

Application Number	07/2017/0408/VAR
Address	Balshaws C Of E High School Church Road Leyland Lancashire PR25 3AH

Applicant Mr Steven Haycocks

Development	Variation of conditions of planning approval - 07/2013/0852/FUL - Condition 3 extension of hours of use - Monday to Friday 8am to 10pm, Saturday 8am to 9pm and Sunday 8am to 6pm. Condition 4 Floodlighting to be turned off between the hours of 10pm and 8am Monday to Friday, 9pm and 8am Saturday and 6pm and 8am Sunday.
--------------------	--

Officer Recommendation Approval with Conditions

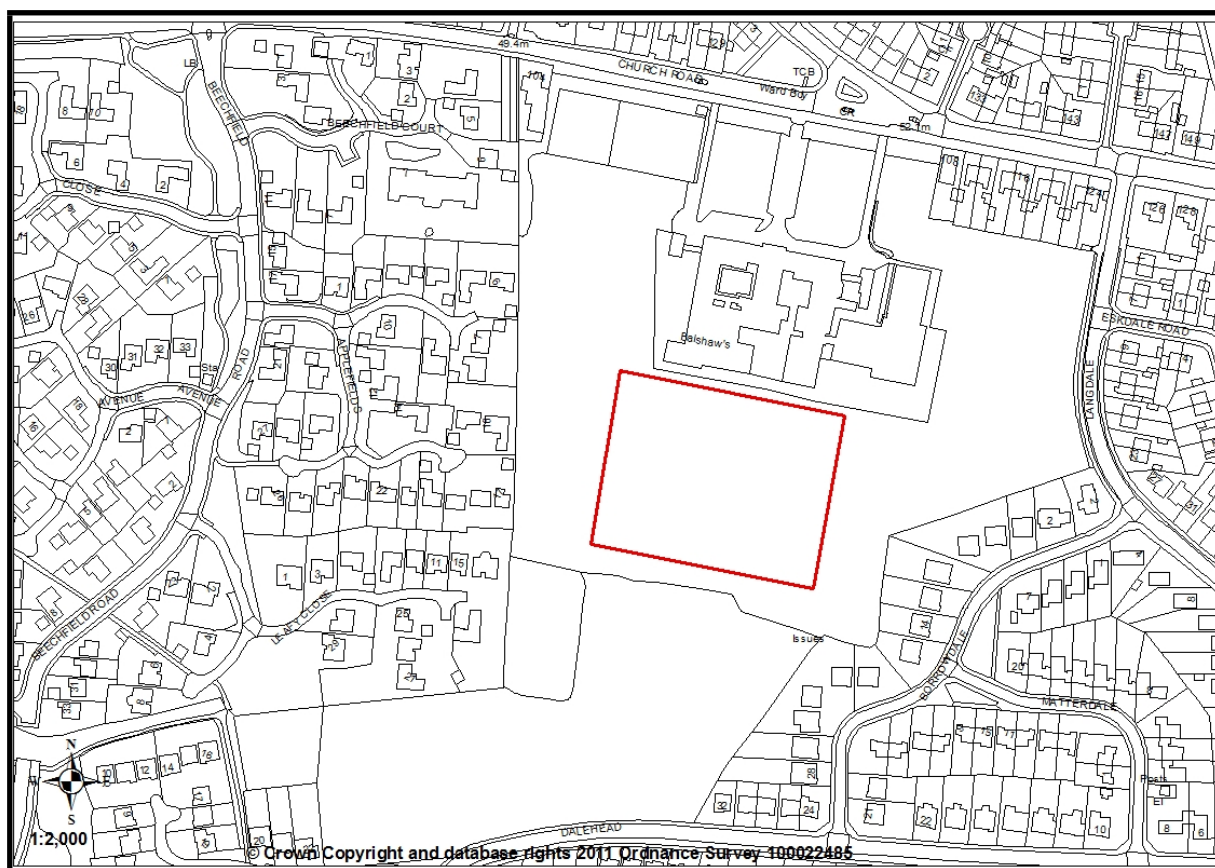
Officer Name Mrs Janice Crook

Date application valid 16.02.2017

Target Determination Date	13.04.2017
----------------------------------	------------

Extension of Time 26.04.2017

Location Plan



1. Report Summary

- 1.2 The application proposes the variation of two conditions imposed under planning approval 07/2013/0852/FUL in order to extend the hours of use of the synthetic turf hockey and football pitch and its associated floodlighting by an additional 4 hours in the evening to facilitate community use. There are a number of residential properties to the school site's boundaries, with residents objecting on the grounds of noise, disturbance, parking and light pollution. The impact on the residential amenity of neighbouring properties has been considered and balanced with the requirements of the school to open the facility to the wider community and the benefits this will have to both the school and the community. On balance the proposal is considered acceptable and the application is recommended for approval.

