

**DEVELOPMENT CONTROL AND REGULATION COMMITTEE**  
**29 September 2022**  
**A report by the Executive Director for Economy and Infrastructure**

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**Application Reference No. 5/22/9002**

Application Type: Full Planning Permission

Proposal: Creation of a Multi-Use Games Area (MUGA); comprising installation of a 4G Artificial Grass Surface on an existing hard-surfaced area, erection of floodlighting with ancillary infrastructure, new fencing and landscaping; and extended community use of the MUGA.

Location: Ulverston Victoria High School, Springfield Road, Ulverston, LA12 0EB

Applicant: Ulverston Victoria High School

Date Valid: 20 July 2022

Reason for Committee Level Decision: Objection received from a representee and Application made under Regulation 3.

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## **1.0 RECOMMENDATION**

1.1 That Planning Permission be granted subject to the conditions set out in Appendix 1 to this report.

## **2.0 THE PROPOSAL**

2.1 Planning permission is sought to construct a new Multi-Use Games Area (MUGA) on a former tennis/sport court area situated within the eastern grounds of Ulverston Victoria High School. The proposed development comprises the installation of a fourth generation (4G) synthetic grass surface and erection of floodlighting (with ancillary electrical equipment) and new fencing. An extended community use of this new MUGA is also proposed. Some mitigatory planting is proposed along the eastern boundary of the school playing field.

2.2 The applicant reports that the tarmac surface of the existing tennis/sport court has deteriorated to a point at which sporting activities cannot take place there; necessitating the school to make use of facilities elsewhere in Ulverston when wet weather makes the grass playing fields on site unusable. The applicant wishes to upgrade this court to a modern standard to allow for all-year round use for the school and extended evening and weekend-use. The applicant also proposes to allow community use of the proposed new facility over evenings and weekends during term time and during school holiday periods. They explain that the community usage is central to their funding package for the proposed upgrade works and that they could not realise this proposal without it.

2.3 It is proposed to install a green coloured 50mm deep/thick 4G synthetic grass turf (which doesn't possess a black rubber crumb/pellet like that found in 3G surfaces) on top of the existing tarmac court surface (which would be spot-repaired to provide a level sub-base). Drainage arrangements would remain as existing. The pitch area is proposed to match that of the existing court – i.e. 70m x 33m. The proposed MUGA would be marked-out principally for football but would also be suitable for Netball, Hockey, Dodgeball, Tag Rugby, Athletics skills

and Circuits.

- 2.4 It is proposed to install new 3m high paladin welded mesh sports fencing around the MUGA surface area (with gateways to match) to replace the existing 3m high wire mesh tennis fence. These would be powder coated dark moss green (RAL 6005). A 45cm high “kicker-board” is proposed to be affixed to the bottom of the fence. This board would comprise of pressure treated timber fixed to the inside of the fence with coach bolts and clamp-clips. To the northern and southern ends of the paladin fencing, it is proposed to mount ball netting onto galvanised extension brackets that would stand 2m above the 3m high fencing.
- 2.5 It is proposed to erect 6x lighting columns that would stand 7.5m in height above ground-level to mount floodlighting onto and install 8x 450w LED forward-throw luminaires. The columns would be positioned at each corner and halfway along the length of the MUGA, with the latter two central columns having dual mounted luminaires. Each stainless steel lighting column would have a lower base measuring 17cm in diameter while its upper shaft would measure 9cm in diameter. The luminaire frame/body would be formed from die-cast aluminium powder coated an anthracite grey colour. A galvanised coated metal feeder pillar cabinet would be provided adjacent one of the lighting columns.
- 2.6 It is proposed that the MUGA would be available for community usage on school weekdays from 17.15pm during term time until 21:00. During school holiday weekdays it is proposed that the facility would be used for youth sports/multi-skill camps during the day (09:00-17:00), and available for community hire in the evenings (17:00-21:00). On weekends and bank holidays use of the MUGA is proposed to be limited to take place between 09:00 and 17:00.
- 2.7 It is proposed that the existing school car parking areas accessed from Springfield Road would be utilised in conjunction with the community use. It is envisaged that management of the community use element would create two part time jobs.

### **3.0 SITE DESCRIPTION AND CONTEXT**

- 3.1 Ulverston Victoria High School (UVHS) is located on the western side of the market town of Ulverston. It lies approximately 350m south of the designated boundary of the town centre and occupies a large open site totalling approximately 8.5ha. The complex of school buildings and motor vehicle car parking areas are situated on the western side of the site, with vehicular access achieved in proximity to these off Springfield Road (C5033). The site slopes down from north-west to south-east, from circa 37m AOD at the north-western corner of the site on Springfield Road to circa 16m AOD at the easternmost point of the site at Victoria Road. The school’s playing fields cover a circa 4.2ha area on the eastern and southern sides of the site with belts of mature trees present along its south-eastern and northern sides.
- 3.2 The existing tennis/sports court area that is the subject of this application is situated within the north-eastern grounds of the school, to the north-east of, and below, the school sports hall which is built-out onto a large embankment. This court is immediately bounded by an internal path to its west and south. Beyond the path to its west is a belt of mature trees. The court is immediately surrounded by playing field to its northern and eastern side with formal marked-out playing pitches present to the south of the southern internal path. The path to the west of the court provides for pedestrian access from Braddyll Terrace while the path to

the south of the court provides for pedestrian access from Victoria Road.

