

**North Yorkshire Council**  
**Community Development Services**  
**Thirsk and Malton Constituency Planning Committee**  
**18 April 2024**

**ZB23/01870/FUL - Construction of multi-use games area (MUGA) finished with a porous macadam surface. Including perimeter fence, directional LED sports lighting system, equipment store, landscaped bunds and access pathways**  
**At Thirsk Community Primary School , Hambleton Place, Thirsk, North Yorkshire, YO7 1SL**

**On behalf of Andrea Mansfield**

**Report of the Assistant Director Planning – Community Development Services**

## **1.0 PURPOSE OF THE REPORT**

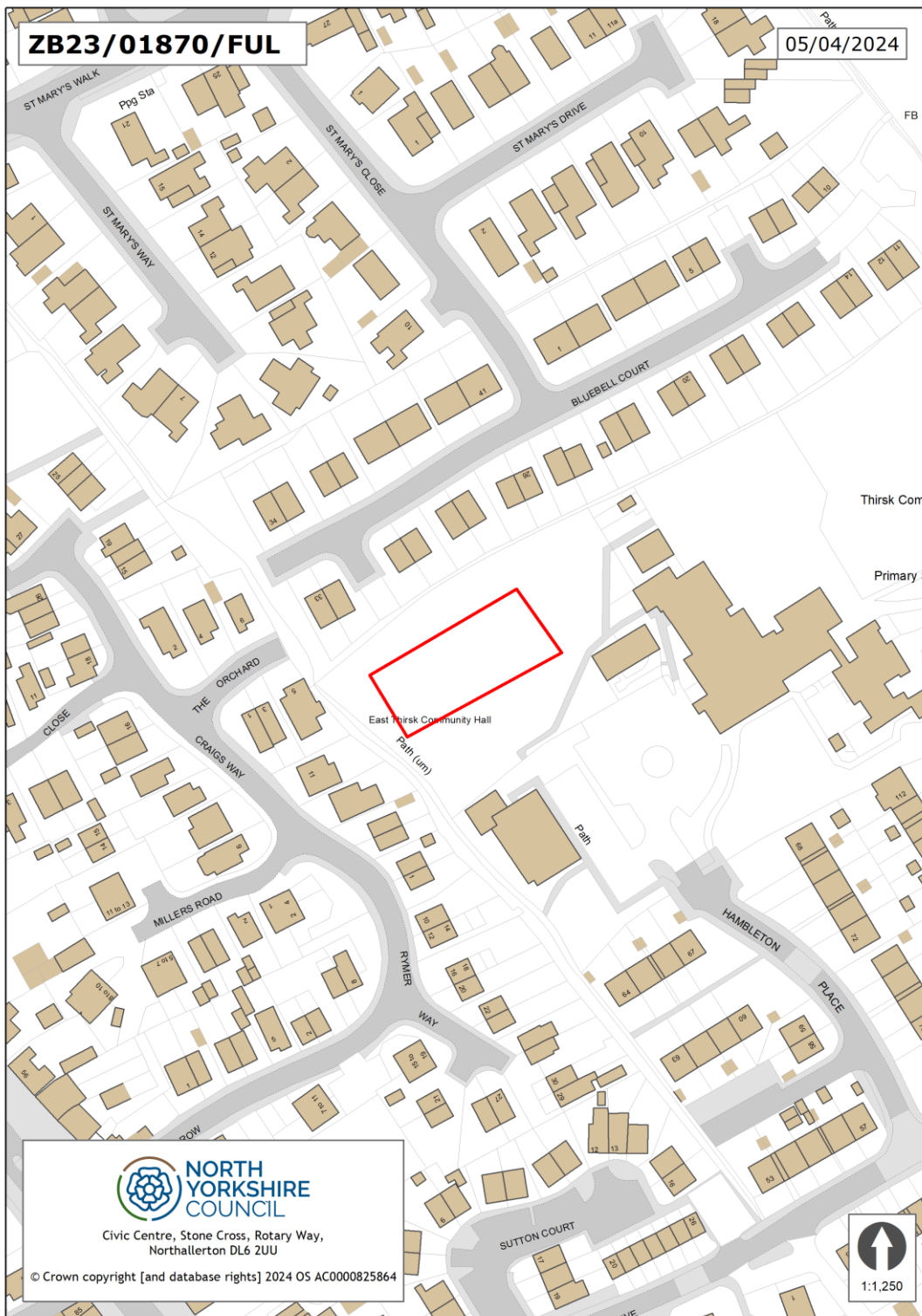
- 1.1 To determine a planning application for the construction of a multi-use games area (MUGA) finished with a porous macadam surface, including perimeter fence, directional LED sports lighting system, equipment store, landscaped bunds and access pathways at Thirsk Community Primary School.
- 1.2 This application is presented to the Planning Committee as it concerns land under the ownership of the Council and the proposed development has received several objections from members of the public.

