

PARISHClowne Parish

APPLICATION Conversion of the existing playing field with an artificial grass surface with associated fencing, floodlighting, access paths, and a landscaped earth bund.

LOCATION Land South East Of The Arc, High Street, Clowne

APPLICANT Matthew Connley (BDC)

APPLICATION NO. 21/00350/FUL

CASE OFFICER Miss Kay Gregory

DATE RECEIVED 11th June 2021

SUMMARY

This application is a 'Major' development proposal, submitted by Bolsover District Council. Given there have been a small number of representations received from adjacent residents, it is considered to be in the public interest and for the purposes of transparency that the application is determined by Planning Committee.

The key issues for determination are:

- the principle of the development
- the landscape and visual impact of the proposed development
- impact on residential amenity
- whether the development would be provided with a safe and suitable access and impacts on highway safety;
- biodiversity matters
- land stability and surface water drainage

At the time of report submission, there are potential, outstanding issues relating to surface water drainage and land stability, by reason of the sites proximity to the edge of the escarpment. The relevant consultee's have been consulted and their comments are pending.

The applicant may be required to describe and analyse issues relevant to surface water drainage and ground instability, and if relevant identify how issues will be overcome.

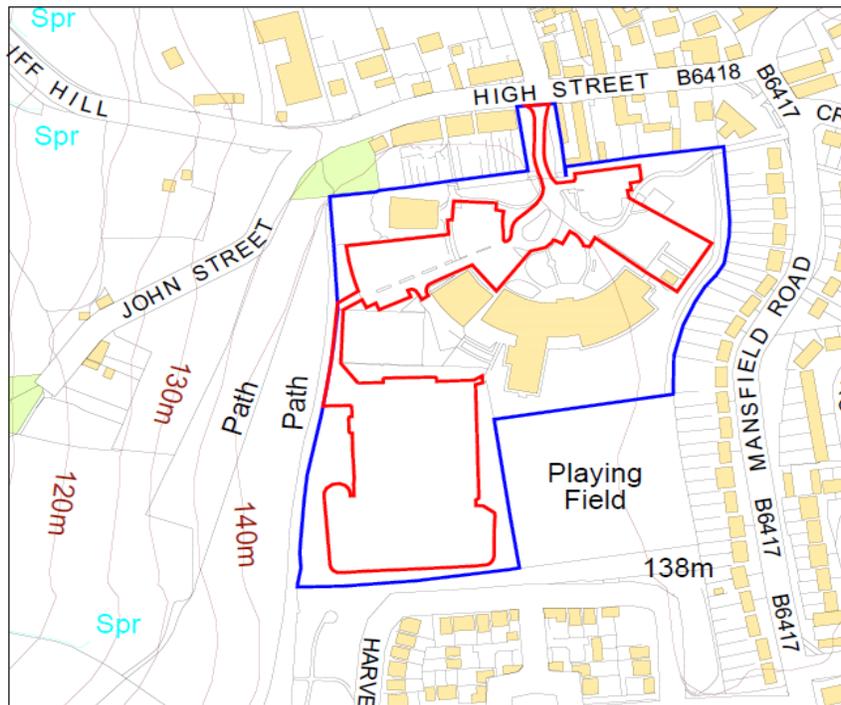
The application is also out to re-consultation, based on the submission of the amended plans received on the 23rd August 2021. Residents were provided with 14 days to comment on the amendments, the expiry date for any comments is the 6th September and as such any late representations will be reported at Planning Committee.

As such it is recommended that Members resolve to approve the application, but to defer the issuing of the decision notice until such time that all outstanding matters have been resolved to the satisfaction of the Local Planning Authority.

Site Location Plan

The image below indicates the red line boundary of the application site and also blue land which indicates land beyond the application site, but within the control of the applicant.

The submitted site location plan was amended on the 24th June 2021, to include the point of vehicular access from the adopted highway, and areas allocated for parking associated with the proposal.



SITE & SURROUNDINGS

The application site adjoins, but is outside the development envelope of Clowne, and as such is within the Countryside, as defined by the Bolsover District Local Plan (adopted March 2020).

The site forms part of the wider Arc Leisure Complex, which comprises a leisure centre with gym, pool and other facilities. Bolsover District Council also operates from the building.

To the rear (south) of The Arc complex are operational plant and service facilities. There is also a Multi-use Games Area on artificial turf, with fenced enclosure.

To the south of these, and which forms the basis of this application, are two turfed playing fields, both formally protected as allocated Green Space and Playing Pitches under the provisions of the adopted Local Plan.



To the south of the pitches are recently constructed residential properties (see above). Immediately to the west of the site, land levels drop providing unobstructed views out over open countryside (see below).



Immediately to the east of the site is a County Council owned playing pitch, which is currently not in use and has overgrown to some extent. Beyond this, to the east are a row of houses which front onto Mansfield Road.

