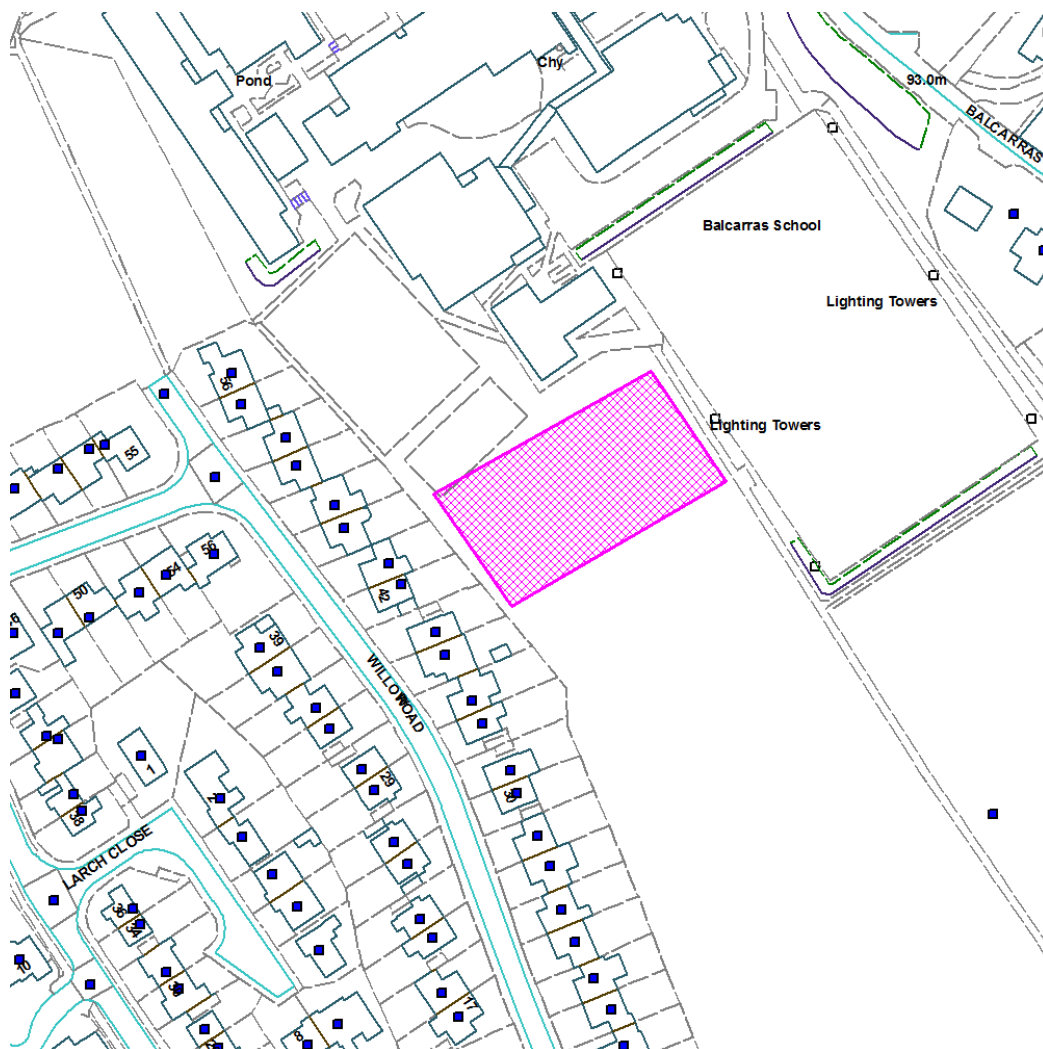


APPLICATION NO: 19/00213/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 13th March 2019		DATE OF EXPIRY: 12th June 2019
DATE VALIDATED: 13th March 2019		DATE OF SITE VISIT: 26th March 2019
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Balcarras School	
AGENT:	Charles Lawrence Tennis Courts	
LOCATION:	Balcarras School East End Road Charlton Kings	
PROPOSAL:	Installation of 4no. multi use games courts, complete with 3m high twin wire fencing, incorporating floodlighting to 2no. courts	

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Balcarras School is located on the southern side of East End Road with Balcarras Road running along the north-eastern site boundary; to the west, the school site extends across to Beeches Playing Field and the rear of properties in Willow Road. The site is wholly located within Charlton Kings parish.
- 1.2 The application is seeking planning permission for the installation of a Multi-Use Games Area (MUGA) comprising 4no. courts, complete with 3m high twin wire fencing, and floodlighting to 2no. courts.
- 1.3 The MUGA is principally proposed as an extension to the school's existing playground facilities, as during the winter period there is a shortfall of hard play area when the grass pitches are out of action and cannot be used.
- 1.4 The application is before planning committee at the request of Councillor McCloskey, and is also the subject of an objection from the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

96/00431/PF 27th June 1996 PER

Extension to sports hall, erection of new club house and changing rooms, with fitness studio. Formation of floodlit artificial grass pitch and car parking etc.

