

Agenda Item 13.

Application Number	Expiry Date	Parish	Ward
190673	13 June 2019	Wokingham Town	Wescott

Applicant	Mr Norman Patterson
Site Address	Luckley House School, Luckley Road, Wokingham RG40 3EU
Proposal	Full application for the proposed construction of a reduced size multi-use synthetic turf sports pitch with a 3m-4.5m high fence and 6no 12m column floodlights
Type	Full
PS Category	18
Officer	Simon Taylor
Reason for determination by committee	Listed by Councillor Cllr Julian Sumner (Ward Member for Westcott)

FOR CONSIDERATION BY	Planning Committee on Wednesday, 12 June 2019
REPORT PREPARED BY	Assistant Director – Place

ADDITIONAL ASSESSMENT
<p>Summary</p> <ol style="list-style-type: none"> Luckley House School is a coeducational independent secondary school with day and boarding pupils from 11-18 years old. The proposal seeks to install a multi-use games area (MUGA) at the southern end of the campus. It will be constructed with a synthetic turf playing surface and dimensions of 80m x 50m and located within the existing turf playing fields and multi-purpose tennis and netball courts. It is to be used as an undersized hockey and football field but will also accommodate tennis courts. It will also comprise 3.0m fencing (with a rebounding surface) around the perimeter of the field and six x 12m high floodlights enabling morning and evening use to 9pm (and 8pm on weekends and bank holidays). It is intended to be made available for use by the public. The primary issues relate to noise disturbance and light spillage to surrounding residents. Unacceptable impacts upon traffic and harm to existing wildlife and habitat were also noted in numerous submissions. An officer report was tabled to the Planning Committee on 9 May 2019 with a recommendation for approval but with conditions relating to drainage, a Construction Management Plan, Maintenance Scheme, Noise management scheme, biodiversity measures, limiting the use until 9pm on weekdays (and 8pm on weekends) and the lighting to earlier times, protection of trees and a Community Use Agreement. The application was deferred from the Planning Committee and was resolved as follows: <p style="text-align: center;"><i>That application 190673 be deferred, in order that clarification of separation distances be provided, the executive summary of the noise impact assessment be provided, Sport England's involvement relating to the requirements of the usage of</i></p>

the site (such as hours of use) be clarified and clarification of which activities are proposed to be carried out on site be provided.

Separation distances

5. There was some dispute raised by residents about the separation distances to neighbouring properties to the west and east. Firstly, the figures in the summary in the original officer report relating to separation distances to properties in Denby Close and Luckley Wood are broadly accurate. However, the figures in paragraph 22 of the report have been inadvertently swapped.
6. The distances have been rechecked using the site plan and using the Council's mapping system. To the closest property to the west (8 Denby Close), it is 52m to the boundary and 60m to the rear elevation of the dwelling. To the closest property to the east (33 Luckley Wood), it is 88m to the rear boundary and about 99m to the rear elevation. The rear elevations of 32 and 34 Luckley Wood are of a similar distance. There is woodland between the MUGA pitch and properties in Luckley Wood.



7. In addition to the above, there is a pathway leading from the carpark and sports hall. At its most westerly point, it will be 42m from the rear boundary of the new property on Plot 3 at the rear of 186 Finchampstead Road and about 65m from the rear elevation of the dwelling although at 62m, the dwelling at 7 Denby Close is closer.
8. It is reinforced that the separation distances are acceptable on neighbour amenity grounds, including visual and acoustic privacy and light spillage or glow, as detailed in paragraphs 21-48 of the original officer report.

Noise Impact Assessment

9. A summary of the Noise Impact Assessment with the planning application is contained in paragraphs 33-36 of the original officer report. The full report is contained as Appendix 2 and the summary from the report is as follows:

A Noise Impact Assessment has been conducted for a proposed Multi-Use Game Area (MUGA) at Luckley House School, Luckley Rd, Wokingham RG40 3EU. This was to quantify the sound levels likely to generated by the facility,

establish their associated impact on the neighbouring residential receptors and to propose mitigation measures to control noise.

Guidance for the assessment has been drawn from 'Artificial Grass Pitch (AGP) Acoustics – Planning Implications' – [Sport England 2015], which specifies typical noise levels of sports pitches and their associated noise impacts.

A survey of the existing residual noise climate was taken at a location representative of nearby Noise-Sensitive Receptors (NSRs) from Friday 30th November – Monday 3rd December 2018.