- 3.3 The court measures approximately 85m in distance from the tree-lined boundary of the school with the highway of Braddyll Terrace. The former Ulverston Ambulance Station site lies approximately 70m north-east of the court. South of the ambulance station, the school boundary with the former Marsh House Care Home, lies, at its closest point, approximately 35m north-east and is delineated with palisade fencing. A 1.6m high timber hit-and-miss fence runs along the primary rear building line across the spaces between the gable ends so as to contain a rear courtyard garden area at this former care home. A relatively steep grass embankment lies between this building line and the palisade fencing. This primary rear building/fencing line, measures, at its closest point, 52m from the court. Marsh House is predominantly two storey in height, with some single storey elements to its southern side closest to the court.
- 3.4 Former residents of the care home were relocated to the Parkview Gardens Residential Care Home in Barrow a number of years ago. It is currently understood that Marsh Housing is being utilised for administrative purposes by the Cumbria Care Day Services Team. It is understood that the heating system at Manor House would require replacement at significant cost if any form of residential use of this building was to be resumed. It is understood that the County Council explored the possibility for providing new Extra-Care Housing Provision on the Marsh House and the former Ambulance Station sites, but that studies indicated that this combined parcel of land, which amounts to just below 0.5ha, was not viable for this type of use.
- 3.5 South of Marsh House is No. 18 Victoria Road which is a single storey residential care home for vulnerable people (with a maximum occupancy of 6 tenants) which is managed by Creative Support. The curtilage of this care facility lies, at its closest point, 38m from the court. South of this facility lies two semi-detached two storey dwelling houses (No.s 20 & 22 Victoria Road). South of these is a bungalow (No.24 Victoria Road). The curtilages of these properties measure just over 69m from the courts. The only other residential property on the eastern side of Victoria Road adjoining the school playing field is Ivy Cottage which lies 135m south-east of the courts, with a mature tree line present along the boundary.
- 3.6 Ulverston Leisure Centre lies approximately 400m south-east of UVHS' curtilage and is accessed from the A5087 Priory Road. The outdoor facilities at the leisure centre include three outdoor polymeric surfaced tennis courts, two floodlit outdoor synthetic grass tennis courts and a full sized floodlit all-weather 3G Astroturf pitch which is suitable for hockey, football and rugby training. It is noted that these facilities are currently available to use until 21:30 Mondays to Thursdays, until 20:00 on Fridays, and until 16:00 on weekends.
- 3.7 Ulverston Victoria High School caters for 11 to 18 year olds and had 1,382 pupils on role in the last academic year. The school reports that it has 180 car parking spaces.

#### **4.0 SITE PLANNING HISTORY**

- 4.1 There is no recent planning history relevant to this area/part of the school. The most recent planning related application submitted in relation to the current Ulverston Victoria High School (UVHS) site grounds was a prior notification application made in July 2021 (Ref. 5/21/9002) for the demolition of the Woodgarth Building, which is within the north-western area of the site, for which

prior approval was not required. A new build site for Sandside Lodge Special Education Needs School was constructed in the former north-western grounds of UVHS across 2018 and 2019 (Refs. 5/17/9006 and 5/18/9012). In 2014 a number of permissions were granted in connection with extensions and a new building block to the eastern side of the original UVHS building (Refs. 5/14/9007 and 5/14/9014). Permission was also granted in 2014 for the provision of five lighting columns on an existing car park at the north-western side of the site (Ref. 5/14/9002). Condition 3 of 5/14/9002 prohibits illumination of these lights outside of the hours of 07:00 – 22:00. The school sports hall/gymnasium was granted planning permission in 1995 (Refs. 5/95/9009 and 5/95/9010).

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

- 5.1 South Lakeland District Council Planning Department: No objection. Comment that the proposed development would enhance the sports provision within Ulverston and would therefore likely comply with Policies CS1.2, CS9.1 and LA1.1. Observe that the new fencing and lighting poles would be largely viewed against the tree line to the west and would be viewed in association with the other sports and educational activities carried out on the site. Consider that the additional lighting would slightly alter the character of the area but not significantly. Overall, consider that the proposal would have a neutral impact and wouldn't cause harm to the character and appearance of the area. Given the lighting design and operational hours proposed consider that the proposal is unlikely to result in significant disturbance to neighbour amenity and would be in accordance with Policy DM1. Note that the ecological survey submitted with the application concludes that the impact of the lighting on bat foraging is likely to be negligible and that the additional tree planting proposed would provide additional habitat and help soften the impact of the development.
- 5.2 South Lakeland District Council Environmental Health Department: Initially requested conditions be imposed to secure further information in respect of lighting and noise impact. Following the provision of further information in respect of these matters they responded further to set out that they have no objection and no conditions to recommend.
- 5.3 Ulverston Town Council: No response received.
- 5.4 Cumbria County Council (CCC) Local Highway Authority (LHA): No objection. Consider that the proposal would not have a material effect on existing highway conditions.
- 5.5 CCC Lead Local Flood Authority (LLFA): No objection. Consider that the proposal would not increase the flood risk on site or elsewhere.
- 5.6 CCC Historic Environment Officer: No objection and no recommendations.
- 5.7 CCC - Ecological Consultant: Initially requested further assessment and mitigation measures in relation to the bat foraging/commuting corridor to the west of the courts. Satisfied that the provision of backplate shields to the western lighting units would reduce the light backspill on this area to an acceptable level and that the proposals would not be prohibitive to the continued use of this western tree line by bats. Welcomes the additional tree planting proposed and recognises that this would deliver a biodiversity net-gain.
- 5.8 Cumbria Constabulary Crime Prevention Design Advisor: Provides comments