## **2.0 SUMMARY**

### **RECOMMENDATION:**

- 2.1 That planning permission be GRANTED subject to conditions listed below.
- 2.2 The site in this instance is a parcel of grassland behind Thirsk Community Primary School and East Thirsk Community Hall which are located to east of Thirsk town centre.
- 2.3 Planning permission is sought for the construction of a multi-use games area measuring 36.6m x 20m using a porous macadam surface. It would be bound on the two longer sides by a 3m high panel fence with a 4m high mesh fence with netting above behind either end of the area. A 1.5m high grassed bund would be created from the material stripped from the existing field which would be located directly between the games pitch and adjacent dwellings to the north, alongside a 2.5m high fence which would tightly bound the MUGA to provide an acoustic barrier. The games area would be served by four 8m high floodlight columns. The requested operating times for the area are 08:00-21:00 weekdays and 08:00-20:00 weekends and bank holidays.
- 2.4 The most pertinent issue is the impact of the development on the amenity of nearby residents, both relating to noise and light pollution. A Noise Impact Assessment and Lighting Assessment has been submitted with the application and have been reviewed by the Council's Environmental Health Team who, subject to physical mitigation by way of the

fencing and bunding outlined above, are content there will be no detrimental impact on amenity. On this basis, Officers are content no harm will arise and ultimately the development is therefore acceptable.



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### 3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here [Documents for ZB23/01870/FUL](#)

3.2 Throughout the course of the application a Noise Impact Assessment and Lighting Assessment has been submitted following discussions with Environmental Health.

Furthermore, an amendment has been made to the scheme to include a timber fence as mitigation for the potential noise impact.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is an area of grassland covering approximately 1275sqm. It is behind East Thirsk Community Hall and Thirsk Community Primary School. Aside from this, the surrounding area is primarily residential with dwellings abutting to the site to the north and east. The wider site is bound by landscaping and several fairly mature trees. A PROW also runs along the western edge of the site and up into the residential area to the north.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 Planning permission is sought for the construction of a multi-use games area measuring 36.6m x 20m, using a porous macadam surface. It would be bound on the two longer sides by a 3m high panel fence with a 4m high mesh fence with netting above behind either end of the area. A 1.5m high grassed bund would be created from the material stripped from the existing field which would be located directly between the games pitch and adjacent dwellings to the north, alongside a 2.5m high fence which would tightly bound the MUGA to provide an acoustic barrier. The games area would be served by four 8m high floodlight columns. The requested operating times for the area are 08:00-21:00 weekdays and 08:00-20:00 weekends and bank holidays and it is proposed that the development would be used by both the primary school and the wider community outside of school hours.

#### **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

##### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan.

##### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

##### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance

#### **7.0 CONSULTATION RESPONSES**

- 7.1 The following consultation responses have been received and have been summarised below:

##### Consultees

- 7.2 Town Council - Recommend approval.
- 7.3 Environmental Health - Initially requested a Noise Impact Assessment and an amended Lighting Assessment to be submitted which assessed the site as being within

Environmental Zone E2 (sparsely inhabited rural areas, village or relatively dark outer suburban locations).

It was subsequently confirmed that the Noise Impact Assessment demonstrated that internal and external guidelines in terms of noise impact on nearby residential properties and gardens emitted from the MUGA would be met subject to the fencing being installed. It is requested a Noise Management Plan be conditioned if permission is granted.

Furthermore, in terms of lighting, it has been confirmed that the lighting scheme meets limits as described in the Institute of Lighting Professionals (ILP) Guidance Note 01/21, The Reduction of Obtrusive Light for Environmental Zone E2 and therefore no light pollution will occur.

7.4 Environmental Health (Contaminated Land) - No information has been submitted in support of the above development in relation to contaminated land however the site is already used by sensitive receptors and no new sensitive receptors are being introduced to the site and as such the risk of contamination affecting the development or end users is likely to be low. Some earthworks are being undertaken, therefore, to address any unexpected visual or olfactory evidence of contamination that could be encountered during any approved site preparation works it is recommended a suitable condition be included if permission is granted.

7.5 RAF Safeguarding - No objections.

#### Local Representations

7.6 Local representations have been received of which 5 are in support and 3 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.7 Support

- It will encourage healthy living and exercise.
- A fantastic opportunity for the youth of Hambleton and wider community.

7.8 Object

- Proximity to adjacent dwellings.
- Hours of use are unreasonable.
- Lighting will be obtrusive.
- Noise arising from the development will be harmful.
- The bunding should be located to the west of the area adjacent the nearest dwellings.
- There are already sports facilities in the town.
- Drainage concerns.
- Impact on ecology.
- Concerns raised about the timings used in the Noise Impact Assessment and Lighting Assessment.
- Visual impact of the proposed noise barrier.

