



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

21<sup>st</sup> December 2023

**Subject: 22/03466/FU - New artificial grass pitch with floodlighting; storage container; new emergency access; relocation of existing long jumps; associated landscaping works. Guiseley School, Fieldhead Road, Guiseley**

APPLICANT	DATE VALID	TARGET DATE
Aireborough Learning Partnership	17.5.22	TBA

**Electoral Wards Affected:**

Guiseley & Rawdon

Yes      Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity     

Community Cohesion     

Narrowing the Gap     

**RECOMMENDATION: GRANT PERMISSION:** subject to a S106 agreement to require funding for TRO's & payment of a travel plan monitoring fee and the following conditions:

1. Time limit.
2. Approved Plans.
3. Materials.
4. Surfacing materials
5. Hours of use to be limited to 9.00am to 8.50pm Monday to Friday and 9am to 6pm Saturday and Sunday with no community use before 5.00pm on weekdays.

6. No flood-lighting permitted after 8.00pm in August, 7.00pm in September & 8.00pm in October.
7. Full specification details of all fencing including acoustic fencing to be provided.
8. Tree protection measures.
9. Landscaping Scheme.
10. Landscape management plan.
11. Full details of Biodiversity Net Gain to be provided
12. Construction and environmental management plan.
13. Biodiversity enhancement and management plan.
14. Bat Mitigation method statement to be submitted.
15. Drainage details to include rubber particle filter to be submitted.
16. End of life strategy for removal and disposal of rubber crumb.
17. Off-site highway works.
18. Gates to be set back from highway.
19. Community use agreement.
20. No community use to be allowed at times when out of hours school events are scheduled.
21. Car park and service management plan.
22. Construction Management Plan.
23. Travel plan.
24. Hours of construction.
25. Noise management plan to be submitted.
26. Details of access widening works and method statement to be provided.

### **INTRODUCTION:**

1. This is a full planning application for a new artificial grass pitch (AGP) with floodlighting; storage container; emergency access; relocation of existing long jumps; associated landscaping works.
2. This report should be read in conjunction with the earlier Plans Panel reports presented on the 3rd of August (Appendix A) & 23<sup>rd</sup> November 2023 (Appendix B).
3. Following the consideration of this application at South and West Plans Panel on the 3rd August 2023, Members resolved to defer the application to enable further information to be provided by an objector who lives in close proximity of the site to enable the submission of supporting evidence which was raised during a closed session of the meeting. Since the application was deferred from the previous South and West Plans Panel (23<sup>rd</sup> November) an Equality Impact Assessment has been undertaken to take into account confidential information received.
4. Members also deferred the application in order to consider how the application had been advertised and the scope for wider public consultation and engagement to be undertaken.

5. The application was also presented to South and West Plans Panel on the 23<sup>rd</sup> November and was deferred following a receipt of an updated consultation response from Sport England which was considered to result in the introduction of a new material planning issue. South and West Plans Panel Members also agreed to defer the application to enable best endeavours being made by officers to obtain information from an objector which was raised during a previous closed session of South and West Plans Panel held on the 3<sup>rd</sup> August.
6. In respect of wider public consultation measures, a community exhibition and consultation event were held on the 26<sup>th</sup> October at Guiseley School. In response to this Cllr Alderson has commented that he raised direct concerns with the planning agent about the inadequate circulation and promotion of the consultation event and that this concern was not addressed. Although the covering planning report of the 23.11.23 referred to Cllr Alderson also raising this issue with the school directly, it is understood this was only raised with the Schools' Head at the community event itself and Cllr Alderson was not being critical of the school in this regard.
7. Cllr Alderson also notes however that an unacceptable number of residents who live along the perimeter of the school did not receive a letter informing them of the event. This included residents on the Fieldhead Drive, Fieldhead Road, Back Lane, Aldersyde Road and Aldersyde Way. Cllr Alderson also understands some local residents created their own information letter to inform people of the event and hand delivered them to numerous houses. In terms of the event itself, Cllr Alderson has commented that he received different answers to the same question depending on what member of staff you were talking to from information board to board. For example, Cllr Alderson cites, he was told that re-locating the pitch on the site was not an option as it was too expensive - a contrast to what the agent's summary letter indicates. In this context Cllr Alderson does not agree that concerns have been adequately addressed or appropriate efforts had been made to inform locals of the opportunity to attend the event.
8. Further representations have also been received from an individual raising concerns regarding public speaking rights and their refusal to be allowed to speak at this meeting which they consider to be unfair and fails to recognise the legal requirements set out in the Equality Act 2010 to provide Reasonable Adjustments or to consider the new material which has previously been provided to LCC's Development and Planning Service in relation to this application. Additional comments have also been received relating to noise related objections together with associated medical risks and that the noise assessment carried out by the applicant is flawed and contradicts the NPPF in this regard. Further updated comments have been received in respect of recent flooding issues, existing damaged culverts and that the development as well as the construction process itself will lead to more localised flooding events to properties which are already at a high risk of flooding. An objector has also reiterated previous comments and remains of the view that the drainage modelling forecasts are

misleading. Further comments have also been received relating to lighting issues and pollutants.

9. An additional representation has also been received from an objector raising the loss of the athletics track and Sport England issues as well as and concerns that contributors who attended the recent community event have been misrepresented and there has been no opportunity for further feedback.
10. In this regard to public speaking rights, Members will be aware of the council's decision that at the time of writing the report in November 2023, no new material planning considerations have been raised and in accordance with the council's protocol for public speaking at Plans Panel, this does not allow for further representations where there is no new information raising new material planning matters.
11. In respect of Sport England's representation received on the eve of the Plans Panel meeting held on the 23<sup>rd</sup> November, it is noted that the playing field where the Artificial Grass Pitch (AGP) is proposed contains, or has contained, a grass running track. Sport England sought the views of England Athletics (EA), the National Governing Body for Athletics, on the loss of the grass running track. (EA) act as Sport England's technical advisors in respect of their sport and their sport facilities. Whilst no formal objection was made, it was contingent on a planning condition requiring a permanent synthetic CompactTrack (as opposed to a seasonally marked grass track), along with basic lighting (ambient lighting from the adjacent pitch), which would provide both the school and local community with a developmental athletics facility that can be used all year round.
12. Following the receipt of additional information provided by the applicant to Sport England, it is noted that the former athletics track did not form part of any formal provision and was not a specific distance. It is understood it was simply marked out randomly at certain times of the year. The track was not used for any community purposes and is only used by the school on certain days – for example sports day – therefore no existing community groups would be displaced as a consequence of its permanent removal. It is understood the school actually use an alternative site for the majority of their athletics provision. The proposed AGP can also be used for PE for sprints and running. A form of reprovision could be provided on the western field or remaining grass field to the north if so required.
13. In this context, and after a further review by Sport England, an updated representation was received on the 23.11.23 indicating the planning condition as requested, as set out in their representation dated 22.11.23 that related to the athletics mitigation, is now no longer necessary and the Local planning Authority need not impose the condition.
14. Consequently, Sport England has no objection to the proposal which is considered to meet Exception E5 of Sport England's Playing Fields Policy.

## The Equality Act 2010

15. The Equality Act 2010, defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'.
16. As a decision maker, LPA's have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:
- i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
17. In accordance with (2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:
- i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
18. An objector has stated that the proposal would disproportionately affect them and / or their family, as family members suffer from condition(s) that means the development as proposed would have very serious implications for their health. Under the Equality Act 2010, such an illness is defined as a Disability and comes under the definition of protected characteristics. The LPA has therefore conducted an Equality Impact Assessment, in order to have proper and due regard to this characteristic. This assessment (Appendix C) is, however, confidential in nature and is therefore designated as exempt from publication under the Access to Information Procedure Rules 10.4 (1) and Schedule 12A to the Local Government Act 1972. Given that the information within this appendix would relate to an individual(s), it is deemed that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The assessment ensures

that the LPA has considered the impact regarding equality, diversity, cohesion and integration to accord with its Public Sector Equality Duty. The Assessment has been supplied to the decision makers (as exempt Appendix C) and will be discussed in a closed session at the meeting, should the Panel resolve to do so.

19. In response to these circumstances being raised with the LPA, it is considered that the application has already been significantly and satisfactorily amended and takes into consideration the protected characteristics set out in their objection. These changes are documented below. The application has also been revised in response to general comments/ objections received as well as broader public concerns which have also been raised regarding the extent of consultation undertaken by the applicant. Recognising the amendments made to the scheme together with the imposition of recommended planning conditions, it is considered, that the potential impacts identified are mitigated as far as reasonably possible. The mitigation measures and conditions are considered to exceed the requirements that may otherwise have been recommended by Environmental Health and by planning officers in seeking to ensure an appropriate level of amenity is safeguarded.
20. In respect of public consultation and broader community engagement, as mentioned in the covering initial planning report, the application has been publicised in accordance with planning procedures. The application was first advertised on the 14.6.22 and at the request of Cllr Thomson, again on the 2.8.22 with several site notices located around the site. The application has also been publicised in the Yorkshire Evening Post on 1.6.22. In terms of community engagement, whilst the council encourages applicants to engage with communities prior to submission of an application, there is no mandatory requirement to do so. Nevertheless, following comments received at South and West Plans Panel on the 3.8.23. the applicant held a public consultation event at Guiseley School on the 26.10.23.
21. The event was designed to ensure that those residents in closest proximity to the site would be able to attend and to offer their views on the proposals, and to discuss whether any further measures could be incorporated to try and alleviate concerns. It is understood 41 people registered to attend the event and were provided with questionnaires for those residents to fill out, as well as exhibition boards which contained information about the proposals.

It is also understood Local Ward Members attended the event.

In summary, concerns were broadly raised across the following topics:

- Hours of Use
- Highways / Parking
- Noise
- Drainage
- Floodlighting

22. In response to the comments raised, the applicant has suggested the following measures be incorporated:

- A ban of whistles after 6pm during weekdays – this means that the school can continue to use whistles as they currently do during PE lessons, but they would be banned for community use in the evening. Guiseley Juniors FC have confirmed this is acceptable as training would take place during the week, with only matches on the weekends.
- Provision of additional planting on the eastern boundary to bolster the existing landscaping to shield elements of the proposals from view.
- Updates to the Parking Management Plan, to incorporate new additional measures:
- Provision of signage on PRow entrance near Fieldhead Drive which sets out that users of the pitch should not be parking in nearby local residences and will be asked to move their cars / risk of being banned from the pitch.
- Edu lettings (who would be running the pitch community lettings) have agreed to deploy x2 members of staff on for evening/weekend use, to take users of the pitch to and from the pitch, sign people in, and ensure cars are parked in the right location.
- Confirmation that a direct contact and number will be provided for complaints.
- Update to hours of use: 9am – 9pm on Weekdays, 9am – 6pm on Weekends. Floodlight timings being amended to be turned off at 8.50pm to ensure prompt exit from the pitch.
- Amendment to the pedestrian access to the pitch from the school to move it further into the school grounds – this reduces the appeal of using Fieldhead Drive to access the pitch.
- Revisions to floodlighting to change the colour in lighting from 5000k to 4000k which the applicant describes as a slightly ‘warmer’ light.

### **Hours of Use**

23. It is understood a meeting was held between the school, Guiseley Juniors and the Football Foundation to discuss a reduction in hours of use in the evenings following public comments. However, the applicant has stated that they are not able to accommodate this change as this would impact on the viability of the proposals in terms of the hours of community use which would be available in order to maintain a sinking fund for the maintenance of the pitch. Sport England policy also requires that the applicant provides community use provision.

