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## NORTH AYRSHIRE COUNCIL

25th April 2018

### Planning Committee

Locality	North Coast
Reference	18/00216/PP
Application Registered	13th March 2018
Decision Due	13th May 2018
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	West Kilbride Primary School Hunterston Road West Kilbride Ayrshire KA23 9EX
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<b>Applicant</b>	West Kilbride Community Sports Club F.A.O. Mrs Lucy Chisholm
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<b>Proposal</b>	Erection of static floodlighting and the variation of an existing planning condition to extend the hours of operation of the MUGA facility
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### 1. Description

Planning permission is sought for the erection of static floodlighting to illuminate a Multi-Use Games Area (MUGA) within West Kilbride Primary School playground. Permission is also sought to extend the permitted hours of operation.

Planning permission for the erection of the MUGA was granted by the Planning Committee 12th February 2008 (ref: 07/01158/PP), subject to the condition that the MUGA only be used between 8am and 8pm Mondays to Fridays and 8am and 6pm Saturdays and Sundays.

The MUGA is operated by the West Kilbride Community Sports Club under a Minute of Agreement with the Council, as land owner. The Minute of Agreement currently runs until 27th June 2018 and can be renewed at the end of the term if the Council and Sports Club are able to reach mutually agreeable terms. Either party has the right to cancel the agreement with four weeks written notice.

The MUGA is approximately 2330sqm in area, comprising an astroturf pitch enclosed by mesh fencing. It is aligned north-west/south-east. Four floodlights mounted on columns

would be erected outside the fence. The columns would be some 9m in height and approx. 0.2m in width. Two would be erected on the south-west side of the MUGA, one at the north-western end and one at the south-eastern end. Two would be erected on the north-east side, again one at the north-western end and one at the south-eastern end.

The MUGA is surrounded by the grounds of the primary school. To the north-west is Portencross Road with residential properties beyond, at a distance of approx. 20m to the nearest proposed floodlight. To the south-west is Wellbank Gardens with residential properties beyond, at a distance of approx. 8.3m to the nearest proposed floodlight.

The site is within the settlement of West Kilbride, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). The development requires to be assessed against Policy PL10: Community Infrastructure and the General Policy of the LDP.

## **2. Consultations and Representations**

Neighbour notification was carried out and application was advertised. There has been 1 objection received which can be summarised as follows;

1. Nearby properties are already disturbed by noise from the MUGA. The only respite from the noise is currently when it is dark. Floodlighting will mean noise later at night.

Response: The hours of operation of the MUGA and the floodlighting could be governed by condition. Environmental Health was consulted and the response is outlined below.

2. The site is too close to neighbouring properties which would suffer from light pollution. It is understood that floodlighting was rejected as part of the original application. If that was the case what has changed in the meantime?

Response: It is not considered that any light emissions outside the MUGA would cause significant impact on neighbouring properties. The applicant has submitted an assessment for the potential spread of light which is analysed below. Floodlighting was not proposed as part of the development of the MUGA (ref: 07/01158/PP).

3. The site is not properly managed. Unauthorised entry into the site often occurs. The Council should invest in proper security.

Response: Planning and Environmental Health are aware of previous disturbance from unauthorised use of the MUGA. When the MUGA was operated by West Kilbride Primary School, the fence was often vandalised to allow unauthorised entry.

The applicant has submitted a supporting statement outlining public consultation, including a public meeting where unauthorised use of the MUGA by local youths was raised. The applicant has stated that the Sports Club would supervise the let of the MUGA with a nominated keyholder in attendance throughout. The keyholder would be responsible for managing behaviour and locking up. The applicant considers that increased authorised use would reduce opportunities for unauthorised use and any potential disturbance therefrom.

Consultations

NAC Environmental Health - NAC Environmental Health has reservations about the proposal in terms of noise disturbance in the evening to occupiers of nearby noise sensitive properties. This is particularly the case for the proposed extended hours on Saturdays and Sundays. Environmental Health would suggest that any permission either be granted on a temporary basis for a maximum of 12 months in order to allow assessment of any disturbance or that the hours be limited until 7pm on Saturdays and Sundays.

Response: Conditions limiting the development, either in terms of duration or operational hours, could be attached to any permission. An assessment of this against the LDP policies is given below.

The applicant has advised that, if the planning permission was for a temporary period, then funding for the floodlights would be doubtful. The applicant initially sought hours of operation from 8am to 9pm Monday to Sunday, however, has agreed to accept lesser hours of 8am to 9pm Monday to Friday and 8am to 7pm on Saturday and Sunday.

NAC Connected Communities - has confirmed that there are no issues about amending the Minute of Agreement to reflect an amended planning permission.

Response: Noted.

### **3. Analysis**

Policy PI10: Community Infrastructure, states that proposals for a variety of community infrastructure, including leisure facilities, shall accord with LDP subject to meeting certain criteria. The criteria relates to the location of such facilities. The facilities should be located in areas with a high level of accessibility and that consideration is given to clustering such uses within or close to similar uses and town centres.

The MUGA already exists and therefore PL10 is relevant in so far as the support it gives to leisure facilities in principle. Although the siting of the MUGA is fixed, it is considered that it is in an area of high accessibility, it is within the grounds of a primary school, and it is within 60m of a community centre and 165m of the West Kilbride Town Centre. The proposal for floodlights and extended hours would facilitate the use of the MUGA and as such the proposal accords with Policy PI10 of the LDP.

All planning applications require to be assessed against the General Policy. The relevant criteria in this instance are (a) siting, design and external appearance and (b) amenity of the General Policy.

The floodlights are the only physical works proposed. There would be four floodlights mounted on columns erected outside the existing fence. The columns would be some 9m in height with the existing fence being 5m in height. The columns would be approx. 0.2m in diameter at their widest part. As such it is not considered that the appearance of the floodlights would have a significant adverse visual impact and the proposal therefore complies with criterion (a).

The MUGA can currently be used between the hours of 8am and 8pm Monday to Friday and 8am to 6pm Saturdays and Sundays. The proposal initially sought to permit operational hours until 9pm daily, an additional hour on weekdays and 3 additional hours on Saturdays and Sundays. Environmental Health has expressed reservations about such additional

hours at the weekend, and has suggested that Saturdays and Sundays be limited to 8am to 7pm. The applicant has accepted this amendment to the hours.

It is considered that extending the authorised period of use by one hour daily would not unduly impact on the amenity of neighbouring properties by way of noise disturbance. Indeed increased authorised usage would reduce opportunity for unauthorised use. If the authorised operation of the MUGA caused a statutory noise nuisance, Environmental Health could investigate and take action under the powers. It would remain for the operator to ensure the hours of operation were adhered to and the site appropriately secured at other times. A condition could be attached to any permission determining the permitted hours.

The applicant has provided an illumination assessment of potential light emissions from the floodlights. The floodlights would provide an average illumination of the interior of the MUGA of 235Lux. Outside the MUGA light emissions would vary between 50Lux at a distance of approx. 12m from the closest floodlight and 5Lux between approx. 18m and 38m from the nearest floodlight. 50Lux is considered to be the equivalent of a lit living room. 1Lux is the equivalent of the light at night from a full moon with no other illumination.

Although the nearest residential properties are approx. 8.3m from the floodlights, on the west side of Wellbank Garden, the nearest habitable windows are between 13m to 15m distant. The nearest floodlights would face away from those windows. The floodlights on the opposite side of the MUGA would be approx. 44m from those windows. All floodlights would be angled to illuminate the MUGA surface.

The nearest windows (Nos. 1 and 2 Wellbank Gardens) would experience the light emitted by the floodlights as between approx. 25Lux and 15Lux. Habitable windows at 9 Portencross Road would experience the light as between 25Lux and 5Lux. To the north of the MUGA habitable windows at Nos. 14 and 16 Portencross Road would experience the light at between 15Lux and 5Lux, at a distance of approx. 30m. Environmental Health also have the power to investigate any light disturbance under the powers.

Given the above it is not considered that the proposal would have any significant impact on amenity and it accords with criterion (b) of the General Policy.

Consideration was given to the imposition of a condition limiting the duration of the development to 12months, which would allow the operation of the MUGA at the additional hours to be assessed. However, the applicant has advised that such a condition would likely impact upon the ability to secure funding for the floodlights, as lenders or grant giving bodies would seek assurances of the long term viability of floodlights.

Given the Council's policies supporting leisure facilities including Policy PL10 of the LDP and Priority 4 of the Council Plan "Supporting all our people to stay safe, healthy and active," and the negotiated lesser hours, it is not considered necessary to limit the duration of any permission. The Council will retain its ability to investigate and take action against statutory nuisance under Environmental Health powers and will also retain control over the MUGA as land owner, through the terms of the Minute of Agreement.

The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise. Therefore it is recommended that permission be granted subject to the condition listed below.

#### **4. Full Recommendation**

Approved subject to Conditions

##### **Condition**

1. That the MUGA facility shall only operate between the hours of 8am and 9pm on Mondays - Fridays inclusive and between the hours of 8am and 7pm on Saturdays and Sundays.

##### **Reason**

To protect nearby noise sensitive properties from the operation of the MUGA outwith those hours.



Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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