PLANNING COMMITTEE – 4 MARCH 2010

COUNTY DEVELOPMENT - Lichfield District: L.09/20

Date Received: 3/07/09

The Cabinet, Staffordshire County Council, for non-compliance with condition 8 of planning permission reference L.07/10 to allow the floodlights to be used up to 20.00 hours on Saturdays, Sundays and Bank and Public Holidays, and up to 22.00 hours on Mondays to Fridays as already permitted, at Rawlett Community Sports College, Comberford Road, Tamworth.

1. Description of Proposal

1.1 This is an application for non-compliance with condition 8 of planning permission reference L.07/10 dated 15 October 2007 to increase the hours when the Synthetic Turf Pitch floodlights can be used from 5.00pm to 8.00pm on Saturdays and Sundays, and to allow them to be used on Bank and Public Holidays, also up to 8.00pm.

1.2 Planning Permission L.07/10 was approved in 2007 for new changing room facilities and synthetic football pitch and floodlighting. Condition 8 currently states that the floodlighting shall not be illuminated after 22.00pm Monday to Friday, or after 17.00pm on Saturdays and Sundays, or at any time on a bank holiday or public holiday.

1.3 The Synthetic Turf Pitch has eight floodlight columns, 15 metres in height, 4 on each side of the pitch.

2. Site and Surroundings

2.1 The highway frontage of the school is to the east side of the A513 Comberford Road, with farmland opposite. The school’s southern boundary (coinciding with the Boundary of Tamworth Borough) is to an area of suburban housing on Windmill Close and Gillway Lane. The playing-fields behind the school have an eastern boundary that includes, midway along, an east-west section, so that the grounds at a greater distance from Gillway Lane extend 100 metres further east. They adjoin agricultural land. The northern boundary, followed by a brook and by public footpath 9, Wigginton and Hopwas Parish, is partly to agricultural land but mostly The Coton Centre (a church centre), its rear car-park and rear field. The village of Wigginton is approximately 0.8 km north-east of the school buildings. Like the village itself, Main Street, which runs north-south from there to the Tamworth suburbs, and has some dwellings along its length, is on a gentle ridge-line compared to the lower ground where the school stands.
2.2 The Synthetic Turf Pitch is at the northern boundary of the school to the north east of the school building.

3. Relevant Planning History

3.1 The sixth-form building was permitted in June 2002 (L.02/01) subject to conditions including tree planting in mitigation for the loss of a section of hedge; otherwise the most recent developments have been at the south end of the school: boundary fencing permitted in January 2004 (L.03/25) and modular classrooms in September 2006 (L.06/14).

3.2 New changing room facilities and a synthetic football pitch and floodlighting were approved in October 2007 (L.07/10).

3.3 An outline planning application was approved by Planning Committee on 4 February 2010. The application was submitted as part of the Building Schools for the Future programme, and was to rationalise the existing building faculties into a coherent, linked, building form, through the construction of a new entrance 'hub'. The development will include the construction of new learning facilities to the rear, the demolition of the existing art block and the sixth form building together with the provision of a new parking area and improved access into the site.

3.4 In conjunction with the outline planning permission referred to above, a signed Statement is to be issued by Staffordshire County Council which will set out Staffordshire County Council’s objectives for the implementation of a scheme to enhance community access at a neighbourhood level to sports facilities.

4. Relevant Development Plan Policy and Planning Guidance

4.1 West Midlands Regional Spatial Strategy:

Policy UR4 Social Infrastructure
Policy QE3 High Quality Built Environment for All

4.2 Staffordshire and Stoke-on-Trent Structure Plan (1996-2011) (saved policies version):

Policy D1 Sustainable Forms of Development
Policy D2 Design and Environmental Quality of Development;
Policy R1 Recreation and Leisure

4.3 Lichfield Local Plan (1998) (saved policies version):

DC1 amenity and design principles for development

4.4 Other Relevant Guidance

Planning Policy Guidance Note 17 (PPG17) Planning for Open Space, Sport and Recreation
5. Findings of Consultations

Internal

5.1 Environment and Countryside Unit has no comments.

5.2 Transport Development Control was not consulted as the proposal has no bearing on traffic or highway safety.

5.3 The Project Engineer (Noise) has no objections.

External

5.4 Lichfield District Council Environmental Health Department has had no complaints regarding the lights to date, and has no objection to extending weekend hours of operation from 5pm to 8pm.

6. Views of District / Parish Council

6.1 Lichfield District Council has no objections in principle, but asks that Staffordshire County Council be satisfied that the extended hours would not present an unacceptable source of light or noise nuisance to nearby residents.

6.2 Wigginton & Hopwas Parish Council has no objection to the proposed variation in hours. However, the Parish Council would like the school / Local Authority to take measures to reduce the light pollution and noise from these pitches whenever the opportunity arises, for instance when re-modelling takes place as part of BSF. Judicious planting of trees on the perimeter of the school site could also help mitigate the effects of stray light and noise.