2. Site and Surrounding Area

- 2.1 This application relates to Balshaw's High School on Church Road in Leyland. The school has extensive playing fields to the south, west and east of the main school buildings with those to the south stretching to Dalehead Road. Residential properties are located to the north on Church Road, to the east on Langdale Road, to the south-east on Borrowdale Road, to the south on Dalehead Road and to the east on Applefields and Leafy Close.

3. Planning History

- 3.1 There are a number of planning permissions relating to this site with the most relevant being:
- 3.2 07/2013/0372/FUL - Erection of court area to include 4 tennis courts and 3 netball courts with 3m perimeter fencing. Approved August 2013
- 3.3 07/2013/0427/FUL - Formation of a synthetic turf hockey and football pitch with 6, 15m high floodlights and 3m high boundary fencing around the pitch rising to 5m high behind goals and along the full length of the eastern elevation (Langdale Road). This application was withdrawn August 2013
- 3.4 07/2013/0852/FUL - Formation of a synthetic turf hockey/football pitch to south of main school building together with erection of 6, 15m high floodlights and 3m high boundary fence. Approved February 2014. This was a re-submission of the withdrawn scheme with the hockey/football pitch being re-located to the south of the main school buildings.
- 3.5 Both of these planning permissions included conditions to restrict the use of the facilities to school use only, Monday to Friday between the hours of 8am and 9pm for hockey/football (07/2013/0852/FUL) and tennis/netball (07/2013/0372/FUL).
- 3.6 07/2015/1824/FUL Single storey extension to rear to provide fitness suite. Approved February 2016
- 3.7 07/2016/0239/FUL Two storey rear extension. Approved May 2016

4. Proposal

- 4.1 The application proposes the variation of conditions 3 and 4 of planning approval 07/2013/0852/FUL. Condition 3 required: *"The use of the hockey/football pitch hereby approved shall be restricted to school use only between the hours of 8.00am to 6.00pm Monday to Friday, and the premises shall not be used at any time on Saturday, Sundays or Bank or Public Holidays."*

- 4.2 Condition 4 required: *"All floodlighting to be erected as part of the development shall be fitted with a timer device to ensure that the lights are turned off between the hours of 18:00 and 08:00. The timer device must take account of day light saving time."*
- 4.3 The reason the conditions were imposed were in the interests of the amenity of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan.
- 4.4 The proposal now is to vary Condition 3 to allow for an extension of hours of use with the proposed hours being Monday to Friday 8am to 10pm, Saturday 8am to 9pm and Sunday 8am to 6pm. This effectively extends the hours the facility can be used by 4 hours in the evenings, Monday to Friday and to allow its use on Saturdays and Sundays.
- 4.5 Condition 4 relates to floodlighting with the variation to allow the floodlights to be turned off between the hours of 10pm and 8am Monday to Friday, 9pm and 8am Saturday and 6pm and 8am Sunday. This is to allow the floodlights to be used in conjunction with the facility.

5. Summary of Publicity

- 5.1 290 neighbouring properties were notified and a site notice was posted. 170 letters of representation were received with 146 in support of the proposal, 16 objecting and 8 neither supporting nor objecting but just making comment.
- 5.2 The points of objection raised are:
- Residents were promised when planning was first granted that under no circumstances would there be any use after 6pm
 - Loss of privacy
 - Noise and disturbance
 - Noise of footballs against metal fences
 - Shouting and offensive language
 - Weekend usage
 - Light pollution
 - Enough facilities in the area
 - Parking problems in area
 - Increase in traffic and vehicle pollution
 - Parents park on pavements and block driveways, this proposal will exacerbate these problems
 - Parents emailing their support do not live in close proximity to the school and will not be affected
 - Conditions were imposed in the interests of the amenities of the adjoining residents. Nothing has materially changed
 - Proximity to residential properties
 - Young children will be trying to sleep at proposed times
- 5.3 The main points of support are summarised below:
- Proposal will be beneficial to the school and the local community
 - Will allow the school to make better use of this excellent facility and allow it to be used to its full potential
 - Will be a good investment for the school as part of fund raising as funding for all schools is a big issue
 - Will generate extra funds for the school
 - Budget cuts are biting and this will generate additional income
 - Encourages young people to take part in sport
 - Facilities can be hired out to local clubs

