

MEETING:	PLANNING COMMITTEE
DATE:	11 JANUARY 2012
TITLE OF REPORT:	<p>DMS/112675/F - VARIATION OF CONDITION 21 OF PLANNING PERMISSION DCCW0009/0958/F TO ALLOW FOR USE OF THE FLOODLIGHTS TO THE ALL WEATHER PITCH ONLY TO BE EXTENDED TO SATURDAYS AND SUNDAYS BETWEEN THE HOURS OF 0900 AND 2000 AT THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HEREFORDSHIRE, HR2 7NG</p> <p>For: The Hereford Academy, Marlbrook Road, Hereford, HR2 7NG</p>

Date Received: 26 September 2011 Ward: St Martins and Hinton Grid Ref: 350160,237975
Expiry Date: 17 January 2012

Local Members: Councillors ACR Chappell, R Preece and P Rone

1. Site Description and Proposal

- 1.1 The Hereford Academy is located at the western end of Marlbrook Road, Redhill, Hereford. It is located on a triangular site with Great Western Way forming the northwest boundary, Southdale residential estate adjoins the southeastern boundary whilst residential development along Stanberrow Road backs onto the eastern boundary.
- 1.2 The school site has recently been redeveloped (application DCCW0009/0958/F) with a new school, 6th Form and community building located at the southern eastern end of the existing playing fields near the entrance to the school off Marlbrook Road.
- 1.3 As part of the redevelopment there has been a significant emphasis on sports provision with three main sports pitches proposed along the northwest boundary, a full size grass rugby pitch and to the north a three quarter football pitch and mini soccer pitch. In the top corner of the site high and long jump facilities are provided with a rounders pitch. A jogging and fitness track runs along the northern end of the site. Central to the site and to the north of the school building is a part floodlit multi use games area (MUGA).
- 1.4 The element that is the subject of this application is the full size synthetic turf football and hockey pitch (All Weather pitch) sited to the South of the site (north west of Beaufort Avenue and east of the Great Western Way).
- 1.5 This all weather pitch would be lit with the times controlled by Condition 21 of the Planning Permission DCCW0009/0958/F which states the following:

The floodlighting hereby permitted for the MUGA and all weather area shall not be switched on outside of the following times: - 0900 - 2200 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 1.6 This application seeks to vary this condition to allow the floodlights to all weather pitch (not MUGA) to be utilised on Saturdays and Sundays from 0900 to 2000.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

DR2	-	Land Use and Activity
DR4	-	Environment
DR14	-	Lighting
T16	-	Access for All
LA6	-	Landscaping Schemes
RST1	-	Criteria for Recreation, Sport and Tourism Development
CF5	-	New Community Facilities

3. Planning History

- 3.1 CW2003/0508/F Extensions and alterations to the staff accommodation and dining room. Approved 26 March 2003.
- 3.2 DCCW2005/1557/F Erection of detached single storey youth drop in centre. Withdrawn 23 June 2005.
- 3.3 DCCW2005/3221/F Extension to house, relocated kitchen. Approved 7 November 2005.
- 3.4 DCCW2006/0763/F Extension to provide store. Approved 12 May 2006.
- 3.5 DCCW2006/1728/F Remove existing defective perimeter fencing. Erect new perimeter fencing and entrance. Approved 14 July 2006.
- 3.6 DCCW2008/1677/CD Covered area in courtyard for pupil use. Approved 14 August 2008.
- 3.7 DCCW2008/3037/CD Mobile classroom building to house sixth form centre and ancillary office accommodation (temporary). Approved 4 February 2009.
- 3.8 DCCW0009/0958/F Construction of new secondary school buildings including landscaping and other associated works and demolition of existing school buildings. Approved 18 August 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objection to the grant of planning permission.

4.3 Environmental Health Manager: I have examined the application and have no objection to the proposed development. I consider that the pitch is sufficiently distant from occupiers for the proposed use, within the proposed hours, to proceed without giving rise to nuisance.