and advice in respect of prevention of crime and nuisance. Notes that the facility shall be offered for wider community use outside school hours with management by Onside Sports Arena CIC. Remarks that this management organisation shall be responsible for securing the facility and ensuring that all visitors leave the school site. Any misuse or abuse of the MUGA must be promptly brought to the school's notice so that responses may be considered (exclusion notices, etc.) Recognises that it is important that the facility does not attract unwelcome gatherings overnight, so casual supervision of the facility shall be an advantage. Consequently, observes that proposed provision of screen planting to the eastern side of the school grounds could be counterproductive in this respect. Advises access to the MUGA should be restricted via padlocking gates (using padlocks certified to 'Sold Secure' Silver standard or LPS 1164 or Europrofile cylinder locks certified to 'Sold Secure' SS312 2). Suggests it may be feasible to include the MUGA within school CCTV views, if present. Perceives that the lighting scheme will only be utilised during sports activities, so should not become a nuisance to surrounding dwellings.

- 5.9 United Utilities: Provide an untailored generic response which recommends the drainage hierarchy be applied and sets out their standard statements in respect of their services and assets.
- 5.10 The application site falls within the Ulverston East County Council Electoral Division. The local member representing that division, Cllr Mark Wilson, has been notified and responded setting out that he supports the proposal considering it to be a well thought out scheme that would help the School, their pupils and the community. Considers that the proposed MUGA will not prove a problem to the nearby Ulverston Leisure and Sports Centre as he is sure that each facility will appeal to players of many sports.
- 5.11 The local County Council member for the neighbouring electoral division (Ulverston West) – Ms Judy Filmore has also been notified as Springfield Road forms the boundary of the electoral division that she represents.
- 5.12 One representation has been received. This representee, a resident at Braddyll Terrace, objects to the application stating that the floodlighting will be visible from the front of their house, especially in winter when the leaves have fallen. Considers that there is already a perfectly good artificial pitch within walking distance of the school and that the funds for this scheme ought to be put to a better educational use.

## **6.0 PLANNING POLICY**

- 6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision-making process.
- 6.2 The local development plan documents relevant to the determination of this planning application are:
- [South Lakeland Core Strategy \(SLCS\)](#)- adopted 20 October 2010
  - [South Lakeland Land Allocations Development Plan Document \(SLLA\)](#) – adopted December 2013

- [South Lakeland Development Management Policies Development Plan Document](#) (SLDM)- adopted 28 March 2019

6.3 The SLLA allocates the court and surrounding playing fields as “Amenity Open Space” and “Outdoor Sports Facilities”.

6.4 The key planning policies from the above listed Local Development Plan documents relevant to the determination of this application are considered to be:

- CS1.1 - Sustainable Development Principles;
- CS3.1 - Ulverston and Furness Area;
- CS7.3 - Education and Skills;
- CS8.1 - Green Infrastructure;
- CS8.2 - Protection and enhancement of landscape and settlement character;
- CS8.3 - Accessing Open Space, Sport and Recreation;
- CS8.4 - Biodiversity and Geodiversity;
- CS8.10 - Design;
- CS9.1 - Social and community infrastructure;
- LA1.10 - Existing Green Infrastructure;
- LA1.11 - Existing Outdoor Formal Sports Facilities;
- DM1 - General Requirements for all development;
- DM2 - Achieving Sustainable High Quality Design;
- DM4 - Green and Blue Infrastructure, Open Space, Trees and Landscaping;
- DM6 - Flood Risk Management and Sustainable Drainage Systems.
- DM7 - Addressing Pollution, Contamination Impact, and Water Quality
- DM9 - Parking Provision

6.5 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- 2. Achieving sustainable development – Paragraphs 7, 8, 9, 10, 11 and 12.
- 4. Decision-making - Paragraphs 38, 47, 55 and 56
- 8. Promoting healthy and safe communities – Paragraphs 92, 93, 95 and 99.
- 9. Promoting sustainable transport - Paragraphs 110 and 111.
- 12. Achieving well-designed places – Paragraphs 130 and 132.
- 15. Conserving and enhancing the natural environment – Paragraphs 174, 180 and 185

## 7.0 PLANNING ASSESSMENT

7.1 The key planning issues relevant to this application proposal are considered to be its potential for adverse effects upon local residential amenity and living conditions; and upon a Bat commuting corridor. Other material planning considerations of relevance are Biodiversity Net-Gain, Crime Prevention, Design, Drainage, Economic benefits, Highways, Landscape and Visual Impact, and other aspects of Lighting (including. Dark Skies).

