby Leeds Road Conservation Area.

7.3 Paragraph 3.9 above refers to the existence of the Grade II Listed Building of Selby High School (as shown on the Plan) and this has also been incorporated in the number of reasons for objecting to this proposal stating that they feel that the Listed Building will be adversely affected by the development. As can be seen on the Plan, there is a material physical separation between this development and the location of the Listed Building achieved by the remaining School premises to a distance of some 270 metres. Therefore, the degree to which this development may affect the Listed Building is minimised by the distances involved, existing built

development, reduction in the height of the lighting columns from 10 to 8 metres and the restriction of the hours of use of the floodlights up to 6.00pm on weekday evenings.

Surface Water Drainage

- 7.4 Concerns have been raised, as a result of the public consultation, with regard to surface water drainage. The Environment Agency has been consulted in respect of this specific concern and raised no objection subject to the requirement to submit for prior approval a drainage scheme to ensure that any surface water disposal is managed in such a way that would not adversely affect adjacent residential properties. The application site is not located within any current notified flood zone and, as such, the application can be considered as not being contrary to Policy ENV1 of the Local Plan.

Sport and recreational provision

- 7.5 Among those concerns listed in paragraph 5.1 above, the argument of lack of need for this MUGA has been cited as a reason for objection by local residents against this proposal. Whilst it is recognised that other sports facilities do exist in the town of Selby, the Applicant had stated that this development is proposed to be for the use of Selby High School and, therefore, the application has to be determined on this basis.
- 7.6 Furthermore on the issue of playing field loss, Sport England has confirmed in consultation that the proposed development for another sports facility would be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of the playing field.

Traffic impact

- 7.7 Representations made against this proposal have included concerns about increases in the amount of traffic. The School proposes that this MUGA will be for the use of the School alone and that it is not envisaged that there will be any highway impact as a result of this development. In relation to vehicle movements to and from the site the County Council as Highway Authority has been consulted and no objections to the proposal have been raised. It is, therefore, considered that there would be no material impact upon traffic movements to and from the site or upon the level of on-street parking and, as such, the application can be considered as not being contrary to Policy ENV1 of the Local Plan.

Light pollution

- 7.8 Policy ENV3, as described in paragraph 6.6 above, sets down criteria for projects which have external lighting as an integral element. These include that the scheme should not create conditions that would have a significant effect on local amenity. In terms of Policy ENV3, the lighting scheme has been designed so as to minimise the amount of light spill both vertically and horizontally and technical details have been provided in support of the planning application with specific regard to the issue of floodlighting. The scheme has been subject to consultation with Selby District Council's Chief Officers in respect of Environmental Health and Planning; neither of whom have raised any objection in respect of this proposal subject to appropriate

planning control being achieved by the imposition of conditions to safeguard residential amenity and to prevent the occurrence of a statutory light nuisance, which is now included in the provisions of the Environmental Protection Act 1990

- 7.9 Taking into consideration the minimisation of potential adverse impact upon the local amenity of neighbouring residential properties by reason of the angle of the floodlights, the height of the columns from 10 metres to 8 metres and the reduced average light provision over the playing surface from 350 lux to 250 lux, together with the reduced hours of use to 6.00pm rather than 9.00pm on weekdays only, it is considered that the requirements of Policy ENV3 have been met by this proposal.

Residential amenity

- 7.10 The Applicant has specified that the MUGA is proposed to be in use between the hours 9.00am to 6.00pm. The application is being considered on this basis. It is relevant to the determination of this application that as a result of negotiations, the Applicant has reduced the originally proposed hours of use from 9.00am to 9.00pm on weekdays and weekends. This application has been subject to a formal consultation with the District Council Environmental Health Officer. Paragraph 4.2 above provides the outcome of that consultation.
- 7.11 Whilst the possibility of the use of the pitch beyond the hours proposed has been cited by local residents as a point of objection, the current application has to be considered upon the details as put forward by the Applicant. Any change to the proposal following the determination of this application, would be subject to a separate planning application to the County Planning Authority.
- 7.12 Objections raised in connection with this proposal have also cited their home security would be at risk as a result of this development and the objectors also contend that levels of vandalism and anti-social behaviour could increase. This proposal comprises the construction of a multi-use games area which would be bounded by a 4.5 metre and 3.0 metre high weld-mesh fence with gated access. The use of the MUGA would be entirely within the control and supervision of the management of the School. This arrangement would also be applicable to the use of floodlighting. Details of vandalism or anti-social behaviour have not been identified as factors affecting the development's design. It would be difficult to directly attribute any increases in vandalism or anti-social behaviour to this proposal. However, in response to such concerns raised by local residents, the School has stated that the particular issue of security has been a factor considered in designing this proposal and is an issue that will receive further consideration at the time of implementation in the event of any grant of planning permission.
- 7.13 The proximity of the MUGA has also been cited by those objecting to the proposal and the adverse impact upon residential amenity which could arise as a result of noise from the use of the development. The playing surface is proposed to be constructed of a sand carpet and artificial turf instead of a harder surface material and the rebound fencing constructed of a weld-mesh instead of wood which together contribute towards mitigating against any

potential adverse impact due to noise. Whilst it is recognised that perimeter fencing would be located some 6 metres distant from the gardens of properties along White Lodge and Fairfax Avenue, it is to be acknowledged that the actual proposed playing pitch would be some 24 metres from the principal living areas of the closest property in White Lodge and some 16 metres from the principal living areas of the closest property in Fairfax Avenue. PPG24 to which paragraph 6.3 above refers, advocates the use of appropriate conditions to mitigate against any potential adverse impact due to noise. It is considered that, together with the choice of materials for the playing surface and the rebound fencing and the proposed hours of use restricted to only 6.00pm on weekdays evenings, that the development is considered acceptable in planning terms.

- 7.14 Furthermore, it is material in the determination of this proposal that the MUGA lies adjacent to an existing Tennis Court in close proximity to the residential properties of White Lodge and Leeds Road as shown on the Plan attached to this Report. It is also material in the consideration of this development that the area of the proposed MUGA forms part of the existing playing field of the School and is, therefore, in use for sport and recreational purposes at present. The proposal would continue this existing use, albeit on a more formalised basis.
- 7.15 The Selby Local Plan Policies ENV1 and RT3, cited in paragraphs 6.6 and 6.8 above, advocate that development should only be permitted where its impact upon the character of the area and amenity of adjoining occupiers would not be so intrusive as to seriously detract from the character of the area by virtue of its appearance or associated disturbance or which would have a significant adverse effect on local amenity. Taking into consideration the mitigating measures which the Applicant has proposed in order to reduce any adverse impact and appropriate planning conditions to control such development could be imposed, it is considered that the proposed development meets the requirements of the Policies ENV1 and RT3 of the Selby District Local Plan (adopted September 2005).

8.0 CONCLUSION

- 8.1 On balance, subject to the mitigation measures proposed being implemented and subject to the imposition of appropriate planning conditions to control the development as set down in this Report, it is considered that this development is acceptable in land use planning terms and is compliant with planning policies ENV1, ENV3, and RT3 of the Selby District Local Plan (adopted September 2005).