7. Publicity and Representations Received

7.1 The application was advertised by means of a notice posted at the site. Neighbouring residents (31 in total) were notified in writing. Five letters of objection have been received. Objections raised can be summarised as follows.

7.2 Concern is raised that weekend and evening use will lead to nuisance from noise (including screaming and the noise of balls clanging into the chain link fencing). Concern is also raised regarding floodlighting (a resident states that their house is raised above field level and faces over the fields which would be lit up all week long with no respite) and bad language. It is further commented that the soil barrier formerly in place did help to shield noise and light glare from the pitches and it is requested that this be put back in place for the benefit of residents on the south side of Gillway Lane.

7.3 A resident raises concern that the noise makes their dog bark and howl; it is commented that noise travels clearly through the open landscape. It is also
commented that they can only enjoy their garden at the weekend when the floodlights are off and they can talk comfortably.

7.4 It is commented that the light pollution is made worse because of the rural location and the dampness of the fields with the falling temperatures in the evening which distorts the light.

7.5 It is commented that the disruption is distressful during the working week but if it extends to the weekends this would be a violation of their human rights to pursue leisure activities.

7.6 It is requested that residents further along Gillway Lane be given the opportunity to respond if they have not been consulted.

7.7 A further resident claims that the lights are maladjusted so that they cause him severe headaches. The resident states that he understands the rules are that the filaments of the bulbs should be set so that they are not in the direct line of sight of neighbours. He states that as a resident of Windmill Close he has been affected by the floodlights; it is further stated that calls to the school have by and large been ignored except for lighting close to his property which was adjusted. It is further stated that lights have been left on until 11pm in the summer when they should be switched off by 10pm under the terms of the planning conditions.

7.8 The resident suggest that for both sets of lights, that is the playing field and the local lighting around the school, that sensors allow for the switching off of the lamps when persons are not in the area; it is stated that this would give local residences some respite from the intense glare.

8. Observations

Applicant’s Statement

8.1 The applicant contends that the curfew times for Saturday and Sunday set for floodlighting are restrictive in the winter months, which is the football season. It is also contended that it is overly restrictive, and damaging to the future of the facilities, not being able to use the floodlighting at all on a community facility on a bank/public holiday, which is the most popular times for its use by the general public during their recreation time away from their working environment.

8.2 The building and floodlighting were completed in January 2009. The project was funded through a number of grants together with an interest free loan from the South Staffordshire education department. To obtain the sums of monies required for such a project a business plan was produced together with a financial forecast for the project. The applications for the grant monies run concurrently with the planning permission application. Within the business plan it was always intended to use the facility to its maximum to assist with the re-payment of the interest free loan from South Staffordshire education together with on going maintenance including a sinking fund for the replacement of the football playing surface at the end of its life expectancy.
8.3 Following receipt of the planning permission with the restrictive condition on the use of the flood lighting at weekends and bank and public holidays, the college amended its payment of fees for the use of facilities from the business plan in an attempt to overcome the shortfall of income the planning condition had created. Whilst this has made some difference there is still a shortfall of monies to meet the financial targets.

8.4 An example of a typical booking timetable for the actual use of the AstroTurf has been provided, which indicates that at least 90% of the available time is taken up with regular bookings during the week. The applicant states that this gives an indication that the facility provided is well used during Monday to Friday when floodlighting is permitted.

8.5 Further information is provided regarding the usage of the pitch required to achieve financial targets set and income to date. It also indicates a shortfall of income due to the restrictive condition set on the planning permission.

8.6 The applicant states that the sports college has been approached by two reputable companies who are prepared to arrange adult football leagues on Saturday and Sunday. The timings that have been put forward, however, would require an extension to the conditions relating to the hours of usage of the floodlights. The applicant states that should these adult leagues be able to be accommodated this would resolve the financial dilemma faced by the sports college.

8.7 In preparation of this application to amend the hours of use of the floodlighting, the applicant states that the original parties who objected to the original application were notified of their intentions to make an application to amend the hours; and that the verbal feedback from one of the two objectors indicated concern about the extended times of the floodlighting. The second objector, the applicant states, and other neighbours who rallied by the first objector and also had concerns, but these were mainly based on the noise from the school / facility that already exists rather than the floodlighting. (Note: Please note the summary of the objections at paragraph 7.2 -7.8 from households who object on the grounds of concerns over noise, light pollution and bad language).

8.8 The applicant states that whilst they understand the views of the neighbouring residents, they consider that the Synthetic Turf Pitch is sufficient distance away from residential properties so as not to cause inconvenience as a result of floodlighting, and that therefore any increase in the permitted hours of usage of the floodlighting would not create any additional inconvenience.

