

Division(s): Eynsham

PLANNING & REGULATION COMMITTEE – 12 JULY 2010

CONSTRUCTION OF A NEW SYNTHETIC MULTI USE GAMES AREA (MUGA) WITH 3 M HIGH PERIMETER FENCING AND FOUR FLOODLIGHT COLUMNS (6.7M HIGH)

Location: Eynsham Primary School, Beech Road, Eynsham, Witney, OX29 4LJ.

Application No: R3.0037/10

District Council Area: West Oxfordshire

Introduction

1. This application is for construction of a new synthetic Multi Use Games Area (MUGA) at Eynsham Primary School. The application also involves the erection of 3m high fencing around the perimeter of the proposed MUGA and erection of four 6.7m high floodlight columns.

Location (see site plan)

2. Eynsham Primary School is located on the western side of Eynsham approximately 300 metres south of the A40 Oxford to Cheltenham Road and just off Beech Road. The school lies immediately north of the Eynsham conservation area.

Site and Setting (see site plan)

3. The school site is immediately bounded by a public play area to the north, the B4449 to the east and residential dwellings to the north, south and west.
4. The school site comprises the main school building, school playing field (located within the eastern half of the school site), car park (which accommodates 24 car parking spaces and 40 cycle spaces), hard play area, pre-school, small woodland area and wildlife area. The residential dwellings closest to the proposed development are located 25 metres and 65 metres to the south on Little Lane and Cassington Road retrospectively. The rear boundary of the properties on Cassington Road and Little Lane are separated from the school site by a public footpath which runs alongside the school's southern site boundary. There is a dense belt of mature trees and hedgerow and a 1.8 metre high chain link fence between the school grounds and the footpath. The school site has areas of sloping ground, one of which is in the area immediately south east of the main school building.

Background and Details of the Development

5. The school explains that pupils are currently unable to play sports outside during most of the winter months as the existing outdoor grass pitches become unplayable following inclement weather. The school therefore propose to construct a new MUGA that can be used for a variety of sporting activities (including football, hockey, tennis and netball) throughout the year. The MUGA would be 34.25 metres (113 feet) x 19.50 metres (64 feet) in size with a synthetic grass playing surface.
6. Owing to the topography of the school site, it is proposed that the MUGA would be located on the school playing field, approximately 7 metres from the southern site boundary where the land is flatter. The development would be sited in an area of the playing field that is likely to be close to or on top of an existing drainage pipe. The applicant has advised that although the overall depth of construction (200mm) should not affect the pipe, a scan of the location of the drain would need to be undertaken prior to the excavation to ensure that the work is completed satisfactorily around the pipe and it is not damaged.
7. A 3 metre high powder coated green mesh fence is proposed around the perimeter of the MUGA to help retain balls and ensure the security of the playing surface. Four 6.7 metre high green coloured low level floodlights (6m high columns with 0.7 swan neck arms) are also proposed to provide additional lighting during the winter. The floodlights would be 200 Lux¹. The Light Assessment submitted with the application indicates that there may be light spillage of 5 Lux along a small stretch of the adjacent footpath, and a small area in the north east and north west corners of two residential gardens located 8 metres to the south of the proposed development.
8. It is proposed that the MUGA would be available for school and local community use, particularly as a number of local sporting groups have already shown an interest in using the MUGA. The application form originally proposed the use of the MUGA available until 10.00pm. However, it has now been clarified that the periods of use which the applicant is seeking permission for are between the hours of 9.30am – 9.30pm Monday to Saturday and, 9.00am – 6.00pm on Sundays. It is proposed that on weekdays during term time the facility would be available for external use from 4.00pm. It would not be open on Christmas Day or Easter Sunday.
9. As part of the application, a new 1.9m wide shared footpath with synthetic grass surfacing is proposed from the school entrance to the MUGA although the precise location of the footpath has yet to be finalised.
10. During construction contractors would access the site via the main school gates. Materials would not be delivered at the beginning or end of the school day. The applicant explains that although no trees should be affected by the

¹ Lux – measurement of light intensity. A deep twilight is 1.08 Lux, a very dark day is 107 Lux and an overcast day is 1075 Lux (Engineering Toolbox 2005).

proposed works, heras fencing would nevertheless be erected to protect the trees along the school's southern site boundary during construction.