### **Principle: Is the proposed development acceptable in principle?**

7.2 The applicant is principally seeking to provide an enhanced sporting facility for school use upon the footprint of a currently defunct sports court area. To

economically deliver the improvements desired, a wider community use of the proposed MUGA is also proposed. Both these core proposals are positive, progressive and aligned with the social objective of sustainable development that seeks to support communities' health and social well-being.

- 7.3 Ulverston is designated as one of two Principal Service Centres in the South Lakeland District Council area by policy CS 1.2. As such Ulverston is established and accepted as a strategic location where the majority of development and facilities will be located. Policy CS3.1 seeks to “maintain, and where necessary enhance, sports and community facilities” in Ulverston, while Policy CS7.3 supports the modernisation and enhancement of educational provision and encourages investment in existing facilities. Policy CS9.1 expresses support for proposals that enhance existing community assets or lead to the provision of additional assets that improve community wellbeing. It also supports the “co-location of community facilities and services and the dual use of facilities” and recognises that sport and recreation facilities play an important role in the social and cultural infrastructure of a settlement.
- 7.4 Policy LA1.10 seeks to safeguard open amenity spaces and for them to be managed and enhanced in line with their significance. The significance of this open amenity space lies in its sporting function. The welded-mesh fencing would be of similar height to the fencing currently present on this court but of upgraded quality and would maintain the sense of openness of this area. In terms of Policy LA1.11 the proposal would effectively safeguard an area recognised/designated as an existing outdoor sports facility by bringing it back into productive use.
- 7.5 Paragraph 92 of the NPPF stipulates that planning decisions should enable and support healthy lifestyles, while Paragraph 93 seeks the planning system to plan positively for the provision and use of shared spaces. Paragraph 95 of the NPPF directs that great weight should be given to the need to alter schools in the decision-making process. I note that paragraph 99 of the NPPF sets out that existing open space and sports land should not be built on unless, amongst other reasons, a development proposal is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. I am satisfied that the proposed MUGA would be of much greater quality than the current court and suitable for a wider range of activities and sports and that its availability for wider public use would also confer wider benefits in terms of public health.
- 7.6 In light of the above, I believe that the proposed enhancement and modernisation of this existing hard-surfaced space for physical education and sport; and the proposed expanded community-use of this resource, are supported in principle by local and national planning policy. As such, the acceptability of the proposal turns on whether there would be any unacceptable environmental harms that would serve to outweigh the social objectives of this proposal.

**Residential Amenity and Living Conditions: Would the proposal have an unacceptable impact upon local residential amenity and/or living conditions?**

- 7.7 The proposal has the potential to adversely affect local and residential amenity and living conditions by virtue of the extended and intensified usage of this parcel of land (and the noise and activity associated with said usage) and as a result of light pollution. Policy DM7 sets out that development will be permitted, where the direct, indirect and cumulative effects of pollution (including, noise and light) will

not have a negative impact on health, the environment (including wildlife and tranquillity) and general amenity of existing or future occupiers and users or any sensitive receptor. It continues that, to comply with the above, developers must be able to show as part of their proposal that any impacts are at or below acceptable levels, if necessary by use of appropriate and proportionate mitigating measures and application of limiting conditions to permissions to control impacts.

### **- Lighting**

- 7.8 The applicant has submitted details of the proposed lighting design including isolux diagrams. The lighting has been designed to be directed downwards and into the court area and achieve a 120 lux (lx) average over the playing surface. The Institute of Lighting Professionals (ILP) [Guidance Note 01/21 on The Reduction of Obtrusive Light](#) (published 2021) sets out Environmental Zones for lighting evaluation purposes. The application area and its surrounds are considered to be within Environmental Zone E3 Suburban – i.e. a lighting environment of medium district brightness. Table 3 of the ILP guidance note 01/21 suggests maximum values for vertical illuminance (including spill light) on premises (i.e. windows of dwellings). For Zone E3, it recommends a maximum 10 lx limit prior to 21:00 and a 2 lx limit after 21:00. The isolux diagram submitted by the applicant's lighting engineer indicates that the 2 lx contour would extend up to 20.5m from the court at its centre-line to the west and east and extend up to 16.5m from the court to its north and south. As such no nearby neighbouring land-uses would experience light levels above 2 lx within their curtilage. I believe that this proposal would not materially alter levels of light on land around the UVHS site. That is to say, the lighting has been sympathetically designed (via lamp and luminaire selection and positioning) to minimise light spill so that it would not result in light intrusion or cast light so as to adversely affect the use or enjoyment of nearby buildings or the living conditions of their occupants.
- 7.9 The fact that lighting would be visible from dwelling houses, is, in terms of pure visibility, not a relevant material consideration as there is no private "right to a view" within law or the wider planning system. It is observed that the lighting columns and their luminaires would be seen in the context of the MUGA fencing (which largely replicates the existing court fencing in height) and would not stand above the roofline of the complex of school buildings which are sited on higher ground. Given this and their distance from the boundary curtilage of the school these items would not be physically overbearing to, or result in any loss of natural light to, any nearby residential dwellings or detrimentally affect their visual amenity. However, consideration of how much a light shines (i.e. the quantitative and spectral attributes of a schemes light) and particularly the propensity for it to create glare is a relevant material consideration when assessing residential amenity.
- 7.10 Glare is the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility. In short, glare is the uncomfortable brightness of a light source due to the excessive contrast between bright and dark areas in the field of view. There are two main subsets of glare – discomfort glare and disability glare.
- 7.11 Discomfort glare from lighting is light source focused. It causes discomfort without necessarily impairing the vision of objects. It occurs when the brightness of a luminaire is greater than the eye can adapt to, and thus makes a task uncomfortable to perform. It is experienced when looking up and straight into a



luminaire. The degree of discomfort depends on several factors; the brightness and the size of the glare source, the position of the glare source in relation to the line of sight, and the background luminance against which the glare source is viewed.

- 7.12 Disability glare impairs the vision of an observer without necessarily causing discomfort but can hinder or adversely affect a subject's ability to perform a task (such as the ability to drive). Disability glare associated with lighting is caused by a reduction of contrast which leads to a decrease in visibility. When glare is so intense that vision is completely impaired, it is sometimes called dazzle. The degree to which a lighting installation causes glare depends upon the luminous intensity distribution and aiming of the luminaires, their number, their arrangement and mounting height and on the brightness of the illuminated area. The greater the number of floodlights, the lower the intensity of illumination required from each floodlight. The greater the column height, the greater the ability to focus light downwards
- 7.13 By angling the luminaires to 75 degrees there is only some residual potential (rather than high or little potential) for a glare effect. However, the planning application supporting statement sets out that the proposed luminaires are specified as anti-glare and thus further greatly reduce potential for glare (although do not entirely remove it). In light of this and the proposed positioning of the lighting columns and their luminaires relevant to residential receptors, and the presence of intervening features such as trees and other planting and boundary fences/walls, I believe that the level of illumination and potential for glare would not be unduly intrusive and have an unacceptable effect upon local residential amenity. Furthermore, it is noted that the proposed floodlighting would be turned-off shortly after the proposed operational hours of the facility – i.e. 21:00 Monday to Friday and 17:00 on weekends. A planning condition is proposed to secure this in order to protect amenity and living/sleeping conditions.
- 7.14 Although the floodlights may be directly visible from some nearby properties, the level and duration of illumination and glare would not appear to be unduly intrusive. As such I believe the proposed operational lighting would not have a negative impact on health or amenity of neighbouring and nearby dwellings and that this proposal would thus comply with Policy DM7 in respect of light pollution considerations.

#### **- Noise**

- 7.15 It is noted that there are currently no planning restrictions on the hours of use of any part of the school site. Currently the use of the eastern playing field area is practically limited to seasonal daylight hours. The extended and intensified usage of the court area would result in additional and greater levels of noise being emitted from this part of the school site. Noise would be derived from the sporting activities taking place there and would vary depending on the nature of the sport being played. Noise would be generated by verbal communication (likely a combination of speaking and shouting), impact sounds from the striking of ball and balls hitting the containing fencing/kicker boards and officiating whistles. The unpredictable nature of the noise, would, perhaps, be more annoying than a steady state and predictable level of noise. It is likely that nearby dwellings would be accustomed to a degree to some of these noise sources during the day from existing school daytime use of the playing field. Whilst the noise levels from the MUGA would not be sufficiently high to have a significant observed adverse effect, where health is affected; the proposal is likely to cross the 'lowest

observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude (e.g. shutting of windows).