There is a public right of way (B5/20/1) adjacent to the west boundary of the site, although this does not encroach at any point into the application site and is well screened by hedgerows.

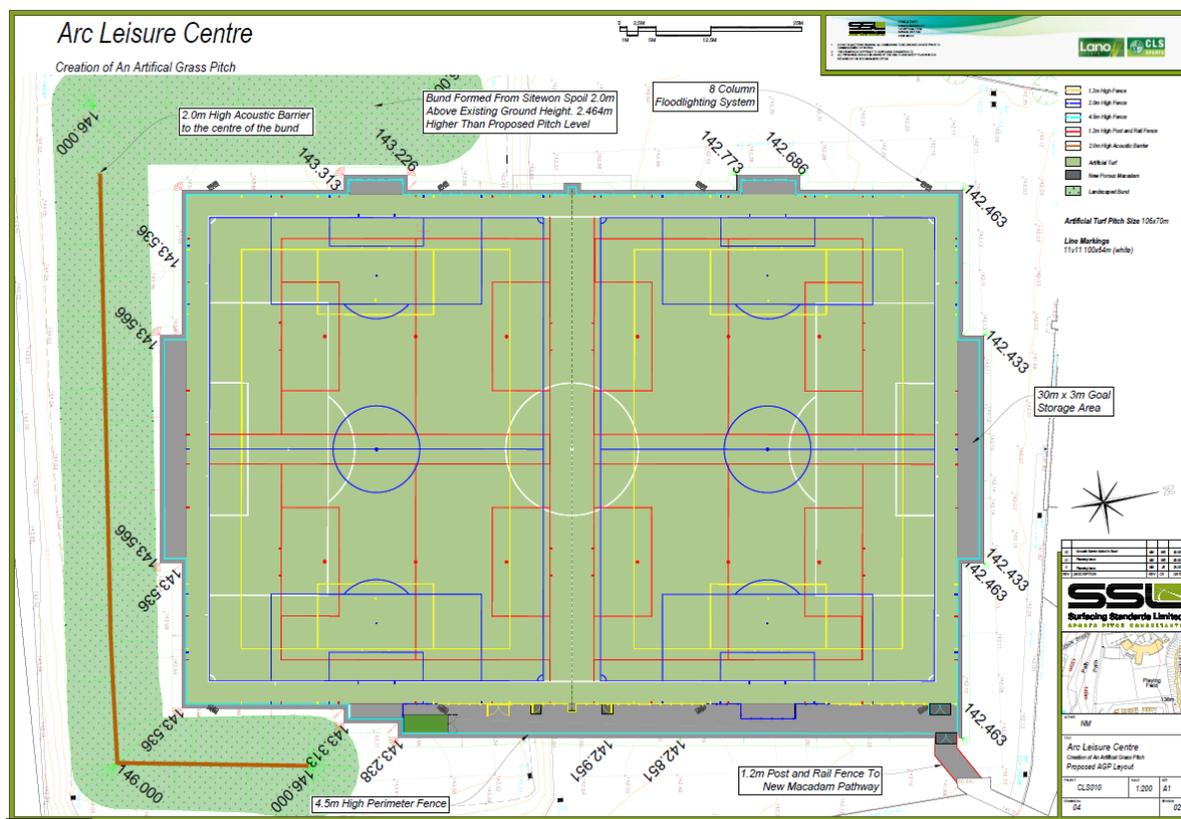
PROPOSAL

This application is seeking Full planning permission for the conversion of an existing turfed playing field into an artificial grass surface. Operational works include engineering works to lay the surface with necessary surface water drainage, formation of a landscape bund, fencing around the perimeter of the pitches, and the erection of acoustic fencing, floodlighting and landscaping. The project has been partially funded by The Football Foundation and the remainder by Bolsover District Council.

The application is a Major development proposal by reason of its total site area – 9873m². The area of land to be covered with artificial turf and enclosed by perimeter fencing has dimensions of 107m x 75m.