Consultations

11. West Oxfordshire District Council – Request that the proposed development should not result in unacceptable light pollution or unneighbourly impact through noise and disturbance. Request that conditions are attached to any permission for the floodlights to be compliant with the Institute of Lighting Engineers Guidance Notes and that the lights are only used during the times which the school have applied for. Alternatively, consideration should be given to re-siting the MUGA to a less sensitive part of the school site.
12. Eynsham Parish Council – No objection, subject to the production and agreement of a management plan (to include details of how noise and anti-social behaviour will be minimised and how the site will be managed to ensure that external users do not continue on site at the end of their hire period). Suggest that the MUGA should be moved a short distance to prevent light shining into the rear gardens of the two houses which would be directly affected by the floodlights.
13. Sport England – No objection subject to changes being made to the footprint of the MUGA to accommodate the correct marking for tennis/netball. This is on the understanding that the facility will include floodlighting and a community use agreement to meet with E5 of Sport England's exception policies.
14. Transport Development Control –The proposed development would not have a significant effect on the local highway network. There is ample parking on site. Recommend that external use of the MUGA does not coincide with the school run.
15. Planning Ecologist – It is unlikely that the development would impact on biodiversity or landscape. Recommend: i) an informative that no trees should be removed during the bird breeding season; and ii) an informative that all works should cease immediately if any Protected Species are found.
16. County Forester – The only issue is the protection of trees on the southern boundary and the row of standard trees which are planted approximately 2m inside the southern site boundary. Recommends that tree root protection fencing be in place throughout the construction period.
17. County Archaeologist – The application does not appear to directly affect any known archaeological sites. Request an informative advising of appropriate action that should be taken in the event of archaeological finds.

Third Party Representations (copies of each letter are available in the Members' Resource Centre)

18. 23 responses from individual residents have been received (2 in support, 9 responses of concern and 12 objections). The key points made in the representations are:
19. In support of the application:-
 - The MUGA will enable the school to teach the PE curriculum all year round;
 - The MUGA will reduce the number of trips made to Witney by youth football teams;
 - The MUGA will encourage children to engage in healthy activities outside of school hours;
 - Children using the on-site after school childcare service would benefit from additional outdoor games and play space.
20. Points made against the application:-
 - The proposal would result in a change of use from a primary school to a commercial sport facility;
 - Why is there a need for such a large development when a similar recreational facility is to be provided elsewhere in Eynsham from S.106 monies.
 - It is not appropriate to site the development in a residential area, alternative sites should be considered;
 - The MUGA would be inappropriately sited on the school site and would dominate the nearby dwellings;
 - The proposed position of the MUGA on the school site would result in balls straying into adjacent gardens, loss of privacy and would also impact on the quality of life of local residents;
 - The floodlights would be too tall and would increase light pollution. Light pollution would be worse during the winter when there is limited tree cover;
 - Impact of floodlights on residential amenity and conservation area;
 - The pitches would be too small for adult games and it is unclear how the facility would be managed outside of school hours;
 - Impact of noise (both during construction and after school hours) on residents;
 - Inappropriate hours of operation;
 - The MUGA may result in an increase in anti-social behaviour;
 - Local residents will be affected by additional parking and traffic generated by users of the MUGA;
 - The development may have an impact on local wildlife;
 - A mature field maple tree will be affected by the development as some of the tree branches overhang the MUGA;
 - Use of S.106 monies to fund a MUGA on the primary school site.

21. The Local Member (Councillor Charles Mathew) comments as follows: Use of the MUGA until 10.00pm is unreasonable. Given that the development is not meant to be a commercial operation, a closing time of 6.00pm on weekdays and by special arrangements on weekends with a 6.00pm latest finish would be considerate to local residents. This would lessen the necessity for lighting which remains an overbearing concern to local people.

Relevant Development Plan and other Policies

22. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. In a letter from Eric Pickles (Secretary of State for Communities and Local Government) dated 27 May 2010 the Government outlined its intention to abolish Regional Spatial Strategies (including the South East Plan). He has advised that this statement should be regarded as a material consideration in the decision making process
23. The relevant Development Plan documents are The South East Plan Regional Spatial Strategy 2026 (RSS), the West Oxfordshire Local Plan 2011 (WOLP). The Institute of Engineers Guidance Note on lighting is also relevant. The relevant policies are as follows:-
- Regional Spatial Strategy – CC1, CC6, T1, NRM5, NRM10, C4, S1, S3, S5, S6.
 - West Oxfordshire Local Plan – BE1, BE2, BE3, BE4, BE5, BE19, BE21, C3, NE3, NE6, NE9, NE13, T1, T6, TLC1, TLC5, TLC12.
24. These policies are set out in the Policy Annex. The Institute of Engineers Guidance Note is also attached.

