

Application Number 19/00680/FUL

Proposal	Full planning permission for variation of conditions 2 (floodlight illumination hours), 3 (hours of use of the sports pitch) and 4 the removal of condition 4 (limiting the use of the pitch to the sole purpose of school sporting activities and events) of planning permission 08/01276/FUL.
Site	Audenshaw School, Hazel Street, Audenshaw.
Applicant	Audenshaw School.
Recommendation	Grant planning permission subject to conditions.
Reason for report	A Speakers Panel decision is required because a resident who has objected to the application has requested to address the meeting at which the application is determined. The original planning permission as also granted by Speakers Panel

1.0 APPLICATION DESCRIPTION

1.1 The applicant seeks to vary 2 and remove 1 of the conditions imposed on the original planning permission (ref. 08/01276/FUL) to allow longer hours of use of the sports pitches and the floodlights and to remove the restriction on the use of the facility. The application has been amended to reduce the hours of use and floodlight operation, following concerns expressed by officers in relation to the impact of the original proposal on the residential amenity of neighbouring properties.

1.2 Condition 2 of the original planning permission currently states:

‘The floodlights shall not be illuminated outside the hours of 09:00 to 20:00 Monday to Friday. They shall not be used on Saturdays, Sundays and Bank Holidays.’

The applicant seeks to vary this condition to the following:

‘The floodlights shall not be illuminated outside the hours of 08:30 to 21:00 hours Monday to Friday, 09:00 to 17:00 on Saturdays and 10:00 to 16:00 hours Sunday and Bank Holidays.’

1.3 Condition 3 of the original planning permission currently states:

‘The use hereby permitted shall not be operated outside the hours of 09:00 to 20:00 Monday to Friday, 09:00-17:00 on Saturdays and not at all on Sundays and Bank Holidays.’

The applicant seeks to vary this condition to the following:

‘The use hereby permitted shall not be operated outside the hours of 08:30 to 21:00 hours Monday to Friday, 09:00 - 17:00 on Saturdays and 10:00 to 16:00 hours Sunday and Bank Holidays.’

1.4 The applicant is also seeks the removal of condition 4 of the original planning permission which states ‘The sports pitch hereby permitted shall be used for the sole purpose of school sporting activities and events.’

1.5 The effect of the application would therefore be to increase the hours of use of the pitch and operation of the floodlights by 1.5 hours a day Monday to Friday, an additional 6 hours on a Sunday and Bank Holidays and allow operation of the lighting at weekends and on Bank Holidays, but only within the hours of use of the pitches. The proposal would allow use of the facilities by people other than those associated with the school.

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to land within the south eastern portion of the Audenshaw School site, located on Hazel Street in Audenshaw. The existing all weather pitch located in this part of the site is set approximately 10 metres in from the southern boundary of the site, which forms the common boundary with the rear of the properties on Stanhope Avenue. The separation distance between the eastern edge of the all weather pitch and the eastern boundary of the site, which forms the common boundary with the rear of the properties on Denton Road is approximately 15 metres. There are 4 floodlights (mounted on 15 metre high galvanised steel poles) evenly spaced along the eastern and western edges of the pitch. The surfaced area is surrounded by 3m high welded wire mesh fencing.

3.0 RELEVANT PLANNING HISTORY

- 3.1 08/01276/FUL - Construction of an all weather sports pitch, including floodlighting and perimeter fence - approved 7 November 2008.

4.0 RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)

- 4.2 Planning Practice Guidance (PPG)

4.3 Tameside Unitary Development Plan (UDP) Allocation

Unallocated, within the settlement of Audenshaw.

4.4 Part 1 Policies

1.5: Following the Principles of Sustainable Development

1.8: Retaining and Improving Opportunities for Sport, Recreation and Leisure

4.5 Part 2 Policies

OL4: Protected Green Space

OL6: Outdoor Sport, Recreation and Play Space Developments

MW12: Control of Pollution

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,
Tameside Playing Pitch Strategy (July 2016).

4.7 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development

Section 8 Promoting healthy and safe communities

4.8 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning

Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice and press notice.