24. The applicant has however discussed the start time for the use of the pitch and have amended this to 9am on both weekdays and weekends, which means a more consistent start time throughout the year. Furthermore, it is also suggested that floodlighting times finish at 8.50pm to ensure that users of the pitch have left by 9pm, as opposed to the floodlights being turned off at 9pm with users exiting afterwards.

### **Floodlights**

25. It is also noted that the applicant has explored the option of reducing the floodlighting column height. However, following an assessment by the applicant's lighting consultant, it is considered that reducing the column height would worsen the lighting spill. However, as set out above, the applicant has offered to amend the lighting colour from 5000k to 4000k, which is a slightly warmer light, and this does not affect the spill.

26. As per the previous lighting design, the proposals would also include internal louvres/shields which will assist in reducing light spill. In addition, there are additional restrictions on the floodlighting throughout the year which the applicant has previously agreed to, which means they would be switched off at the following times:

- April & May: 8pm
- June & July: 9pm (now to be revised to 8.50pm)
- August: 8pm
- September: 7pm
- October: 8pm

### **Layout Amendments**

27. In terms of other potential changes, the applicant has also explored the option of moving the pitch; firstly, into the western field – however it is understood that this suggestion was not welcomed by certain residents as this would bring the pitch into closer proximity of their homes. Concerns were also raised that this would lead to the proposed emergency/maintenance access being used by the users of the pitch as they would be inclined to park their cars in the surrounding residential streets rather than at the school as the access would be easier. The option of moving the pitch further north of the western field would conflict with a dedicated ecological area.

28. The applicant has also considered moving the pitch circa 5m to the west, however this have an impact on a row of poplar trees and although classified in the tree report as category U, they are of ecological value and potentially house bat roosts. A further option of moving the pitch to the northern field and reorientating it has also been considered, however by reorientating it 90 degrees it would not fit; and simply moving it further north would also impact a larger area of surface water flooding.

29. As a further mitigation measure however, it is now proposed that additional planting is provided along the eastern boundary of the site, particularly in areas where this



existing vegetation is sparse – this can be incorporated within a final landscaping plan which can be conditioned. Specific wording can be put forward within the condition to ensure this will be designed and specifically provided.

30. In addition, the applicant has also confirmed, based on comments from residents received at the community consultation event, that the proposed access path to the pitch is to be positioned further away from Fieldhead Drive. The path has been amended so that it would now link with an alternative path located between the school buildings. The intention of such is to reduce the appeal of accessing the pitch via Fieldhead Drive.
31. Consideration has been given to proposing a bridge up and over the school playing fields to avoid the footpath, however there are Health & Safety implications with such a structure as well as potential landscape impacts.
32. Finally, consideration has been given to removing the proposed emergency/maintenance access from the proposals however the Football Foundation have confirmed that a dedicated track needs to be provided to ensure ambulances can access the pitch quickly. The school have cited that whilst at the current time there is not a vehicular access to the pitches, this does present a Health & Safety concern and in future they would have to consider some form of vehicular track, regardless of this proposal going ahead or not.

## **Noise**

33. As above, consideration has been given to moving the pitch, however options for doing so are limited for the reasons described. In response to comments received, at the community consultation event it is noted that the management plan will ban the use of whistles during the weekdays (after 6pm) which would assist issues relating to unexpected noises. Guiseley Juniors have confirmed that this would be acceptable because during the week it would be training taking place – they already do not use whistles for this purpose. Matches would be played on the weekends between 9am – 6pm.
34. As noted above, the applicant is not offering to reduce the evening use any further but the restrictions on floodlighting times do essentially reduce the hours of use in any event. In addition, start times to 9am on weekdays (both term and non-term time) would enable a consistent start time throughout the year. Consideration has also been given to increasing the acoustic fencing height by a further 0.5m, however it is understood concerns were raised by residents, at the community consultation event, about the adverse impact this would have on the visual amenity due to the increase in height.
35. Other mitigation measures include a requirement for a noise management plan which would aim to address issues of swearing, etiquette, etc. and this can be secured by way of condition – residents' meetings would be offered to discuss potential concerns and issues and a specific name and number for complaints would be provided as part of the final noise management plan.

36. In terms of further comments of objection received, criticisms have been raised regarding the baseline noise assessment submitted in support of the application and prepared by acoustic consultants, Nova and on the World Health Organisation (WHO) 'Guidelines for Community Noise'. A key issue is the actual location used for baseline measurements and the general application of national noise policy in relation to the NPPF.
37. The council's Environmental Health Officer has previously commented on the baseline noise assessment data but has also carried out a further review. The single measurement point used on Aldersyde Road by the applicant's consultant is more likely to under-state the sound level caused by road traffic at the rear gardens on Aldersyde Road and dwellings facing the sports pitch on Fieldhead Drive. Whilst it would have been beneficial for additional measurement points to have been included in the assessment, it does not alter the conclusions as background sound level used in the assessment was relatively low and as a result defaulted to the most stringent criteria.
38. For sports pitches, Sport England provides the most relevant guidance in 'Artificial Grass Pitch (AGP) Acoustics - Planning Implications'. The guidance document provides a noise prediction procedure and an absolute sound level criteria that draws on the World Health Organisation (WHO) 'Guidelines for Community Noise.' The Sport England guidance adopts a sound level of 50dB LAeq,t for sports noise not to be exceeded at residential properties which is taken from the WHO guidelines which states that to avoid 'moderate annoyance' during the daytime and evening the noise level should not exceed 50 dB LAeq(T).
39. In addition to the Sport England guidance, Leeds City Council's in-house guidance requires the loud but short duration noise (LAm<sub>ax</sub>(f)) such as from shouts, whistles, and ball impacts on fences to be considered for evening periods. The LAm<sub>ax</sub>(f) criteria is set relative to the existing background sound level except when sound levels fall below 45dB, for which an absolute level of 55dB LAm<sub>ax</sub>(f) is used.
40. Baseline noise measurements were made over a 24hr period but data gathered between 7pm and 10pm was used to present a more pessimistic scenario since residents are more likely to be more sensitive to noise during this time.
41. The lowest modal background sound level of 46dB LA90,15mins was used in comparison with predicted sports pitch noise. This means that for the majority of time, noise impact would be slightly lower as more masking sound would be present. This relatively low background sound level also results in a correspondingly low criterion level for LAm<sub>ax</sub>(f) events from ball impacts etc during the evening. The noise assessment concluded that the use of whistles would not be permitted after 7pm and the school have gone further by stating that whistle use will be curtailed after 6pm in order to mitigate impacts on the community noise from Bradford Road.

## **Highways / Parking**

42. In response to highway and parking issues raised by residents at the public exhibition. an updated Parking Management Plan has been provided which sets out additional measures such as the following:

- Provision of signage within school grounds on PRow near Fieldhead Drive and further north which sets out that users of the pitch should not be parking in nearby local residences and will be asked to move their cars;
- EDU letting from Guiseley School (who would be running the pitch community lettings) have agreed to put x2 members of staff on for community use for the AGP, to take users of the pitch to and from the pitch, sign people in, and ensure cars are parked in the right location; and
- Confirmation that there will be a contact name and telephone number for complaints.

43. A detailed Parking Management Plan will be conditioned to add further measures which will be consulted upon by the council.

**Other issues- matters raised by representations.**

44. In terms of other public comments received since the previous plans panel meetings and not already addressed in this covering report, it is noted that an objector refers to a report to The Science and Technology Committee of the House of Lords dated 19th July in which it is stated "Light and noise pollution are "neglected pollutants" in need of renewed focus". The report notes these pollutants have significant negative effects on people's physical and mental health. Another objector has raised concerns about light pollution, the height of the lighting columns, the need for baffles and guide cables to stop them swaying as this would disturb surrounding residents' sleep patterns and would be harmful to wildlife. Other objectors, describes the proposal as a waste of money, unnecessary and in the wrong place. Issues of flood risk including a recent flooding event and reiterated noise related concerns are also raised by objectors as well as the fact that the applicant should provide proof of funds to recompense those at risk.

45. In response to these additional public comments, it is noted that the council's Flood Risk and Environmental Health Officer were consulted on the original scheme and raised no objections from a flooding perspective. The council's drainage engineer has also reassessed the application following the initial consideration of this scheme at Plans Panel and concludes, having checked our flooding records there are no recorded instances of any flooding within or immediately adjacent to where the new pitch will be located. There is some history of flooding to the south and east of the school, but this is not related to any flows from the school site.

46. In terms of the sports pitch and the use of plastic/rubber within it, it is noted there is a technical note regarding the issue of micro plastics and it is understood, the design of

the pitch and the adjacent areas has been developed to minimise any off-site deposit of micro plastics. In addition, the drainage system serving the under-pitch drainage system, does incorporate a silt trap to allow any rubber and plastics to settle out. This is in line with current good practice.

47. It is acknowledged that the council's drainage database does identify an area to the north within the playing fields of Green Meadows School as being at higher risk of surface water flooding, however, there are no records of any specific flooding in this area and indeed this area is lower than the new pitch location, so not be impacted should any future flooding within Green Meadows School occur. It should be noted that the national surface water flood maps are only a guide and indicative only and not related to known surface water flooding.
48. In terms of the drainage design, the proposed pitch would drain down into the lower stone layer which has a min 30% voids content and is lined with a geotextile. The run-off for the 1 in 100 + CC storm event is stored within the stone layer and partially allowing the pitch surface to locally flood to a shallow depth and the pitch design does ensure that this water is retained within the pitch area. The discharge into the adjacent surface water drainage system to the south is restricted to only 3.5 l/s so as to have no significant impact on the downstream sewer system and has been agreed with Yorkshire Water who own the receiving surface water sewer.
49. In terms of public comments made in relation to proof of funding and how the applicants choose to spend their money, these are not material planning matters, and no evidence of such proof is required.
50. Although funding issues are of no material planning weight, it is understood Guiseley School have ring fenced funds up until the end of this financial year for their contribution towards the project, which are required in order for the scheme to go ahead. However, the current application window for Football Foundation (FF) funding closes on 19<sup>th</sup> January. If the school is unable to meet this deadline, then the next round of applications is in the 24-25 financial year; under new FF framework conditions and due to the delays, this would likely add substantial further inflationary pressures to the project costs, which have already happened since the application was submitted.
51. It is understood if this were the case, under the current projected school funding model, it is highly unlikely that the school would be able to meet the costs of the project, and this would seriously jeopardise the delivery of the project. This would leave the school under-resourced in terms of sports facilities.