- 7.16 The World Health Organisation's (WHO) '[Guidelines for Community Noise](#)' (1999) advises that to avoid moderate annoyance in the daytime and evenings at residential properties, noise external to residential properties and within external living areas should not exceed 50 dB LAeq(1 hour). Sport England's '[Artificial Grass Pitch \(AGP\) Acoustics – Planning Implications](#)' (2015) guidance summarises that research undertaken measuring noise data from MUGAs revealed a typical free-field noise level of 58 dB LAeq(1 hour) at a distance of 10m from the side-line halfway marking. It continues that their noise modelling indicates that when a site is in an open location, the propagation of noise means that at a distance of 40m at 1.5m above ground the level of noise would diminish to 50dB LAeq(1 hour). The nearest curtilages of residential dwelling houses lie over 70m from the MUGA thus avoiding the WHO's moderate annoyance threshold.
- 7.17 The curtilages of the care-homes lie, at their closest points, approximately 35m and 38m respectively from the MUGA. It is noted that the single storey Creative Support care home at 18 Victoria Road has an approximately 2m high timber venetian (i.e. dual sided) hit-and-miss fencing arrangement to its rear curtilage and that this would provide a small degree of acoustic attenuation (through acoustic deflection, absorption and energy conversion). Close boarded timber fences can provide realistic sound reductions in the range of 9-15dB (some specialist acoustic timber fencing has achieved up to 28dB in laboratory sound reduction tests, though a [2010 Transport Research Laboratory report](#) warns that drainage/evaporation of moisture content in treated timber can lead to a reduction in effectiveness by 8-10dB within a month of a laboratory test). This report also highlights that that poor (i.e. loose) installations can see a 5db loss in performance and that the results of their research would suggest that for single-leaf reflective and/or absorptive timber barriers, any degradation in acoustic performance occurs during the first five years after construction, with decreases being in the order of 4-7dB, with acoustic performance remaining relatively stable after that. Due to presence of gaps/spaces, a Venetian fence would provide a lesser level of sound reduction than the typical 9-15dB range, though its dual-leaf form means it would likely provide an attenuation in the region of 5dB. Given this estimated degree of attenuation from the Venetian fencing and the minimum 38m distance from the MUGA it is considered unlikely that the WHO 50 dB LAeq(1 hour) threshold for external living areas would be exceeded at the Creative Support care home at 18 Victoria Road.
- 7.18 In respect of Marsh House, it is believed that the grassed embankment area within the grounds to the rear was not used by residents of the facility due to its gradient. Consequently, used outdoor space to the rear of the site was confined to the courtyard area which measures at least 55m from the court. Given the Sport England guidance on MUGA noise levels and noise propagation, it is considered that the proposal would be unlikely to breach the WHO 50 dB LAeq(1 hour) threshold for external living areas in this courtyard space. It is observed that, given the nature of these care facilities, there is likely to be little use of external areas in the evenings and during hours of darkness, so any noise impacts in these external areas would largely occur when the MUGA is used during daylight hours.
- 7.19 In terms of noise mitigation, it is noted that the proposed weldmesh fencing

panels are proposed to be securely clamped with resilient fixings to avoid vibrations and therefore reduce noise levels arising from ball impacts. Given the analysis above, it is considered that the provision of acoustic attenuation fencing is not necessary nor justifiable.

- 7.20 The additional noise generated would be greater than that currently experienced by neighbouring properties and the noise would be experienced over longer hours. However, it is considered that the moderate increase in noise would not be sufficiently detrimental to justify refusal, and that acceptable living conditions and levels of amenity can be secured by controlling the hours of usage of the proposed MUGA by planning condition. As such I believe that this application proposal would not have an unacceptable impact on health or amenity of neighbouring and nearby dwellings as a result of noise associated with the use of the development that this proposal would thus comply with Policy DM7 in respect of noise pollution considerations.

### **Bats: Would the proposal have an unacceptable impact upon Bats**

- 7.21 Policy DM1 sets out that development will be acceptable provided it ensures the protection and enhancement of existing ecological networks and biodiversity and secures adequate measures to avoid and mitigate for any potential impacts and building in net gains for biodiversity as an integral part of development. An ecological survey and assessment undertaken by a qualified ecologist has been submitted in support of the application. This observes that the band of semi-mature trees to the western side of the courts has no potential bat roosting locations and that no bird nests were observed within them. It continues to surmise that it is likely that both bats and birds will roost and nest (respectively) within the wider neighbourhood, and that they will forage and commute within the immediate vicinity of the courts; with this being particularly likely in the case of bats, which are very likely to feed around the trees, as well as to use them as a navigation aid in the local area. Notes that there is potential for 'light bleed' into this western area of trees and that this could impact the activities of bats, birds and potentially small mammals that may occupy the area. Although wildlife will adapt, this may reduce the area of viable foraging habitat on site. To reduce the potential impact of light bleed rear shields (aka baffles) have been specified to the western sited luminaires. In light of this and the presence and height of the western banking that the trees are upon; the angle of eastern luminaires; other aspects of the lighting design; and the proposed hours of use of the facility; it considers that the flight-zone/foraging habitat within this tree belt of the types of bats likely to be present in the area (i.e. common pipistrelle) is very unlikely to be significantly illuminated and would not unduly adversely affect foraging opportunities or windows. It surmises that there may be some reflective illumination, but consider that this is likely to be negligible and within the range/normal urban extent that the surrounding habitat will experience. The assessment and conclusion provided appears carefully thought-out, reasoned and sound. As such I am satisfied that the proposal is unlikely to have an unacceptable impact upon the local bat population. The proposed tree planting along the eastern boundary would create new foraging habitat for bats when it establishes and matures. As such I believe that this proposal complies with policies that seek to protect bats and enhance their habitat.

### **Other Material Considerations**

- 7.22 **Biodiversity Net-Gain and Green Infrastructure:** Policy DM4 stipulates that all development proposals should result in environmental net gains for biodiversity

and green and blue infrastructure. It continues to set out that gains should be quantitative and should be clearly demonstrated as a net gain. This proposal would not result in the loss of any habitat types though lighting of the MUGA in the late afternoon/early evening could reduce the attractiveness of the woodland belt to the west slightly resulting in some marginal qualitative diminishment of the biodiversity value of this small area. To offset this and improve green infrastructure connectivity on the site, it is proposed to plant between 100 and 150 saplings along the eastern boundary of the school. This would provide linkages/connectivity to tree belts running along the northern and southern side of the school thus greatly enhancing existing ecological networks and providing a substantial biodiversity net gain. A condition is proposed to secure agreement of more detail in respect of this planting scheme in order to ensure the biodiversity benefit of the proposed planting is maximised as far as reasonably possible. Consequently, I consider that the proposal is compliant with Policy DM4.

- 7.23 **Landscape and Visual Impact:** Policy DM1 seeks to protect the plan areas distinctive landscapes and townscapes, including public visual amenities. Public vantage points offering visibility of the MUGA are generally confined to short limited sections of public highway around the eastern side of UVHS site and long distance views from higher ground such as the Hoad Monument. Some vantage point views, such as the highway of Braddyll Terrace, are heavily filtered by established trees and vegetation. Visually speaking, the proposal would represent fairly innocuous incremental change from the current sport court. The presence of the proposed new court surface, fencing and lighting columns would not result in an unacceptable visual impact given how it relates to the built environment of the school. Nor would their presence have a landscape scale impact. However, the operation of the floodlights would affect the character of the local landscape/townscape in the early evening time on weekdays and, in the winter, on late afternoons throughout the week. At these times, the sports playing fields of UVHS are a relatively tranquil open green space in this urban environment. The lights may also be visible from the Hoad monument during these times. These would be seen in the context of floodlighting at the relatively nearby Leisure Centre and the street-lights of the town. The proposal would erode some of the evening character of this area for portions of time. However, the proposed curtailment of activities around 21:00 on weekdays and 17:00 on weekends would serve to preserve that character through the rest of the evening/night after these times. As such, on balance, I do not consider that the proposal would result in an unprecedented or unacceptable adverse visual impact on the nocturnal townscape.
- 7.24 **Design:** I am satisfied that the proposed design of the MUGA, by virtue of the type and colour finish of fencing, lighting and pitch surface, is appropriate and represents good design and is in-keeping with the character of this outdoor sports facility at a school.
- 7.25 **Drainage / Flood Risk:** I share the view of the LLFA that the proposal would not increase local flood risk on or off site. The 4G surface would provide a very small degree of new attenuation capacity thus providing betterment in comparison to the current impermeable tarmac surface of the court area. The additional tree planting proposed would increase the absorptive capacity of flora on the site. As such the proposal would serve to provide a very small contribution to reducing local surface water flood risk. Consequently I consider that the proposal complies with the objectives of Policy DM6.

- 7.26 **Economic Benefits:** Policy CS1.1 directs that all developments should help to meet the diverse economic needs of local communities, while paragraph 38 of the NPPF directs Local Planning Authorities to work with applicants to secure developments that will improve the economic contributions of the area. This proposal would create two part-time jobs and also have indirect economic benefits for services/shops in the area from those making use of the facility for sporting activity. As such it would provide a small economic contribution to the area.
- 7.27 **Highways:** The site is relatively centrally located within Ulverston with the majority of the town within a 1km radius of the site and is thus easily accessible by foot or bicycle. It is also in relatively close proximity to Ulverston Train Station and bus stops of core/frequent bus services (with the stops being approximately 0.3miles away from UVHS – i.e. a 5-7minute walk). UVHS is well located to key arterial routes on the local highway network. The applicant anticipates that the maximum number of facility users on site over any 1 or 2 hour period would be 40. This assumes the MUGA is deployed to host two seven-a-side games simultaneously with a handful of substitutes. If the MUGA was fully booked out for back-to-back slots then this could result in up to 80 people on site at periods of change-over. Even assuming a mini “sports tournament” scenario (which could feasibly occur at weekends), whereby 8-12 teams may be on site at any one time playing mini-league matches of short 20-30 minute durations, then there could potentially be up to 120 people on site at any one time in association with the MUGA. The school reports that it has 180 car parking spaces. There is more than sufficient car parking capacity on the school site to accommodate staff and out-of-school-hours users of the MUGA who opt to travel to the site by private motor vehicle. As such it is considered the proposal complies with Policy DM9. I also concur with the LHA that the proposal would not have a material effect on existing highway conditions.
- 7.28 **Other Aspects of Lighting:** Policy DM2 sets out that new development that requires external lighting should use the minimum illumination required to undertake the task, minimise harm through use of appropriate landscaping measures and sensitive forms of design and be “designed in a manner that avoids glare and erosion of tranquillity and dark skies”. I am satisfied that the lighting design has been specified to the minimum required for the range of sporting activities proposed, sensitively designed to limit impact on dark skies and glare, and that the proposed landscaping planting would reduce some of the visual impact from a couple of partial public vantage points on Victoria Road. As such I consider that the proposal complies with the aspect of Policy DM2 concerning lighting.
- 7.29 **Crime Prevention:** Policy DM2 sets out that development proposals should create and maintain safe and secure environments by designing-out opportunities for crime by communal spaces are directly overlooked through natural surveillance and utilising appropriate physical boundary treatments. The planning supporting statement sets out that the integrity of 'after-hours' school site security will be maintained by, and be the responsibility of, Onside Sports Arena CIC, with the eastern pedestrian entrances being locked after 18:00 on a school day, and throughout weekends, and operated by a remote video & buzzer link by the Onside's duty manager for that evening/day. In respect of the crime prevention officer's comments on tree planting, the 100-150 saplings would be /distributed over a 220m length and thus they would not overly impede sightlines of the MUGA from key public vantage points.

