

MEETING:	PLANNING COMMITTEE
DATE:	2 APRIL 2014
TITLE OF REPORT:	P133251/F - CONTINUED VARIATION OF CONDITION 21 OF PLANNING PERMISSION DMS/112675/F DATED 22/11/2011 AT THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HR2 7NG For: The Hereford Academy, Marlbrook Road, Hereford, HR2 7NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133251

Date Received: 20 November 2013 Ward: St Martins and Hinton Grid Ref: 350160,237975
Expiry Date: 1 March 2014

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 was re-developed (application DCCW0009/0958/F) with a new school, Sixth 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 in January 2012 an application (S112675/F) was considered by the Planning Committee to vary this condition to allow the floodlights to all weather pitch (not MUGA) to also be used on Saturdays and Sundays from 0900 to 2000. As the development was relatively new, and due to the concerns raised by local residents, a two year temporary permission was granted so that the impact of using the floodlights at the weekend could be further considered.
- 1.7 This application seeks a permanent variation of this condition to allow the floodlighting to the all weather pitch from 0900 – 2200 Mondays to Fridays and 0900 – 2000 on Saturdays and Sundays. There would be no use on Bank or Public holidays.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The NPPF seeks to secure economic growth (Chapter 1) and promote healthy communities (Chapter 8). This is set in the context of paragraph 17 that seeks to secure a good standard of amenity for all existing occupants of land and buildings.

2.2 Herefordshire Unitary Development Plan (UDP) 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

2.3 Draft Core Strategy (Pre-submission Publication) Policies:

SC1	-	Social and Community Facilities
SS6	-	Environmental quality and local distinctiveness

2.4 The Unitary Development Plan policies and Draft Core Strategy together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 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.
- 3.2 S112675/F Variation of condition 21 of planning permission DCCW0009/0958/F to allow for the use of the floodlights to the all weather pitch only to extended to Saturdays and Sundays between the hours of 0900 and 2000 – Approved (2 Year temporary permission) 11th January 2012.

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: No objection

4.4 Conservation Manager (Ecology): No Objection

5. Representations

5.1 Hereford City Council: No objection

5.2 Letters of concern have been received from:

Mr and Mrs Birkenshaw, 85 Beaufort Avenue
Mr M Chamberlain, 34 Beaufort Avenue

These letters raise the following issues:

- Noise from the pitch when in use (shouting, balls hitting fence) is very loud and noticeable from both front and rear gardens
- The floodlights are very high and illuminate parts other than the pitch
- Protective cowls are small and allow light to escape (one mast in particular illuminates residence even after adjustment.
- Overflow car park being used as a dumping ground and needs to be cleaned
- Suggest some additional acoustic fencing would be appropriate
- Request usage be restricted to 18.00 on weekends and that times are not allowed to overrun
- All segments are lit even when only one section being used? Can this be reviewed?
- Can they be subject to a yearly review and realigned where necessary
- The All Weather pitch is a fantastic facility for pupils and the community but concern was raised at the outset that the lights were too high and too close to the boundaries
- Comments on previous applications have been proved incorrect
- Lights are left on until 10.15pm and 10.45pm
- Rear gardens are illuminated, causing harm to amenity, in particular in relation to visual astronomy
- On Sundays the noise (shouting, swearing and thudding of balls) from the pitch is virtually all day
- Following meeting with local residents and Academy Commercial Director, the extension to 9pm was removed from the proposal and he has provided some feedback and assurances to look at problems to those neighbours that raised concerns. For example:
 - Working with letting to shift timings forward by 15 minutes when bookings end at the limit of the allowed timings
 - Looking at logistics of timers on floodlights
 - Working on increased signage around the pitch to remind users of residential area surrounding pitches
 - Look at the 'luminance leakage' testing again
- Suggest another two year permission to consider the above
- Suggest restriction on hours to 1800 hrs to give some respite

5.3 Letters of support have also been received from:

Mr Steve Field, in capacity of League Manger of the small sided community leagues (who play on Sunday evenings)
Mr Roger Goodwin, Herefordshire FA

These letters make the following comments:

- League has been operating since Feb 2012, for local people, by local people. Has 36 team (6 – 9 players) giving 250 – 300 local footballers the opportunity to play competitive football, in a safe and friendly environment, at a state of the art facility;
- Around 71% of the footballers who play in the league reside in HR1 or HR2 postcode (mainly 16 – 25 age groups. Limited facilities in Hereford in evenings and particularly at weekends;
- Assurance that they will endeavour, with the support of referees, to eradicate foul language on the field of play.
- This provides many people a fantastic opportunity to use this facilities, including hosting Coach Education course and our Girls Player Development Centre, which forms an important part of the female football player development pathway.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 Condition 21 of the Planning Permission DCCW0009/0958/F seeks to control the use of the floodlighting on both the 'all weather' and 'Multi Use' pitches. However, this application relates to the all weather pitch only. This condition does not specifically control the hours of use of these pitches, 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 in combination 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 are submitted with the benefit of the knowledge of the use of the floodlighting of the all weather pitch' since January 2012. It is noted that much of the concern raised in the two letters received relates to the noise from the pitches as well as some concern about the lights, not just at the weekend but through the week (for which they already have permission).
- 6.4 The technical details of the floodlighting were 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. Concerns about light pollution from a particular light have been raised directly with the Commercial Director through the pre-application consultation process and these issues are being reconsidered and reviewed.

- 6.5 As such, the main consideration of this application relates to the use of floodlighting, in the evenings on a Saturday and Sunday evening until 8pm The Environmental Health Officer has been consulted on this matter and raises no objections.
- 6.6 Condition 32 of the planning permission dealt with the detailed management and use of the facilities and hours of use, and is subject to review on an annual basis. It is hoped that the lines of communication that have been established between the Commercial Director (Applicant) and the neighbours will help inform this process in the future where concerns about operational matters have been raised. It is noted that both letters of concern acknowledged that the contact and discussion had been a useful exercise.
- 6.7 On the basis of the above, it is considered that the use of the floodlights at weekend hours supports the NPPF aims of sustainable development in both the economic and social roles through the support of the business and encouraging healthy communities. The impacts upon the residential amenities of the nearby residents has been carefully considered in light of policy DR2 and DR14 of the Unitary Development Plan and whilst there will be some impact, it is not considered to be so significant that would warrant a reason for refusal. As such, it is recommended that the conditions be varied as detailed below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The permission hereby granted is an amendment to planning permission DCCW0009/0958/F dated 18 August 2009 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 in use 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 in use outside of the following times: - 0900 – 2200 Mondays to Fridays and 09.00 and 20.00 on Saturdays, Sundays and at no time on 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.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National**

Planning Policy Framework

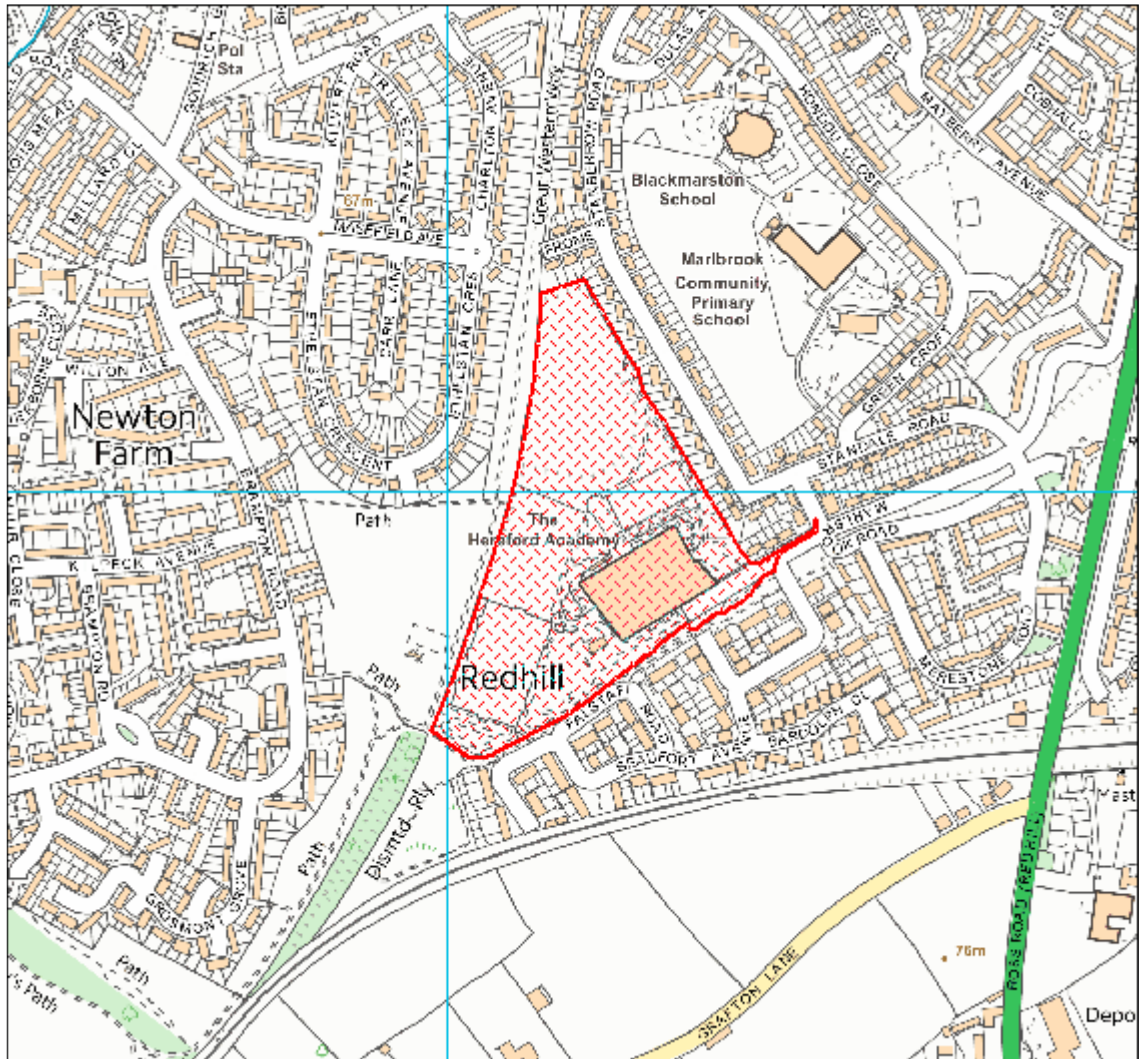
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133251/F

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

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