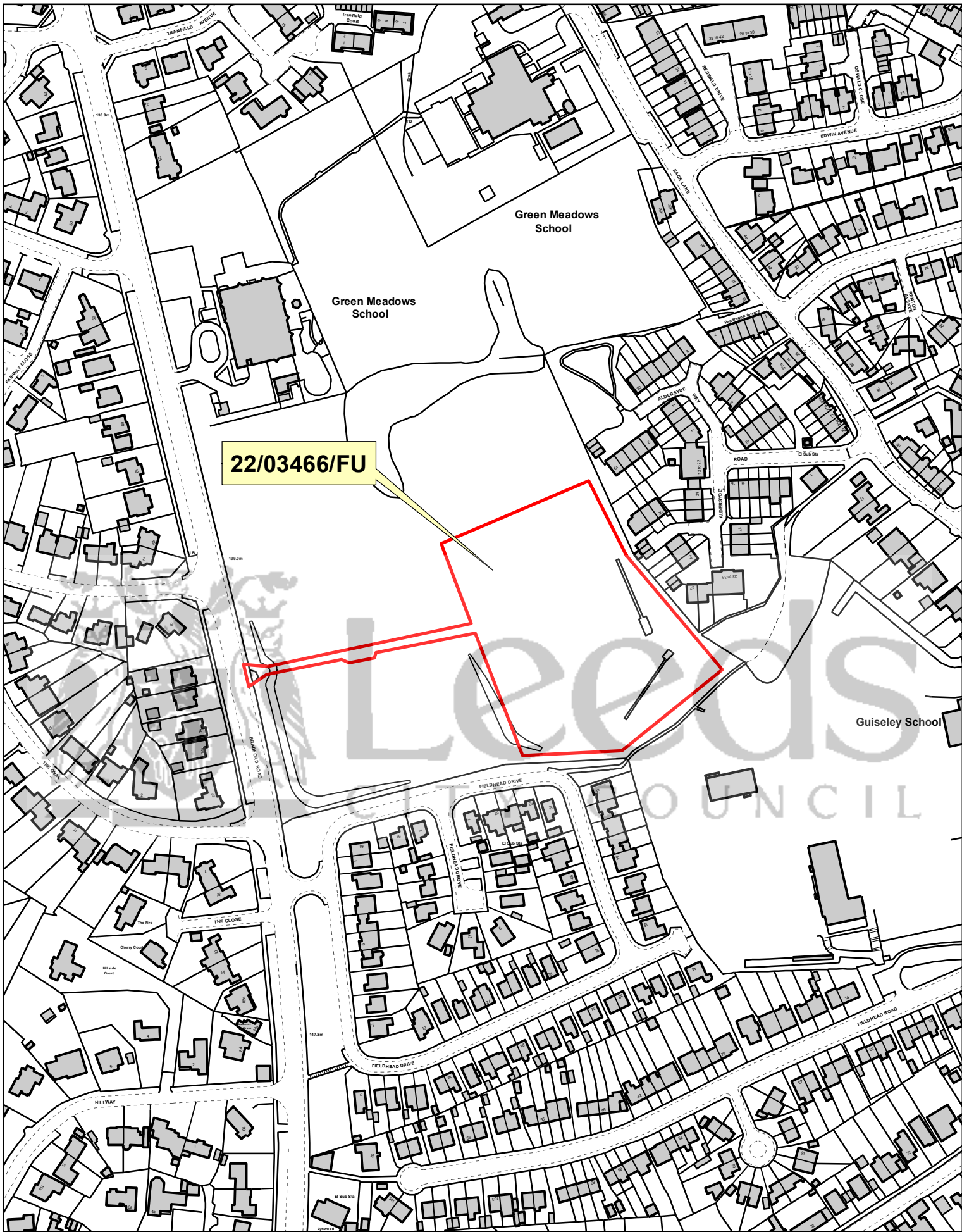
## **PLANNING BALANCE & CONCLUSION**

52. In the context of the circumstances described above, it is considered that the Council has fulfilled its duty under the Public Sector Equality Duty under the Equality Act 2010 to ensure its actions do not disproportionately affect a group of people. The proposal has been considered in terms of the existing and future residents with protected characteristics and whether they would be impacted negatively or positively. It is

concluded, based on the details and context provided, that these impacts have been reasonably considered and addressed and that the council has discharged its duties responsibly.

53. The proposed development is considered to be acceptable in planning terms and lies within an area of sufficient size to accommodate such a proposal without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character.
54. In land use terms the proposed development will not prejudice or restrict its current use. The land is not designated as public open space and as such the principle of the development is considered to be acceptable in planning policy terms.
55. As outlined in this and previous reports, extensive consideration has been given to protecting the living conditions of nearby residents from potential lighting, noise and disturbance issues which may arise from the proposed development. In this regard, significant amendments have been made to the scheme, as well as proposed planning conditions, restricting the hours of use together with a requirement to provide acoustic fencing and a noise management plan which will help substantially mitigate against any such potential harm.
56. In terms of highways, landscape and ecology considerations, the proposal is also considered to be acceptable and appropriate planning conditions are also to be imposed to ensure related planning policy compliance.
57. Weighing in favour of the development is the considerable weight afforded to the provision of wider public benefits for residents and existing users from the significant enhancement of a sporting facility and pitch provision with a modern purpose-built pitch and facilities. It is considered that sport and recreation can make an important contribution to the health and well-being of communities and both local and national planning policies seek to plan positively for community provision.
58. All material matters raised by third parties as summarised have been considered, and those that are not material in planning terms have been identified in the report and acknowledged as such.
59. Against this background and in the context of the appended main planning report previously presented to Members, it is concluded that the development is acceptable in planning terms. It is therefore, recommended that the application be approved subject to the conditions listed and a S106 agreement to cover the provision of a traffic regulation order and a travel plan monitoring fee.





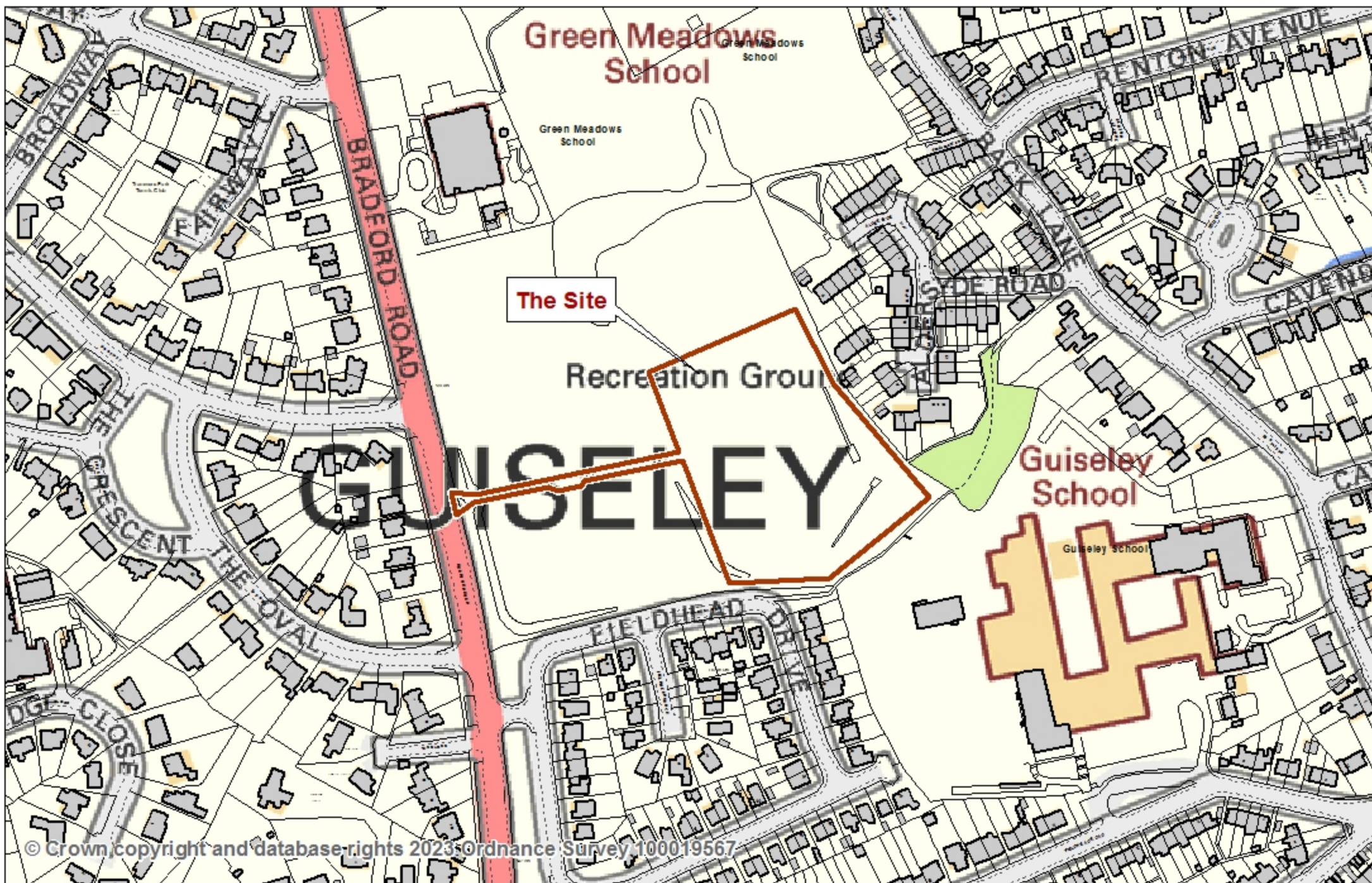
# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500









# PLANS PANEL PRESENTATION

SCALE 1:2500

South and West Plans Panel

22/03466/FU

Guiseley School

Fieldhead Road

Guiseley

Leeds

LS20 8DT

## **Appendix A**

South and West Plans Panel report dated 3<sup>rd</sup> August 2023



**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**3<sup>rd</sup> August 2023**

**Subject: 22/03466/FU - New artificial grass pitch with floodlighting; new emergency access; storage container; relocation of existing long jumps; associated landscaping works. Guiseley School, Fieldhead Road, Guiseley**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Aireborough Learning Partnership	<b>17.5.22</b>	TBA

**Electoral Wards Affected:**

Guiseley & Rawdon

Yes

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**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION: subject to a S106 agreement to require funding for TRO's & payment of a travel plan monitoring fee and the following conditions:**

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### **INTRODUCTION:**

1. This is a full planning application for a new artificial grass pitch (AGP) with floodlighting; emergency access; relocation of existing long jumps; associated landscaping works.
2. The application is brought to Plans Panel at the request of Ward Members.
3. Cllr Alderson has objected to the development and referred the application to Plans Panel due to the following material planning concerns:

Loss of Privacy – more visitors from outside of the area are expected to come to this greenspace adjacent to Guiseley School should this application for increased development for sports features be approved.

Parking – such a development will encourage increased parking in neighbouring areas, causing distress to residents who already struggle to deal with school-associated parking. Residents of Fieldhead Grove, Aldersyde Road, Back Lane, Park Road, Tranfield Avenue and Oswald Close have been in touch with us to express their concerns with regard to increased parking.

Traffic – the encouragement for more visitors from outside the local area will increase traffic and parking, creating a vicious cycle which compounds both problems.

Noise – As above, increased attendance to the greenspace adjacent to Guiseley school will subsequently generate more noise for residents living in Fieldhead Grove, Aldersyde Road, Park Road, Tranfield Avenue etc.

Design, Appearance & Materials – this greenspace would permanently have towering floodlights overlooking the field, affecting the view across the field and the skyline in neighbouring areas.

Former Cllr Wadsworth also objected to the development for the reasons listed above.

4. Cllr Thomson has referred the application to Plans Panel due to the considerable level of public interest in the application both in support and objecting to the application and to ensure transparency in the decision-making process. The referral is on the grounds that the development is considered to result in significant benefits to the sporting facilities for Guiseley School and create improved community use, but also result in potential noise, lighting, and disturbance issues as well as parking and road safety concerns which will have an impact on occupiers of nearby properties. The significance and sensitivity of such a proposal therefore warrants the application being referred to Plans Panel.
5. The Ward Member comments received are regarded as material planning considerations and after consultation with the Chair of South and West Plans Panel it was agreed that the application meets the scheme of delegation requirements for the matter to be reported to Plans Panel for determination.

#### **PROPOSAL:**

6. The application proposes the construction of an artificial grass pitch (AGP) with 6 x15m high floodlighting columns around the site perimeter, together with a new emergency access, relocation of existing long jumps and associated works. The pitch will be a full sized 11 v 11 artificial pitch, replacing an existing pitch and will be laid out to also accommodate two 9 v 9, two 7 v 7, four 5 a side or four smaller training areas. A new access road to provide temporary access during the construction will subsequently provide a new emergency access to the pitch. The hours of use proposed for the pitch are 8.00 am – 9.00 pm Monday to Friday and 8 am – 6 pm Saturdays & Sunday, which will include community use.