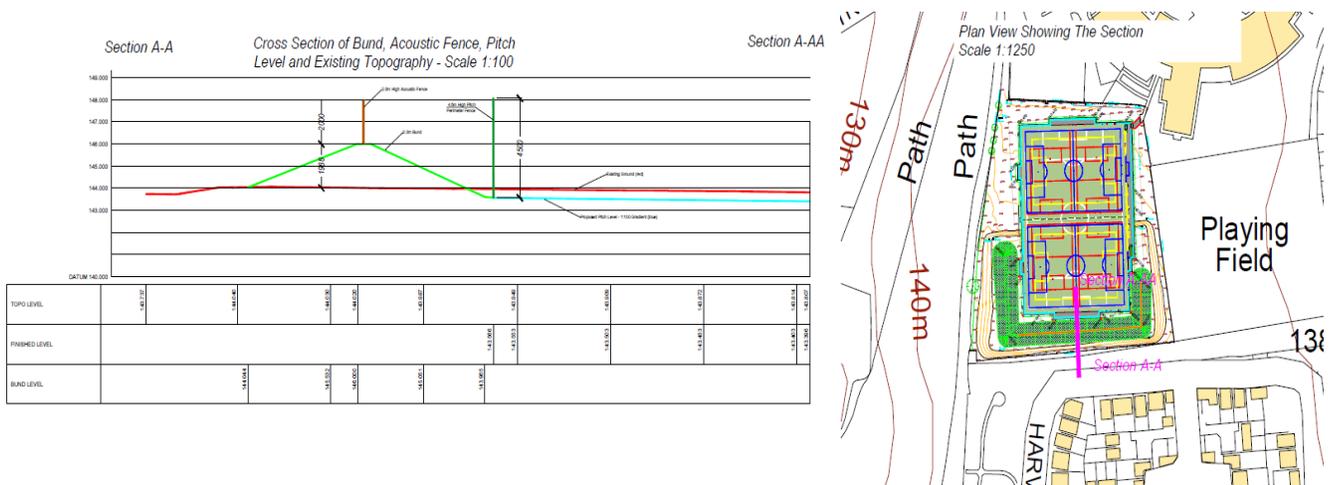
The plans inserted below are revisions following negotiations during the processing of the application, and will form the basis of the Council's recommendation.

The appearance of the playing surface will comprise a 3G artificial turf coloured grass green. 3G turf is designed to look like natural turf unlike older sand filled 'Astroturf' type surfaces.

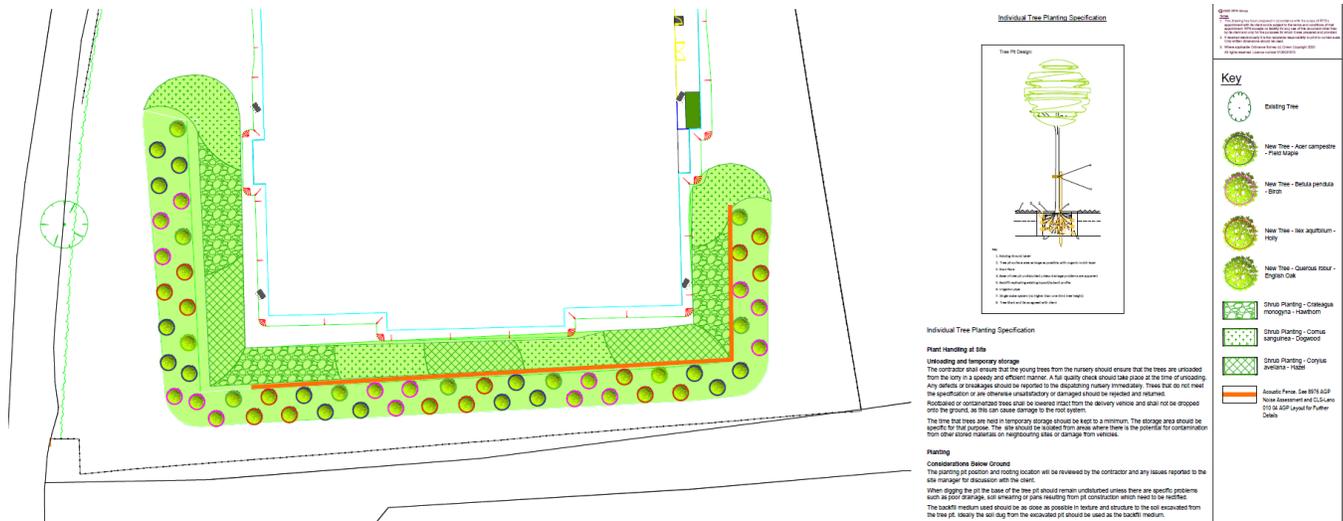


In accordance with environmental health recommendations, and in order to protect the amenity of adjacent residents from potential noise and disturbance, amendments have been received to install a 2m high acoustic fence on top of the proposed landscape bund, providing a screen to the south, and part of the eastern boundary of the proposed pitches. The fence shall have a total length of 110m.

The proposed landscape bund will be constructed around the southern boundary of the pitches, and will wraparound part of the east and west boundaries. It will be 2m above the ground level as existing, and 2.464m above the proposed pitch level. It shall have a length of 100m along the southern boundary.



A landscaping plan and planting specification has been submitted (see below) to confirm the location and species of shrub and tree planting around and on top of the bund.



The hours of use originally proposed was 8am to 10pm Monday to Sunday (including bank holidays), but these hours have been reduced to 9am to 9pm Monday to Friday and 9am to 6pm Saturday, Sunday and Public / Bank Holidays, following discussions between environmental health and the applicant.