- Fantastic opportunity for town to have extra facilities for sports activities
- Will allow local people of all age ranges to take part in sporting activities
- Other schools in the area are able to let their astro-turf facilities out until 10pm
- Will provide a safe and high standard sporting facility
- The facility has adequate parking and therefore will not have an impact on the local residents
- Local teams struggle for places to train that are of a decent standard
- Give kids something positive to do in a safe environment
- Not being able to operate in evenings/weekends puts school at a disadvantage
- Will help promote health activities and greater participation in sport
- Lack of consistency in granting applications – different times allowed for different schools
- Too many children and adults are obese and exercise should be encouraged
- The existing grass pitches can be used at any time so why restrict this facility

6. **Summary of Consultations**

- 6.1 County Highways** has no objections and consider that the proposal should have a negligible impact on highway safety and capacity within the immediate vicinity of the site.
- 6.2 Sport England** has assessed the details and confirm that they support the application.
- 6.3 Environmental Health** comment that the extension in hours of the use of the facility, especially into the late evening and for wider community use would be outside the original scope and as such would constitute an intensification of use, and potentially result in additional noise and lighting issues. In principle Environmental Health would support a limited extension and intensification of use but consider the operating times as proposed are excessive. Environmental Health suggest that these are reduced to Monday to Friday 08:00am until 21:00pm and Saturday 08:00am until 18:00pm with no operation on Sundays.
- 6.4 Environment Agency** were consulted but advised the proposed is not one on which the EA require to be consulted.
- 6.5 Arboriculturist** has no objections to the variation of conditions.
- 6.6 Ecology** comment that given the cowls on the light, the lux levels are very low at the edge of the tree line. There they consider that there should be no impact on bat commuting or foraging activity along the tree line.

7. **Policy Background**

7.1 **National Planning Policy Framework**

7.1.1 Chapter 8: Promoting Healthy Communities paragraph 70 states: *“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”*

7.1.2 Paragraph 73 goes on to outline: *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative*

deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required”

7.2 Central Lancashire Core Strategy

7.2.1 Policy 17: Design of New Buildings expects new development to take account of the character and appearance of the local area; be sympathetic to surrounding land uses and occupiers and avoid demonstrable harm to the amenities of the local area; ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa; minimise opportunity for crime and maximise natural surveillance; provide landscaping and protect existing landscape features and natural assets, habitat creation, open space and enhancing the public realm and make provision for the needs of special groups in the community such as the elderly and those with disabilities.

7.2.2 Policy 24: Sport and Recreation seeks to ensure everyone has the opportunity to access good sport, physical activity and recreation by protecting existing sport and recreation facilities, unless they are proven to be surplus to requirements or unless improved alternative provision is to be made. It also requires, at criteria c), the development of minimum local sport and recreation standards in a Supplementary Planning Document.

7.2.3 Open Space and Playing Pitch Supplementary Planning Document

The purpose of the SPD is to provide advice on how the Council's open space and playing pitch policy is to be implemented. This includes guidance on provision standards and how they will be applied.

7.3 South Ribble Local Plan

7.3.1 Policy G7: Green Infrastructure seeks to protect and enhance the existing green infrastructure in the Borough. Development which involves the loss of green infrastructure will not be permitted unless alternative provision of similar and/or better facilities for the community will be implemented on another site or within the locality; or it can be demonstrated that the retention of the site is not required to satisfy a recreational need in the local area and the development will not detrimentally affect the amenity value and the nature conservation value of the site.

7.3.2 Policy G16: Biodiversity and Nature Conservation requires the borough's biodiversity and ecological network be protected, conserved and enhanced. Of importance in the consideration of this application is the proposal's impact on habitats for European, nationally and locally important species. Policy G16 requires development to ensure that significant harm is avoided or if unavoidable is reduced or appropriately mitigated and/or compensated for.

7.3.3 Policy G17: Design Criteria for New Development permits new development, provided that, the proposal does not have a detrimental impact on neighbouring buildings or on the street scene and should not cause harm to neighbouring property by leading to undue overlooking; would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in **Policy F1**; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses.

