

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision in respect of a development at St Gregory & St Patrick's Infant School, Esk Avenue, Whitehaven.

Recommendation: That the decision be noted in the context of the Council's Local Plan policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 Planning permission to alter the existing asphalt playground to form a multi-use games area (MUGA) and associated floodlighting for school, after school clubs and community use was refused on 26 June 2008 for the following reason:-

"The proposed development would result in undue disturbance to nearby residents by way of noise, light pollution and loss of privacy at variance with Policies SVC 14, ENV 21, ENV 22 and DEV 6 of the adopted Copeland Local Plan 2001-2016".

- 1.2 A subsequent appeal against the decision has been DISMISSED. The Inspector concluded that the significant harm that the extensive use of the MUGA would cause to the local residents would outweigh the wider benefits. A copy of the Inspector's decision letter is appended to this report.

Contact Officer: Rachel Carrol, Planning Officer

Background Papers: A copy of the Inspector's decision letter is appended



Appeal Decision

Site visit made on 24 February 2009

by **Anthony Lyman**, BSc(Hons) DipTP
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
12 March 2009

Appeal Ref: APP/Z0923/A/08/2090742

**Saint Gregory & Saint Patrick's School, Esk Avenue, Whitehaven, Cumbria,
CA28 8AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The School Governors of Saint Gregory and Saint Patrick's School against the decision of Copeland Borough Council.
- The application Ref 4/08/2120/0, dated 11 March 2008, was refused by notice dated 26 June 2008.
- The development proposed is alteration to existing asphalt playground to form a multi-purpose sports surface for school, after school clubs and community use.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue relating to this appeal is the effect that the proposed development would have on the living conditions of the occupants of houses near to the school grounds.

Reasons

3. Saint Gregory and Saint Patrick's Catholic Infants School is a Community School in a housing area on the outskirts of Whitehaven. The school buildings, a recently completed Community Centre and the playground occupy most of the useable areas within this confined school site. A sloping grassed area to the east of the playground has been extensively planted with trees in recent years and contains a small wind turbine. The proposal is to excavate part of the sloping grassed area, remove the existing playground and install a new all weather, floodlit, multi use games area (MUGA).
4. The school grounds immediately abut the rear gardens of houses in Esk Avenue and Snebro Road with substantial 2m high palisade fencing forming the boundary. The proposed MUGA would occupy almost the entire width of the school grounds to within a few metres of the boundary fencing with the neighbouring gardens. Although the MUGA would be slightly further away from the boundary than the edge of the existing playground, the new facility would have a far greater visual impact on the neighbours because of a high perimeter protection fence, which in places would attain 4.5m in height. This would help to prevent footballs from entering neighbouring gardens. However, it would be

visually unattractive and in combination with the existing steel palisade fence, would create a harmful sense of enclosure for the neighbours from their ground and first floor rear windows and particularly when viewed from their gardens. The school intends to increase shrub and tree planting along the perimeter to provide additional screening for the neighbours. However, there would be so little room between the MUGA fencing and the boundary that I am not convinced that it would be effective.

5. The MUGA would be illuminated by six 9m high floodlights. These would be directed across the pitch and not at surrounding houses and would be timed to switch off at 21.00hrs. Nevertheless, I consider that there would be the potential for some light spillage into neighbouring properties, because of the height of the columns and that fact that four of the floodlights would be very close to the boundaries. Floodlit MUGAs create an overall ambient "glow" at night, and in such close proximity to dwellings this would cause material harm to local residents, especially families with small children in bedrooms facing the MUGA.
6. A school playground, as I witnessed on my site visit, can be a noisy environment. However, this is only for relatively short periods of time during the school day and is to be expected by local residents living close to a school. However, the proposal is for the MUGA to be used by after school clubs and by community groups up until 21.00hrs and during the school holidays. The impact of this substantial increase in activity on the immediate neighbours would be significant. Residents would have little respite from the sound of children shouting and enjoying themselves throughout the evenings and holidays and the intrusive noise of footballs and hockey balls hitting the 1.2m high timber rebound boards around the pitch, only a few metres from their gardens.
7. The Head Teacher confirms that with this pitch the school would be able to become a centre of excellence supporting other schools and clubs. This commitment and vision by this relatively small school is impressive and I agree with the Head Teacher that the benefits of the facility would ripple throughout the wider community. Nevertheless, I consider that the significant harm that the extensive use of the MUGA would cause to the local residents would outweigh the wider benefits. I conclude that the living conditions of the occupants of surrounding houses would be materially harmed by the proposed development, contrary to Policies SVC14, ENV21, ENV22 and Dev 6 of the Copeland Local Plan 2001-2016.
8. For the reasons given, and having considered all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR