

COMMITTEE REPORT

Committee: West/Centre Area
Date: 16 October 2008

Ward: Micklegate

Reference: 08/00975/GRG3
Application at: Knavesmire Primary School Trafalgar Street York YO23 1HY
For: Installation of six no. 6m high floodlights to existing multi-use games area (MUGA) and variation of condition 4 of permission 06/00116/GRG3 to allow MUGA to be used until 20:00 hours Monday - Friday.
By: Knavesmire Primary School
Application Type: General Regulations (Reg3)
Target Date: 8 July 2008

1.0 PROPOSAL

1.1 The application relates to the Knavesmire Primary School, the building itself is of early C20th build, mainly of brick and varying in height between one and two storey. North of the building is a flat area which comprises of a car park and a recently built Multi Use Games Area (MUGA), the part of the site pertinent to this application. There is housing adjacent the MUGA to the north and east, on Trafalgar Street and Count De Burgh Terrace.

1.2 Planning permission is sought to install 6 floodlights around the MUGA. These would each be 6m high. It is also asked that the MUGA can be used until 20:00 on weekdays. Permission was initially granted for the MUGA, subject to a condition that it only be used until 18:00 and not at all on weekends. 4 letters in objection were received when the application for the MUGA was originally submitted, the grounds of objection included noise associated with the use of the facility.

1.3 This application is brought to sub committee as the original application for the MUGA was determined at sub committee on 6 April 2006 and objections have been received to the proposal with concerns Council owned land.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Schools Knavesmire Primary 0206

2.2 Policies:

CYGP1 Design
CYNE6 Species protected by law

CYNE7 Habitat protection and creation
CYED1 Primary and secondary education

3.0 CONSULTATIONS

COUNTRYSIDE OFFICER

3.1 With regard to general wildlife and birds such as owls, the impact of lighting would not be an issue. The presence of Barn Owl in a location like this would be highly unusual as there is no suitable habitat or sufficient foraging anywhere near the area. Tawny Owl could be possible, however, officers do not consider that there is sufficient foraging here for Tawny on a regular basis and the trees themselves are a little immature to be of significant interest for roosting. Besides which, as owls roost during the day and hunt at night, there is a greater possibility of disturbance from the school during the day than recreational activities in the evening.

3.2 Bats are a different issue, lighting can cause disturbance from a roost and Noctule (it has been reported in representations that Noctule and Pipistrelle bats live onsite) are more sensitive than most, however, Noctule generally roost in trees and the trees present on site are considered to have a very low potential for bats because of their age, condition and size. Any Noctule therefore may be passing over but that is all that is most likely to occur. Pipistrelles could be roosting in the school and so could be affected; officers have seen no evidence of recent bat activity at the site, although there is potential for bats to roost in the school building, in gaps under tiles, between bricks and under eaves, and in corners next to guttering. The roof is ideal in presenting roosting opportunities. The proposed lighting levels over the school building are high and could thus deter bats emerging from their roosts at foraging times. Light levels on other sides of the MUGA are lower and are unlikely to affect bats.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection. Ask for a standard condition to prevent glare etc from the lights affecting road users, should the application be approved. Highways lighting engineers have advised that the proposed floodlights would be acceptable in terms of light pollution.

ENVIRONMENTAL PROTECTION UNIT

3.4 Due to the proximity of houses to the site, there are concerns that noise associated with the use of the MUGA will harm residential amenity. Noise generated from sports facilities such as MUGA's is not so much constant noise, but short duration impact noise, for example shouting and screaming. EPU suggest that the permitted hours of use are not extended.

LIFELONG LEARNING AND CULTURE

3.5 Support the application. The MUGA at Knavesmire primary has been operational for some time now and is proving to be a valuable facility for curricular and extra

curricular PE. However without floodlighting there is no opportunity for community use during the winter months. The provision of floodlighting would allow community use for netball and football training and will allow the school to respond to the national agenda for increasing opportunities for physical activity for young people. The floodlighting has been requested until 20.00 rather than 21.00, which is the case in some other facilities, which reflects the school's desire to minimise disruption to the local residents.

PLANNING PANEL

3.6 Make the following comments regarding the proposal -

- Advise that any previous agreements with local residents about the times of use of the MUGA should be respected, unless an alternative can be agreed.
- The applicants should demonstrate the development will not affect bats and that light spill will not affect residential amenity.
- Lights should be turned off when not in use.
- Residents should be consulted about potential noise issues, and protocols should be established to control noise.
- No other apparatus should be attached to the lights (for example telecommunications equipment).

SAFER YORK PARTNERSHIP

3.7 No objection.

PUBLICITY

3.8 The application was publicised by site notice and letters of neighbour notification. 20 representations have been made, 7 of which support the proposal.

3.9 The letters in support advise that the proposal would improve the facilities at the school, and allow community use, and also enhance safety. The Micklegate Ward Police Sergeant also supports the scheme, as it would provide a recreational facility for children. He advises that Police officers in the area would monitor the site.

3.10 Objections have been made on the following grounds:

NOISE

3.11 Concern that the school playground is becoming a mini-sports venue; this has impact on residential amenity and the residential character of the area.

3.12 When the MUGA was first allowed, it was agreed with residents at planning committee that the hours of use were to be restricted, until 18:00 hours and no floodlights would be installed, as these elements would harm residential amenity. 18:00 is a reasonable cut off point, when people are likely to be returning from work,

thus noise is less likely to cause harm. However an extension to 20:00 would affect residents. The school has met with local residents over this proposal and residents have unanimously been against such a proposal.

3.13 There is already significant noise disturbance when the MUGA is in use. Noises such as rattling of the fencing, when balls strike it, and shouting, which would be louder if the MUGA were used by older age groups. The area is residential in character, with houses adjacent the site, and further use of the facility will detract from resident's level of amenity.

LIGHT POLLUTION

3.14 The lights will be prominent, appear out of place and cause light pollution. They will affect people trying to sleep - such as shift workers and children.

HIGHWAY SAFETY

3.15 Fear that the facility will be available for wider community use (and not for the benefit of school children). This will lead to increased volumes of traffic in the area and in future there would be further demand to increase the hours of use, into the evening and on weekends.

3.16 Traffic will affect highway safety and cause problems for residents parking cars in the area. Car parking for residents is problematic already, due to customers of the nearby Working Man's Club (WMC) parking in the area and as there are parking restrictions at the entrance to the school.

CRIME AND DISORDER

3.17 The MUGA attracts 'gangs/youths' who congregate in the area. This proposal would exacerbate the situation and lead to crime and nuisance. There are also reports of people either breaking in, or entering the MUGA out of its permitted hours of use which affects noise levels, this issue has required Police involvement after the site was broken into continuously. Since the MUGA was installed it is reported over £10,000 damage has occurred at the school.

3.18 Balls coming out of the site could damage property.

BIODIVERSITY

3.19 There are bats roosting in the school, and in the trees adjacent the MUGA. The lights will affect them, preventing them from leaving their roosts to hunt. Bats are protected by law and the applicants should have the potential impact evaluated by a professional before floodlighting is installed. It is also thought there is a barn owl which visits the sycamore tree onsite. Owls are also a protected species and its habitat would be disturbed by the proposed lighting and noise.

3.20 Affect on property values.

3.21 Note that all letters in support are short, and originate from people who do not live near the site and thus would not be detrimentally affected by the application.

4.0 APPRAISAL

4.1 Key issues

- Visual impact
- Impact on residential amenity
- Impact on wildlife
- Highway safety
- Crime and anti-social behaviour

POLICIES OF THE DRAFT LOCAL PLAN

4.2 GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.3 NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats.

4.4 NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these.

4.5 ED1 relates to new and extensions to primary and secondary schools. It advises such facilities should be permitted, provided they meet a recognised need, the scale and design of the development respects its surrounds, adequate open space/playing fields are provided and where community/dual use is possible, this be incorporated into the scheme.

VISUAL IMPACT

4.6 The proposed structures supporting the lights would be 6m high and apart from the 1m high base, 9cm in diameter. 6 columns are proposed, 3 to each side of the MUGA. The existing fencing around the MUGA is 3m in height. The columns can be colour coated, to blend in with the MUGA's boundary fence and the surrounding trees, this would be a condition, were the application approved.

4.7 By virtue of their spacing, dimensions, height and colour, and as they would be partially screened by the surrounding trees, the columns themselves would not appear unduly prominent and would not detract from the appearance of the area.

IMPACT ON RESIDENTIAL AMENITY

LIGHT SPILL

4.8 The Institute of Lighting Engineers (ILE) provide guidance on the reduction of light pollution. ILE advise that in urban locations, before 23:00 light levels should not exceed 10 Lux, after 23:00 light trespass into windows should not be above 2 Lux.

4.9 Based on the data supplied by the lighting company light spill from the floodlights would be between 0 - 1 Lux at the windows of the houses on Trafalgar Street, which are around 20m from the MUGA. A Lux level of 1 is akin to moonlight. 33 Count De Burgh Terrace and 51 Trafalgar Street are closer to the MUGA but their side elevations face the school, there are no windows on the side elevation of the former, only a landing window on the latter. Also the lights are directed to light the other direction toward the MUGA. Lux levels in the garden/yard areas of these dwellings would again be around 1 Lux, which would not affect residential amenity. It would be a condition, were the application approved that the lights were turned off outside the permitted hours of operation.

4.10 The proposal would comply with ILE guidance by virtue of the level of lighting proposed and times of operation, as the lights would be turned off before 23:00 hours.