7.3.4 Chapter H aims to promote health, wellbeing, education and other community services and facilities. In relation to sport and recreation, paragraph 11.5 identifies that all existing sport and recreation sites, including playing fields will be reviewed in order to identify the deficiencies in sport and recreation provision in the Borough. This work has been

completed for Central Lancashire with an Open Space and Playing Pitch Supplementary Planning Document having been produced.

8. Material Considerations

8.1 Principle of Development

8.1.1 The synthetic turf hockey/football pitch received planning permission in February 2014 when the development was considered to be in accordance with policies G7, G16 and Chapter H in the Partial Version Site Allocations Development Plan Document and also Core Strategy Policies 14, 24 and 29 together with the Open Space and Playing Pitch Supplementary Planning Document. This permission established the principle of the development with conditions being imposed to restrict the facility to school use only between the hours of 8.00am to 6.00pm Monday to Friday with no use at weekends and also to restrict the hours of use of the associated floodlights.

8.1.2 The proposal now is to vary these conditions to allow the facility to be used by the community until 10pm and also at weekends and to extend the hours that the associated floodlighting can be used. These proposed changes in the hours of use are therefore re-assessed in terms of the relevant policies in the Core Strategy and Adopted South Ribble Local Plan. Those policies considered relevant to this application are listed above in the 'Policy Considerations' section of this report.

8.2 Justification for Proposals

8.2.1 The supporting statement submitted with this application outlines a number of reasons why Balshaw's is seeking the amendment of conditions 3 and 4. These include public demand, supporting national strategies for sports participation, supporting Lancashire's strategy for sports participation, value for money for public resources, equity with other schools and community sports facilities. Each of these are detailed below.

8.2.2 **Supports the Lancashire Sport Partnership Strategy 2013-17** - This document outlines the Lancashire County Council's objective of "*ensuring the optimum use of existing and potential resources.*" This objective is to be achieved by "*increasing and sustaining participation in, and widening access to, sport and physical activity across the county.*" Specifically the strategy aims to grow and improve the number of places available for increased participation in sporting activity. The applicant considered that the prime location of Balshaw's with its excellent transport connections and situated at the end of the cycle path constructed as part of the Buckshaw development make it ideally located to provide outstanding sporting facilities to the target population of the Sports Partnership Strategy.

8.2.3 **Public Demand** – The applicant advises that Balshaw's is contacted on a frequent basis with requests to use the facility for local youth football teams, league organisations, youth organisations such as scouts and guides and sports clubs. Land owned by Lancashire County Council and paid for out of the public purse should be used for the benefit of the community and particularly children and young people. Demand for the use of such facilities outstrips availability yet Balshaw's pitch sits unused for 13 weeks of school holiday and every evening from 5.00 onwards.

8.2.4 **Supports the principles laid out within HM Government's "Childhood Obesity: a plan for action" (18th August 2016)** - The report points out that a third of 2 – 15 year olds are overweight or obese with the burden falling hardest on children from low-income backgrounds. If Balshaw's can make their pitch available for public use, it will provide more opportunity for physical activity and mental health well-being. One of the key strategies outlined in the report is improving the co-ordination of quality sport and physical activity programmes for schools and Sport England is setting aside £40 million to "*offer new opportunities for families and children to get active and play sport together*"

8.2.5 Sport England: Towards an Active Nation Strategy 2016 – 2021 - This newly published strategy outlines a £250 million investment in combatting inactivity as part of a five year programme. Easy access to the right facilities is a key part of the programme.

8.2.6 Consistency with planning decisions made for other school sports facilities – Other schools in South Ribble are able to let their pitches to the public with lighting until 22:00 or 22:30 hours. The applicant highlights these schools:

- Penwortham Priory – until 22:30
- Leyland St Mary's – until 22.30
- Brownedge – until 21.00
- Lostock Hall – until 22.30
- Walton-Le-Dale – until 21.00

8.2.7 Balshaw's seeks the same opportunities to work with local sporting groups and the community as the other schools in the area. The ability to raise thousands of pounds of income will significantly increase the ability of the school to improve opportunities for the young people of South Ribble in its care. The maintenance costs of such pitches are £40,000 over three years. For sustainability, Balshaw's needs to be able to source revenue from its facility to ensure that this publically funded investment is maintained to a standard that ensures longevity, value for money and sustainable local health and well-being interventions for the local community.