5. Representations

5.1 Hereford City Council: Is happy to support this application with regards to allowing longer hours on Saturdays, however feel that due to light pollution issues and considerable noise levels the hours on Sundays should be restricted to 10 am and 6 pm only, and this new arrangement should be put in place for a period of 12 months only to see if there will be any complaints from residents. Providing there are no complaints the permission should be automatically extended.

5.2 Two letters have been received from M Chamberlain, 34 Beaufort Avenue and Mr and Mrs J Birkinshaw, 85 Beaufort Avenue.

These letters raise the following issues:

- As the pitches are not finished it is difficult to judge the real impact
- After the floodlights are off will there still be cars coming and going? How secure will the car park be?
- Could the decision be deferred until after the winter to allow residents to assess the use?
- Concern that 8pm is too late? Could 5pm be considered?
- Confirmation sought that this still excludes Bank Holidays?
- It would be useful to also see the lettings policy (which should include the conditions of use, including what time they should vacate the pitch, etc).

5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Condition 21 of the Planning Permission DCCW0009/0958/F seeks to control the use of the floodlighting of the all weather and Multi Use pitches. This application relates to the all weather pitch only. This condition does not specifically control the hours of use of these pitches, which could be used at any time of day, only the floodlighting of these pitches.

6.2 The use of floodlights on Saturday and Sunday in the late afternoon and evenings (before 8pm) during the late autumn, winter and early spring is therefore the key consideration, and whether this additional use along with use during the week, would be considered unacceptable to the amenities enjoyed by local residents. It is noted that during the week, the lights could be used until 10pm but this late finish is not sought for the weekend hours. Nor is the use of lights requested on Bank Holidays.

6.3 The letters that have been received raise concern about this extended period of use. Partly because it is an unknown quantity at present as the pitches have yet to be completed and used. The principle of the use of this all weather pitch has already been considered in the original application and its proximity to the dwellings was deemed acceptable, including the use of floodlights until 10pm during the week.

6.4 The technical details of the floodlighting have been agreed through the submission of details in respect of Condition 22, 23 and 24 of this permission and this should ensure that the light spillage would not adversely impact upon residential amenities of local residents in accordance with Policies DR14 and DR2 of the Herefordshire Unitary Development Plan.

- 6.5 In this context the focus of attention is therefore in relation to possible disturbance to residents associated with the extended use at weekends. This would be until 8pm only on weekends. The Environmental Health Officer has been consulted on this matter and raises no objections. It is however suggested that planning permission is granted for a temporary period of two years. This would allow a reasonable period to establish the facility and consider the impact on the local residents. This would allow any problems or concerns that have arisen to be fully considered.
- 6.6 It is also noted that Condition 32 of the planning permission requires the following:
- Prior to occupation a Community Use Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.*
- Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 and Herefordshire Unitary Development Plan Policy S1.*
- 6.7 This is a further mechanism to consider how the facilities are managed, an issue that local residents have also raised. It will also allow for a review should there be concerns or problems arising from the use.
- 6.8 On the basis of the above, it is considered that a temporary permission would be an acceptable mechanism by which to support this proposal. It would allow the community facility to establish whilst also ensuring a review mechanism should weekend (evening) use prove to cause unacceptable nuisance to neighbouring residential properties.

RECOMMENDATION

That condition 21 of the planning permission DCCW0009/0958/F be varied as follows :

1. **The permission hereby granted is an amendment to planning permission DCCW0009/0958/F dated 18 August 2011 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.
2. **The floodlighting hereby permitted for the MUGA shall not be switched on outside of the following times: - 0900 - 2200 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.
3. **The floodlighting hereby permitted for the All Weather Pitch shall not be switched on outside of the following times: - 0900 – 2200 Mondays to Fridays and 9.00 and 20.00 on Saturdays, Sundays nor at any time on Bank or Public Holidays.**

To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

4. This permission shall expires on 11 January 2014, after which time, the use of the MUGA and all weather pitches shall refer back to the restrictions imposed by Condition 21 of Planning Permission DCCW0009/0958/F unless otherwise agreed in writing (planning permission) by the local planning authority.