Comments of the Head of Sustainable Development

25. In my view the main issues to be considered in assessing the merits of this application relate to:
- (i) Provision of additional school recreational and community facilities;
 - (ii) Proposed site location;
 - (iii) Potential impacts on neighbouring residents; and
 - (iv) Potential impact on the environment.
- (i) Provision of additional school recreational and community facilities
26. The application seeks to create a synthetic grass MUGA on the school site which would be used by both the school and the local community. The school has advised that a number of local sporting groups have expressed an interest in using the MUGA. Development Plan policies support this kind of facility. For example, Policies CC1 and CC6 of the RSS seek to achieve socially inclusive communities and Policy S1 of the RSS looks to develop and shape healthy sustainable communities via community access to recreation activity. In addition Policies S3 and S6 of the RSS aim to encourage mixed

use approaches (including community facilities alongside formal education facilities) to make effective use of resources. Policy TLC1 of the WOLP looks to secure new leisure and community facilities which meet local needs. Policy TLC5 of the WOLP seeks to prevent development proposals which would result in the loss of existing school playing fields unless the development is for facilities ancillary to, or enhances the recreational value of the existing school playing field.

27. I consider that the proposed development accords with this policy as the school have indicated that the impact of bad weather on the existing playing field reduces the school's ability to provide an all year round PE curriculum. The provision of this facility would increase the recreational value of the existing school playing field. Use of the facility by the local community would provide a local benefit, help to create a healthy and sustainable community and make effective use of sporting resources in line with both RSS and Local Plan Policies.
28. Nevertheless, the use of the new facility, particularly by the wider community, during out of school hours could have an impact on the amenities of the surrounding area. These are discussed below.

(ii) Proposed site location

29. Some residents have expressed concern about siting the MUGA within a residential environment, and suggest that alternative sites should be considered. Some have queried why there is such a need for such a facility when a similar recreational facility is to be provided elsewhere within Eynsham. In my view the proposed development is ancillary to the school and would benefit the primary school children. I consider that it would be inappropriate to site the development elsewhere within Eynsham in so much that the school children would not be able to so easily access the MUGA for PE lessons. For these reasons I consider that the proposed development is acceptable in this location and accords with Policy TLC1 of the WOLP (relates to the appropriateness of the siting of community facilities).

(ii) Potential impact on neighbouring residents

Location within the site

30. This application seeks to construct a MUGA with 3 metre high mesh fencing close to the schools southern site boundary and 25 metres north of the nearest dwelling. Policy BE2 of the WOLP requires proposals for new land uses to relate satisfactorily to the site and its surroundings. Some local residents have expressed concern about siting the MUGA so close to the school's southern site boundary. In particular concerns have been raised about stray balls landing in adjacent gardens, loss of privacy and the MUGA dominating adjacent dwellings. Residents and the Parish Council have suggested that the MUGA should be located further east and north within the site. West Oxfordshire District Council have also commented that the MUGA should be relocated in a less sensitive position if the proposed siting is

considered to result in unacceptable light pollution or unneighbourly impact through noise and disturbance. Officers asked the school to look into the possibility of siting the MUGA elsewhere within the school grounds. The school have indicated that it is not possible to relocate the MUGA significantly north or east variously due to the existing wildlife area, the possible location of a drain and because of the impact such a move would have on existing pitches on the school playing field. Although scans would need to be undertaken to determine the exact location and depth of any drains, the school have confirmed that they consider the most that the facility could be moved would be 1-3 metres to the north or east.

31. In my view the location of the MUGA close to the southern boundary is reasonable. The proposed 3m high mesh fencing around the pitch should help to prevent balls straying into adjacent gardens, and the dense hedgerow and mature trees along the school's southern site boundary (some of which are 10 metres high) should address issues relating to loss of privacy and ensure that adjacent properties are not dominated by this development. I consider that the siting of the proposed development would relate satisfactorily to the site and its surroundings and thereby accords with Policy BE2 of the WOLP.

Floodlights

32. The application involves the erection of 4 floodlight columns. The 200 Lux floodlights (6.7 metres high) would be located behind an existing dense hedgerow and a mature row of trees and the columns would be painted green. A small stretch of the adjacent footpath and a small area in the north east and north west corners of the two gardens immediately south of the site could be affected by light spillage. Policy BE21 of the WOLP seeks to ensure that external lighting does not result in excessive levels of light, or have a detrimental effect on the amenity of surrounding occupiers. In addition the Institute of Lighting Engineers Guidance Note recommends a maximum amount of light trespass into windows of residential properties of 5 Lux up to 11.00pm in rural and small villages and a maximum of 10 Lux in small town centre or urban locations.
33. Several residents have expressed concern about the floodlights and the increase in light pollution that might result. Some local residents have also commented that light pollution would be worse during the winter when the trees along the southern site boundary would provide minimal screening. The Parish Council has also commented that the MUGA should be moved a short distance to prevent light shining into the rear gardens of the two houses which would be affected by the floodlights. West Oxfordshire District Council have commented that if planning permission is granted, conditions should be attached to ensure that the floodlights are compliant with all guidance contained in the Institute of Lighting Engineers Guidance Notes. In addition, provisions should be made to prevent any harmful overspill of light into the adjacent public right of way and Conservation Area.
34. I consider that the floodlights should not result in excessive levels of light in the local area. For instance light spillage would only be at a maximum of 5

Lux in the area immediately adjacent to the school site. The Light Assessment submitted with the application indicates that no dwellings should be directly affected by light spillage. However, to ensure that adjacent dwellings are not unduly affected by light spillage, I recommend that conditions be applied requiring submission and agreement of the proposed lighting details together with a further assessment of their impact once installed. I am of the view that light spillage into the two closest properties to the south would be dissipated by the dense hedgerow and row of trees along the school's southern boundary. Although concerns have been raised that the trees would provide minimal protection during winter, modern floodlighting arrangements are now well developed and the cowling arrangements used can concentrate light onto a particular target area and minimise light spillage. The proposed floodlights are to be 6.7m high. This is a relatively low height when compared to other floodlights used for sporting facilities I consider the floodlights to be appropriate and, therefore, consider that subject to conditions the proposed development accords with Policy BE21 of the WOLP.

Noise and hours of use

35. The MUGA is proposed to be used between 9.00am – 9.30pm (Monday to Saturday) and 9.00am - 6.00pm (Sunday). On weekdays during term time the facility would be available for external use from 4.00pm. Policy BE19 of the WOLP and Policy NRM10 of the RSS seek to discourage development which would result in residents being exposed to significant noise disturbance. Residents have expressed concern that out of hours use of the MUGA by the local community would affect their amenity because of the noise and language often used by users of such facilities. Residents have also expressed concerns about noise associated with the comings and goings of users after dark, noise from supporters and management of the facility outside school hours. One resident has suggested that external use of the MUGA should be restricted to 7.00pm (Monday – Friday), 6.00pm (Saturday) and 3.00pm (Sunday and bank holidays). The local councillor has suggested that external use of the MUGA should be restricted to 6.00pm on weekdays and by special arrangements at weekends with a 6.00pm finish at the latest. Two residents have also expressed concern about noise from additional construction work on the school site. The Parish Council have commented that there needs to be safeguards in place to ensure that people using the facility are not able to continue on site after their hire period has finished and that noise is limited. They suggest that a management agreement plan should be produced to cover these issues.
36. I consider that a community use management agreement plan between the applicant and external users of the MUGA should be secured to ensure that the use of the facility is properly managed and controlled and that a code of practice is adopted by users of the facility. Such a community use management agreement plan should cover issues such as language and conduct of behaviour on the site and details of how noise will be kept to a minimum. There can be conflict between the interests of users of this type of facility and local residents and the hours of use need to reflect a compromise between allowing maximum community benefit from the scheme and

protecting the amenity of nearby residents. In my view the hours of use of the facility should be controlled. I consider the hours proposed to be excessive for such a residential location and suggest that hours of use 9.00am - 9.00pm (Monday - Friday), 9.00am – 5.00pm (Saturday) with no use on Sunday would allow substantial community use whilst reasonably protecting the amenities of nearby residents. Although concerns have been expressed about noise during the construction phase, I consider this issue can be addressed by a condition requiring approval of contractors working hours. I therefore consider the proposal can be controlled to ensure that it is consistent with the aims of Policy BE19 of the WOLP and NRM10 of the RSS.

Anti-social behaviour

37. Some residents have expressed concerns that the proposed development will lead to an increase in anti social behaviour. In particular concerns have been raised about vandalism from spectators watching games from the adjacent public footpath, people jumping over the school boundary fence, climbing trees from the footpath to access the school playing field and MUGA and an increase in young people congregating, drinking, smoking and swearing in the adjacent play area and nearby residential roads after the sporting facility has closed for the evening. The Parish Council have commented that suitable measures need to be put in place to prevent such anti-social behavior. The establishment of a community use management agreement plan should help to control these potential impacts.

Parking and the local highway network

38. It is proposed that community users of the new facility would have access to the school car park (which has 24 spaces). Cycle parking to accommodate 40 bicycles is also available on site. On weekdays during term time the MUGA would be available for external use from 4.00pm, 30 minutes after the end of the school day. This would accord with Policy BE3 of the WOLP which permits proposals which provide parking for vehicles, motorcycles and bicycles. Several residents have expressed concern about the impact that the proposed development may have on the local highway network and parking (in particular extra traffic and parking in Beech Road, the blocking of domestic driveways and deterioration in the road surface). Residents have also expressed concern that the proposed MUGA would further exacerbate traffic associated with the school run. Some residents have even suggested that a new vehicular access should be created from the Eynsham Bypass (B4044) (I presume they mean the B449).
39. Transport Development Control have commented that there is ample on site parking and little probability of any overspill onto the adjacent highway network. Any traffic generated by the MUGA outside school hours would have insignificant impact on the local highway network and would not significantly contribute to wear of the Beech Road surface. Also the development should not exacerbate school related traffic as external use of the MUGA would not commence until 30 minutes after the Primary School has finished. This can be controlled by condition. Given the comments of Transport Development

Control I am satisfied that the MUGA would not have a significant effect on the local highway network or parking in Beech Road and consider that subject to conditions restricting the times of use of the MUGA the development accords with policy BE3 of the WOLP.

(iii) Impact on the environment

Eynsham Conservation Area

40. The proposed development would be located 7 metres north of Eynsham Conservation Area. Policy BE5 of the WOLP seeks to ensure that the setting of conservation areas is not eroded by unsympathetic development and residents have expressed concern about the effect that the proposed development may have on the conservation area. The MUGA would be screened from the conservation area by the existing dense boundary hedgerow and trees. The new fencing around the MUGA is to be painted green and this should help assimilate the development into the surrounding area. Although the proposed lights may affect part of the public footpath and back gardens of two adjacent houses, the lights should not impact on the quality of the conservation area. The proposed development does not conflict with Policy BE5 of the WOLP.

Impact on existing trees

41. It is intended that no trees would be affected by the proposed works. Concern has been raised by residents that a mature field maple tree would be affected by the proposed works as the tree would overhang more than half of the MUGA. The County Forester considers that it is likely to be many years before the field maple overhangs the MUGA by any significant degree. A tree protection condition can be imposed to ensure that no trees are adversely affected by the proposed development.

Local wildlife

42. Policy C3 of the WOLP seeks to safeguard and maintain priority habitats and species. Some residents have raised concerns about the impact that the proposed development would have on the owl and bat population. The Planning Ecologist has commented that there is not likely to be any impact on biodiversity. I consider that the development accords with Policy C3 of the WOLP.

S.106 issues and funding

43. There has been some confusion over the funding of the proposed MUGA. Several residents have expressed concern about using S.106 monies from what is known as the Bitterell residential development (located 120 metres to the south of the school in the village) to create a MUGA on the school site. The funding for this MUGA on the school site is through the school itself and is not related to any S.106 funding from the Bitterell development. This is not in any event a matter that has bearing on the planning merits of this proposal.

Conclusion

44. The proposal would benefit Eynsham Primary School by enabling children to participate in sporting activities all year round and provide a facility for the local community consistent with the aims of policy. Concerns have been raised by local residents about the impacts of community use for the amenity of neighbours, local wildlife and the Eynsham Conservation Area. However I am of the view that subject to the conditions proposed here (most particularly those controlling hours of use) that the proposed location of the MUGA is acceptable and that impact on local residents should be limited. Permission is therefore recommended.

RECOMMENDATION

45. It is **RECOMMENDED** that Application No. R3.0037/10 be approved subject to conditions to be determined by the Head of Sustainable Development to include the following matters:
1. The development must be carried out strictly in accordance with the particulars contained in the application and the plans.
 2. Commencement of the development within 3 years.
 3. Submission of further details to indicate layout of pitches within the MUGA.
 4. Floodlights to be compliant with the Institute of Lighting Engineers Guidance Note.
 5. Submission of full details of proposed floodlighting, cowling and predicted overspill levels of light.
 6. Site assessment of lighting levels from floodlights and implementation of any remedial action that may be required.
 7. That the hours of use for community purposes shall be restricted to 4.00pm – 9.00pm (Monday – Friday) and 9.00am – 5.00pm (Saturday) during term time and, 9.00am – 9.00 (Monday – Friday) and 9.00am – 5.00pm (Saturday) during the school holidays.
 8. Submission, agreement and implementation of a community use management agreement plan.
 9. Submission and agreement of contractors working hours, delivery times of materials and site compound.
 10. Submission of full details (including the location) of the proposed footpath between the car park and the MUGA.
 11. Tree and hedgerow protection measures.

Archaeological informative – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.

Ecological informative - If any protected species not initially surveyed for are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation

strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

CHRIS COUSINS
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Background Papers: File Ref: R3.0037/10 8.5/3909/10