9.0 RECOMMENDATION

8.1 That, PLANNING PERMISSION BE GRANTED for the following reason,

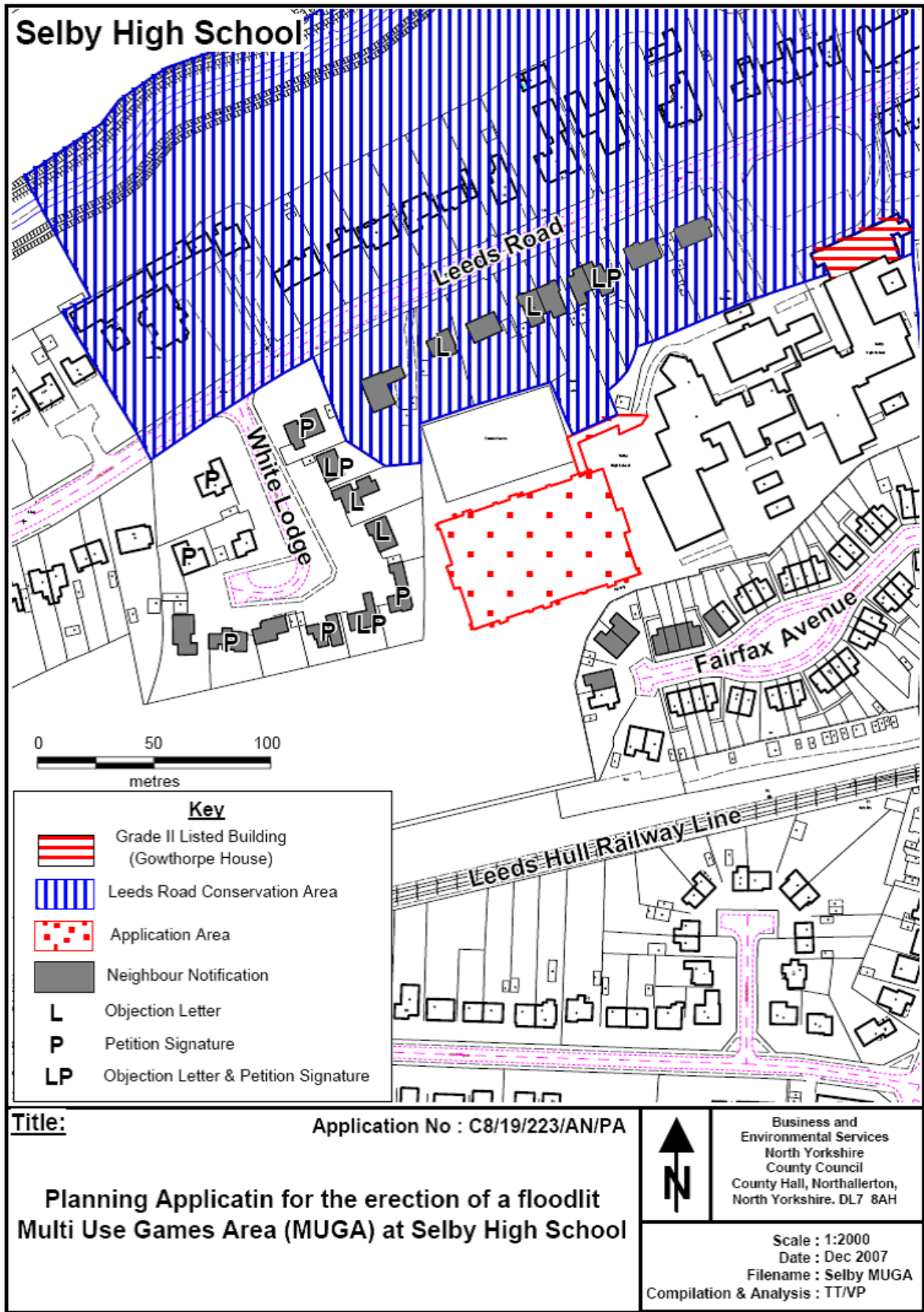
The County Planning Authority is of the opinion the residential amenity interests of local residents have been safeguarded and that the development is compliant with Policies ENV1, ENV3 and RT3 of the Selby District Local Plan (adopted September 2005)

subject to the conditions covering the following:

- Statutory time limit of the implementation of the development within three years of the date of the grant of planning permission;
- Implementation of the development in strict accordance with the application details;
- Opening times to be strictly limited to 9.00am to 6.00pm Mondays to Fridays;
- Submission of a scheme of drainage prior to the commencement of development;
- Strictly no more than six lighting columns with only one floodlight on each of the four corner columns and only two floodlights on the two centre columns;
- Within three months of the date of the development first being brought into use, a survey of illuminance shall be undertaken to ensure compliance with the illuminance details submitted in support of the application and the results of such survey shall be submitted to the County Planning Authority for approval;
- In the event of the illuminance levels being exceeded, the floodlights shall cease to be used until measures to ensure compliance with the approved levels of illuminance have been implemented.
- The scheme of illuminance shall ensure maximum illuminance levels in the windows of the nearest residential properties comply with the Guidance Notes for the Reduction of Light Pollution (2000) and more specifically the luminance levels for Environmental Zone 3 (E3) issued by the Institution of Lighting Engineers.

GORDON GRESTY
Corporate Director, Business and Environmental Services

Background documents for this report
Planning application casefile C8/19/223AN/PA



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