



Appeal Decision

Site visit made on 30 June 2014

by **Phil Grainger BA(Hons) MRTPI**

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

Decision date: 14 July 2014

Appeal Ref: APP/R3325/A/13/2206617

Preston Academy, Monks Dale, Yeovil, Somerset BA21 3JD

- 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 Mr Gary French (on behalf of Preston Academy) against the decision of South Somerset District Council.
 - The application ref: 13/01477/FUL, dated 11 April 2013, was refused by notice dated 9 September 2013.
 - The development proposed is the construction of a new full size all weather pitch with perimeter fencing and floodlights. (See below.)
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - the effect on the living conditions of neighbouring residents having particular regard to noise, activity and light in the evening and at weekends;
 - the effect on the character and appearance of the area; and
 - the adequacy of the parking provision and any effect that this may have on the safety and convenience of highway users.

Inspector's Reasoning

Preliminary Matters

3. On the application form the description of development contained the following additional wording: *Gabion retaining structure to be formed into side of existing hill with fencing on top. Excavated spoil to be retained on site and used to re-landscape existing football pitch to enable it to be rotated 90° from current orientation.* In considering the appeal I have taken the full wording into account.
4. An application for costs was made by Mr French against South Somerset District Council. That application is the subject of a separate decision.

Effect on the living conditions of local residents

5. The appeal site comprises a grassed area to the west of the school buildings which is used in part as a rugby pitch. Further west still, outside the site but still within the school grounds, are two football pitches. These are separated from the appeal site by a hedge with some trees.
6. As for the site itself, the rugby pitch is located near its northern edge and is at present oriented east-west. The site is said also to be used for cricket but, although my visit took place well into the cricket season, I saw little or no evidence of such use. In addition, the areas to the south and east of the rugby pitch are more steeply sloping and, in their present form, seem poorly suited to

formal recreation use. Accordingly, the existing use of the site seems limited and for residents living to the south, in Abbots Meade, and to the east, in an offshoot of Monks Dale, the area where most of the activity currently takes place is relatively distant. The amount of noise and disturbance they experience at the present time will reflect this.

7. Following some substantial earthworks, the appeal proposal involves turning the rugby pitch through 90° and forming a new all weather pitch (AWP) to the east of it. The AWP, which would be used for football and hockey, would thus be closer to both the residential areas mentioned above.
8. In addition, there would be an increase in the intensity of use and I would expect this to be noticed in the residential area to the north (White Mead) as well as those already mentioned. The existing rugby pitch has no floodlights and so can be used only in daylight hours (primarily it seems during or immediately after the school day, which ends at 14.55, though there may be some Saturday use). In addition, I am told that it is often unusable because it is easily damaged in wet weather and that its poor, sloping nature discourages use. In contrast the AWP is designed for use in all weather conditions and would be floodlit. The intention is that it would be available for use by the community outside school hours on every weekday evening until 2100 and on Saturdays, Sundays and Bank Holidays from 1000 to 1700.
9. In my view this has the potential to result in a very noticeable change in the conditions experienced by local residents living next to the site. The appellant suggests that there would simply be an intensification of an existing use and that this, together its recreational nature, should make it more acceptable than if some other source of noise and activity were being introduced. However, the appellant's own acoustic consultants considered the AWP would represent a new noise source wholly different in character to the existing conditions, which they say are controlled primarily by distant road traffic. That accords with my own observations, at least when the playing fields are not in use.
10. As I have already noted, that currently appears to be the case for much of the time, particularly at the more sensitive times in the evenings and at weekends when residents are most likely to be at home and seeking to enjoy their properties in a degree of peace and quiet. For the avoidance of doubt, I do not consider that those who choose to live next to a school playing field can reasonably expect not to hear children when the playing fields are in use. Nor should it come as a complete surprise, though it may be disappointing, that children are not always well behaved. However, I consider it much more questionable for residents' living conditions to be affected potentially every evening until 2100 and throughout the day every weekend.
11. There seems little doubt from the predictions in the appellant's Acoustic Assessment that the change in the noise climate at these times would be clearly noticeable, especially in the properties to the north and south. Indeed the Assessment itself notes that 'noise from the pitch will attract attention, as activity on the pitch will not be inaudible'.
12. Despite this the Assessment concludes that noise levels will remain within acceptable limits, having regard to the levels specified in BS4142 and BS8233 and those recommended by the World Health Organization. However, the predictions are based on averages and assume noise to be generated at the mid point of the AWP. That may be a reasonable starting point, but in reality noise will rise and fall reflecting what is happening on the pitch and will

sometimes be at one end or the other. Indeed it seems not unreasonable to envisage highest noise levels will be associated with activity in the goal areas.