#### **SITE AND SURROUNDINGS:**

7. The application site comprises Guiseley School playing fields which are located to the north-west of the main school campus. The site area amounts to circa 1.3 ha of land which is mainly laid out as grass sports pitches with trees and hedges located on the boundaries and separating the playing pitches. To the north, the site is adjacent to Green Meadows Academy and to the east, the site adjoins the rear of the residential

properties fronting Aldersyde Road. A designated footpath (AIREBOROUGH 43) separates the wider school site runs along its south-eastern boundary with Fieldhead Drive. The site is also located adjacent to the Tranmere Park Estate Conservation Area which runs alongside Bradford Road to the west with housing beyond. The site itself is relatively flat and slightly set down when viewed from adjacent public vantage points.

## **RELEVANT PLANNING HISTORY**

8. 22/04149/FU - 2.4m high perimeter fencing to existing school playing fields and five gates for access and maintenance. Approved 27.10.22

18/06203/FU - Demolition of existing main school and erection of two new three storey school buildings, relocation of hard courts; reconfiguration and increase in car parking provision; and associated landscaping. Approved 23.1.19

## **HISTORY OF NEGOTIATIONS**

9. The proposal has been subject of extensive post submission discussions.
10. Throughout discussions there has been general support of the principle of the development given the enhancement that will be provided to the school's sporting facilities, though concerns have been raised throughout regarding the potential impact the development could have on the amenity of the occupants of nearby properties through noise and disturbance from the use of the pitch particularly from wider community use during evenings and weekends. Concerns have also been raised in respect of the floodlighting and the impact this may have upon the local ecology. In response to these concerns the applicant has produced a noise and lighting assessment.
11. Originally, the hours of use for the pitch were from 8.00 am – 10.00 pm Mondays to Fridays and 8.00 am – 6.00 pm Saturdays and Sundays. The hours of use during weekdays have now been amended to 9.00PM. Additionally, acoustic fencing is also now proposed. The scheme has also been amended to reduce the number of floodlights from 8 to 6 x 15m high columns together with limited and restricted use of artificial lighting during the seasonal period for bat foraging.
12. Full details of evidence to provide a policy compliant Biodiversity Net Gain have also been requested and initially, bat surveys were also sought.

## **PUBLIC/LOCAL RESPONSE:**

13. The application has been advertised by site notices posted around the site on the 14.6.22 and subsequently on the 2.8.22. At the time of writing 309 representations have been recorded, albeit these include duplicated representations and out of the area comments. 191 representations are recorded as comments of support of the development with 116 objections and 2 neutral comments.

14. The comments made in support of the application relate to the benefits of providing extra sports facilities for children of the school and the wider community. The all-weather pitch will enable all year-round use, encouraging and supporting local sports and sports clubs as well as providing access to improved facilities and the related benefits of physical and mental well-being. The facilities will also provide opportunities to support local adult and junior football, rugby and cricket teams with purpose-built facilities to enable their development and promote better coaching.
15. The objections relate to increased parking on local roads and related highway safety concerns given the additional community use provision, increased noise and disturbance, unreasonable hours of use, lack of community engagement, loss of public access to playing pitch, concerns relating to flooding and increased surface water run-off, light spill and resulting light pollution, concerns also that the proposal will have a detrimental impact on the quality of life of surrounding residents and harm their mental and physical health.
16. Objection comments made also state that no site notices have been posted, proposals will have a negative impact on wildlife and ecology impacts including protected bats, loss of visual amenity, design is out of character with the area as a result of 15m high lighting columns, 4.5m high fencing and acoustic fencing up to 3.5m high, change of use of the land, net loss of playing pitches, other sports facilities have capacity for increased use and there is no need for this development, proposed access off Bradford Road is harmful to the character of the conservation area, impact of construction activities, supporting noise and drainage statements are inaccurate and misleading. The applicant's acoustic report also significantly misrepresents the distance and noise levels to nearest residential properties. The drainage proposal will significantly worsen the existing situation which already floods, and the Aldersyde Estate will be at further risk. The BNG has been overvalued. Bat surveys should be carried out prior to the determination of this application in accordance with the council's nature team comments. The development will lead to property devaluation.

## 17. **CONSULTATION RESPONSES:**

### Statutory:

Sport England – Initial objection. This has now been addressed following revisions that show the proposal and the access road in relation to the retained playing field. This shows that the retained playing field can accommodate rounders, football, cricket and rugby. The proposal is now considered to accord with Policy Exception E5 of Sport England's Playing Fields Policy in that: E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.' Sport England therefore has no objection to the proposal subject to a condition relating to the provision of community use.

### Non-statutory:

Environmental Health – Initial review of the submitted noise assessment indicated that further information was necessary to take into account ball impacts, shouts and whistles during the evening time. Based on the background noise level, LAmax events would need to be lower than 59dB at dwellings on Aldersyde Road to meet this criterion. It is unlikely that acceptable levels would be achieved based on the small separation distance to those dwellings despite the acoustic barrier. It may be that the use of whistles is not permitted or restricted at certain times as has been the case for pitches located close to dwellings.

The applicant subsequently updated the noise assessment to address earlier comments received from Environmental Health. Following a re-consultation it was noted that that ball impacts and raised voices would meet LCC criteria for Lmax events in the evening after 7pm although whistles would not. It is therefore proposed by the applicant that the use of whistles after 7pm would be prohibited as part of a site management plan. This approach has been accepted at other sites in Leeds. On this basis, the noise reports demonstrate that Leeds City Councils criteria would be met with the inclusion of a relatively high specification acoustic barrier as outlined and a conditioned approval would be supported.

Some concerns have been raised by residents regarding the position of the baseline noise assessment. A single measurement location on Aldersyde Road was used to establish baseline conditions. It is considered however that this location was likely to be more screened from local road traffic on the A6038 and Back Lane than facades facing the sports pitch on Fieldhead Drive and Aldersyde Way. It is therefore likely that the differential between baseline and sports pitch sound would be lower than stated in the report i.e., more masking sound. It is considered however that it would have been beneficial for additional baseline data at the boundary of the site to have been carried out to quantify this issue.

In regard to artificial lighting, eight lighting columns were originally proposed, each 15m in height however, these have since been reduced to six 15m high columns as stated in the applicant's "Technical Note" dated January 2023. Lighting overspill has been designed out as illustrated in technical drawings submitted by the applicant, indicating that direct lighting onto properties and resulting amenity impacts is not a concern. However, since the space will be illuminated during evenings, there will remain a degree of residual impact on visual amenity out-with the scope of Environmental Health's remit to comment on.

Environmental Health were re-consulted however specifically on information submitted by the applicant on the 12th of May 2023 relating to rubber crumb and end of life pitch recycling. A note prepared by the Football Foundation outlines the regulatory framework and current good practice measures to be followed in the procurement, maintenance, and end of life disposal of 3G Artificial Grass Pitches (AGP). Environmental Health have raised no objection to the adoption of these principles as they will mitigate risk in accordance with the current regulatory framework.

Environmental Studies Transport – No objection



FRM – No objection following receipt of additional supporting information.

Highways – No objection following receipt of additional supporting information. Updated comments also seek a S106 contribution to fund potential Traffic Regulation Orders should the development generate on-street car parking issues.

Landscape – Initial objection relating to the impact on surrounding trees, proximity of potential construction works and lack of detail in terms of impact on tree root systems, impact from drainage / level changes, the requirement for a detailed landscape strategy / staged management of declining adjacent poplars and confirmation that replacement buffer planting will comply with LCC standards.

Local Plans - No objection in policy terms.

PROW – No objection. The proposed development would provide a 2.5-metre-wide access path shown to the south of the site which will link into Public Footpath No.43 Aireborough. This link will promote and encourage more use of the public rights of way network for local journeys particularly in and around the local neighbourhood.

Nature Conservation – Initial consultations sought additional details in regard to how the development will achieve a measurable net gain for biodiversity. Further details sought also related to the need for surveys to investigate bat activity on site, assess what impact the scheme (with reference to lighting) will have on bat foraging and commuting and recommend measures to avoid or mitigate any impacts.

Evidence also sought to confirm that any trees to be planted as part of both on-site and off-site habitat creation can achieve the medium size class within 30 years of planting.

Further updated comments received from Nature Conservation relate to the receipt of a Poplar Management Strategy (PMS). Comments indicate that in view of the desirability of implementing the (PMS), based on the assumption that no potential bat roosting features will be removed (as per section 6 of the Poplar Management Strategy), Nature Team would be content for a Bat Mitigation Method Statement condition to be imposed. Also, that a further condition is imposed to restrict the use of floodlighting during the bat activity and foraging season and therefore avoid the need for any bat surveys to be carried out prior to the determination of this application.

Yorkshire Wildlife Trust – No objection in principle albeit it is noted that there is a potential for the proposed development to impact on bats, a bat activity survey should be carried out to inform on species present and levels of use of the area. Alternatively, a lighting scheme which shows that dark corridors along the features of interest identified for use of bats will be retained would be beneficial to ensure there is no harm to this protected species.

West Yorkshire Police – No objection

Yorkshire Water – No objection subject to conditions

## **PLANNING POLICIES:**

18. The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. The determination of this application is unaffected by the challenge to the SAP.
19. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the adopted Site Allocations Plan (2019), the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.
20. There is no made Neighbourhood Plan, however the site lies within the boundary of the Aireborough Neighbourhood Area.
21. The application site forms part of a wider area designated as green space on the Policies Map (G1338) as shown in the Site Allocations Plan within the green space typology of outdoor sport.

## 22. Core Strategy

The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

Spatial Policy 1 Location and scale of development.

GS1 Greenspace

G3 Standards for open space, sport and recreation

G6 Protection of greenspace

G8 'Protection of important species and habitats' states development proposals that affect priority species or habitats will need to be assessed.

P10 Seeks to ensure that new development is well designed and respects its context.

P12 'Landscape' confirms the character, quality and biodiversity of townscapes and landscapes should be conserved and enhanced to protect distinctiveness.

## 23. Relevant saved UDPR policies include

GP5: Development proposals should resolve detailed planning considerations.

LD1 - Landscaping

N6: Protected playing pitches

N19 Development adjacent to conservation areas should preserve or enhance the character and appearance of the area.

T5: Safe and secure access for pedestrians and cyclists to new development.

T24 Parking provision

24. The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The Plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way

Tranmere Park Conservation Area Appraisal and Management Plan -May 2013

25. Supplementary Planning Guidance:

SPD Street Design Guide

SPD Neighbourhoods for Living

SPD Parking (2016)

SPD Accessible Leeds

National Planning Guidance:

26. The revised National Planning Policy Framework (NPPF), published in 2021, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
27. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
28. The Planning Practice Guidance (PPG) provides comments on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after

October 2018 any pre-commencement conditions are agreed in advance with applicants.

29. The following sections of the Framework are most relevant for the purposes of determining this application:

- 2. Achieving sustainable development;
- 4. Decision-making;
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places;
- 15. Conserving and enhancing the natural environment.