Summary of Submissions

There have been a number of plans and documents submitted during the processing of the application. The approved plans are listed below for ease of reference.

- ****To be submitted prior to determination**** - revised site levels plan.
- Proposed drainage – 07 Rev 00; received on the 26th August 2021
- Revised proposed site layout – 03 Rev 01; received on the 23rd August 2021
- Revised proposed AGP layout – 04 Rev 02; received on the 23rd August 2021
- Revised proposed AGP Elevations – 06 Rev 02; received on the 23rd August 2021
- Landscaping planting plan – 780 Rev P03; received on the 23rd August 2021
- Construction Phase Health and Safety Plan – Compiled for: Football Foundation (28/7/21); received on the 28th July 2021
- Revised site location plan – 01 Rev 02; received on the 24th June 2021
- Appendix D – Proposed materials and appearance – Surfacing Standards Ltd; received on the 11th June 2021
- Floodlighting system – Philips OptiVision LED gen 3.5; received on the 11th June 2021
- Existing site plan – 02; received on the 11th June 2021.
- Attenuation calculations; received 11th June 2021
- Lighting Assessment – CLS010 21-05-2021, designed by Nick McLaren; received on the 11th June 2021.
- Noise Impact Assessment – Ref: 8976/DO May 21; received on the 11th June 2021
- Preliminary Ecological Appraisal – BJ Collins (June 2021); received on the 11th June 2021
- Soakaway Test Report – Project no. EAL.178.20; received on the 11th June 2021.

HISTORY

There are a number of planning applications identified within the planning history for The Arc, however many of these have not been included below by reason that they have no relevance to the application currently under consideration.

05/00215/VARMAJ	Grant conditionally	Variation of condition 3 of planning permission 03/00635/FULMAJ to allow access without installing traffic light scheme.
11/00483/FUL	Grant conditionally	Change of use of main building from Further Education College to mixed use as Council Offices, General Offices (Class B1a) and Leisure Centre, and use of Workshop building for light industrial (Class B1 b and c), training and storage (Class B8) use.
15/00154/FUL	Grant conditionally	Rear two storey extension to provide 6 lane 25 x 13m swimming pool, 12 x 5m baby pool, feature water flume, children's play area, wet village change and toilets for

male and female, disabled change facilities, cafeteria and viewing area and plant room at ground floor level. Extension to existing fitness suite, 2 No. dance studios, spinning studio and office accommodation at first floor level. Extension to car park. (as amended by revised drawings 1521-08 Rev B Ground Floor Plan, 1521-10 Rev C Elevations and 1521-12 Roof Plan submitted on 2nd June 2015)

16/00117/FUL	Grant conditionally	External plant compound area 8m x 5m to rear of building with 2.1m high galvanised fencing around.
16/00253/FUL	Grant conditionally	Extension to existing car park to create 52 additional car parking spaces.

CONSULTATIONS

BDC Environmental Health

- 19th August - I can confirm that following further mitigation proposed by the applicant, I do not object to the proposals, on the provision that conditions are imposed regarding the installation of the acoustic fence, hours of use, and the submission of a noise management plan.
- 8th July – With regards to lighting, I recommend a condition for verification to be submitted to confirm that the lighting installation complies with the limits stated in Guidance Notes for the Reduction of Obtrusive Light GN01:2011

BDC Refuse

- No comments received.

DCC Highways

- No highway safety comments to make.

DCC Lead Local Flood Authority

- No comments received at the time of report submission.

Derbyshire Wildlife Trust

- The Preliminary Ecological Appraisal prepared by B.J Collins Protected Species Surveyors Ltd June 2021 has been produced to an acceptable standard and it provides the LPA with reasonable confidence regarding impacts on biodiversity that could occur because of the development.
- Whilst biodiversity impacts are confined mostly to the loss of amenity grassland there are concerns around the lighting and the effect this could have on bats and other nocturnal animals. The information provided in the PEA indicates that this issue can be addressed and provided lighting is in line with the details set out in the PEA and with the Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018) it should be feasible to minimise and avoid impacts.
- In order to address the loss of the amenity grassland we advise that the landscaping of the bund should include measures to benefit biodiversity in particular butterflies and

- pollinating insects. A species rich grassland mix has been provided.
- We advise the LPA to attach a condition that ensures the development is carried out in strict accordance with the recommendations set out section 6 of the Preliminary Ecological Appraisal.
 - We also recommend that the bund which will be created at the western end of the pitch should be landscaped using a species rich wildflower mix and that the final details of this should be secured via a landscaping condition.
 - The establishment of a more diverse grassland on the bund will help to offset the loss of the amenity grassland and should be beneficial for a variety of plants, insects, bats and birds
 - Hedgerows and trees on site should be retained.

Eastwoods

- No objections in principle but require clarification regarding land levels to the south and west.
- Verbally confirmed that they are happy for the application to be recommended for approval as they are satisfied that the development will not present a risk to land stability, but they do require the land levels detail submitted extending further to the south and west.