99/50286/FUL 18th November 1999 PER

New clubhouse building and floodlit artificial turf pitch (amendment to previous approval)

02/01110/FUL 21st March 2003 PER

Continued use of floodlighting to all-weather sports pitch

06/01843/FUL 30th January 2007 PER

Extension to existing tennis courts and relocation of cricket nets

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
RC 2 Youth and adult outdoor playing facilities

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
INF1 Transport Network

4. CONSULTATION RESPONSES

Parish Council

5th April 2019

The Committee notes the concerns of neighbours on Willow Road regarding the proximity of the courts to their gardens and in particular with reference to the level of disturbance from bad language and loud music being played when the existing (pitch?) facilities are being used out of school hours (ie, at weekends and evenings).

We would request that the use of the courts and the lighting is restricted and that the lighting is fitted with a time clock so as to prevent lighting being left on through the night.

Banners are attached to the surround fencing of the pitch and residents have requested that they are not attached to the surround of these courts to reduce their visual impact.

If the courts were built as two blocks of two courts adjacent to the existing Hockey pitch, the distance from the neighbours' gardens would be increased from 3.07m to approximately 30m, thus reducing the loss of amenity to residents. A benefit to the school of this would be that the cricket wickets would not need to be built on (assuming they are still in the same location as shown on Google Earth.)

Sport England – initial response

9th April 2019

Thank you for consulting Sport England on the above planning application for the installation of 4no. multi use games courts, with 3m high twin wire fencing, incorporating floodlighting to 2no. courts.

The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

The proposal and impact on playing field

The proposed 4no. multi use games courts will be located in the north of the playing field site to the south of the cricket nets and to the west of the artificial grass pitch (marked out for tennis and football). The area of playing field on which the MUGAs will be located has historically been marked out for rugby in the winter and rounders in the summer.

Sport England has consulted the national governing bodies for sport and has received the following comments. The LTA comments that the court dimensions are under the recommended dimensions on length, 33m rather than 34.75m. The LTA have approved 33.75m as a minimum. The LTA is content with the proposed court construction and fencing. The LTA consider the floodlighting levels meet the minimum levels for tennis although there is no detail on the TPA (Total Playing Area). The LTA is unaware of any community use of the existing facilities at the site. It is considered that there are good community facilities available in the centre of Cheltenham and the closest site to the school is East Gloucestershire Tennis Club.

The RFU comments that they are not aware of any community use of the site for rugby.

The Football Foundation comments on behalf of the FA that Charlton Rovers, an adult side, use the site as their home venue. Furthermore, 16 football teams are listed as using the existing Artificial Grass Pitch (AGP) as a training facility. The FF comment that within the Cheltenham PPS Strategy & Action Plan, there is no reference to the proposal and there are clear recommendations to protect the existing grass pitches on site. There is no evidence to suggest that there is a strategic need for this type of facility.

Assessment against Sport England's playing fields policy

Sport England notes the national governing bodies comments. Sport England considers that there is a lack of detail identifying the need for these new facilities, especially given the existing level of court/MUGA provision at the site. Currently, there is a block of 2no. tennis/netball courts and mini-tennis court in the north west of the playing field; as well as 16 courts marked out on the AGP in the north east of the playing field.

Sport England would ask for more information demonstrating the need for the new facility.

Sport England's interim position on this proposal is to submit a holding objection. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

I would be happy to discuss the requested information further with the applicant and/or the local planning authority if necessary.

Sport England – additional comments

7th May 2019

Thank you for providing further information from the agent in relation to the above planning application for the installation of 4no. multi use games courts, with 3m high twin wire fencing, incorporating floodlighting to 2no. courts.

To summarise, Sport England in its response of 3 April 2019 expressed concerns about the need for the new facility given the proposed loss of playing field and impact on playing pitches that would result and in light of the mix of existing on-site sports facilities. This included a block of 2no. tennis/netball courts and a mini-tennis court in the north west of the playing field; as well as 16 courts marked out on the sand-based artificial grass pitch (AGP) in the north east of the playing field.

The LTA also raised concerns about the design and specification of the proposed MUGA/courts for tennis use.

The agent/applicant in their email of 23 April 2019 sets out that the proposal is an for an extension to the school's existing playground facilities, as during the winter period there is a shortfall of hard play area when the natural grass pitches (playing field) are out of action and cannot be used. The agent goes on to outline that the facility is intended primarily for recreational use by the school during break times; lunch times and after-school clubs, and that for community use purposes it is likely that the vast majority of bookings will be for football training or coaching sessions. On that basis, the agent discounts the LTA's comments regarding the design of the courts as tennis is not considered to be a primary use.