## **8.0 CONCLUSION**

- 8.1 This proposal seeks to make a productive use of an area of the UVHS site that has fallen into degradation/disuse. The proposal would provide an enhanced sports facility for the school and the wider community and is thus strongly supported by strategic planning policies which seek to support social objectives such as promoting public health. The proposal is also considered to accord with the South Lakeland Land Allocations Document, being consistent with and maintaining the open amenity space and sports facility designations.
- 8.2 I am satisfied that the proposed lighting has been sensitively designed to minimise its impact and that the proposed amount of extended community use and operation of the MUGA and floodlighting would not have any unacceptable adverse effects on local residential amenity or living conditions. Whilst the operational use of the MUGA would change the existing character of the area slightly in the early evenings, I do not believe that this change is unsuitable for either a principal service centre or a secondary school site. The proposal would have negligible ecological impact, with any qualitative reduction in the utility of the tree belt to the immediate west of the MUGA to bats and breeding birds being offset by the provision of a substantial amount of tree planting along the eastern boundary, which would connect existing green infrastructure networks and deliver a notable biodiversity net gain.
- 8.3 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. It is therefore recommended that this application be granted subject to conditions.

### **Human Rights**

- 8.4 The proposal would have a limited impact on the environmental, residential and visual amenities of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) would be minimal and proportionate to the wider social and economic interests of the community.

**Angela Jones**  
**Executive Director for Economy and Infrastructure**

**Contact:** Mr Edward Page

**Electoral Division Identification:** Ulverston East ED – Cllr Mark Wilson

**Development Control and Regulation Committee – 29 September 2022**

**Appendix 1 - PROPOSED PLANNING CONDITIONS**

**Time Limit for Implementation of Permission**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Approved Scheme**

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. Application Form for Full Planning Permission dated 20 July 2022
  - b. Supporting Statement entitled "UVHS Court Re-Development Proposal"
  - c. Location Plan - Drawing Ref.LP-01
  - d. Site Plan – Drawing Ref. SP-01
  - e. Lighting Specification and Detail
  - f. Updated Lighting Plan (Isolux Diagram) – received 2 September 2022
  - g. Email dated 2 September 2022 (08:00am) from lighting install contractor (Tom Elliot Electrical Solutions Ltd
  - h. Email dated 23 August 2022 (09.40am) from the applicant re Weekday School Holiday Usage. Ball Stop Net and Permeable Surfacing;
  - i. The details/schemes approved in accordance with the conditions attached to this permission.

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

**Operational Hours of Site and Equipment**

3. No use of the Multi-Use Games Area (MUGA) hereby permitted shall take place outside of 09:00-21:00 hours on weekdays and 09:00-17:00 hours on weekends; save that no use of the MUGA shall take place on bank or public holidays.

The floodlighting equipment hereby permitted shall only be turned on in connection with the use of the MUGA and shall not be left on when the MUGA is not in use. The floodlighting shall not be operated before 08:50 on any day or beyond 17:10 at weekends or 21:05 on weekdays.

*Reason: In order to safeguard the amenities of adjoining residential occupiers, reduce effects on the natural night-time environment and minimise impact upon nocturnal species in line with [South Lakeland Development Management Policies Development Plan Document](#) (SLDM) Policies DM2, DM4 and DM7.*

**Detailed Planting Scheme**

4. No use of the Multi-Use Games Area (MUGA) hereby approved shall take place

until a detailed planting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the proposed native tree and shrub planting, including layout, numbers and distribution of species, size of plants, spacing, ground preparation, method of planting, fencing and other protective measures to be applied to the planting. It shall also include an implementation timetable for provision of the planting and measures for the monitoring and active management and maintenance of the new planting. Within this it shall provide for replacement of any specimens that die, are seriously damaged or become diseased by a specimen of a similar type in the nearest available planting season (October to March inclusive) from the damage, death or disease becoming apparent within a minimum of a five year period from the point provision

For the avoidance of doubt, the number of trees/shrubs and siting of planting shall broadly conform with that set out in the approved Supporting Statement entitled 'UVHS Court Re-Development Proposal' and Location Plan (Drawing Ref.LP-01).

Once approved the scheme shall be implemented in full and the new planting subsequently retained for the duration of the presence of the MUGA.

*Reason: To secure details not provided with the application for review and approval and in the interests of visual amenity and achieving biodiversity net gain in the interest of the visual amenity in line with SLDM Policies DM1, DM2, DM4, DM6 and DM7.*



Appendix 2 - PLAN OF SITE LOCATION/EXTENT