8.9 The applicant has included in the application a location plan indicating the distances from the original objectors (approx 275 metres) to the floodlighting. A photograph has also been provided by the applicant, which the applicant claims indicates the limited light spillage from the floodlighting.

8.10 The applicant’s statement continues that “based on the above feedback from the neighbouring properties our original intention was to apply for extension of floodlighting on Saturday and Sunday till 10pm this time has now been revised down to 8pm to take into account comments received. While making this change we stand
by our opinion that the floodlighting does not create inconvenience to these properties.”

8.11 In conclusion the applicant states that the reason for applying for an extension to the permitted hours of usage of the floodlights is because the original times set in condition 8 of the planning permission are restrictive on a facility in respect of the sport that it was designed for, and permission granted for, and also restrictive in respect of the funding of the facility which is threatening to its medium to long term future. (NB: The issue of funding is not a material consideration and therefore no weight should be attached to this aspect of the applicant’s statement.)

9. Key Issues

9.1 The key issues are considered to be: the planning policy context; the balance of the sporting benefits of the provision of an STP useable after dark for school pupils and the wider community, balanced against any detrimental impacts on the amenities of neighbours, and issues raised in the letters of objection from local residents which are considered to be material planning considerations namely: flood lighting and noise. Other issues raised by local residents are concerns regarding foul and abusive language.

Planning Policy Context

9.2 Planning Policy Statement 1, Delivering Sustainable Development, states that planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, local planning authorities and developers should consider possible mitigation measures.

9.3 West Midlands Regional Spatial Strategy Policy QE3 relates to creating a high quality built environment for all. Staffordshire and Stoke on Trent (Saved Policies) Policy D2 relates to the Design and Environmental Quality of Development. It states that development should generally conserve and, where possible, improve the quality of life and the environment and should be informed by, or sympathetic to, the character and qualities of its surroundings, in its location scale and design. Alongside this, Lichfield District Local Plan (Saved Policies) Policy DC1 relates to amenity and design principles for development. It states that new development should not cause loss of amenity to adjacent properties or the neighbourhood through overlooking or loss of privacy, noise, dust, fumes or other disturbance.

9.4 In the case of an artificial playing pitch, key design considerations are fitness for purpose according to the standards of relevant sports organisations, and the minimisation of detriment to neighbours through light and noise.

Concerns regarding foul language

9.5 Concerns have been raised by residents regarding the possibility that they would overhear foul language from users of the STP. Whilst the concerns of residents are noted this is considered to be a management issue for the school rather than it being
a planning issue. It should also be noted that the location of the Synthetic Turf Pitch is as far away from the nearest residential properties as it could be.

**Noise**

9.6 PPS24: Planning and Noise states that the impact of noise from sport would depend to a large extent on frequency of use and the design of facilities. It states that the impact of noise can be a material consideration in the determination of planning applications. It states that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.

9.7 Residents have raised objection to the application on the grounds of possible nuisance from noise. However, Lichfield District Council Environmental Health Department has been consulted on the application and has no objection to it. The County Council’s Project Engineer (noise) has also been consulted on the application and also has no objection. The Synthetic Turf Pitch is 205 metres at its nearest point from nearest houses in Gillway Lane and Windmill Close which are situated due south. It is approximately 120 metres from Coton Green Church Centre which is situated to the north west, 570 metres approximately from houses to the north west in Wiggington Lane, Comberford, and a similar distance from residential properties in Walrand Close and Main Street, Wiggington to the east. Adjacent to the school’s northern boundary, the Synthetic Turf Pitch is located as far away from nearest residential properties as it could be.

**Floodlighting and Light Pollution**

9.8 Objections have been received from neighbouring residents on the grounds of concerns regarding impacts of light pollution and detriment to amenity as a result of the floodlighting. This is an issue which has to be considered as a material consideration relevant to the determination of this application to extend the permitted hours of usage of the floodlights.

9.9 The distance of the floodlit Synthetic Turf Pitch is a relevant consideration. It is located at the northern boundary of the school and as far away as possible from the nearest residential properties, those in Gillway Lane and Windmill Close which are located approximately 200 metres to the south.

9.10 Details of the floodlighting was supplied with the planning application in 2007; There are eight lighting columns each with two Philips Optivision MVP507 2Kw “Flat Glass” Low Glare Metal Halide Floodlights, the lighting columns and lamps are designed and positioned so as to direct light downwards to minimise light spillage, glare and upward leakage of light. A lighting assessment was submitted with the planning application in 2007 which included a plan showing the location of the lighting columns, the direction of the light beams, the anticipated lux levels on the STP itself as well as light spill contours showing the lux levels which would occur outside around the STP.; this demonstrated that light spillage from the pitch would be minimal and would not reach residential properties. A planning condition is
recommended to require that Lux levels do not exceed those shown on that plan, a copy of which should be attached to the planning permission. A planning condition is also recommended to require that the floodlighting is checked to ensure that it is correctly installed in accordance with the specifications submitted in the 2007 application, with particular regard to the angle of the lamps which should be horizontal, or slightly lower than horizontal, rather than tilted upwards, and that it be installed and maintained throughout the duration of the development in accordance with the Institute of Lighting Engineers publication “Guidance Note for the Reduction of Obtrusive Light GN01 2005.”, a copy of which should be attached to the planning permission.