### **8.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

### **9.0 MAIN ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Landscaping and BNG
- Other matters raised in representations

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 Policy IC3 of the Local Plan states that the Council will seek to protect and enhance sport and recreational facilities in order to support the health and well-being of local communities. Also relevant is policy S3 of the Local Plan which states that the development strategy for Hambleton is to focus growth at Northallerton and Thirsk, where development will benefit from and support the wide range of services and facilities and good transport connections of these two main towns.
- 10.2 It is considered that the proposed development helps to meet both of the aims outlined above. The site is within one of the most sustainable settlements in the district and would therefore be accessible for a large number of people. It would also help to support an existing school and community hall and thus there is an operational need for it to be sited in this location. It is considered the development represents a tangible benefit to the wider community and is ultimately sustainable development in an appropriate location. Consequently, the principle of the development is acceptable.

### Design and Visual Impact

- 10.3 Policy E1 of the Local Plan requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to outline a number of design principles that help to achieve this overarching aim such as ensuring development respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 10.4 Generally the multi-games area has a functional design and is what one would expect for such a development. It is accepted that the adjacent fencing and bunding which is included for noise mitigation purposes are contrived features which could not be said to be high quality design, however, given the location within an enclosed parcel of land directly adjacent to the school, the wider impact of these features would be negligible and therefore this is given limited weight in the planning balance.
- 10.5 The retention of the existing landscaping on the periphery of the site is welcomed and will ensure views from the adjacent dwellings are softened. To this end, all works will be outside of the root protection areas of the nearby trees.
- 10.6 The ancillary development by way of a small timber maintenance building is of a suitable design for the proposed use and will be viewed as a small part of the wider development that in and itself is not harmful.
- 10.7 All in all it is considered that the development complies with the requirements of policy E1 and is acceptable on design grounds.

### Impact On Residential Amenity

- 10.8 Policy E2 of the Local Plan requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and



buildings, in particular those in residential use. A proposal will therefore be required to ensure (as material):

- the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy
- there are no significant adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations), including internal and external levels, timing, duration, and character
- that adverse impacts from obtrusive lighting will be made acceptable

10.9 The first issue at hand in this respect is the noise arising from the use of the MUGA and the subsequent impact on the residential amenity of the occupants of the nearby houses, the closest of which will be approximately 20m to the west of the playing area. In order to assess the potential impact in this respect, a Noise Impact Assessment (NIA) has been provided. The NIA uses the following targets for acceptable noise levels that were provided by Environmental Health:

"The internal and external noise levels to be achieved are detailed below:

(a) 30dB LAeq,8hr / 35dB LAeq, 16 hr in bedrooms.

(b) Living rooms- 35dB LAeq,16 hrs

(c) Dining Room - 40dB LAeq,16hr

(d) 45 dB LAmax,- individual noise events no more than 10 times a night.

(e) 50 dB external amenity. Hambleton district is essentially a rural area with lower background noise levels. The lower standard of 50dB (LAeq, 16hr) is practically achieved through orientation or localised screening."

10.10 The NIA is based on data from 9 other similar sports pitches where activities included football, hockey, and rugby, with men, women and children participating in different sessions. This noise data is then applied to the site in question using modelling software to predict the level of noise at the nearby noise-sensitive receptors during use of the proposed MUGA. The Council's Environmental Health Team have reviewed the results of the assessments and the NIA as a whole and confirmed the noise output from the development at the nearby dwellings would be in line with the targets set out above, subject to the implementation of the 2.5m high fencing around the northern and western sides of the MUGA. This fencing is shown on the proposed Site Plan and a suitably worded condition to ensure it is in place prior to the development coming into use is recommended. The NIA also identifies sources of noise that may be louder but more transient in nature - such as whistles, shouting and ball impact. In order to control such sources of noise, a Noise Management Plan is recommended. This would include things such as a 'no whistle policy' passed a certain time and neoprene isolators within the fences which can help reduce the noise of ball impacts on the fences. Environmental Health are content that such measures will help to control the potential maximum noise to an acceptable level and thus recommend a Noise Management Plan be conditioned.

10.11 In terms of lighting, it is proposed that four 8m high columns with 200 lux floodlighting will be installed around the MUGA. A Lighting Assessment which effectively shows the level of light spillage at the nearest sensitive receptors, i.e. the adjacent dwellings, has been provided. The Council's Environmental Health Team have also reviewed this technical assessment and confirmed that the lighting scheme meets limits as described in the Institute of Lighting Professionals (ILP) Guidance Note 01/21, The Reduction of Obtrusive Light for Environmental Zone E2 and consequently it is considered the level of light reaching the adjacent properties will not be harmful to the living conditions of the occupants. Conditions are recommended ensuring that upon installation, the lighting is tested to ensure the predicated output is what is achieved, as well as ensuring that the lighting is not used past the curfew of 9pm.