Parish Council

- No comments received.

PUBLICITY

The application has been publicised by way of a site and press notice, and letters sent to 14 adjacent properties.

At the time of report submission, the application is still within a 14 day re-consultation period (until 6th September), in respect of amendments (acoustic fence details). Any late representations will be reported to Planning Committee.

In response to the initial neighbour consultation period there had been three representations received. A further representation was received as a result of the re-consultation in respect of the amended plans. Their comments are summarised below.

- Object to the proposal
- There will be disruption, light pollution and noise which will affect everyday life on the estate
- The existing view of the playing field has helped well-being during pandemic, while working from home.
- I can clearly see that the floodlighting on the current pitches on the far side of the grounds are on and it is only 13:30 in the day, even with the proposed bund and planting, that the intended lighting will impose on the front of the houses on our road. If that is the case then it will be more severe in the winter months
- Noise from the junior teams on a Saturday morning during the football season is acceptable but we are assuming that older and more boisterous teams will be playing much more often.
- Properties look out towards the current grass football pitch with the existing artificial

- pitch in the distance.
- Concerns over noise levels and foul language particularly on warm evenings with windows open.
 - Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep.
 - Quality of life diminished due to change in acoustic character of the area.
 - Light pollution from flood lights
 - The current green fields are enjoyed by a number of grass roots clubs with no issues.
 - The proposed development is clearly a revenue earner for the sports centre and this is why it's been favoured over the grass pitch.
 - Restrict day light entering property
 - Feels like we all live next to an industrial estate
 - Wildlife concerns. The existing field provides a home for lots of different insects and acts as a feeding area for birds and associated wildlife. Replacing the grass with an 'artificial' surface will have an adverse effect on the surrounding wildlife.
 - Hedgehogs are in abundance.
 - There are nesting colonies of pipistrelle bats in nest boxes on the adjacent residential area and also in boxes in the large tree, both less than 100 metres from the proposed site.
 - No confidence in the environmental noise assessment carried out by Acoustic Consultants Ltd. A key factor used for estimating the potential noise levels in my opinion is flawed, I also have little faith that the true remit was fully understood
 - I use the Leisure facilities at the Arc and before Covid I had difficulty parking (particularly on wet days). My husband who attends classes at the Arc has a blue badge but constantly finds drivers parking in the disabled bays without a blue badge. We can see no plans for additional parking, which to my mind will create more tension.
 - During our first few years living here we were constantly asking people not to park, damage or cross private land so that they could take a short cut to the leisure centre fields. As the estate to date has not been adopted by the council, it would mean that any damage would have to be paid for by us.
 - It has taken five years for wildlife to return to the area. To have their habitats totally destroyed again would be very damaging.
 - The trees and bund will not be tall enough to block light from floodlights.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable development
- SS9 – Development within the countryside
- SC2 – Sustainable design and construction
- SC3 – High quality design
- SC8 – Landscape character?
- SC9 – Biodiversity and geodiversity
- SC10 – Trees and hedges
- SC11 – Environmental quality (Amenity)

- SC14 – Contamination and unstable land
- ITCR5 – Green space and play provision
- ITCR6 – Protection of green space
- ITCR7 – Playing pitches
- ITCR11 – Parking provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Paragraphs 7-10: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 54-57: Planning conditions and obligations
- Paragraphs 91, 92 and 94: Promoting healthy and safe communities
- Paragraphs 96 and 98: Open space and recreation
- Paragraph 118: Making effective use of land
- Paragraphs 124-128: Achieving well-designed places
- Paragraphs 170 and 175: Conserving and enhancing the natural environment

ASSESSMENT

The application has been processed in accordance with all submitted documents and plans. The Council’s recommendation is based on relevant policies of the adopted Local Plan and the objectives of The Framework, as identified above, along with recommendations and observations from consultees and neighbouring land occupiers.

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development
- the landscape and visual impact of the proposed development
- impact on residential amenity
- whether the development would be provided with a safe and suitable access and impacts on highway safety;
- biodiversity matters
- land stability and surface water drainage

These issues are addressed in turn in the following sections of this report

Principle of Development

Development in the countryside

The application site is within the countryside as defined by policy SS9 of the adopted Local Plan. Where relevant to this proposal, the policy states:

“Development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of the following categories:

d) Secure the retention and / or enhancement of a community facility

In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.”

The proposal, which seeks to make improvements to an allocated playing pitch and protected green space, allowing it to be used during winter months when weather is poor and daylight is restricted, will through its continued use, make enhancements to leisure facilities at The Arc, which is a ‘Community Facility’. It is therefore considered that the proposal complies with part d) of policy SS9.

Green Space protection

The site is part of a wider ‘Protected Green Space’ allocation as defined by policy ITCR6 of the Local Plan, which also includes a County owned playing field adjoining the eastern boundary of the site, the existing multi-use games area adjoining part of the north boundary, and the area of open space and children’s play facilities adjoining the south-west corner of the site.

This policy states that:

“Development proposals will be permitted where they do not result in the loss of existing green spaces, as identified on the Policies.

Proposals resulting in a loss will need to provide a satisfactory replacement facility, unless the proposal was of greater overall benefit to the local community than existing or realistic potential uses of the greenspace.”

Whilst the proposal will see the removal of a natural grass surface, replacing with artificial turf and fencing, the resultant form will provide an enhancement to an existing play pitch, providing facilities for year round use. It is therefore considered that the proposal will provide a greater overall benefit to the local community than the existing provision and as such the proposal complies with policy ITCR6 of the adopted Local Plan.

Playing pitch protection

The site is also identified in the adopted Local Plan as a ‘Protected Playing Pitch’ as defined by policy ITCR7. This policy states that:

“Existing Playing Pitches -

Development proposals will be supported where they do not have an adverse effect upon or result in the loss of Playing Pitches or Playing Field Land, as identified on the Policies Map.

Need for new Playing Pitches -

When considering development proposals the Council will use the Playing Pitch Strategy and Assessment to consider whether improvements to existing pitches will be needed.”

The background text to this policy identifies that:

“The NPPF requires robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Specific needs and quantitative or qualitative deficiencies or surpluses in local areas should also be identified. This information should be used to inform what provision is required in an area.

The Playing Pitch Strategy and Assessment (2017) found that growth within settlements in the Clowne / Northern District analysis area would generate the need for one adult football pitch

between them. However, these identified needs would be met through intensifying use on existing pitches in their respective areas with no new playing pitch provision being needed.

The assessment confirms that there are also no surpluses of playing pitches in the District. Even though some pitches are disused they should still be protected as a strategic reserve. The study recommends that the Local Plan should protect all playing pitches. Playing pitch quality assessments were carried out and pitches were categorised as being good, standard or poor.”

The Football Foundation, who are funding part of the development has compiled a Local Football Facility Plan (LFFP) for Bolsover District Council, to identify priority projects for potential investment in Bolsover. This has been submitted as part of the application.

The LFFP identifies that:

“Local assets and opportunities have been reviewed in line with four investment priorities:

- 1. 3G FTPs*
- 2. Improved grass pitches*
- 3. Changing room pavilions / clubhouses*
- 4. Small-sided facilities*

To ensure a consistent and high quality approach, each local area has been reviewed applying a standard approach, supplemented by input from consultation with local partners and stakeholder organisations.

While each investment priority is reviewed individually, it is understood that they can be inter-reliant; account is, thus, taken of these potential connections.”

The proposal is for a 3G Football Turf Pitch (FTP). These are described by the Football Foundation as:

“High quality and indispensable part of modern football facilities; their impact cannot be underestimated. In recent years the industry has seen major innovations and improvements to artificial surfaces (and sports lighting). This has created playing surfaces that replicate a good standard natural turf pitch whilst significantly increasing levels of use (x20). All FTPs must have sports lighting to achieve this.”

An assessment was carried out to ascertain where there was a shortfall in FTP’s within the District. A full size FTP was identified at Shirebrook Academy, and a small (5 a side) FTP in Tibshelf.

The shortfall was assessed using training demand modelling. The Council’s adopted Playing Pitch Strategy (PPS) states *“there are 75 football teams currently playing in Bolsover meaning there is demand for 1.8 full size 3G pitches. In practice, there is a definite need for one pitch (which there is in Shirebrook); however, the excess demand beyond this single pitch (0.8 full size 3G pitches) could potentially be accommodated on either a second full size 3G pitch or an increase in provision of smaller sized pitches”. The PPS demand modelling was based on 75 teams (2015/2016 affiliation data) registered in Bolsover.”*

The Plan identified that there are gaps in provision within Clowne, and it was recommended that this be addressed. The Playing Pitch Strategy identifies that a pitch located in either Clowne or South Normanton would address the shortfall in 3G provision.

The Local Football Facilities Plan put forward a specific priority project for potential investment. The site was selected by local partners based on a rationale of good access, high population, geographical spread, success and quality of existing facilities. The site put forward forms the basis of this proposal, and identifies the following:

“Clowne Sports Centre (The Arc) - new 11v11 floodlit 3G FTP.

Existing facilities: two full sized grass pitches, small sand based AGP (50m x 35), leisure centre with swimming pool and sports hall. There are good changing facilities on site.

Existing Users: two teams from Reinshaw Rangers use the grass pitches. AGP and sports hall are used for recreational football.

Rationale: participation growth in; junior football, BAME participation, informal/recreational football, senior football, women and girls, over 50's participation.