Sport England would wish to add that Cheltenham District Council's Playing Pitch Strategy (2017) identifies the site as an important contributor towards meeting the needs of community sport in the area. In relation to community use of the grass playing pitches, it is understood that in addition to use of a football pitch by Charlton Rovers FC (they may have transferred by time of writing), Old Patesians U15s use the rugby pitch (rated standard quality) on a regular basis for matches and training. It is also understood to be the central venue for the Cheltenham and District Rounders League. The present status of this league

is unclear as it may have disbanded and reformed since 2017 at the time of publication of the Playing Pitch Strategy.

Conclusion

Sport England has to consider the proposal against its E5 exception policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England considers that the benefits to sport arising from the proposal would be limited. Specifically, the MUGA is primarily intended to be used by the school as an extension to the playground rather than a sports facility with low-level, recreational use for sport envisaged. Football's preferred surface type is 3rd generation rubber crumb artificial grass. It is therefore considered that a hard-surface facility as proposed will have limited benefits to community football and tennis (given LTA's comments on the dimensions of the courts).

Furthermore, the school's playing field/playing pitches play host to a range of community sports in the area. This demonstrates the need for the playing field/pitches. The proposal will have detrimental impact on the quantity of playing pitches that could be marked out on the school's playing field adversely impacting on the community use of these pitches.

On that basis, Sport England wishes to maintain its objection as it is not considered that there are sufficient benefits to sport that outweigh the harm caused by the loss of playing field.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit .

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Sport England - final response

12th June 2019

In respect of the above application, the applicant has provided revised drawings and plans for the MUGA/courts which meet the LTA's minimum requirements for court sizes, as shown on drawing no. GAM/19/036/04 Rev A. The floodlights as shown in supporting documentation meets the minimum light level requirements for tennis.

Confirmation has been provided that the district rounders league has been disbanded and that the site is no longer used as a central venue for the league. Furthermore, that community use of the site for both football and rugby can be sustained on pitches marked out on other areas of the playing field and that the proposal does not detrimentally affect community use of these pitches.

Sport England wishes to seek community use of the proposed new facilities and that effective management and maintenance arrangements are put in place to ensure the facilities remain fit for purpose into the long term. This will enable the proposal to meet our E5 exception policy:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England is therefore content to withdraw its objection subject to the following conditions:

1. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the MUGA/Courts and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities 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 sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> .

2. Before the MUGA/Courts are brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a 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 measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the MUGA/Courts.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy **.

Should conditions recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 5 of our playing fields policy, and we would therefore object to this application.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

Environmental Health

8th April 2019

After reviewing the documentation submitted, the positioning of the lights and associated Lux levels are acceptable and so I have no objection to the principle of this development. However I do have concerns over noise and the amount of use of these MUGA pitches during evenings and weekends affecting nearby neighbouring properties.

Has the applicant indicated hours of use for the pitches during both weekdays and weekends? I would recommend conditions be added limiting use of both the lighting and the pitches to protect residential amenity. I would suggest an absolute cut off point as 10pm for both lighting and use of the pitches but I am wondering whether this has been picked up in previous applications at which point for consistency and due to complaints not being previously received that the timings are married up.

GCC Highways Development Management

21st March 2019

I refer to the above planning application received on 13th March 2019, submitted with application form, site location plan, existing & proposed plans and further supporting information. Plan No(s), GAM/19/036/04, GAM/19/036/02, GAM/19/036/01.

The Balcarras School is a mainstream state funded senior school for boys and girls in Cheltenham, Gloucestershire.

The accesses to the site can supply appropriate levels of visibility in both directions within highway and the applicants control and is therefore regarded as safe and suitable. The proposal consists of the Installation of 4no. multi use games courts, complete with 3m high twin wire fencing, incorporating floodlighting to 2no. courts.

To determine the impact on the local road network in relation to the proposal the Local Highway Authority (LHA), have assessed the application with the aid of the TRICS database, (It is the UK and Ireland's national system of trip generation analysis, containing over 7150 directional transport surveys at over 110 types of development.)

The TRICS database does not specifically contain surveys relating to the proposed hard court use, however I have compared the proposal against tennis clubs/Football (5-a-side) for a comparison of the lowest/highest trips rates to which these uses could potentially generate, the results confirmed that the proposal would not impact on the road network peak between 8am-9am - 17.00-18.00 and that the proposed development peaks would be between 18.00-19.00 & 19.00-20.00 with a total increase of vehicular trips of between 14-26 two way vehicle trips, I have concluded that the proposed hard courts would not be considered to be a detriment to highway safety or generate significant amounts of movement.