- 10.12 Based on the above assessments, it is considered that the development would have an acceptable impact on the residential amenity of surrounding residents and therefore the requirements of policy E2 are met.

#### Landscaping and Biodiversity Net Gain

- 10.13 Policy E3 of the Local Plan requires all development to demonstrate the deliverability of a net gain in biodiversity. No information relating to BNG has been provided on this occasion. However, the site at present is mown grassland that is of a low value in terms of biodiversity. Furthermore, there is ample land within the applicant's control that could otherwise be used to offset the development in this respect, which would not be onerous given the aforementioned negligible value of the site. As a last resort the applicant could also apply for credits from a habitat bank. Consequently, it is considered that the matter of how net gain in biodiversity will be provided can be dealt with through a suitably worded condition.

#### Other Matters Raised In Representations

- 10.14 There are two pertinent matters raised in the objections that have not otherwise been addressed in the sections above, namely a) the impact on protected species and b) surface water drainage.
- 10.15 In terms of the former, it is important to note that this site is an area of grassland within the grounds of a school in a town centre location that is surrounded by dwellings and other built form. Consequently, the value from an ecological perspective is considered to be minimal. The potential impact of light spill on birds is noted but the information submitted has shown that this is going to be below the level that would be expected for this type of location and therefore the additional impact is going to be minimal. Thus it is considered that the impact on protected species will be acceptable and no further information is needed.
- 10.16 Finally, in relation to surface water run-off, it is important to note that the vast majority of the surfacing proposed is porous and it does allow water to infiltrate through it and additional water run-off will therefore be minimal. The site is in flood zone 1 and thus is by definition at the lowest risk of flooding in any case. On this basis it is considered that the development will not materially increase the risk of flooding elsewhere and no further information is required.

### **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The above assessment demonstrates that this development represents a wholly sustainable development which would provide tangible benefits to the school and the wider community which must be given considerable weight in the planning balance. Whilst it is accepted that certain measures such as the 2.5m high fencing and landscape bund are not usually desirable features from a design perspective, this site remains well-contained within the school site and thus the overall impact will be minimal, and any harm is outweighed by the aforementioned benefits. In depth information relating to the potential impact on amenity has been provided which have been robustly analysed by the Council's Environmental Health Team who have confirmed the site can be managed in a way that ensures no harm arises to the living conditions of nearby residents. Consequently, it is considered that on balance the scheme is acceptable, and approval is therefore recommended.

### **12.0 RECOMMENDATION**

- 12.1 That Permission be GRANTED.

- 1 The development hereby permitted shall be begun within three years of the date of this permission.



Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 03 Rev. 01 and 04 Rev. 00 received by the Local Planning Authority on 08.09.2023 and 25.02.2024 unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

- 3 The development shall be undertaken in accordance with the details of materials provided in appendix D of the Design and Access Statement received by North Yorkshire Council on 08.09.2023

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

- 4 Prior to the development hereby approved coming into use, a Noise Management Plan shall be submitted to the Local Planning Authority (LPA). This must address the points raised in section 8 of the Noise Impact Assessment (document ref.: 10621/SF). Once approved in writing by the LPA, this Noise Management Plan must remain in force for the lifetime of the development.

Reason: In order to control noise and ensure no harm arises to the amenity of neighbouring residents, in line with the requirements of policy E2 of the Local Plan.

- 5 Prior to the development hereby approved coming into use, the bund and 2.5m high timber acoustic fencing shown on drawing number 03 Rev. A shall be in place. These features must then remain in place for the lifetime of the development.

Reason: In order to control noise and ensure no harm arises to the amenity of neighbouring residents, in line with the requirements of policy E2 of the Local Plan.

- 6 On completion of the sports lighting installation and prior to the lighting being brought into use, the system shall be tested and commissioned to ensure the LUX levels submitted as part of this application are achieved and not exceeded. In the event the levels exceed the agreed details, this must be rectified. The results of this test must be submitted to the Local Planning Authority. Once the agreed LUX levels are achieved, the lighting specification must not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid obtrusive lighting and to protect the amenity of neighbours as required by policy E2 of the Local Plan.

- 7 The development hereby approved shall not be used outside of the following hours:  
08:00-21:00 weekdays  
08:00-20:00 weekends and bank holidays.

The floodlights shall be controlled by control switches and timers to ensure they do not remain switched on outside of these times.

Reason: In the interests of residential amenity as required by policy E2 of the Local Plan.

- 8 Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.

- 9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Target Determination Date: 19 April 2024**

**Case Officer: Mr Nathan Puckering**  
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