Reason: To enable the planning authority to give further consideration to the acceptability of the proposed use on Saturdays and Sundays after the temporary period has expired and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Informative:

1. N15 Reason(s) for the Grant of PP/LBC/CAC.

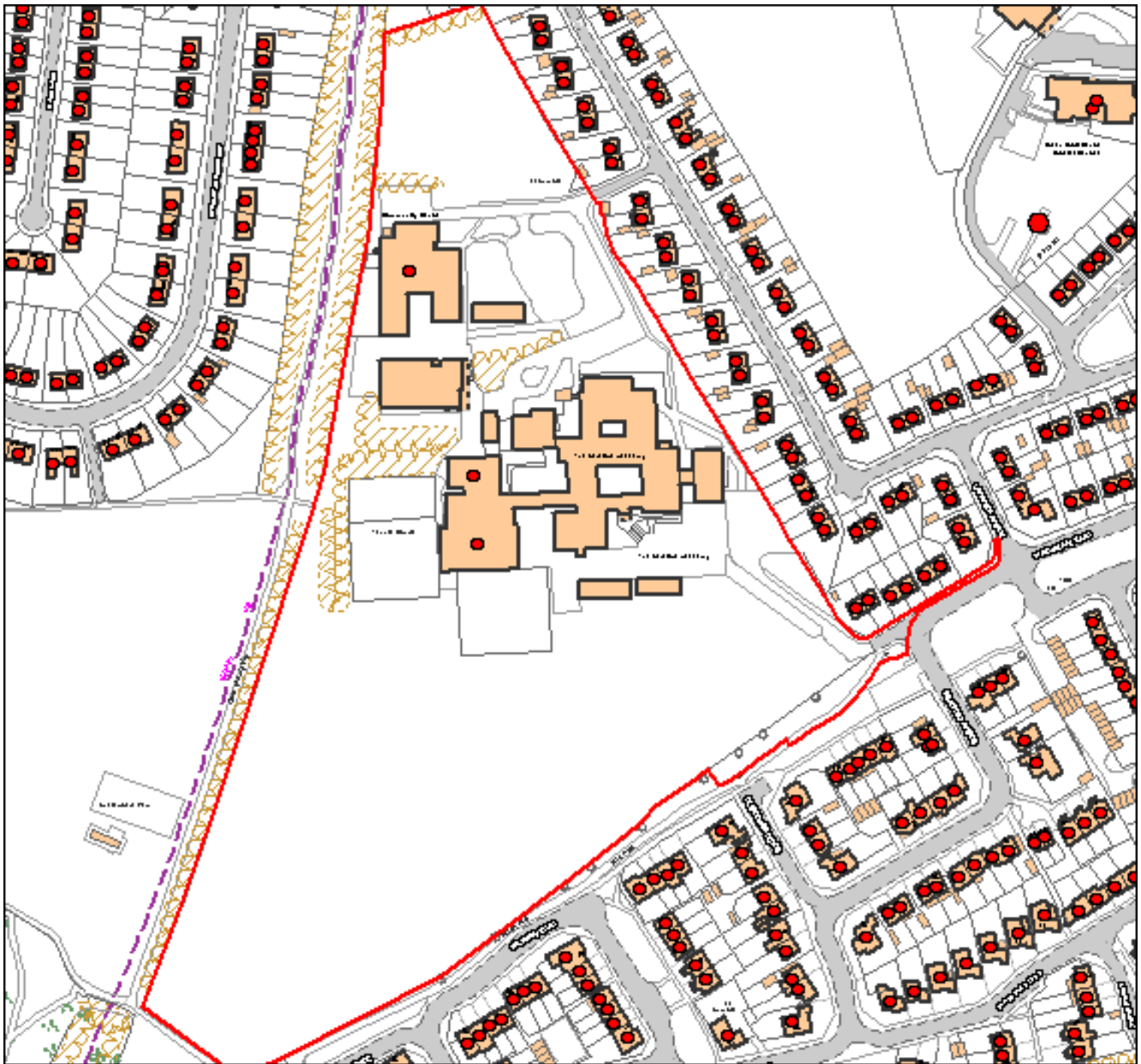
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112675/F

SITE ADDRESS : THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HR2 7NG

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781