When compared against Sport England criteria, the noise impact of the proposed MUGA is low, as noise levels generated are likely to be below 50 dB LAeq,1hr at the NSRs. This assessment method does not take into the pre-existing noise climate and therefore has been accompanied by a comparison against residual levels.

For most of the daytime hours, noise generated by the proposed MUGA would be below the existing ambient levels in terms of the level averaged over a sports game (LAeq,1hr). However, during the evening (beyond 21:00 on weekdays or 20:00 on weekends), residual levels are lower and noise from the MUGA would be more prominent at the NSR locations.

Impulsive noise events arising from sources such as a referee's whistle and hockey balls impacting on goal back boards would exceed the existing noise maxima by around 3 – 6 dB under the proposed scheme.

If the applicant wishes to make full use of their requested opening times, mitigation is recommended. The mitigation would include two sections of acoustic fencing, which would achieve the requisite noise attenuation toward NSR locations. When combined with the other proposed mitigation measures (e.g. use of resilient layers on goal backboards), this would allow use of the pitch up until 22:00 on any day.

Subject to the recommendations of the report being adhered to, it is considered that the development is unlikely to give rise to adverse noise impacts upon the neighbouring residential community.

10. It is reinforced that the acoustic issues are acceptable, as detailed in paragraphs 37-39 of the original officer report. The measures outlined below in paragraph 12 onwards reinforce the acceptable nature of the development.

Sport England's involvement

11. The applicant has advised that Sport England have not been involved in any aspect of the proposal, aside from the Council's own independent consultation. The provision of after school hours use by the general public was included as part of the proposal because it is in line with the intent of Sport England's objectives for sports facilities of this nature.

Types of Uses

12. The original officer report referred to after hours of the pitch including football, hockey and tennis. However, the supporting documentation also included a reference to other activities. The agent has since provided additional details and implemented other safeguards as part of a revision to the use of the MUGA pitch.
13. Use during school hours will not be restricted but this is not unreasonable given that the school is entitled to undertake such a use. It has also been clarified that the existing sports field is used by Evendons School for sports days and various church groups have family away days in the grounds. These are both reasonable outcomes for a school sports pitch and given the infrequency of such events, continuation of this arrangement does not raise any issues.
14. The pitch will not be used by the school outside of the extended school day (generally 5pm) and community use will be limited to two weekday evenings to 9pm, Saturdays until 6pm and Sundays until 4pm (subject to restrictions in Condition 12). There is no reference to use on bank holidays.
15. Sports are limited to tennis during the summer months and 5-a-side football during winter months. It is rightly noted that because it is an undersized pitch, it cannot be used for competitive 11 a side hockey or football, although it could still be used for social sporting competitions.
16. The use of a referee's whistle will not be permitted after 6pm on weekdays, after 1pm on Saturdays or at any time on Sundays. This will be enforced via a code of conduct and complaints procedure.
17. For six months of the year, the lighting will remain effectively unused because of the limitations imposed in Condition 12 to protect foraging bats. For the remaining six months of the year, evening use of the pitch and lighting will be confined to two nights per week or 52 evenings per year, in addition to weekend daytime use.
18. Notwithstanding the original officer report indicating that the proposal was acceptable in its original form (subject to conditions as originally imposed), the measures offered by the agent above will have a measurable outcome for surrounding residents and form part of Condition 6 at parts (f)-(h). Condition 12 has also been amended to clarify that the use of the pitch is to cease when the floodlights are turned off.

Noise impacts on protected species

19. Further information has been sought from the Council's Ecology Officer as there were comments at the Planning Committee that the initial assessment only considered light spill impacts upon protected species and ignored any harm caused by noise.
20. In response, the Ecology Officer has advised that there is unlikely to be any adverse impact on wildlife due to noise. This is because there are no particularly sensitive receptors, such as badger setts, next to the site and the noise is unlikely to be excessive.

21. With respect to bats, there is some limited research and literature about the effect of noise on bats [e.g. Radford, A., Morley, E. and Jones, G. The Effects of Noise on Biodiversity (NO0235) - Final Report for Defra. University of Bristol; Jessie P.Bunkleya, Christopher J.W. McClure, Nathan J.Kleist, Clinton D.Francis, Jesse R.Barber. Anthropogenic noise alters bat activity levels and echolocation calls. Global Ecology and Conservation Volume 3, January 2015, (62-71); Andrea Schaub, Joachim Ostwald, Björn M. Siemers. Foraging bats avoid noise. Journal of Experimental Biology 2008 211: 3174-3180]
22. This shows that exposure to certain noise such as loud road traffic noise can affect the foraging behaviour of bats. The impact on bats is dependent upon a number of factors including a) the species of bats, b) the foraging habitat available within the vicinity, c) the frequency of the noise (pitch of the noise), and d) the amplitude of the noise (how loud the noise is).
23. The noise in this case is unlikely to be excessive, both from the perspective of the Ecology Officer and Environmental Health Officer. Any noise will be at a time of day when bats will not be present as the lights will be turned off (and the court not used) before the time that they will start to use the adjacent habitats.

OTHER MATTERS

There was an error in paragraph 15 of the original officer report. For clarify, there are six x 12m high floodlights (not eight x 15.5m) and the predominant height is 3.0m (not 3.2m).

The contents of the previous Members Update are also reinforced for completeness:

- Condition 12 refers to two different BST and GMT times for the lights to be turned off in October. This is not an error as the earlier GMT time of 5:15pm accounts for the earlier sunset in later October
- The changing facilities for the MUGA pitch will be in the sports hall, which is currently used by Wokingham Netball Club and which will be agreed as part of the Community Use Agreement (Condition 15).

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following conditions and informatives:

Conditions

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved details

This permission is in respect of the submitted drawings numbered LHS02/01 (dated 7 January 2019), LHS02/03 (dated 9 January 2019), LHS02/04 (dated 8 January

2019) and LHS02/05 (dated 19 January 2019), all received by the local planning authority on 8 March 2019. The development shall be carried out and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. Drainage details

Prior to the commencement of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) A timetable for its implementation, and
- b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent increased flood risk from surface water run-off.

Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

4. Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a) The parking of vehicles of site operatives and visitors,
- b) Loading and unloading of plant and materials,
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- e) Wheel washing facilities,
- f) Measures to control the emission of dust and dirt during construction,
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- h) Measures for ensuring that there is no adverse interruption to existing school activities and operations, including the movement and learning of students

Reason: In the interests of highway safety and convenience and neighbour and school amenities.

Relevant policy: Core Strategy policies CP3 and CP6.

5. Management and Maintenance Scheme

Before the first use of the MUGA hereby approved, a Management and Maintenance Scheme for management responsibilities, maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the local planning authority after consultation with Sport England. The scheme is to include measures to ensure the replacement of the Artificial Grass Pitch within the manufactures' specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the MUGA.

Reason: To ensure that a new artificial grass pitch is capable of being managed and maintained to deliver an artificial grass pitch which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Relevant policy: NPPF Paragraphs 92, 96 and 97, Core Strategy Policy CP1 and Managing Development Delivery Local Plan Policy TB08

6. Noise management scheme

Prior to the first use of the MUGA hereby approved, a noise management scheme shall be submitted to and approved in writing by the local planning authority. The scheme must specify provisions for the control and mitigation of noise emanating from the use of the MUGA and include the following:

- a) A noise monitoring supervisor
- b) A code of conduct for users of the pitch
- c) A mechanism to report and investigate noise complaints
- d) A mechanism for reviewing and updating noise mitigation measures following receipt of substantiated complaints
- e) Liaison with stakeholders and interested parties
- f) No use of whistles after 6pm on weekdays, after 1pm on Saturdays or at any time on Sundays
- g) Community use of the MUGA limited to a maximum of two weekday evenings a week and until 6pm on Saturdays and 4pm on Sundays until 4pm and not at all on Bank Holidays
- h) Community use being limited to tennis and football only

The pitch shall only be used only in accordance with the approved noise management scheme.

Reason: To safeguard the residential amenities of nearby residents and the area generally from noise and disturbance.

Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

7. Noise mitigation

Prior to the first use of the MUGA hereby approved, the noise mitigation measures in paragraphs 12.4 and 12.5 of the Noise Impact Assessment (numbered TH2111182NR, dated 15 January 2019 and prepared by Peak Consultants) shall be installed and maintained throughout the life of the facility.

Reason: To safeguard the residential amenities of nearby residents and the area generally from noise and disturbance.

Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

8. Construction of Multi Use Games Area

The development hereby permitted shall not be brought into use until the area shaded in green and edged by a red outline on drawing LHS02/01 has been cleared and laid out in accordance with drawings LHS02/01 and LHS02/03 so that it is available for use as an artificial grass pitch. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking or re enacting that order) the MUGA shall not thereafter be used for any purpose other than as an artificial grass pitch.

Reason: To secure the provision and use of the MUGA.

Relevant Policy: NPPF Paragraph 97, Core Strategy Policy CP1 and CP3, Managing Development Delivery Local Plan Policy TB08.

9. Biodiversity measures

The lighting, hereby permitted, shall be used until the biodiversity measures outlined in Table 8 of the Bat Survey prepared by Arbtech Consulting Ltd have been installed. A letter/report confirming that the boxes, bricks or tiles have been installed, including a plan showing their location and photographs of the boxes, bricks or tiles in situ, is to be submitted to and approved in writing by the Council prior to use of the lighting.

Reason: To ensure that the ecological value of the site is enhanced post development in line with paragraphs 170 and 175 of the NPPF.

10. Hours of construction work and deliveries

No work or deliveries relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 8am and 6pm Monday to Friday and 8am and 1pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

11. External Lighting

The proposed artificial pitch shall be artificially illuminated only in accordance with the lighting specification set out within the Lighting Statement by Paul Hawkins Development dated February 2019. The artificial light spill associated with the development shall not exceed that as set out in the approved plans.

Reason: In the interests of neighbour amenity.

Relevant policy: Core Strategy policies CP1 and CP3.

12. Hours of use of MUGA pitch and lighting

The use of the MUGA pitch, hereby permitted, shall not operate other than between the hours of 8am and 9pm Monday to Friday and between the hours of 8am and 8pm on Saturdays, Sundays and Bank Holidays.

Notwithstanding the above, the use of the floodlighting, hereby permitted, is to be turned off and use of the MUGA pitch is to cease no later than the following:

- 6:30pm GMT/7:30pm BST in March
- 8:30pm BST in April
- 9pm BST in June and July
- 8:45pm BST in August
- 7:45pm BST in September
- 6:45pm BST/5:15pm GMT in October

Lighting is to be operated by a secure/lockable, automatic, timer controlled switch and is not to be operated beyond the specified hours.

Reason: To safeguard residential amenities and to protect foraging routes for bats in the nearby woodland.

Relevant policy: Core Strategy policies CP1, CP3 and CP7 and Managing Development Delivery Local Plan policies CC06 and TB23.

13. Amplified music

No external sound amplifying equipment shall be installed within the confines of the MUGA.

Reason: To safeguard the residential amenities of nearby residents and the area generally from noise and disturbance.

Relevant policy: Core Strategy policies CP1 and CP3.

14. Protection of trees

- a) The development shall take place in complete accordance with the Arboricultural Method Statement and Tree Protection Plan prepared by Aritech Consulting Ltd, which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012.
- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence.

Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

15. Community Use Agreement

Within 12 months of the date of this permission and prior to first non-school related use, whether or not it is part of a commercial arrangement, a community use agreement prepared in consultation with Sport England is to be submitted to and approved in writing by the local planning authority. A copy of the completed approved agreement is to be provided to the local planning authority.

The agreement shall refer to car parking details, changing details, pricing policy, access by non-educational establishment users, hours of use of non-educational users, management responsibilities (including operation of lighting) and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the MUGA to ensure sufficient benefit to the development of sport.

Relevant policy: Core Strategy Policy CP1 and Managing Development Delivery Local Plan Policy TB08.

Informatives

1. Changes to the Approved Plans

The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

2. Pre occupation conditions

Where this permission requires further details to be submitted for approval, the information must formally be submitted to the Council for consideration with the relevant fee. If this is not clear please contact the case officer to discuss.

3. Protected species

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

4. Tree Preservation Order

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

5. Community Use Agreements

Guidance on preparing Community Use Agreements is available from the Sport England website at <http://www.sportengland.org/planningapplications/>. For artificial grass pitches, it is recommended that the applicant seek guidance from the England Hockey on pitch construction when determining the community use hours the artificial pitch can accommodate.

6. Discussion

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

CONCLUSION

Despite the acceptable nature of the original scheme, the amendments suggested by the applicant are likely to lead to a measurable improvement and the application is recommended for approval.

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