13. The goalmouths are considerably closer to the properties to the north and south of them than the midpoint (not much more than half the distance). Moreover, the gardens of the properties are closer still. Accordingly I would expect there to be times when noise levels at the properties in White Mead and Abbots Meade are significantly higher than the predicted levels. It is not clear that they will always remain within the recommended levels even if the acoustic fencing and other measures that were not allowed for in the Acoustic Assessment are implemented.
14. I acknowledge that there will be other times when activity is at the end of the pitch furthest away and noise levels will be less than those predicted. However, such variation can itself make noise more intrusive and harder to become accustomed to. Indeed BS4142, though intended for industrial rather than recreational noise sources, applies a 'character correction' if the noise is expected to be irregular so as to attract attention. Applying such a correction to this particular noise source may not be entirely appropriate. However, if it is, it suggests that increases relative to the existing ambient noise levels would in some cases be significant with respect to the likelihood of complaints.
15. In any event, as the 'character correction' suggests, noise and disturbance cannot be assessed entirely objectively, simply on the basis of predicted noise levels. There is a subjective element as well which is affected by the character of the noise and other matters. In my experience, disturbance can occur even when the overall noise levels remain within recommended limits.
16. In this case, use of the AWP in the evenings and at weekends would generate noise and activity at a time that is more sensitive (as well as quieter) than during the normal working, or school, day. It would also introduce an activity that does not currently occur much, if at all, at those times. All this would increase the impact that the AWP is likely to have on those living nearby. That is especially so as for much of the year use of the floodlights would draw attention to the AWP even when its use is relatively low key.
17. I have noted that lighting levels have been reduced from those first proposed and are now said to be roughly equivalent to street lighting. However, it is not normal to have street lights at the rear of dwellings. Even if the lights are designed and angled so that there is little or no overspill beyond the site they would still be plainly noticeable when illuminated. They would significantly alter the perception of what would otherwise be a dark site and I share the view of local residents that such lighting would be intrusive and reduce, at least modestly, the quality of the residential environment and their ability to enjoy their homes.
18. I am aware that the Council have recently approved an AWP with floodlighting at another nearby school that is within a residential area and is, arguably, even more closely surrounded by dwellings. However, there was already an artificial pitch of some sort on that site and, on the balance of probabilities, I would expect that facility to have been used more intensively than the playing fields on the appeal site. In short, the circumstances are not comparable in all respects and I see nothing inherently inconsistent in the two decisions.
19. In the specific circumstances of the appeal site I conclude that the AWP as proposed would cause significant harm to the living conditions of the occupiers of the adjoining dwellings, particularly those on White Mead and Abbey Meade,

through a combination of noise, disturbance and lighting, particularly in the evenings and at other at unsocial times, when the area is currently relatively peaceful and, for much of the year, dark. Accordingly it would be contrary to the thrust of saved Policy ST6 of the South Somerset Local Plan. Moreover, whilst this policy is now somewhat elderly, providing or retaining good quality residential environments is in line with the National Planning Policy Framework (the NPPF). These matters themselves are a serious objection to the proposal.

Character and appearance matters

20. To facilitate the formation of an AWP on this sloping site some substantial regrading is proposed. This would be a mix of cut and fill with the surplus excavated material being used to flatten the adjoining land to the west to allow the repositioning and reorientation of the existing rugby pitch.
21. A gabion retaining wall would be constructed along the full length of the northern end and western side of the AWP. This would reach a maximum height at the northwest corner where the drawings suggest that it would be in the order of 4.5m (though the original Design and Access Statement suggested 6m). The appellants consider that the use of gabions would maintain a natural appearance. However, whilst cliffs may be a natural feature in parts of Somerset I saw none in the Yeovil area. In any event for safety reasons a fence of some sort would be required on top of the retaining wall and the drawings show a 1.8m high palisade fence. That said, in order to address the Council's concerns regarding noise, the current intention appears to be to replace the palisade fencing along the northern end and the northern part of the western side of the AWP with a 2.1m high solid acoustic one.
22. In contrast, at its southeast corner the AWP would be raised above the existing ground level. The drawings suggest that it would be in the order of 4-5m above the natural level. No retaining wall is proposed along the south and east boundaries of the AWP and the change in levels would be achieved by a slope. However, this would be steep (the drawings suggest 1:2) and even if it is grassed it is likely to have an unnatural appearance. Moreover, even at that gradient, it appears that the toe of this slope would be quite close to the nearest garden and, especially, the line of trees¹. In addition, at the south end of the AWP it is again proposed to erect a 2.1m high acoustic fence.
23. Taken together, these fences, walls and changes in levels would considerably alter the character and appearance of the site, even if the surface of the AWP itself is indistinguishable from natural grass. The 8 floodlighting columns, which, although relatively slender structures, would each be 15m high would add to the effect², even when not illuminated. Instead of being a grassed and relatively natural area interrupted by little more than the rugby posts at each end of the rugby pitch³ the site would come to have a heavily engineered and artificial appearance. It would no longer soften the surrounding development, which is quite dense in places, in the way that the existing grassed playing field does. Nor would it harmonise so well with the football pitches to the west. Any security fencing that the school choose to erect around the playing fields would add to the overall impact; it is not in itself a justification for allowing the changes proposed in the scheme before me.