8.2.8 Whilst the reasons given for the increase in usage of the facility in the supporting statement are sound in terms of the promotion of physical activity and healthy lifestyles, a balance between the impact the proposal will have on neighbouring residents in terms of overlooking, noise, disturbance and possible light pollution against the needs of the school to utilise its facility to the full extent to enable it to raise funds, to ensure all members of the community have access to sporting facilities and to promote sport and an active lifestyle to combat obesity and lethargy.

8.3 Impact on Residential Amenity

8.3.1 Both Core Strategy Policy 17 and Local Plan Policy G17 seeks to ensure new development is sympathetic to surrounding land uses and occupiers and does not have a detrimental impact on neighbouring properties, particularly in terms of undue overlooking and loss of privacy. Policy 17 also requires that new development avoids demonstrable harm to the amenities of the local area; ensure that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.

8.3.2 There are a number of residential properties to the school's boundaries. The closest to the hockey/football pitch are those located on Applefield and Leafy Close to the west. The committee report for the approved application referred to the impact of the hockey/football pitch on neighbouring properties: *"The closest residential properties to the proposed development are located on Applefields at a distance of approximately 45m to the west and on Leafy Close, 50m to the south-west. Numbers 16 and 17 Applefields and numbers 17 and 19 Leafy Close share a common boundary with the school which consists of hedgerow and trees protected under Tree Preservation Order 1989 No 10. A small wooded copse also lies adjacent 17 and 19 Leafy Close. Numbers 2 to 28 Borrowdale Road share the schools south-eastern boundary with number 20 being the closest at a distance of approximately 50m. The boundary consists of trees and hedgerow along its length. Residential properties are located to the south on Dalehead Road at a distance of over 100m. Again the boundary consists of trees and hedgerows with a further belt of trees crossing the school playing field immediately to the south of the application site..... Due to the separation distances between the application site and neighbouring residential properties and the fact that a number of trees are located along*

the boundaries, the proposal is not considered to unduly impact on neighbouring residential amenity in terms of loss of privacy, appearance or proximity.”

- 8.3.3 The proposal to extend the hours of use of the facility does not alter the relationship between the residential properties and the facility. Points of objection raised in respect of loss of privacy due to the proximity of the facility were considered with the original application and found to be acceptable and this remains the case.

8.4 Noise

- 8.4.1 Neighbouring residents have also objected to this proposal to extend the hours of use and open the facility for community use. Residents consider this will result in noise and disturbance issues late into the evening and at weekends. This would be mainly from the noise of footballs against the metal fencing and in the form of shouting and offensive language.

- 8.4.2 Environmental Health considered that the extension of the use of the facility, especially into the late evening and for wider community use would constitute an intensification of use, and potentially result in additional noise issues. However, in principle they consider that they could support a limited extension and intensification of use but that the suggested operating times are excessive. Therefore Environmental Health suggest that the times are reduced to Monday to Friday 08:00am to 21:00pm and Saturday 08:00am to 18:00pm, with no operation on Sundays.

- 8.4.3 Whilst it is accepted that the use of the hockey/football pitch has the potential to create noise and disturbance to neighbouring residents, it must be recognised that the school fields can already be used by the community until late into the evening, although this is not something that is in operation. These fields are immediately adjacent to the residential boundaries with the hockey/football pitch being 45m from residential properties at the closest point.

8.5 Light Pollution

- 8.5.1 Residents considered the extended hours of use and the associated use of the floodlights until later in the evenings will result in light pollution to their properties. The use of floodlights for the facility was one of the main issues during consideration of the original scheme. Details of the proposed lighting columns and their cowls together with a lighting plan were submitted as part of that application with the lighting plan again being submitted with this application. The plan demonstrate the extent of light spill from the 15m high columns with the spill not encroaching beyond the site boundaries.

- 8.5.2 The submitted Supporting Statement indicates that *“Balshaw’s is set in 23 acres of land most of which are already grass playing fields which have no restriction of use placed on them. The facility to which the conditions relate, is 50 metres from the nearest property, but significantly further from all other adjoining properties. The floodlights that are part of the facility are of the latest design which are highly directional producing very little light pollution or change to the visual amenity of surrounding property.”*

- 8.5.3 Therefore the proposal to extend the hours of operation is considered to have no additional impact on the adjacent residential properties.

8.6 Access and Parking Arrangements

- 8.6.1 The school has 80 car parking spaces with an overflow area of hardstanding able to take an additional 42 cars providing a total of 112 onsite parking spaces. The car park has three access points, two for entry and one for exit using an internal one-way system to ensure safety and ease of use. The supporting statements indicates that, as the facilities will be used in the evening after most staff have left school, there will be an excess of parking spaces.

- 8.6.2 A number of residents have objected on the grounds of increase in traffic and parking problems in the area. They consider the use of the facility in the evenings will extend the problems into the evening period. However, County Highways have no objections to the proposal and consider that it should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

8.7 Wildlife

- 8.7.1 During consideration of the approved scheme, the impact on Bats was an issue and therefore a bat survey submitted and a condition imposed requiring that an additional bat activity survey be carried out in the Spring following determination of the application. The bat survey found three trees had moderate habitat value for bats but no evidence of their presence was determined. The survey concluded that the lighting would have no adverse impact on the activity of bats. The survey went on to state that the choice of floodlight, Challenger 1, is designed to avoid light spill and therefore reduces any negative impact on bats.
- 8.7.2 The required bat activity survey was duly submitted to discharge the condition imposed on the planning permission. The bat activity survey reported that no bat roosts were located within the trees which had suitable roosting features. The sports pitch had at that time been built and bat activity was recorded on the site within the tree lines and the woodland area, as predicted in the initial bat assessment report.
- 8.7.3 The bat activity survey concluded that there would be no impact on bats as a result of the construction of the sports pitch as bats were flying close to the tree lines rather than across the open sports fields on the site. The report commented *"The lighting installed will only be used between 4-6pm in the winter months when bats are not present and will therefore have no impact on the foraging and commuting activity of bats."*
- 8.7.4 Given that this application extends the hours of use of the floodlighting, the view of the Council's Ecological Advisors was sought. They comments that, having looked at the lighting plan it appears, given the cowls on the lights, that the lux levels are very low at the edge of the tree line. They therefore consider that there should be no impact on bat commuting or foraging activity along the tree line.

8.8 Other Issues

- 8.8.1 Residents highlight the fact that they were promised when planning was first granted that under no circumstances would there be any use of the facility after 6pm. Whilst this is the case, since permission was originally granted the former headmistress has retired with the new head recognising that the facility could be of benefit to the wider community. He highlights the reasoning in the supporting statement, as reporting in the 'Justification' section of this report.
- 8.8.2 Residents also comment that the conditions were imposed in the interests of the amenities of the adjoining residents and that nothing has materially changed since that permission was granted. The impact on residential amenity is discussed earlier in this report. Additionally, there is nothing in planning legislation to prevent an application to remove or vary a condition imposed on a planning permission as it is widely recognised that situations change over the years. It is considered that in this case, a robust argument has been put forward to justify the proposed extension in the hours of use. Given that the extent of the impact on residential amenity is considered to be compliant with policy, it is considered that the proposal is acceptable.

9. Conclusion

- 9.1 The proposal to extend the hours of use of the existing hockey/football pitch and its associated floodlighting will enable the school to offer the facility to the community and therefore promote sporting activities and a healthier lifestyle. This is balanced against the impact the extended hours of use will have on neighbouring residential properties in terms of noise, disturbance and light pollution. On balance the proposal is considered to be acceptable and is recommended for approval.

10. Recommendation

- 10.1 Approval with Conditions.

11. Recommended Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the submitted plans: STP Layout MUK772-S-02 Rev C; Elevations MUK-S-03; Block Plan MUK772-S-04 Rev A; Drainage Layout MUK772-S-06 Rev B; Fencing Layout MUK772-S-07 Rev A; Hockey Pitch Construction MUK772-S-08 Rev B; Floodlighting scheme MUK772-S-09 Rev D; STP Isometric View MUK772-S-11 Rev A; Fencing Details MUK772-S-12
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. The use of the hockey/football pitch hereby approved shall be restricted for use between the hours of 08.00 to 22.00 Monday to Friday, 08.00 to 21.00 Saturday and 08.00 to 18.00 on Sunday.
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
4. All floodlighting to be erected as part of the development shall be fitted with a timer device to ensure that the lights are turned off between the hours of 22.00 and 08.00. The timer device must take account of day light saving time.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

12. Relevant Policy

12.1 Central Lancashire Core Strategy

- 14 Education
- 17 Design of New Buildings
- 24 Sport and Recreation

12.2 Open Space and Playing Pitch Supplementary Planning Document

12.3 South Ribble Local Plan

- G7 Green Infrastructure Existing Provision
- G16 Biodiversity and Nature Conservation
- H1 Protection of Health, Education and Other Community Services and Facilities