9.11 Lichfield District Council Environmental Health Department has been consulted and confirms that it has had no complaints regarding the floodlights to date, and that is has no objection from extending weekends from 5pm to 8pm. A site visit was recently undertaken by a Planning Officer after dark when the floodlights were in use. The floodlit synthetic turf pitch was viewed from Windmill Close, Gillway Lane to the south, and from the car park at the Coton Church Centre. Whilst the floodlights are highly visible, there is no light spillage at these residential streets which are themselves lit by street lamps. At the car park of Coton Church Centre, which was poorly lit, just the other side of the boundary hedge, from the floodlit pitch, it was noticeable that there was no light spillage from the floodlights. It is not considered that the floodlighting has a significant adverse impact on the amenities of neighbouring residents and as such it is not considered reasonable to recommend refusal of planning permission for the extension of the hours of usage of the floodlights.

9.12 A planning condition was however recommended, when the application for the floodlit Synthetic Turf Pitch was approved in 2007, to require: the repair of the gaps in the eastern boundary hedge, and to require that it be allowed to grow in height and; the planting of additional trees. This tree planting does not appear to have been carried out. A planning condition is therefore recommended to require tree planting to be carried out in accordance with a scheme to be approved by the County Planning Authority; to provide screening to minimise the visual impacts of the floodlighting in the rural landscape.

Benefits of the Proposal

9.13 Planning Policy Guidance Note 17 (PPG17) Planning for Open Space Sport and Recreation states that local authorities should ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities). Alongside this, Tamworth Sports Strategy seeks to maximise and improve sporting facilities for the general community. Alongside this, in conjunction with the Building Schools for the Future programme, a signed Statement is to be issued by Staffordshire County Council which will set out Staffordshire County Council’s objectives for the implementation of a scheme to enhance community access at a neighbourhood level to sports facilities.

9.14 The existing pitch is well used by school pupils and members of the wider community. The proposed extension of the permitted hours of usage for the floodlights would enable the Synthetic Turf Pitch to be used by more teams from the
wider community, in accordance with PPG17, Tamworth Sports Strategy, the
Statement to be issued, and in accordance with the school’s status as a Community
Sports College.

Overall Conclusion

9.15 Overall, as an exercise of judgement, taking the development plan policies as a
whole, and the other material considerations referred to above, it is concluded that
planning permission for extended hours of illumination should be granted. The
proposal has merit in terms of extending the availability of sporting facilities for
school pupils and the wider community.

9.16 It is an existing Synthetic Turf Pitch which is considered to be appropriate in location,
scale and design within the grounds of an existing school. It is considered that the
proposal would not give rise to unacceptable adverse impact on the environment or
the amenity of neighbours so long as planning conditions are imposed as set out
below.

9.17 As such the proposed development is considered to accord with PPG17, Tamworth
Sports Strategy, West Midlands Regional Spatial Strategy Policy QE3, Staffordshire
and Stoke on Trent Structure Plan (Saved Policies) Policies D2 and Lichfield District
Local Plan Policy DC1.

CORPORATE DIRECTOR’S RECOMMENDATION

For the purposes of Regulation 3 of the Town and Country Planning Regulations
1992, PERMIT subject to the attached conditions, to update the existing planning
permission and to vary / add the following conditions. (new amended conditions in
bold).

1. To define the permission and conformity with plans.

2. Commencement within three years.

3. To increase the permitted hours of operation of the floodlights from 5pm
to 8pm on Saturdays and Sundays, and to allow the operation of the
floodlights on Bank and Public Holidays, also until 8pm.

4. Floodlights to be switched off when not in use

5. Lux levels not to exceed those shown on plan design reference
UKS38662 as supplied with planning application L.07/10 in 2007.

6. Floodlighting to be in accordance with the submitted details and
specification and to be installed and maintained throughout the duration
of the development in accordance with the Institute of Lighting
Engineers publication “Guidance Note for the Reduction of Obtrusive
Light GN01 2005.” a copy of which is attached to this permission.
7. Boundary hedges to be thickened up where necessary and maintained.

8. A Landscaping and five year aftercare scheme to be submitted for the approval of the County Planning Authority; and the approved scheme to be implemented within the first available planting season.

Case Officer: Julian Morris - Tel: (01785) 277292; email: julian.morris@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Development Services Directorate, Riverway, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).