30. Paragraph 93 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

31. Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

## **KEY ISSUES**

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Highways
- Landscaping
- Ecology
- Other matters
- Conclusion

### Principle of development

32. Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.
33. In terms of land use, the application site forms part of a wider area designated as protected playing pitches by UDP Policy N6, which was designated some time ago. This is overlain by Policy GS1 in the Site Allocations Plan (site reference G1338 with the green space typology of Outdoor Sport).
34. Policy GS1 in the Site Allocations Plan (SAP) states “DESIGNATION/PROTECTION OF GREEN SPACE THE SITE ALLOCATIONS PLAN DESIGNATES SITES IN A GREEN SPACE USE IN ACCORDANCE WITH POLICY G6 OF THE CORE STRATEGY. THESE ARE SHOWN ON THE POLICIES MAP“.
35. Core strategy policy G6 relates to the protection and redevelopment of existing green space protects green space from development unless one of three criteria is met including
  - (i) There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
  - (ii) The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or

- (iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.

36. Similarly, UDP Policy N6 relates to the development of playing pitches which will not be permitted unless two criteria are satisfied.

- i. THERE IS A DEMONSTRABLE NET GAIN TO OVERALL PITCH QUALITY AND PROVISION BY PART REDEVELOPMENT OF A SITE OR SUITABLE RELOCATION WITHIN THE SAME LOCALITY OF THE CITY, CONSISTENT WITH THE SITE'S FUNCTIONS;
- ii. OR ii. THERE IS NO SHORTAGE OF PITCHES IN AN AREA IN RELATION TO PITCH DEMAND LOCALLY, IN THE CONTEXT OF THE CITY'S NEEDS, AND CITY WIDE, AND DEVELOPMENT WOULD NOT CONFLICT WITH UDP POLICIES CONCERNING PROTECTION OF THE GREEN BELT, PROTECTION AND ENHANCEMENT OF GREENSPACE AND PROVISION OF ADDITIONAL GREENSPACE, URBAN GREEN CORRIDORS AND OTHER OPEN LAND (POLICIES N1 TO N5 INCLUSIVE, N8 TO N11 INCLUSIVE AND N32)

37. Given the existing use and designation of the site, the proposed development falls within the accepted definition of open space, sport and recreation set out in Core Strategy Policy G3. As such, there is no change of use of land use as suggested by some objectors.

38. Outdoor sports provision includes grass playing pitches and synthetic pitches. Core Strategy Policy G6 relating to the protection and redevelopment of existing green space protects green space from development unless one of three criteria is met including "(ii) The green space / open space is replaced by an area of at least equal size, accessibility and quality in the same locality.". In the case of this application, the redevelopment of an existing playing pitch is proposed through its replacement by a new artificial pitch, which the applicant considers will improve playability in terms of the hours of use available and the flexible type of play which can take place on this new pitch. Given that the replacement pitch will be in the same location as the existing pitch with increased hours of availability and arguably improved quality, the provisions of G6(ii) would apply.

39. Sport England have been consulted on this proposal Sport England considers that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 99) and Sport England's Playing Fields Policy, which is presented within their 'Playing Fields Policy and Guidance Document'

40. Although Sport England initially objected to the proposal, their objection has now been withdrawn following revisions that show the proposal and the access road in relation to the retained playing field. This shows that the retained playing field can accommodate rounders, football, cricket and rugby.
41. The proposal is for an artificial grass pitch (AGP) with floodlighting and includes a new emergency access. The proposed AGP will be situated on the eastern part of the playing field and the proposed emergency access will cut across the western part of the playing field. Aerial images (including historic images) of the western part of the playing field show that it has been marked out for rugby, football, rounders and cricket. The proposed AGP will be used for football and rugby. As part of the assessment of this consultation, Sport England has sought the views of a number of National Governing Bodies for Sport. These National Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities.
42. In considering proposals for other indoor or outdoor sport facilities on playing field, Sport England will not object to such proposals if they are considered to meet our exception E5 of the Playing Fields Policy which states: E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'
43. Comments received from the Football Foundation (FF) confirm that the proposed AGP will meet a demand and the new pitch will meet design guidance. Sport England notes in the Planning and Design & Access Statement that as the current grass pitch is jointly used as a rugby pitch, rugby line markings on the AGP have been provided. The Rugby Football Union (RFU) comment that while they are not aware of a strategic need for a rugby AGP, there is a strong rugby offer amongst local educational institutions which the RFU is keen to ensure is sustained. The RFU further comment that in order for the AGP to be used for contact rugby it must be World Rugby Regulation 22 compliant while also passing testing every 2 years. As the initial submission did not reference World Rugby Regulation 22 and whether the surface would be compliant in any of the planning documentation, confirmation of this was sought.
44. It was also noted by Sport England from their initial submission that the proposed emergency access road would dissect the western playing field. The RFU commented that it is not possible from the drawings provided to determine how much run-off there would be for the pitch north of the proposed access road. It was also considered that the proposed access road would remove a cricket wicket, and this would prevent cricket from being played on the playing field. English Cricket Board (ECB) comment that they are due to launch a new school's strategy which would encourage playing of the sport in secondary schools and question whether the access road could be routed elsewhere.
45. In light of the above, Sport England initially objected to the proposal and sought amended plans showing the emergency access relocated around the perimeter boundary of the western playing field) to demonstrate that football, rugby, rounders

and cricket can still be played on the remaining playing field and that the emergency access will not prevent these sports from being marked out.

46. Amended plans and updated details have been received from the applicant which show a revised layout and provide the provision of an emergency access that does not impinge on pitch layouts demonstrating that football, rugby, rounders and cricket can still be played on the remaining playing field and that the emergency access will not prevent these sports from being marked out.
47. Sport England is now satisfied that the applicant has demonstrated that the proposal would not inhibit pitches from being marked out on the grass playing field and the range of pitches and sports that the retained grass playing field currently offers can still be achieved with the presence of the access road.
48. In regard to the specification of the pitch, the applicant has also confirmed that the proposed artificial grass pitch will be built to World Rugby Regulation 22 standards.
49. In light of the above, Sport England has withdrawn its objection to this planning application, subject to the attachment of a planning condition requiring community use.
50. Some objectors to the planning application have stated that the playing pitch should be publicly accessible. Given the site's existing land use and designation, the proposed use of the playing pitch is unchanged and will remain available for community use. The land is not designated as public open space and as such the principle of the development is considered to be acceptable in planning policy terms.

#### Design and Visual impact

51. The new full-size synthetic all-weather pitch would measure some 106m long by 71m wide and would be positioned to the southeast of a wider area of land used as - playing pitches by Guiseley School. A storage container is also proposed to the west of the pitch alongside the outer perimeter fencing. Two bunds are also proposed to the south-east and south-west of the AGP, which will be made up from excavated material recovered from the site and landscaped.
52. Access to the pitch during the construction period will be via an upgraded existing gate onto the field off Bradford Road to the west, and a new vehicular track would be provided to allow access from the gate to the site during the construction period. This access is then proposed to become a permanent fixture to form an emergency access only to and from the AGP.
53. The two existing long jumps located to the south and east of the proposed AGP are to be relocated side by side one another to the north of the AGP.
54. Originally 8 floodlights columns were proposed this has been reduced to 6 x 15m high columns
55. The pitch itself would be enclosed by a 4.5m high weld mesh fence with gated access. To the east of the pitch enclosure a 3.5m and to the south a 2.5m high acoustic fence is also proposed.



56. The playing pitch itself will have little visual impact on the wider area. As mentioned above, there would be 6 x 15m high floodlighting columns with the pitch enclosed with a weld mesh fence as well as an acoustic fencing. These are features which will clearly have some significant impact on the appearance of the site, particularly so when viewed from public vantage points to the south of the site and given it would also be set against a backdrop of residential properties located the east of the site.
57. Part of the application site lies adjacent to Tranmere Park Conservation Area which runs alongside Bradford Road. Policy N19 of the RUDP requires development proposals adjacent to conservation areas to preserve or enhance the character and appearance of the area. The proposed upgraded site access off Bradford Road and emergency access route will cause no material visual harm given minor nature and modest scale of the works involved. As a result, given the locational backdrop, the visual effects arising from the development will not harm the overriding sense of openness nor detrimental to the character of the adjacent Tranmere Park Conservation Area and would have a neutral effect in this regard.
58. As mentioned, part of the proposed ground works includes the use of recovered topsoil's which are to be used to form bunds to the southeast and southwest of the site which will then be landscaped to provide partial screening when viewed from the public footpath to the south of the site. To the west of the site, there is an existing line of extensive mature poplar trees which, although in declining health, will in the fullness of time be replaced with replacement tree planting as part of a managed strategy. To the east of the site, where the pitch is to be positioned closest to residential properties, albeit some 15m away, from properties along Aldersyde Road, there is significant landscaping and mature tree cover which will partially screen the proposed development to some degree.
59. In isolation the lighting columns themselves at a height of 15m would represent a prominent visual feature with their presence accentuated during the proposed times of illumination. The lighting columns however would be placed close to mature trees and so would not stand out against that background. Furthermore, all of the proposed columns would be slender and so not unduly prominent in any event. They would be consistent with the typical character of schools' sports pitches which often have similar facilities and offer broader community use provision. It is however accepted that during periods of use, the floodlights would be conspicuous, however it is not considered that this would result in an unacceptable loss of visually amenity to the occupiers of houses from which the facility would be visible. The distance between the nearest dwellings and the AGP floodlights combined with existing planting and proposed bunding and further landscaping would help augment the proposal into the broader landscape although not eliminate, the visual impact of the floodlights when in use. Individually and collectively the proposed works are considered to be visually acceptable. In this context it is considered that planning policy P10 and N19 are satisfied.

#### Residential amenity

60. The proposed development has been considered in terms of its impact upon the residential amenity afforded to nearby residents. Saved UDP Policy GP5 requires that development should protect amenity. In terms of privacy and the potential for

overlooking, it is considered that there are no related issues and the separation distances involved are sufficient to protect the living conditions of surrounding occupiers. As the site is already used as a playing pitch it is considered reasonable to expect a degree of noise and disturbance emanating from its associated and continued school use and as well as broader community use.

61. The proposed introduction of floodlighting will however lead to an intensification of use. As such, it is considered that there is the potential for noise and disturbance as well as light pollution resulting from the development that could result in an unreasonable loss of amenity for nearby residents. The properties most acutely affected will be those on Aldersyde Road and Fieldhead Drive.
62. In support of the application, the applicant has submitted a noise and lighting assessment. Colleagues in Environmental Health have been consulted as part of the planning application process
63. The council's environmental health officer has noted that the application times have been amended from 10:00PM during weekdays to a 9:00PM finish and on Saturdays & Sundays 08:00AM to 6:00PM.
64. The proposal includes evening and weekend use with the applicants seeking use for the pitch until 9pm on weekdays and 6pm at weekends. This will be facilitated using floodlighting. The location is within an established playing field area used by Guiseley School, local sports teams and the wider community due to being open to access.
65. Whilst such sites bring benefits to the school and the community through the provision of pitches that can be played in all weathers and there is a resulting impact on the community from operational noise and artificial lighting beyond that which may already exist due to an increase in use. When considering the impact of artificial sports pitched on the community, reference is made to criteria that Leeds City Council has developed based on experience of complaints from these facilities set out in Noise and vibration planning guidance<sup>1</sup>.
66. This criterion draws on national guidance, primarily from Sport England to assess the likely impact from the various operational noise sources such as:
  - Footballs being kicked, hitting the ground and perimeter fencing
  - Shouting / cheering during matches
  - Anti-social behaviour such as swearing
  - People arriving / leaving the facility
  - Whistles
67. Related council guidance requires any noise impact assessment supporting such developments to be measured and/or calculated levels at nearest noise sensitive premises to achieve:
  - The MUGA Noise Level, LAeq (1 minute) should not exceed Representative Background Noise Level, LA90.

- The external noise level from a MUGA should not exceed 50 dB LAeq,T at the boundary of the nearest noise sensitive premises, in accordance with World Health Organisation Guidelines of Community Noise 1999.

- Between the hours of 19:00 and 07:00, the maximum noise levels (LAFmax) from shall not exceed the LA90 by more than 10 dB; however, where the existing background noise level is 45 dB LA90 or less, the maximum noise levels shall not exceed 55 dB LAFmax.

68. A noise assessment prepared by consultants Nova Acoustics was submitted by the applicant. This report details a baseline survey undertaken using a single unattended measurement location on Aldersyde Road on which the closest dwellings to the pitch are located. This location was predominantly screened from the primary noise source of road traffic on Bradford Road although due to topography, gardens on Aldersyde Road are also partially screened from the road.

69. The use of the late evening measurement period as a comparison with sports pitch noise is likely to result in a slightly pessimistic scenario than would be realised. As such, the presence of environmental sound that would provide masking for the sports pitch noise would be greater throughout the daytime and earlier part of the evening period and therefore impact on residential amenity would be lower for the majority of the time. The supporting noise assessment calculates the noise emission of the sports pitch in use by calculation using proprietary noise modelling software and commonly applied model inputs for sport pitches. The initial assessment concluded that levels above the Sport England guidance (50dB LAeq,1hr) in gardens was exceeded by between 2 and 5dB.

70. When an acoustic barrier was inserted along the east and south boundaries of the sports pitch, the noise model indicated that garden levels at the closest affected dwellings would be below 49dB LAeq,1hr. Whilst the supporting report has not referenced Leeds City Council planning criteria, this level coincidentally meets one of the other components of LAeq pitch noise equal to or less than baseline LA90, 1min. The initial noise report did not however include an assessment of LAm<sub>ax</sub> from ball impacts, shouts and whistles during the evening time. In response to this, the applicant has provided an updated noise assessment to take into account LAm<sub>ax</sub>(f) levels from impacts, shouts and whistles using data obtained from studies of sports pitches.

71. The report concludes that ball impacts and raised voices would meet LCC criteria for L<sub>max</sub> events in the evening after 7pm although whistles would not. It is proposed that the use of whistles after 7pm would be prohibited as part of the site management plan. This approach has been accepted at other sites in Leeds. On this basis, the noise reports demonstrate that Leeds City Councils criteria would be met with the inclusion of a relatively high specification acoustic barrier as outlined and to be conditioned would be acceptable.

72. Some concerns have been raised by residents regarding the position of the baseline noise assessment and it is suggested that the data is inaccurate and misleading. A single measurement location on Aldersyde Road was used to establish

baseline conditions. It is noted that this location was likely to be more screened from local road traffic on the A6038 and Back Lane than facades facing the sports pitch on Fieldhead Drive and Aldersyde Way. It is therefore likely that the differential between baseline and sports pitch sound would be lower than stated in the report i.e., as a more masking sound. However, it is considered that it would have been beneficial for additional baseline data at the boundary of the site to both these locations to quantify this to have been provided.

73. In regard to artificial lighting, 8 lighting columns were originally proposed, these have since been reduced to 6 x 15m high columns following amendments to the scheme. Lighting overspill has been designed out as illustrated in technical drawings submitted by the applicant, indicating that direct lighting onto properties and resulting amenity impacts is not a concern. Given the separation distances to the nearest dwellings, the presence of existing landscaping and boundary fencing, it is considered that the development will not result in any overlooking issues or loss of privacy.
74. Environmental Health colleagues were also consulted specifically in relation to information submitted on the 12th of May 2023 from the applicant relating to rubber crumb and end of life pitch recycling. The note prepared by the Football Foundation outlines the regulatory framework and current good practice measures to be followed in the procurement, maintenance, and end of life disposal of 3G Artificial Grass Pitches (AGP). We have no objection to these principles as they will mitigate risk in accordance with the current regulatory framework. As stated, materials that make up the pitches are regulated under the REACH regulations (Registration, Evaluation, Authorisation and Restriction of Chemicals) which ensure that rubber granules contain low concentrations of PAH (Polycyclic Aromatic Hydrocarbons) and other relevant hazardous chemicals. The European Chemicals Agency calls for further research into the health impacts of playing on AGPS however, current studies have concluded a low risk from exposure to granules. It is recommended that appropriate signage and management procedures are in place to encourage good hygiene after using the pitches and prevent granules being tracked off the pitch. It is considered that these details should also be included in a management plan, which as previously mentioned, can be conditioned as part of the planning approval.
75. Against this background and subject to planning conditions it is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the development plan is satisfied.

#### Highways

76. The application has been assessed by the council's highway engineer.
77. The proposal will involve an upgrade of the existing access off Bradford Road to provide a new emergency access and maintenance route. The new vehicular path would be approximately 120m long and 3m wide, suitable for one-way traffic only. A passing point -5m wide - is proposed midway along the length. The access will also be used as the construction route. The applicant has submitted a Highways Technical Note (HTN) dated January 2023 to include swept path analysis of construction traffic

utilising the access track. Whilst there are pinch points, it is understood that this will be managed, with tippers to be able to turn around within the footprint of the pitch during construction.

78. No additional parking is proposed as part of the development, with parking expected to be accommodated within the schools existing parking facilities, which include 145 vehicle spaces, including 6 EV charging spaces. The school also benefits from 104 cycles spaces, including 8 visitor spaces. An assessment has been undertaken for the proposed development, where it was assumed that all four 5-a-side pitches are booked at the same time. A 5-a-side football match could have 16 participants (each team with 5 players, 1 sub and 2 assistant/coach), hence a total of 64 people could be present at the same time. However not all participants would individually drive or needing a parking space. There will be elements of drop-off / pick-up, car sharing and bus/coach travel. Therefore, the existing level of parking provision within the school's grounds is considered sufficient to accommodate the demand solely associated with the proposed development.
79. As part of the consultation exercise, highway officers have previously raised concerns that the community use of the pitch would clash with end of school day run and after school activities. However, it has been confirmed that the community use would start after 5pm and thus avoid any such clash parking impact overlap. This is to be secured by condition. The school has also confirmed that it would not let the pitch externally when school events are scheduled. This is also to be secured by planning condition.
80. Also, in response to initial highway officer and objector comments, a Framework Car Park Management Plan (CPMP) has been submitted in support of the planning application. This is appended to the HTN dated January 2023. The CPMP includes measures to control, enforce and monitor the school's car park so that users are parked appropriately and without causing a nuisance to neighbours and other school users. The measures included are considered to be acceptable, however a detailed CPMP will still need to be secured by condition. Notwithstanding this, updated highway comments also seek to secure S106 funding to introduce potential Traffic Regulation Orders (TRO's) should on street parking issues arise as a consequence of the development.
81. In terms of the proposed floodlighting, the council's highway engineer also sought additional details to ensure any light intrusion does not negatively impact on highway safety. The Lighting Report attached to the HTN dated January 2023 shows the spillage at 0.1-0.2 at Bradford Road, which is not severe and akin to 'moonlight' spillage. The spillage onto Fieldhead Drive is 0.1-1.4 to the east, which would be similar to a streetlight. Therefore, from a highway perspective, the floodlights would not be dominant insofar as it causes driver distraction or highway safety concerns.
82. In addition, an updated travel plan will be required to ensure that active travel is promoted to both school and community users. This is to be conditioned. A unilateral undertaking will also be required to secure a financial contribution required to monitor the travel plan. Subject to the above there are no highway objections, and it is considered that planning policies T5 and T24 are satisfied.

### Landscaping

83. The application has been considered by the council's landscape architect. The applicant has provided a full tree survey as well as providing an updated Arboricultural Impact Assessment (AIA) in response to initial comments received from the council's landscape architect. The earlier landscape comments sought further details to take full account of services to the proposal, including drainage impacts, grading works and requirements for working room.
84. The (AIA) has considered 26 individual trees and one hedge. It is noted that no trees are scheduled to be removed in order to enable the development to proceed, albeit some tree pruning measures are required to enable site access. It is also noted that a section of hedging is to be removed (and later replaced) to enable the installation of a surface water drain route. It is also proposed that all other remaining trees are to be protected by the installation of tree protective fencing and/ or temporary ground protection unless protected by the new permanent boundary fence.
85. The tree report has identified that to the west of the site, a line of Poplar trees which run north/south, with one exception, have been categorised as ' U trees and unsuitable for retention' as they could not realistically be retained in the context of the current land use for longer than 10 years and are showing signs of overall decline. The Poplar trees are not proposed for removal at this current stage as they pose no constraint to the development occurring. The Poplar trees (numbering 19 in total) vary in height from 12 to 18m tall with stem diameters between 40 and 100cm and represent an attractive and prominent visual feature.
86. In response to Landscape comments, the applicant has also produced a Poplar Management Strategy (PMS). The management proposed includes the reduction in height of the trees while retaining potential bat roosts. Some interplanting locations are also proposed to help manage their decline and to ensure that any replacement planting helps maintain an appropriate landscaped buffer over the passage of time.
87. Although to be conditioned, but in response to landscape comments, the applicant has also provided an indicative landscape scheme and confirmed that buffer planting will comply with related LCC guidance. In summary, proposals include on-site and off-site planting involving the introduction of two earthed mounds to the southeast and southwest of the AWP which will contain wild meadow and tree planting. As mentioned above, interplanting along the linear section of poplar trees to the west of the AWP is also proposed.
88. Against this background, and on balance, no objections have been raised following the receipt of updated details by the council's landscape architect subject to conditions relating to tree protection and full details of a landscaping scheme. Additionally, given the intricate work proposed around trees and RPA's, it is recommended that this is overseen by an arboriculturist to ensure that measures set out in the AIA are covered by an appropriate method statement. Against this background the proposal is broadly considered to be acceptable and planning policies LD1 and P12 are satisfied.

## Ecology

89. Core Strategy policy G9 'Biodiversity improvements' requires that the design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife.
90. The applicant has submitted a Preliminary Ecological Appraisal Report (PEAR) and a Biodiversity Net Gain Assessment.
91. The primary aims of Biodiversity Net Gain are to secure a measurable improvement in habitat for biodiversity, to minimise biodiversity losses and to help to restore ecological networks. The National Planning Policy Framework (NPPF) makes provisions for the delivery of biodiversity net gain.
92. The council's ecologist has assessed the supporting related reports. Further details were initially sought in regard to how neutral grassland is to be created and managed in order to achieve a fairly good condition. Similarly, how the modified grassland is to be enhanced and managed to achieve a fairly good condition. Notwithstanding this, it remains doubtful that this condition could be achieved as the proposed management, combined with regular mowing, would make it difficult to implement as prescribed and, more importantly, differs from the traditional meadow mowing regime recommended by seed suppliers and recognised conservation bodies. The condition achieved by the created and enhanced modified grassland is therefore more likely to be a moderate condition rather than fairly good.
93. In terms of Biodiversity Net Gain calculations presented by the applicant, it states:
- For on-site biodiversity, the BNG Report and calculation tool illustrates the following:
- Baseline Habitat Units = 2.57 (0.46 To retain, 2.11 to lose)
- Post-development Habitat Units = 1.57 (0.46 Retained, 1.11 created)
- On-site, the scheme provides a loss of 1.00 Habitat Units or a Biodiversity Net Loss of 38.87%
94. The BNG Report proposes to meet this shortfall by providing Habitat Units on other land controlled by the applicant, adjacent to the development red line and within the blue line. For off-site biodiversity, the BNG Report and calculation tool shows the following:
- Baseline Habitat Units = 0.06 (0.06 to enhance)
- Post-development Habitat Units = 1.36 (1.23 created, 0.13 following enhancement)
- Off-site, the scheme provides an uplift of 1.30 Habitat Units.