It is therefore considered that the applicant has adequately demonstrated that the Council's adopted Playing Pitch Strategy and Assessment (2017) has been given due consideration, and that this specific site allocated for pitch enhancements was chosen following a detailed assessment of pitch provision within the District, provided within the Local Football Facility Plan, compiled by the Football Association and Football Foundation.

It is therefore considered that the provisions of policy ITCR7 where relevant to this proposal, have been complied with.

As such, subject to full consideration of all other relevant material planning considerations, assessed in detail below, the principle of development is deemed to be acceptable.

Landscape and visual impact of the proposed development

Policy SS1 of the adopted Local Plan states that development proposals *should protect and enhance the character, quality and settings of towns through an appropriate mix of good quality, well-designed developments.*

Policy SS9 states that development *will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.*

Policy SC3 states that development proposals *will create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and accord with and respond to the established character and local distinctiveness of the surrounding landscape.*

There are residential properties to the south of the site, approximately 50m away from the proposed perimeter fence which is to be erected around the pitches. The front elevation of the dwellings have an outlook towards the site (see image below), and between these and the

proposed pitch is an estate road, and a fenced off paddock with grazing horses.



The proposal includes the formation of a landscape bund and acoustic fence along the southern boundary of the site, which will have a maximum height of 4.5m.

Properties to the east of the site have intervening land between them and the site, and are screened by an established hedge and planting. As such these properties have no views into the application site.

There is an established hedge along the west boundary, between the development site and public footpath, and land levels then drop providing clear unobstructed views towards the M1 and beyond (see image below). The proposal will not be visible when viewed from the west.



Whilst it is acknowledged that the site is currently undeveloped green space, and the proposal will be to erect a 4.5m high green mesh fence around an artificial playing field, consideration has also been given to the current, authorised use of the land, which is a protected playing field. The proposal has also been considered within the wider context of the adjacent leisure centre which this playing field is a functional part of.

As such, it is not considered that the proposal will cause such detriment to the character of surrounding landscape or visual amenity to warrant a reason for refusal, in compliance with policies SS1, SS9, and SC3 of the adopted Local Plan.

Impact on residential amenity

Policy SC3 of the adopted Local Plan states that *development proposals should ensure that a good standard of amenity is maintained for occupants of existing properties. Policy SC11 then goes on to identify that development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.*

There are a row of recently constructed residential properties on Harvester Way, which have front facing windows which overlook the application site. There is an estate road and paddock between the properties and application site.

Consideration has been given during processing of the application to the fact that the site is an existing playing pitch, in use at various times of the week, with no restrictions on hours or days of use; although it is noted that currently there is no artificial lighting on site, which restricts the use of the pitches to daylight/summer hours.

Three representations have been received, objecting to the proposal on grounds related to noise, disturbance and floodlighting (among other issues). The environmental health section has also been consulted, and initially raised concerns about predicted noise levels and proposed floodlighting.

The responding environmental health officer has been in negotiations with the applicant, during processing of the application, to overcome issues relating to residential amenity.

The submitted application includes a landscape bund along the southern boundary of the site, which partially wraps around the east and west boundary. This bund will be 2.464m higher than the proposed pitch level. On top of this will be a 2m high acoustic fence, included as a revision to the proposal, following concerns from residents and environmental health about potential noise and disturbance. The applicant has indicated that the fence will manage to reduce predicted noise levels to no greater than 45dB LAeq, 1 hr and 60dB L_{Amax,F} at first floor facades, which equates to an internal level of 30dB LAeq,1hr and 45dB L_{Amax,F} with a partially open window.

A re-consultation has been sent to residents advising them of the proposed acoustic fence, no comments have been received at the time of the report submission, but given that the expiry date for comments is the 6th September, any late representations will be reported at Planning Committee.

The bund and fencing will be the same height as the perimeter fencing (4.5m), and it is considered by the environmental health officer to satisfactorily address potential noise issues associated with the proposal. A condition will be included for the bund and fence to be constructed prior to the development being brought into use, and to be retained for the life of the development.

The application originally submitted proposed that the use of the pitches would be until 10pm, 7 days a week. This raised concerns for residents and environmental health over potential noise and light disturbance, and subsequently the hours have been reduced to between 9am to 9pm Monday to Friday, and 9am to 6pm Saturday, Sunday and bank holidays, in accordance with an email submitted by the applicant on the 9th July 2021. A condition will be included in respect of this.

The environmental health officer has also requested that a condition be included for a noise mitigation plan to be submitted and agreed prior to the development being brought into use. The Plan will include measures to ensure that the amenity of nearby residents will not be compromised as a result of the development, such as the whistle only being used for matches and not training, and measures to tackle instances of anti-social behaviour around the pitches (swearing and shouting etc).