Recommendation

No Highway objection is raised.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Gloucestershire Centre for Environmental Records

22nd March 2019 - Biodiversity report available to view.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 14 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Three objections have been received in response to the consultation exercise, which have been circulated to Members in full, but, in brief, the concerns relate to:

- Proximity to neighbouring gardens

- Noise outside of school hours
- Visual impact
- Loss of view
- Light pollution
- Colour of the court surface

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations relate to the principle of development; design and layout; and neighbouring amenity.

6.2 Principle

6.2.1 As the site is considered to constitute playing field, Sport England (SE) is a statutory consultee in the determination of this application. Initially, SE submitted a holding objection to the proposal, requesting more information demonstrating the need for the new facility.

6.2.2 Following receipt of further information, SE maintained its objection to the proposal as they did not consider that it would result in sufficient benefits to sport that would outweigh the harm caused by the loss of playing field.

6.2.3 However, following the submission of revised drawings and plans for the MUGA/courts, and additional information in relation to floodlighting, together with confirmation that the district Rounders league has been disbanded and that the community use of the site for both football and rugby can be sustained on pitches marked out on other areas of the playing field, SE has now withdrawn its objection subject to conditions being imposed, should permission be granted, to ensure community use of the new facilities, and that effective management and maintenance arrangements are put in place to ensure the facilities remain fit for purpose into the long term.

6.2.4 The principle of installing a new MUGA in this location is therefore considered to be acceptable subject to the material considerations below:

6.3 Design and layout

6.3.1 The proposed MUGA is 33.75 metres wide by 62 metres long and will provide some 2,000 square metres of outdoor space for a variety of sports activities throughout the year. The MUGA is rectangular in shape and will be bounded by 3 metre high twin wire mesh fencing, powder coated green in colour. Low level, 1.2 metre high, wire mesh fencing will provide separation between the courts.

6.3.2 The MUGA will be located adjacent to the cricket nets and to the west of an existing artificial grass pitch and will laid out with its short side facing the boundary with residential properties in Willow Road. At its closest point the MUGA will be 3 metres from the site boundary, increasing to 5 metres.

6.3.3 Floodlighting is only proposed to the two courts located furthest away from the boundary; with no form of lighting proposed to the courts closest to the boundary.

6.3.4 The proposed MUGA will be viewed in the context of the school campus and is therefore considered to be appropriate in its design and visual appearance.

6.4 Neighbouring amenity

6.4.1 The concerns raised by local residents in relation to noise and disturbance have been duly noted; and it is acknowledged that the MUGA will be in close proximity to a number of residential properties; however, the relationship between the MUGA and neighbouring rear gardens will not be dissimilar to that of the tennis courts and residential gardens.

6.4.2 A condition is suggested to control the hours of use of the MUGA; the proposed hours are 0900hrs to 2130hrs Monday to Friday, and 0900hrs to 1800hrs on Saturdays, Sundays and Bank/Public Holidays. These hours reflect the permitted hours for floodlighting on the existing artificial pitch. Notwithstanding the proposed hours of use, as the two courts in closest proximity to the residential properties will not be illuminated, their use will be limited to daylight hours.

6.4.3 Where floodlighting is proposed, the submitted details have been reviewed by the Environmental Health Team who raise no objection. Four 8 metre high flood light columns are proposed, with the lighting column closest to the site boundary, in excess of 30 metres away.

6.5 Conclusion and recommendation

6.5.1 Whilst the proposed MUGA will result in some limited harm to the amenity of neighbouring residential occupiers, officers consider that any such harm will be outweighed by the benefits to the school, and wider community.

6.5.2 As such, with all of the above in mind, the proposed MUGA is considered to be acceptable in this location, and the recommendation is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The floodlighting hereby permitted shall not be illuminated outside of the following hours:
Monday to Friday - 0900 to 2130 hours
Saturday, Sunday and Bank/Public Holidays - 0900 to 1800 hours

Reason: To safeguard the amenities of the locality, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 4 The games courts hereby permitted shall not be available for community use outside of the following hours:

Monday to Friday - 1800 to 2130 hours

Saturday, Sunday and Bank/Public Holidays - 0900 to 1800 hours

Reason: To safeguard the amenities of the locality, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 5 Prior to first beneficial use of the development, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the MUGA/Courts and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict accordance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport, having regard to saved policy RC2 of the Cheltenham Borough Local Plan (2006).

- 6 Prior to first beneficial use of the development, a Management and Maintenance Scheme for the facility including management responsibilities, a 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 measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the MUGA/Courts.

Reason: To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport, having regard to saved policy RC2 of the Cheltenham Borough Local Plan (2006).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 Guidance on preparing Community Use Agreements is available from Sport England - <http://www.sportengland.org/planningapplications/>