

The application seeks full planning permission for the refurbishment of external synthetic turf pitch, tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The site is an established school located within the Newcastle and Kidsgrove Urban Neighbourhood, as identified on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 10th December 2020.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved plans**
- 3. Joint community use agreement**
- 4. Confirmation that the Artificial Grass Pitch meets FIFA standards**
- 5. Restriction on floodlighting hours to 8am-10pm from Monday to Friday and 9am-7pm on Saturdays and Sundays.**
- 6. Restriction on construction hours**
- 7. Floodlight management plan**
- 8. Noise management plan**
- 9. Construction environmental management plan**

Reason for Recommendation

The proposed development is considered to represent a sustainable form of development that would improve existing sporting facilities and encourage outdoor opportunities for sport and physical activity. Subject to appropriately worded planning conditions, the development would make a positive contribution to the health and wellbeing of the community. Any adverse harm caused to neighbouring occupiers can be overcome, controlled and managed to an acceptable level. The proposed development therefore accords with the guidance and requirements of the NPPF.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The applicant sought to submit further information during the consideration of the application and officers have allowed this. Information has now been submitted and the development is considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

Key Issues

The application seeks full planning permission for the refurbishment of the existing synthetic turf pitch, tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The application site forms part of The King's CE (A) School facility which has been redeveloped in recent years but the existing facilities to be refurbished are not currently in use. .

The site is located within the urban area of Kidsgrove, as identified on the Local Development Framework Proposals Map.

The land is located within a High Risk Coal Mining area but the Coal Authority has raised no objections to this application. There are also no concerns with regards to highway safety matters,

subject to conditions, as advised by the Highways Authority. Therefore, the key issues for consideration in the determination of this planning application are;

- The principle of the development
- The design of the proposals and the impact on the visual amenity of the area,
- Impact on neighbouring residential amenity levels from noise, light and disturbance,

The principle of the development

The application site sits to the north-west of the main school building and is also immediately adjacent to the former Kidsgrove Sports Centre (KSC).

The planning permission for the school secured a number of planning conditions related to the sports facilities and playing pitches associated with the school, planning application reference 15/00577/FUL. In particular conditions 19-21 required a Joint Community Use Agreement (JCUA) to ensure the future provision of sustainable sports and leisure facilities in Kidsgrove. This concerned the use of KSC and the use of the school sports facilities including the Astro turf pitch, grass playing field, sports hall, car parking and toilets/changing facilities.

The conditions also required the provision of a grass playing field and that the Astro turf pitch, surrounding fencing and lighting, be maintained in a good condition, fit for purpose and in accordance with the requirements of the Community Use Agreement as secured by condition 19.

A JCUA has not been agreed and approved by the Local Planning Authority (LPA) and on this basis the school is in breach of conditions 19-21 of the planning permission. However, it must be noted that since the planning permission was granted for the replacement school KSC has closed. Furthermore, the current sports pitches, playing field and tarmac courts have also not been in use. Therefore, there is currently no community use of sports facilities associated with the school which is a significant concern.

The application is for the refurbishment of the existing outdoor synthetic turf pitch and tarmac courts and the creation of a 3G synthetic turf facility and resurfaced macadam courts with associated perimeter fencing and the installation of new LED floodlighting system.

The NPPF emphasises the importance of high quality open spaces and opportunities for sport and physical activity as an important contributing factor to the health and well-being of communities.

The proposed facilities would be a significant boost to the site and the sports facilities on offer to the community. They also form part of the Kidsgrove Town Deal and are associated with the re-opening of KSC.

The school has indicated that it is working with the Council to establish a community use agreement for the provision of external sports facilities on the site. However, in order to address the current breach of conditions 19 and 20 of the planning permission for the school the sports hall will also need to form part of the (JCUA) and be made available for community use.

Sport England (SE) have also raised concerns about the level of facilities being proposed and the need for a service road being placed between the courts and the 3G pitch which reduces the sporting capability at the site. SE indicate that an additional court could be provided within the existing footprint of the sporting facilities.

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The applicant has sought to address the concerns of SE and advises that there has always been vehicle access across the synthetic to the plant room of KSC. However, to avoid damage to the new pitch a service strip is required. Alternative options have been explored but none are feasible due to the constraints of the site.

Following the submission of the further information, SE have now withdrawn their holding objection. Therefore, following consultations held with a number of sporting national governing bodies they raise no objections to the application subject to conditions which secure a community use agreement which shall apply to the Kidsgrove Sport Centre, the macadam courts, 3G football pitch, grass playing field, sports hall, car parking, toilets and changing provision, and to ensure that the Artificial Grass Pitch meets FIFA standards and is registered by them.

On this basis and subject to a relevant and up to date JCUA being submitted for approval, in consultation with SE, prior to the use of the development, the proposal is considered to be an acceptable form of development that would be in accordance with the guidance and requirements of the NPPF and would promote opportunities for sport and physical activity, to the benefit of the community.

The design of the proposals and the impact on the visual amenity of the area

The site has existing external synthetic turf pitches, tarmac courts and associated flood lights and perimeter fencing. These are not currently in use and are in a state of disrepair.

The site is primarily located within a residential area with existing residential properties to the immediate north and west. To the south-east is the associated school buildings and to the south is the redundant KSC.