¹ At the visit, when it would have been of most assistance, the appellant was unable to indicate exactly what the relationship would be.

² They are both more numerous and considerably taller than the existing rugby goalposts which the parties agreed on site to have a height of about 6m or a little more.

³ These posts, though repositioned, would of course remain.

24. These are important considerations that would, in many circumstances, be a further serious objection to a development of the sort proposed. However, in this case the effects are reduced by the limited extent of public or other views. Some public viewpoints do exist, including Stratford Road and one of the dead ends off Monks Dale. However, these views are generally at a moderate distance and the impact of the development would be softened by trees. The trees will of course provide less screening in winter when they lose their leaves and it is at this time that the floodlights are likely to be most used. In any event, even when the trees are in leaf I would expect the floodlighting at least to be readily noticeable in some public views.
25. I have also had regard to views from nearby dwellings, several of which I visited during my visit. Although these are private views, the occupiers of adjoining dwellings are often regarded as a particularly sensitive 'receptor' for visual impacts. Furthermore, views that are shared by a large number of local people may contribute to the overall character and visual amenity of an area even if they are largely hidden from those merely passing through.
26. That said, from several of the properties I visited the views are considerably filtered by the extensive vegetation around some parts of the school boundary. However, there is less screening in other places and in any event views will be clearer in winter. Moreover, there are relatively few trees along the northern boundary of the site. Although I did not have the opportunity to view the site from that direction I would expect there to be clear views down and across it from several of the dwellings on White Mead, especially from the upper floor of those that are houses. It would take many years for additional landscaping here to have a significant effect.
27. I have also noted that despite the appellant's contention that the site is outside all landscape designations it is in fact one of the areas covered by saved Local Plan Policy EH10. These are defined as 'no development' areas that are considered important to the character of settlements. The policy indicates that development that would have an adverse impact on the amenity or recreational value of such areas will not be permitted unless a special community, educational or recreational need is identified.
28. For the reasons set out above, I consider that the appeal proposal would have some adverse impact on the amenity value of the site, at least in visual terms. However, it would enhance its value for formal recreation. Moreover, this is now an ageing policy and, whilst the general thrust may be broadly in line with the NPPF, I have seen nothing to suggest that it is intended to include anything as specific and restrictive as Policy EH10 in the emerging Local Plan.
29. Taking all the above matters into account, I conclude that if the proposal were acceptable in all other respects the impact on the character and appearance of the area, or any conflict with Policy EH10, might not, on balance, have been sufficient to make it unacceptable. However, in the circumstances, my conclusions on character and appearance matters add, if only modestly, to my overall concerns regarding the appeal scheme.

Parking and related matters

30. The third reason given by the Council for refusing the application relates to a perceived inadequacy in parking provision, especially if use of the AWP coincided with school events. This is a concern shared by a good number of local residents, though not the Highway Authority.