95. Combining the post-development off-site and on-site Habitat Units gives a total of 2.93 Habitat Units, or an uplift of 0.30 Habitat Units or a Biodiversity Net Gain of 11.86%.
96. The BNG Report states the post development habitat will include medium size class trees and accordingly, an area for 'created' Urban Tree habitat has been calculated using the Tree Helper tool within the Calculation Tool. However, the Biodiversity Metric 4.0 User Guide (Natural England 2023) states most newly planted trees should be categorised as small, and that evidence is required to justify the input of larger size classes. The Diameter at Breast Height (DBH) each size class of tree is required to achieve at 30 years from planting is shown in the table below (taken from Biodiversity Metric 4.0 User Guide).
97. To provide confidence the trees to be planted as part of both on-site and offsite habitat creation can achieve the medium size class within 30 years of planting, the applicant was asked to provide supporting evidence to ensure the measurable net gain is policy compliant. If net gain is assessed on the 14 trees achieving the small category, the scheme actually results in a net loss for biodiversity.
98. In response to this, the applicant has provided further supporting information detailing tree species. However, following a review, it is noted there are some inconsistencies in the submission that need clarifying and further information required before this can be considered evidence the 14 new trees will achieve the medium size class.
99. Whilst it is not therefore agreed that the supporting evidence is sufficient to confirm that the tree species to be planted will reach the medium size classification within 30 years of planting, given the extent of the overall site controlled by the applicant, it is evident that there is ample space to provide the 14 additional trees required at a distance of (10m apart) and that appropriate species can be sourced to satisfy this medium class specification.
100. A possible solution to achieving a net gain for biodiversity could be to treat the planted trees as achieving the small size category, but to plant more of them around the site boundary, and/or also augment the wooded areas to the north of the modified grassland by creating a scrubby edge. Further biodiversity units could also be created by the enhancement of the more semi-natural area to the northwest of the site can be achieved by confirming a traditional meadow management regime will be implemented – not cutting from spring through to late July/August. This will have the added benefit of providing an outdoor learning environment for the school.
101. As such, it is considered that this matter can be conditioned as part of any planning approval although ideally it is acknowledged that it would have been better for this to have been evidenced prior to determination.
102. In terms of the impact upon wildlife, the PEAR refers to 3 poplar trees in the line of trees immediately adjacent to the west of the proposed artificial pitch. These are considered to have low bat roosting potential. Section 7.1.3 of the PEAR states these trees will remain under the proposed development. The submitted Poplar Management Strategy report (PMS) identifies 4 trees with bat roost potential (1.4, 1.8, 1.10 and 1.13). The PMS outlines work to all these trees under phase 1 of the PMS.



Due to these conflicting report details, regarding the number and suitability of potential roost features (PRF's) in the poplar trees immediately adjacent to the development, the council's ecologist initially recommended a precautionary approach.

103. Also, given public comments regarding bat roost potential of some of these poplar trees and the greater number of trees identified with PRFs in the PMS when compared with the PEAR, the council's ecologist also initially requested that a further ground level roost assessment be undertaken to clarify the roosting potential of the line of poplar trees adjacent to the western boundary of the development site.
104. However, after further dialogue with the applicant, given the proposal involves no direct tree loss, albeit mindful of the proximity of potential bat roosts, the applicant has agreed to accept a restriction on the use of the floodlighting to avoid conflict with potential bat activity and foraging. This is to be controlled by an automatic timer. As such it is proposed no floodlighting is to be permitted at the following times:
  - After 8pm in April and May
  - After 9pm in June and July
  - After 8pm in August
  - After 7pm in September
  - After 8pm in October
105. In addition, and in view of the desirability of implementing the Poplar Management Strategy, based on the assumption that no potential bat roosting features will be removed, as per section 6 of the Poplar Management Strategy, the council's ecologist is satisfied that a condition can be imposed requiring a suitable Bat Mitigation Method Statement to be submitted. Any such scheme presented would need to be based on appropriate surveys being carried out prior to any works on trees where potential bat roost features have been identified.
106. In terms of broader wildlife issues, the PEAR states there is no suitable nesting habitat within the development boundary but there is in the adjacent habitat to the east, south and the line of Poplar trees to the west. While these areas will remain undeveloped, the PEAR identifies suitable measures to avoid harming birds and their active nests in habitat adjacent to the development. These measures can also be secured through condition.
107. While the PEAR states there was no evidence of badger presence, the site is in an area of increased probability of badger activity and the PEAR describes measures to avoid impacting on badgers during the construction phase. The PEAR states that hedgehogs could be using habitat immediately adjacent to the development site for foraging or sheltering. The PEAR describes measures to avoid impacting on hedgehogs during the construction phase. These measures can be secured through condition.
108. To provide enhancements and contribute to a species net gain for biodiversity (as per the NPPF para. 174 and Core Strategy Policy G9), the PEAR describes several

measures that will be undertaken. These include tree mounted bat and bird boxes, a hedgehog box and invertebrate den. These can also be secured through condition.

109. On this basis it is considered that there are no objections in this regard and the impact of the development upon the local environment and wildlife can be mitigated and enhanced with the planning conditions referenced above. Planning policy G9 is therefore considered satisfied.

#### Other issues

110. In terms of drainage and flooding matters raised by objectors, the council drainage engineer has assessed this application together with supporting documentation. The Environment Agency's Flood Map for Planning (River and Sea) depicts that the application site is located entirely within Flood Zone 1 (Low Probability) in relation to flood risk from rivers and the sea. The Environment Agency's Long-term Surface Water Flood Risk map indicates that the proposed site is located across Low Medium and high-risk areas prone to surface water. The majority of the site has a low risk of between 0.1% and 1% Annual Exceedance Probability (AEP) whereas the northern limits of the development are within a high-risk area of flooding giving it a risk of flooding greater than 3.33% (AEP).
111. As the application is a full planning application, full details of the drainage design were sought. This is to demonstrate that the proposed development will comply both with the Leeds CC Minimum Development Control Standards for Flood Risk and also not increase the flood risk to any area outside of the application site or any adjacent land owned by the applicant for all storm events up to and including the 1% AEP plus the appropriate allowance for climate change.
112. In response to the council's drainage engineer's comments, the applicant submitted an updated Flood Risk Assessment together with supporting technical details. The council's drainage engineer has reviewed these additional details and confirmed that the proposed drainage design solution is acceptable, and all previous comments have been addressed. Consequently, no objections to the application are therefore raised subject to the planning conditions being imposed. NRWLP policy Water 7 and GP5 of the UDP are therefore satisfied.
113. Comments have also been raised by objectors referring to how the application has been publicised. The application has been advertised in accordance with planning procedures. The application was first advertised on the 14.6.22 and at the request of Cllr Thomson, again on the 2.8.22 with several site notices located around the site. The application has also been advertised in the Yorkshire Evening Post on 1.6.22. In terms of community engagement, whilst the council encourages applicants to engage with communities prior to submission of an application, there is no mandatory requirement to do so. Objection comments made also suggest that the development will be harmful to people's mental and physical well-being. In contrast to this, section 8 of the NPPF: Promoting Healthy and Safe Communities, acknowledges that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities (paragraph 98).

114. Whilst it is inevitable that the construction process will lead to some disruption, inconvenience and impact on the living conditions of neighbouring occupiers, this can be mitigated against with a related construction management condition. In terms of issues raised by objectors in relation to the need for such a development and the fact that other existing facilities in the area could be better utilised, these are factors which are not material to the determination of this application nor is property devaluation. The application must be therefore determined on its own individual planning merits.

## **CONCLUSION**

115. The proposed development is considered to be acceptable in planning terms and lies within an area of sufficient size to accommodate such a proposal without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character.
116. In land use terms the proposed development will not prejudice or restrict its current use. The land is not designated as public open space and as such the principle of the development is considered to be acceptable in planning policy terms.
117. As outlined in this report, extensive consideration has been given to protecting the living conditions of nearby residents from lighting, noise and disturbance arising from the use of the proposed playing pitch. Planning conditions restricting the hours of use, acoustic fencing and a noise management plan will also help substantially mitigate against any such potential harm.
118. In terms of highways, landscape and ecology considerations, the proposal is also considered to be acceptable and appropriate planning conditions are also to be imposed to ensure related planning policy compliance.
119. Weighing in favour of the development is the considerable weight afforded to the improved sports facilities provided and the clear benefit these will have to the pupils of Guiseley School and to the wider community and sports clubs within the local community that will clearly benefit from the addition of a floodlit AGP.
120. All material matters raised by third parties as summarised have been considered, and those that are not material in planning terms have been identified in the report and acknowledged as such.
121. Against this background it is concluded that the development is acceptable in planning terms. It is therefore, recommended that the application be approved subject to a unilateral lateral undertaking relating to the payment of a travel plan monitoring fee and the planning conditions listed above.

South and West Plans Panel

22/03466/FU

Guiseley School

Fieldhead Road

Guiseley

Leeds

LS20 8DT

## **Appendix B**

South and West Plans Panel report dated 23<sup>rd</sup> November 2023

**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**23rd November 2023**

**Subject: 22/03466/FU - New artificial grass pitch with floodlighting; storage container; new emergency access; relocation of existing long jumps; associated landscaping works. Guiseley School, Fieldhead Road, Guiseley**

APPLICANT	DATE VALID	TARGET DATE
Aireborough Learning Partnership	17.5.22	TBA

<p><b>Electoral Wards Affected:</b></p> <p>Guiseley &amp; Rawdon</p> <p><input type="checkbox"/> Yes      Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity      <input checked="" type="checkbox"/></p> <p>Community Cohesion      <input type="checkbox"/></p> <p>Narrowing the Gap      <input type="checkbox"/></p>
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**RECOMMENDATION: GRANT PERMISSION** : subject to a S106 agreement to require funding for TRO's & payment of a travel plan monitoring fee and the following conditions:

1. Time limit.
2. Approved Plans.
3. Materials.
4. Surfacing materials

5. Hours of use to be limited to 9.00am to 8.50pm Monday to Friday and 9am to 6pm Saturday and Sunday with no community use before 5.00pm on weekdays.
6. No flood-lighting permitted after 8.00pm in August, 7.00pm in September & 8.00pm in October.
7. Full specification details of all fencing including acoustic fencing to be provided.
8. Tree protection measures.
9. Landscaping Scheme.
10. Landscape management plan.
11. Full details of Biodiversity Net Gain to be provided
12. Construction and environmental management plan.
13. Biodiversity enhancement and management plan.
14. Bat Mitigation method statement to be submitted.
15. Drainage details to include rubber particle filter to be submitted.
16. End of life strategy for removal and disposal of rubber crumb.
17. Off-site highway works.
18. Gates to be set back from highway.
19. Community use agreement.
20. No community use to be allowed at times when out of hours school events are scheduled.
21. Car park and service management plan.
22. Construction Management Plan.
23. Travel plan.
24. Hours of construction.
25. Noise management plan to be submitted.
26. Details of access widening works and method statement to be provided.

## **INTRODUCTION:**

1. This is a full planning application for a new artificial grass pitch (AGP) with floodlighting; storage container; emergency access; relocation of existing long jumps; associated landscaping works.
2. This report should be read in conjunction with the earlier Plans Panel report presented on the 3rd of August 2023, which is appended to this covering report.
3. Following the consideration of this application at South and West Plans Panel on the 3rd August 2023, Members resolved to defer this application to enable further information to be provided by an objector who lives in close proximity of the site to enable the submission of supporting evidence which was raised during a closed session of the meeting. At the time of writing however, information relating to this issue has been repeatedly sought by the local planning authority, but this has so far been denied.