6.0 RESPONSES FROM CONSULTEES

6.1 Borough Environmental Health Officer (EHO) – no objections to the proposed expansion of the use and increase in the hours of floodlight operation, subject to the floodlights not being illuminated outside of the hours of 0800 to 2100 Monday to Saturday and 10:00 to 18:00 hours Sunday and Bank Holidays. The use of the pitch shall not be operated outside the hours of 08:00 to 21:00 hours Monday to Saturday and 10:00 to 18:00 hours Sunday and Bank Holidays.

6.2 Local Highway Authority – no objections to the proposals and no conditions considered to be necessary.

6.3 Greater Manchester Police (Designing out Crime) Officer – no objections to the proposals and no conditions considered to be necessary.

7.0 SUMMARY OF COUNCILLOR AND THIRD PARTY RESPONSES RECEIVED

7.1 Councillor Ryan has objected to the application as Ward Councillor, raising concerns regarding the impact of the additional hours of use and removal of the limitation on the use of the pitch to school pupils/staff only on the residential amenity of neighbouring properties.

7.2 15 letters of objection have been received to the proposals, raising the following (summarised) concerns:

- The original application for the all weather pitch was opposed by local residents due to its immediate proximity to boundaries, the nuisance from noise and lighting into the later hours of the evening and at weekends/Bank Holidays, and for the loss of privacy and light nuisance into upstairs rooms of properties (bedrooms). The proposals to relax the restrictions on the hours and nature of the use are likely to have a more severe impact in these regards.
- The existing floodlighting results in a harsh white glare which spills across the common boundaries with the neighbouring properties, particularly affecting upstairs bedrooms of those properties, especially during the dark autumn/winter months when the floodlights are most frequently used. This impact would be more regular and detrimental to the amenity of neighbours should the hours of operation of the lighting be extended.
- The additional traffic that would be generated by the proposed removal of the restriction on the use would result in an adverse impact on highway safety through increased congestion on Hazel Street and the other adjacent roads.
- The existing floodlights are not fitted with hoods/covers that would reduce light spillage and therefore the impact of allowing them to operate for longer would result in a greater impact on the amenity of neighbouring properties.
- The noise associated with increased vehicular movements resulting from the use of the facilities by the general public and the additional hours of use of the facility would result in a detrimental impact on the residential amenity of neighbouring properties.
- Traffic associated with the school causes significant congestion on the adjacent residential streets and affects parking for local residents. Extending the hours during

which the facility can be used and offering use of the space to the wider community would exacerbate this issue.

- The school has not undertaken any consultation with local residents on these proposed changes.
- It is not clear how the facility would be managed once it is opened up to use by members of the public. What arrangements will be in place to enforce the closure of the facility at the time proposed – which is outside of the operating hours of the school.
- No measures are proposed to mitigate the impact of the noise and light pollution that would result for the extended hours of operation of the facility.
- The conditions were imposed on the original permission to provide adequate mitigation to neighbouring residents. That mitigation is still required and therefore the restrictions should not be removed.

8.0 ANALYSIS

8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application'. The original planning permission will continue to exist.

8.3 The principle of development was established through the granting of planning permission 08/01276/FUL and is therefore not being revisited in the assessment of this variation of condition application. The issues to be assessed in the determination of this application are the impact of the extended scope and hours of use and operation of the flood lighting on:

- the residential amenity of neighbouring properties
- highway safety
- the character of the surrounding area

9.0 RESIDENTIAL AMENITY

9.1 The proposed alteration to the hours of use of the sports pitch and operation of the floodlights would result in 30 minutes additional use in the morning and 1 hour in the evening Monday to Friday. The extant permission allows the pitches to be used for 11 hours a day on those days. It is the case that the current restriction preventing public access limits the intensity of the use of the facility beyond school hours. However, the proposal would not involve an increase in the size of the pitch and there is nothing to prevent regular use by those associated with the school until 20:00 during the week under the terms of the extant permission.

9.2 It is however acknowledged that the additional hour of use in the evening would result in use at a more noise sensitive time of the day when assessing the impact on residential amenity. It is also the case that the proposal would operate during daytime hours on Sundays, although following amendments to the scheme, the facility would not operate during more sensitive times in either the morning or evening on Sundays and the hours of use would not increase beyond the extant position on a Saturday.

9.3 In order to mitigate the impact of the additional hours of use, the applicant has agreed to the imposition of a condition to install acoustic fencing along the sections of the eastern

boundary of the site that are currently lacking in either established landscaping or solid screening. This would equate to approximately 55 metre long fence to ensure that soundproofing to the adjacent properties where the existing common boundary is treated by palisade fencing with clear gaps.

- 9.4 Within the context of the existing permission and having regard to the noise mitigation measures proposed, it is considered that the noise associated with the use of the facility for the proposed additional hours on weekdays and during the day at the weekends would not result in demonstrable harm to the amenity of the neighbouring properties to the south and east of the site.
- 9.5 In relation to light pollution, the scheme has been assessed by a lighting consultant working on behalf of the Council. The consultant has examined the information submitted to discharge condition 7 of the original planning permission, which required details of the design and light spillage control measures to be implemented to limit the impact of the floodlighting on the amenity of neighbouring properties.
- 9.6 The consultant has concluded that, on the basis of the approved lighting specification that discharged that condition, light spillage would be limited to the boundaries of the site and therefore, increasing the usage time of the floodlights would not impact on the residents in this regard. The LUX plans indicate that light spillage would not occur into the neighbouring properties, even if there was no intervening treatment on the common boundary.
- 9.7 Given that there is a combination of hedge and tree planting and fencing along large sections of the boundary, the actual impact of light spillage on those properties would be further reduced in reality. Whilst the level of intensity of the lighting would not increase, the impact would extend later into night time hours as a result of the proposals. Given some of the concerns expressed by local residents, it is considered necessary to revisit the measures put in place to minimise the impact of glare from the floodlighting (i.e. hoods/shields to be installed over the lighting and how these are to be maintained). These details can be secured by condition.
- 9.8 Following the above assessment, it is considered that any adverse impact on the residential amenity of neighbouring properties can be adequately mitigated through the measures to be secured by condition, within the context of the extant planning permission.

10.0 HIGHWAY SAFETY

- 10.1 The applicant has confirmed that there are 84 car parking spaces on the school site. These spaces are located to the north of the school building and adjacent to the north west of the sports pitch that is the subject of this application. The existing hours of use allow traffic movements associated with the sports pitch to and from the site up to 8pm during the week.
- 10.2 Whilst it is the case that the proposal to allow use of the facility by people not connected to the school would increase trip generation to the site, the time during which the additional movements could occur is outside of peak time and would only extend for 1 hour longer than the extant position during term time (as the additional 30 minutes in the morning would be used to facilitate events associated with the school.) Following amendments to reduce the hours of use at the weekend back to the extant position on a Saturday and between 1000 and 1600 on Sundays and Bank Holidays, it is considered that the noise generated from traffic movements would not occur at times that would be detrimental to the amenity of the neighbouring properties.
- 10.3 As the additional evening hours of operation would be outside of school operating time, it is considered that the proposals would not result in a detrimental impact on the parking capacity within the site or highway safety during those times, as this activity would be

occurring outside of the peak traffic period associated with the main use of the site. This assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority.

11.0 CHARACTER OF THE AREA

11.1 The physical infrastructure that is the subject of the application i.e. the floodlighting and the sports pitch would remain unchanged. The detailed design of the acoustic fencing to be installed along a 55 metre length of the eastern boundary of the site can be secured by condition. Given that the affected section of the boundary currently includes metal post fencing, it is considered that the installation of such a fence would not be detrimental to the character of the site or the surrounding area.

12.0 OTHER MATTERS

12.1 Objectors have referred to concerns regarding how the facility would be managed. It is considered reasonable to attach a condition to any planning permission granted requiring the submission and approval of a management plan for the facility to be submitted and approved prior to the operation of the use for the extended time period. The plan will need to include details of who will be responsible for enforcing each of the measures and would complement the requirement to limit the extent of glare from the floodlighting experienced by local residents, as referred to previously in this report.

12.2 Objectors have also questioned why an extension to the hours/terms of use of the facility would be allowed given the nature of the conditions that were attached to the original planning permission. Each application has to be determined on its own merits. Officers consider that, following amendments to reduce the extent of changes to the hours of use and floodlighting of the facility and the mitigation provided by the acoustic fence to be installed on a section of the eastern boundary of the site, there are no grounds on which to recommend refusal of the application. This assessment is corroborated by the lack of objection from the statutory consultees to the proposals.

13.0 CONCLUSION

13.1 The proposal to increase the hours of use of the sports pitch and the floodlighting and to allow use of the facilities by people not associated with the school is considered not to result in a detrimental impact on the residential amenity of neighbouring properties, the character of the area or highway safety. This assessment is made within the context of the reduction in the hours of activity negotiated through the course of the application and the proposed mitigation measures to be secured by condition, as outlined in the main body of the report. There are no objections to the proposals from any of the statutory consultees.

13.2 Following the above assessment, it is considered that the proposals would accord with the relevant national and local planning policies quoted earlier in this report.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans:

1:1250 site location plan and proposed site plan (drawing no. 0108-01 Rev. A)
Proposed plan and typical pitch section (drawing no. 0108-02 Rev. B)
Proposed drainage details plan (drawing no. 0108-03)

Lighting column elevation plan (drawing no. 3006-700-13)
Lighting column detail plan (drawing no. 3006-700-14)
Rugby Pitch Lighting document produced by Lorne Stewart PLC
Philips Lighting OptiVision Floodlight MVP 507 Manufacturers Specification
Drawing no. 0108-01 indicating the location of the proposed acoustic fence (between points A and B)

2. The floodlights shall not be illuminated outside the hours of 08:30 to 21:00 hours Monday to Friday, 09:00 to 17:00 on Saturdays and 10:00 to 16:00 hours Sunday and Bank Holidays.
3. The use hereby permitted shall not be operated outside the hours of 08:30 to 21:00 hours Monday to Friday, 09:00 - 17:00 on Saturdays and 10:00 to 16:00 hours Sunday and Bank Holidays.
4. The fencing surrounding the sports pitch shall be 3 metres high welded wire mesh fencing coloured dark green,
5. The pitch hereby approved shall be retained in accordance with the specification shown on approved drawing no. no. 0108-02 Rev. B.
6. The lighting scheme to serve the development hereby approved shall be retained in accordance with the following approved details:

Lighting column elevation plan (drawing no. 3006-700-13)
Lighting column detail plan (drawing no. 3006-700-14)
Rugby Pitch Lighting document produced by Lorne Stewart PLC
Philips Lighting OptiVision Floodlight MVP 507 Manufacturers Specification

7. The development hereby approved shall be carried out in accordance with the measures to prevent balls straying into the gardens of neighbouring properties approved under discharge of condition ref. 08/01345/PLCOND and shall be retained as such thereafter.
8. Prior to the first use of the sports pitch for the extended hours hereby approved, details (including scaled plans of the elevations, details of the construction material and colour finish and a manufacturers specification detailing the level of noise reduction in dBA) of an acoustic fence to be installed along the section of the eastern boundary of the site identified between points A and B on drawing no. 0108-01 shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fencing shall be installed in accordance with the approved details, prior to the first use of the sports pitch for the extended hours hereby approved and shall be retained as such thereafter.
9. Notwithstanding the details/documents listed in condition 6 of this planning permission, prior to the first use of the sports pitch for the extended hours hereby approved, details of the measures to be adopted to minimise the glare produced by the floodlights shall be submitted to and approved in writing by the Local Planning Authority. The measures to minimise glare shall be implemented in accordance with the approved details on first use of the sports pitch for the extended hours and shall remain in force thereafter.
10. Prior to the first use of the sports pitch for the extended hours hereby approved, a management plan for the proposed facility shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include measures to be adopted to minimise disturbance to local residents (including the procedure for ensuring that the floodlights do not operate outside of the approved hours) and details of who will be responsible for enforcing each of the measures. The provisions of the management plan shall be implemented in accordance with the approved details on first use of the sports pitch for the extended hours and shall remain in force thereafter.