31. During my visit I saw that on street parking occurs on Monks Dale (from which the school and AWP would be accessed) even during the day and it would be normal for this to be greater in the evening when residents have returned from work. I also saw that in places forward visibility along Monks Dale is limited and that, taking into account the width of the road, there could be some inconvenience, at least, to road users as the level of on street parking rises.
32. I also saw some evidence that as the end of the school day approached, on street parking, apparently by parents and guardians, began to increase. This is a common phenomenon but it does not coincide with peak demand for on street parking by local residents. Moreover, community use of the AWP would not, I understand, occur at this time but would start later. By that time many school staff would have left and users of the AWP could make use of the main school car park as well that provided for the existing sports centre.
33. I have taken all this into account together with the appellant's estimates of the traffic and parking that would be generated by the AWP. I have some reservations regarding how localised the catchment of the AWP would be and also regarding its accessibility by public transport, given that the local buses stop running quite early in the evening. It is also not clear that the appellant has fully taken into account the potential overlap of parking demand that may occur between sessions.
34. Nevertheless, even if all this is taken into account it seems to me that any shortfall in parking provision is likely to be modest and to occur infrequently. It would not in my view cause serious safety or convenience problems. The only exception would be if the AWP were available for use at times when out of school events were taking place in the school buildings. I share the view of the Council and local residents that a significant shortfall of parking could occur at such times with potentially serious implications for the safety of road users and the convenience of local residents.
35. That said, the appellant has indicated that this could be avoided by retiming the event or making the AWP unavailable when such events occur. I have been given no reason to believe that that could not be achieved through an appropriate condition or s106 undertaking and if that were done I am satisfied that the appeal scheme need not result in any material deterioration of highway conditions. Accordingly I find no in principle objection to the proposal on these grounds and no serious conflict with saved Local Plan Policy ST5.

Other matters and overall conclusions

36. Not all the other matters raised by local residents are material planning considerations, but those that are I have taken into account. In particular, I have noted the comments regarding wildlife. However, I am satisfied from the surveys and analyses carried out on behalf of the appellant that there would be no overriding objection on these grounds. That said, it appears that there could be some impact on bat foraging and that, ideally, an AWP would not be located so close to foraging areas. This matter is not decisive in itself and is not necessary to my conclusion. However, it is a further negative point that needs to be taken into account and counts, albeit modestly, against the appeal scheme. In contrast, and despite the reservations recorded by the Council's technical officer, I see no reason why drainage should be a problem provided the development is carried out in an appropriate manner.
37. As for other material considerations, the need for a facility (or the lack of it) would be of little or no significance if it caused no harm. However, in fact a

good part of the appellant's representations deals with need and implies that this overrides any harm caused. Given this, and my conclusions on some of the main issues, it is therefore appropriate for me to consider whether there is a need for the AWP that is sufficient to justify the harm I have identified.

38. The perceived need falls under two headings; school needs and those of the local community generally. Looking first at school needs, I have no doubt that the AWP would be an improvement in terms of sporting provision and would enable more pupils to take part in organised sporting activities more frequently. I have taken into account the support for it from pupils and parents and I do not doubt that the existing facilities are not of the highest quality.
39. That said, the existing pitch clearly can be and is used. Moreover, whilst the intensity of use of a grass pitch cannot be as great as an all weather one, I have been provided with little hard evidence of how often the existing pitch actually becomes unusable. In addition, it is not self-evident that it is essential for every school to provide a complete range of sporting facilities, including an AWP, on site in order to ensure a high quality educational experience and facilitate satisfactory participation in sporting activities. Indeed I understand that despite the current lack of an AWP Preston Academy remains popular and indeed oversubscribed.
40. Nor is it clear that genuine school needs necessitate the full extent of the current proposal. In particular, the provision of floodlighting to facilitate evening use, which contributes very significantly to the harm that the scheme would cause, appears to be aimed at community, rather than school, use. (Such use may of course make the provision of the AWP more viable but I have seen no clear and compelling evidence that this is essential.)
41. Turning to community needs, I have taken into account increasing concerns regarding obesity and the encouragement given in government advice to increased participation in sport. I am also aware that a local study has identified a need for two additional AWPs in Yeovil Area South. However, I do not know the full details of that study or its status.
42. In any event I understand that one of the two additional AWPs that are needed is about to be provided elsewhere, leaving a requirement for only one more AWP to meet identified needs up to 2028. It is not therefore clear that there is a clear and pressing community need for a further AWP to be provided at the present time. That is especially so as I am aware that an enhanced facility has been approved at another nearby school and I understand that another nearby facility at Yeovil Town Football Club is currently run down and underused. The implications of these matters for the conclusions reached in the needs assessment have not been made clear to me.
43. In conclusion I do not doubt that the AWP would be of some benefit to both the school and the wider local community. However, on the evidence that I have been provided with, those benefits appear relatively modest and are insufficient to justify the harm that the appeal scheme in its present form would cause, especially to the living conditions of those residents living immediately around the site. For the reasons set out above and having taken all other material considerations raised into account I conclude that the appeal should not succeed.

P Grainger
INSPECTOR