4. Members also deferred the application in order to consider how the application had been advertised and the scope for wider public consultation and engagement to be undertaken.
5. In respect of wider public consultation measures, a community exhibition and consultation event were held on the 26<sup>th</sup> October at Guiseley School. In response to this Cllr Alderson has commented that he raised direct concerns with the planning agent and the school about the inadequate circulation and promotion of the consultation event and that this concern was not addressed. Cllr Alderson also notes that an unacceptable number of residents who live along the perimeter of the school did not receive a letter informing them of the event. This included residents on the Fieldhead Drive, Fieldhead Road, Back Lane, Aldersyde Road and Aldersyde Way. Cllr Alderson also understands some local residents created their own information letter to inform people of the event and hand delivered them to numerous houses. In terms of the event itself, Cllr Alderson has commented that he received different answers to the same question depending on what member of staff you were talking to from information board to board. For example, Cllr Alderson cites, he was told that re-locating the pitch on the site was not an option as it was too expensive - a contrast to what the agent's summary letter indicates. In this context Cllr Alderson does not agree that concerns have been adequately addressed or appropriate efforts had been made to inform locals of the opportunity to attend the event.

#### The Equality Act 2010

6. The Equality Act 2010, defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'.
7. As a decision maker, LPA's have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:
  - i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. In accordance with (2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant protected characteristic

and persons who do not share. This involves having due regard, in particular, to the need to:

- i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

9. At the time of drafting this report, no information has been provided to the local planning authority to suggest that there is a need for an Equality Impact Assessment or one that can be undertaken.
10. The application has been amended in respect of the comments/ objection received as well as broader public concerns which have also been raised regarding the extent of consultation undertaken by the applicant. These changes are documented below.
11. In respect of public consultation and broader community engagement, as mentioned in the covering initial planning report, the application has been advertised in accordance with planning procedures. The application was first advertised on the 14.6.22 and at the request of Cllr Thomson, again on the 2.8.22 with several site notices located around the site. The application has also been advertised in the Yorkshire Evening Post on 1.6.22. In terms of community engagement, whilst the council encourages applicants to engage with communities prior to submission of an application, there is no mandatory requirement to do so. Nevertheless, following comments received at South and West Plans Panel on the 3.8.23. the applicant held a public consultation event at Guiseley School on the 26.10.23.
12. The event was designed to ensure that those residents in closest proximity to the site would be able to attend and to offer their views on the proposals, and to discuss whether any further measures could be incorporated to try and alleviate concerns. It is understood 41 people registered to attend the event and were provided with questionnaires for those residents to fill out, as well as exhibition boards which contained information about the proposals.

It is also understood Local Ward Members attended the event.

In summary, concerns were broadly raised across the following topics:



- Hours of Use
- Highways / Parking
- Noise
- Drainage
- Floodlighting

13. In response to the comments raised, the applicant has suggested the following measures be incorporated:

- A ban of whistles after 6pm during weekdays – this means that the school can continue to use whistles as they currently do during PE lessons, but they would be banned for community use in the evening. Guiseley Juniors FC have confirmed this is acceptable as training would take place during the week, with only matches on the weekends.
- Provision of additional planting on the eastern boundary to bolster the existing landscaping to shield elements of the proposals from view.
- Updates to the Parking Management Plan, to incorporate new additional measures:
- Provision of signage on PRow entrance near Fieldhead Drive which sets out that users of the pitch should not be parking in nearby local residences and will be asked to move their cars / risk of being banned from the pitch.
- Edu lettings (who would be running the pitch community lettings) have agreed to deploy x2 members of staff on for evening/weekend use, to take users of the pitch to and from the pitch, sign people in, and ensure cars are parked in the right location.
- Confirmation that a direct contact and number will be provided for complaints.
- Update to hours of use: 9am – 9pm on Weekdays, 9am – 6pm on Weekends. Floodlight timings being amended to be turned off at 8.50pm to ensure prompt exit from the pitch.
- Amendment to the pedestrian access to the pitch from the school to move it further into the school grounds – this reduces the appeal of using Fieldhead Drive to access the pitch.
- Revisions to floodlighting to change the colour in lighting from 5000k to 4000k which the applicant describes as a slightly 'warmer' light.

### **Hours of Use**

14. It is understood a meeting was held between the school, Guiseley Juniors and the Football Foundation to discuss a reduction in hours of use in the evenings following public comments. However, the applicant has stated that they are not able to accommodate this change as this would impact on the viability of the proposals in terms of the hours of community use which would be available in order to maintain a sinking fund for the maintenance of the pitch. Sport England policy also requires that the applicant provides community use provision.
15. The applicant has however discussed the start time for the use of the pitch and have amended this to 9am on both weekdays and weekends, which means a more consistent start time throughout the year. Furthermore, it is also suggested that floodlighting times finish at 8.50pm to ensure that users of the pitch have left by 9pm, as opposed to the floodlights being turned off at 9pm with users exiting afterwards.

### **Floodlights**

16. It is also noted that the applicant has explored the option of reducing the floodlighting column height. However, following an assessment by the applicant's lighting consultant, it is considered that reducing the column height would worsen the lighting spill. However, as set out above, the applicant has offered to amend the lighting colour from 5000k to 4000k, which is a slightly warmer light, and this does not affect the spill.
17. As per the previous lighting design, the proposals would also include internal louvres/shields which will assist in reducing light spill. In addition, there are additional restrictions on the floodlighting throughout the year which the applicant has previously agreed to, which means they would be switched off at the following times:
- April & May: 8pm
  - June & July: 9pm (now to be revised to 8.50pm)
  - August: 8pm
  - September: 7pm
  - October: 8pm

### **Layout Amendments**

18. In terms of other potential changes, the applicant has also explored the option of moving the pitch; firstly, into the western field – however it is understood that this suggestion was not welcomed by certain residents as this would bring the pitch into closer proximity of their homes. Concerns were also raised that this would lead to the proposed emergency/maintenance access being used by the users of the pitch as they would be inclined to park their cars in the surrounding residential streets rather than at the school as the access would be easier. The option of moving the pitch further north of the western field would conflict with a dedicated ecological area.

19. The applicant has also considered moving the pitch circa 5m to the west, however this have an impact on a row of poplar trees and although classified in the tree report as category U, they are of ecological value and potentially house bat roosts. A further option of moving the pitch to the northern field and reorientating it has also been considered, however by reorientating it 90 degrees it would not fit; and simply moving it further north would also impact a larger area of surface water flooding.
20. As a further mitigation measure however, it is now proposed that additional planting is provided along the eastern boundary of the site, particularly in areas where this existing vegetation is sparse – this can be incorporated within a final landscaping plan which can be conditioned. Specific wording can be put forward within the condition to ensure this will be designed and specifically provided.
21. In addition, the applicant has also confirmed, based on comments from residents received at the community consultation event, that the proposed access path to the pitch is to be positioned further away from Fieldhead Drive. The path has been amended so that it would now link with an alternative path located between the school buildings. The intention of such is to reduce the appeal of accessing the pitch via Fieldhead Drive.
22. Consideration has been given to proposing a bridge up and over the school playing fields to avoid the footpath, however there are Health & Safety implications with such a structure as well as potential landscape impacts.
23. Finally, consideration has been given to removing the proposed emergency/maintenance access from the proposals however the Football Foundation have confirmed that a dedicated track needs to be provided to ensure ambulances can access the pitch quickly. The school have cited that whilst at the current time there is not a vehicular access to the pitches, this does present a Health & Safety concern and in future they would have to consider some form of vehicular track, regardless of this proposal going ahead or not.

## **Noise**

24. As above, consideration has been given to moving the pitch, however options for doing so are limited for the reasons described. In response to comments received, at the community consultation event it is noted that the management plan will ban the use of whistles during the weekdays (after 6pm) which would assist issues relating to unexpected noises. Guiseley Juniors have confirmed that this would be acceptable because during the week it would be training taking place – they already do not use whistles for this purpose. Matches would be played on the weekends between 9am – 6pm.

25. As noted above, the applicant is not offering to reduce the evening use any further but the restrictions on floodlighting times do essentially reduce the hours of use in any event. In addition, start times to 9am on weekdays (both term and non-term time) would enable a consistent start time throughout the year. Consideration has also been given to increasing the acoustic fencing height by a further 0.5m, however it is understood concerns were raised by residents, at the community consultation event, about the adverse impact this would have on the visual amenity due to the increase in height.
26. Other mitigation measures include a requirement for a noise management plan which would aim to address issues of swearing, etiquette, etc. and this can be secured by way of condition – residents' meetings would be offered to discuss potential concerns and issues and a specific name and number for complaints would be provided as part of the final noise management plan.

### **Highways / Parking**

27. In response to highway and parking issues raised by residents at the public exhibition, an updated Parking Management Plan has been provided which sets out additional measures such as the following:
- Provision of signage within school grounds on PRow near Fieldhead Drive and further north which sets out that users of the pitch should not be parking in nearby local residences and will be asked to move their cars;
  - EDU letting from Guiseley School (who would be running the pitch community lettings) have agreed to put x2 members of staff on for community use for the AGP, to take users of the pitch to and from the pitch, sign people in, and ensure cars are parked in the right location; and
  - Confirmation that there will be a contact name and telephone number for complaints.
28. A detailed Parking Management Plan will be conditioned to add further measures which will be consulted upon by the council.
29. In terms of other public comments received since the previous plans panel meeting, it is noted three further objections have been received. The first refers to a report to The Science and Technology Committee of the House of Lords dated 19th July in which it is stated "Light and noise pollution are "neglected pollutants" in need of renewed focus". The report notes these pollutants have significant negative effects on people's physical and mental health. The second raises concerns about light pollution, the height of the lighting columns, the need for baffles and guide cables to stop them swaying as this would disturb surrounding residents' sleep patterns and would be harmful to wildlife. The third, describes the proposal as a waste of money,

unnecessary and in the wrong place. Issues of flood risk are also mentioned as well as the fact that the applicant should provide proof of funds to recompense those at risk.

30. In response to these additional public comments, it is noted that the council's Flood Risk and Environmental Health Officer were consulted on the original scheme and raised no objections from a flooding, lighting and noise perspective following the receipt of mitigation measures proposed at that time. It is further considered that following the additional amendment measures received, these will further serve to ensure that local residents' amenity is protected and safeguarded. From a highway perspective, as per the original planning report, no objections have been raised subject to planning conditions and funding for a Traffic Regulation Order to be put in place. In terms of public comments made in relation to proof of funding and how the applicants choose to spend their money, these are not material planning matters.
31. In the context of the circumstances described above, it is considered that the Council has fulfilled its duty under the Public Sector Equality Duty to ensure its actions do not disproportionately affect a group of people. The proposal has been considered in terms of the existing and future residents with protected characteristics and whether they would be impacted negatively or positively. It is concluded, based on the details and context provided, that these impacts have been reasonably considered and addressed and that the council has discharged its duties responsibly.
32. In addition, there would also be the wider general benefits for residents and existing users from a significant enhancement of a sporting facility and pitch provision with a modern purpose-built pitch and facilities. It is considered that sport and recreation can make an important contribution to the health and well-being of communities and both local and national planning policies seek to plan positively for community provision.
33. Against this background and in the context of the appended main planning report previously presented to Members, it is concluded that the development is acceptable in planning terms. It is therefore, recommended that the application be approved subject to the conditions listed and a S106 agreement to cover potential traffic regulation orders and a travel plan monitoring fee.