The proposed development would refurbish the existing facilities to a high standard with upgraded surfaces, flood lighting and perimeter fencing. This would significantly improve and enhance the appearance of the site, which would meet the guidance and requirements of the NPPF and policy CSP1 of the core spatial strategy which seeks to secure appropriate design. On this basis it considered that the proposals can be supported.

Impact on neighbouring residential amenity levels from noise, light and disturbance

Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The NPPF further states at paragraph 180 that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The aim is to mitigate and reduce the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

As discussed, the proposal is to upgrade the existing facilities that are not currently in use. However, it is accepted that the lawful planning use of the site is sports pitches/ playing field, associated with the school.

The sports pitches and floodlighting was granted planning permission by the County Council in 1994, as the Planning Authority at the time, their reference N94/500.

The proposal is to upgrade the existing floodlights and provide 10 galvanised slimline columns with a height of 10 metres. The top of the columns would be fitted with LED lamps and the total number of lamps shared between the 10 columns would be 14. This is a reduction from the 24 lamps on the existing columns.

The previous planning permission included a condition which prevented use of the floodlights after 10pm.

The following hours are proposed for usage of the refurbished facilities;
Monday to Friday: 0800 to 2200 hrs
Saturday & Sunday: 0900 to 1900 hrs

The application is supported by a lighting impact statement and associated technical specification details.

A number of objections have been received from neighbouring residential properties raising concerns about the impact of the sports pitches on their residential amenity levels. In particular they raise concerns about noise and light impact and the operation of the floodlights to 10pm on weekdays and also their use on weekends.

It is acknowledged that there are a number of residential properties within close proximity to the application site but the application is for the upgrade of existing facilities and floodlights.

The Environmental Health Division has raised no objections to the application subject to conditions which control construction hours, floodlighting operation hours and the prior approval of a noise management plan. They have also requested a condition which secures precise details of the flood lighting. However, this requested information appears to form part of the application. This information has been highlighted to EHD and their further comments are awaited.

In addition to the conditions advised by EHD it is considered that the management of the floodlighting could also reduce the impact on neighbouring occupiers and the applicant has advised that certain floodlights could be switched off when not in use. This is supported and a floodlight management plan could be secured by condition.

Subject to conditions it is considered that the proposed refurbishment and the improvement of existing facilities would have no greater harm on the residential amenity levels of neighbouring occupiers than the existing facilities. On this basis the proposed development would comply with the guidance and requirements of the NPPF and is considered acceptable.

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/ Sport/ Recreation

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy C22: Protection of Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy](#)

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (March 2014)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Relevant Planning History](#)

Planning permission was granted by the County Council, as the Planning Authority, in 1994, for the construction of synthetic turf pitch together with 2.75 m. high fence and floodlight columns, reference N94/500 (NulBC reference 94/00500/CPO).

Planning permission has also been granted previously by the County Council and then latterly by the Borough for the demolition of existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure.

The latest planning permission, NulBC reference 15/00577/FUL, for the variation of condition 1 of N.14/06 (approved by the County Council for new school buildings and associated infrastructure) to substitute approved plans with new plans for a proposed extension to the approved sports hall (3 court layout to a 4 court layout), which was permitted in October 2015.

[Views of Consultees](#)

Sport England initially submitted a holding objection on the grounds that the level of facilities was less than the existing due to a service road being placed between the courts and the 3G pitch which reduces the sporting capability at the site. However, following further information being submitted and their consultation with a number of sporting national governing bodies, they now raise no objections subject to conditions which secure a community use agreement which shall apply to the Kidsgrove Sport Centre, the macadam courts, 3G football pitch, grass playing field, sports hall, car parking, toilets and changing provision, and the Artificial Grass Pitch meets FIFA standards and is registered by them.

Within their consultation response they highlight a number of comments made by a number of sporting national governing bodies, which the applicant should consider.

The **Environmental Health Division** raises no objections subject to conditions which restrict construction hours, hours of use of the floodlights, the submission and approval of a noise management plan and full lighting details specification.

The **Landscape Development Section** raises no objections.

The **Highways Authority** raises no objections subject to a condition which secures a Construction Environmental Management Plan (CEMP) to minimise the impact of construction activity on the surrounding environment.

The **Environment Agency** indicate that they have no comments to make on the application.

The **Coal Authority** advises that on the basis that minimal groundworks will be required to facilitate the works proposed, and in light of the fact that the applicant appears to be aware of the recorded coal mining legacy risks present, that they have no objection to the application.

Comments were also invited from the **Staffordshire County Council as the Lead Local Flood Authority** and **Kidsgrove Town Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

Eight representations have been received raising the following objections;

- The operating hours until 10pm is unreasonable and should be restricted;
- The noise, traffic pollution will be unacceptable to neighbours;
- It will cause anti-social behaviour and security issues for residents;
- The Council should not be funding this project;
- This would have a detrimental impact on the Sports Centre;
- They will not ensure community usage;
- Impact on wildlife which has not been considered;
- There is no evidence submitted of a joint community use agreement in place;
- There is no evidence of an impact assessment on the leisure centre;
- There is no evidence that the leisure centre know about the application;
- There will be a loss of potential playing surface; and
- There are inaccuracies in the submission;

Applicant's/Agent's submission

The application has been supported by a design and access statement along with a supporting floodlighting assessment. Information has also been submitted during the consideration of the application to address concerns. In particular a supporting statement has been prepared by the school which sets out the constraints of providing a community use agreement to date and the wider project works that the proposed development will contribute towards.

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00670/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th October 2020