NOISE

4.11 The use of the facility generates noise through raised voices and also balls striking the fencing around the MUGA. The site is surrounded by dwelling houses and residents advise that the existing facility creates a certain amount of noise nuisance. It was agreed when the MUGA was first granted permission that its hours of operation be restricted, to 18:00. An extension of hours would allow the facility to be used by the wider community in addition to the after school clubs. This would be consistent with policy ED1 (primary and secondary education) of the Local Plan which advises where a development is capable of joint or dual use for community benefit, this should be encouraged.

4.12 It is inevitable that there will be noise associated with the use, and their needs to be an agreed curfew when the facility will be closed and secure to respect the amenity of the surrounding residents. 18:00 hours was previously agreed, however it is considered that it would be reasonable to allow later hours on one or two occasions during the week (not weekends), to give a balance between allowing the school to make use of the facility and providing respite for residents. It is suggested that the school publicises this information so residents are aware what times the MUGA will be in use and for what purpose. This could be located on a notice board or similar at the school, which is visible from the public realm. If noise from a certain user group were to occur consistently the school could be advised and act accordingly.

BIODIVERSITY / WILDLIFE

4.13 It has been reported that bats roost in and around the school buildings . Also that bats and owls use the corridor of trees along the north boundary of the site and between the MUGA and Trafalgar Street for hunting. Policy NE6 of the Local Plan

(see 4.3) seeks to protect such species. Lighting can affect bats as it can deter them from leaving their roost to forage, a practice which generally occurs at dusk in summer and milder winter/autumn nights.

4.14 The Council's Countryside officer (see 3.1 and 3.2) advises that there are no records of bats at this site, although potentially they could roost in the school building. To reduce light spill over the school building a shield could be installed on the lights, this would deflect light away from the building and would thus enable bats to leave their roost to forage, should they be present in the school building.

4.15 Although it may be that Tawny Owls would forage in the area, such practice generally occurs during the day, and thus they would be affected by the day to day operation of the school more so than the MUGA at night.

4.16 Overall it is considered that the proposal would not conflict with policies NE6 and NE7, which seek to protect protected species and their habitats.

TRAFFIC

4.17 There is space for car (at least 18 spaces) and cycle parking within the school grounds and it is considered that this would be adequate to accommodate additional users of the MUGA, were this to occur on an evening. The site is also within a built up area and close to a bus stop. Highway network management did not object to the original proposal for the MUGA or this application, which seeks to extend the hours of use. Overall there is no evidence that as a direct consequence of allowing the MUGA to open for 2 additional hours each day, and potentially allowing community use, there would be a material impact on on-street parking or harm to highway safety.

CRIME / ANTI SOCIAL BEHAVIOUR

4.18 In relation to the existing circumstance, if the MUGA is a hotspot for 'gangs' at night when closed, then allowing it to be lit and used by supervised groups would in theory aid in deterring such activity. The facility is enclosed by a 3m high fence and requiring that the MUGA be closed securely when out of use is considered to be adequate to prevent intruders.

5.0 CONCLUSION

5.1 The proposed floodlights would be of acceptable appearance and based on the information submitted along with the application, light spill would not affect residential amenity. It is also proposed to extend the hours of operation by 2 hours, so the MUGA could operate until 20:00 Mondays to Fridays. As there is noise associated with the MUGA it is considered that if this were to occur every night through the week, residents would be adversely affected. It is considered that it would be reasonable that the MUGA be allowed to be used later two nights a week, this would strike a balance between taking advantage of the MUGA facility and restricting the harm on residential amenity.

5.2 Mitigation measures have been proposed to reduce the lightspill onto the school building as there is potential for bat roosts in the building. Control of lightspill would allow the building to remain as a potential habitat for bats.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans RBS 070582 (but with height of floodlights 6m)
- 3 Notwithstanding the approved plan the floodlights shall be 6m high, with the dimensions as shown on column and floodlight elevations sheet date stamped 16.4.08.

Reasons: In the interests of visual and residential amenity.

- 4 Prior to first use of the lights details of measures to prevent lightspill onto the school building and the subsequent overspill readings (Lux levels) shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details and be retained as such thereafter.

Reason: To prevent harm to bats, which are a protected species.

- 5 The MUGA shall only be used between the hours of 08:00 to 18:00 Mondays to Fridays and not at all on Saturdays and Sundays, apart from any two nights of the week (Monday to Friday only) when the MUGA may be used until 20:00 hours. The two nights of the week on which the MUGA may operate until 20:00 shall be displayed, along with the user groups, on a notice which shall, at all times, be displayed in accordance with details that shall be approved in writing by the Local Planning Authority.

Outside the permitted hours of operation the MUGA shall be locked/secured and the lights turned off.

Reason: In the interests of amenity

INFORMATIVE

It is suggested the required information is displayed on a notice board or similar by an entrance to the site.

- 6 The lighting columns shall be colour coated green, to reasonably match the MUGA fence within 1 month of installation.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and species protected by law. As such the proposal complies with Policies GP1, ED1, NE6 and NE7 of the City of York Local Plan Deposit Draft.

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