With regards to potential light pollution from the flood lights, the environmental health officer has requested a condition requiring that verification is provided to confirm that the floodlights comply with the limits imposed in the guidance "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. Specifically, the validation should demonstrate compliance with the requirement of table 3: Maximum values of vertical illuminance on premises and table 4: Limits for the luminous intensity of bright luminaires for environmental zone E3.

It is therefore considered that the amenity of neighbouring residents has been given due regard during processing of the application, and amendments have been received to ensure that the proposed development mitigates against adverse noise and disturbance which may be generated from the proposal. As such, subject to the full implementation of all relevant and appropriate conditions, the proposal will cause no significant detriment to residential amenity, in compliance with policies SC3 and SC11 of the adopted Local Plan.

Access and Highways

Policy ITCR10 of the adopted Local Plan identifies that development proposals *should provide convenient and safe access*, and ITCR11 identifies that *adequate provision for vehicle and cycle parking should be provided and should relate well to the development, be well-designed, safe, minimise conflict with pedestrians and ensure that access for emergency services is provided*.

The Arc Leisure centre has 187 existing parking spaces. Some of these are used by Council staff and the adjacent day nursery during working hours in the week, but in the evenings and weekends the car park is in use solely by the leisure centre. Given that the existing playing pitches are presently in use by football clubs, it is not expected that there will be such an intensification in visitors to the site to warrant a reason for refusal on highway safety grounds, or to require additional parking to serve the development, or to make improvements to the existing point of access from the highway.

It is therefore considered that the proposal provides a safe and suitable access, and provides sufficient on-site parking to serve the development, in the interests of highway safety and in compliance with policies SC3, ITCR10 and ITCR11 of the adopted Local Plan.

Biodiversity Matters

Policy SC3 of the adopted Local Plan states *that new development should address opportunities for biodiversity, conservation, and enhancement ensuring that local semi-natural features including watercourses are created or enhanced as integral parts of development*.

Policy SC9 of the adopted Local Plan states that *development proposals should seek to conserve and enhance biodiversity of the District and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity*.

A Preliminary Ecological Appraisal (PEA) prepared by B.J Collins Protected Species Surveyors Ltd has been submitted as part of the application process. The Wildlife Trust has been consulted and confirmed that the report is generally acceptable, although a condition should be included on any decision notice to ensure that the mitigation recommendations outlined in section 6 of the PEA are fully implemented.

Mitigation measures include the retention of trees and hedges. If any works are required they will be carried out outside of bird nesting season and if that isn't possible, then a nesting bird survey will need to be submitted. If a nest is discovered within 5m of the works, the area will be cordoned off until the young have hatched, have fledged and left the nest. With regards to

hedgehogs, excavation works/trenches will be covered over at night, and will have a ramp to allow for escape, if required. With regard to bat protection, the proposed flood lighting will be directed so there is no illumination hitting either the east or west hedgerow.

The proposed development will see the removal of amenity grassland and the engineering works associated with the laying of artificial turf.

Whilst potential biodiversity impacts are confined mostly to the loss of this grassland, the Wildlife Trust has highlighted that there could be potential biodiversity impacts by reason of the proposed flood lighting, and the effect this could have on bats and other nocturnal animals.

The information provided in the PEA indicates that this issue can be addressed, and therefore provided the lighting is in line with the details set out in the PEA, and with the Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018) it should be feasible to minimise and avoid impacts.

In order to address the loss of the amenity grassland the Wildlife Trust has advised that the landscaping of the bund should include measures to benefit biodiversity in particular butterflies and pollinating insects.

A landscaping plan has been submitted for consideration dated the 23rd August and is still out for consultation. If the Wildlife Trust do not provide additional comment on the submitted plan, it is considered reasonable that the landscape plan is included as an approved document, rather than requesting the submission of a further landscaping scheme by condition. An advisory note will be included to recommend that some of the species rich grassland, as recommended by the Wildlife Trust in their comments, is implemented into the landscape bund as this will help to off-set the loss of amenity grassland and should be beneficial for a variety of plants, insects, bats and birds.

The list of species rich grassland is as follows:

Fine-leaved grasses

- Common bent
- Red fescue
- Crested dog's-tail
- Quaking grass
- Sweet vernal grass

Herbs

- Common bird's-foot-trefoil
- Common stork's-bill
- Germander speedwell
- Thyme-leaved speedwell
- Red clover
- White clover
- Common cat's-ear
- Oxeye daisy
- Selfheal
- Black medick

- Wild strawberry
- Yarrow
- Lady's bedstraw
- Lesser stitchwort
- Pignut
- Burnet-saxifrage

It is therefore considered that sufficient information has been submitted during processing of the application, to give consideration to any potential biodiversity impacts associated with the proposal, and subject to the full implementation of the approved landscaping scheme, and compliance with section 6 of the PEA, the proposal will cause no overriding loss to biodiversity that cannot be off-set through mitigation, in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

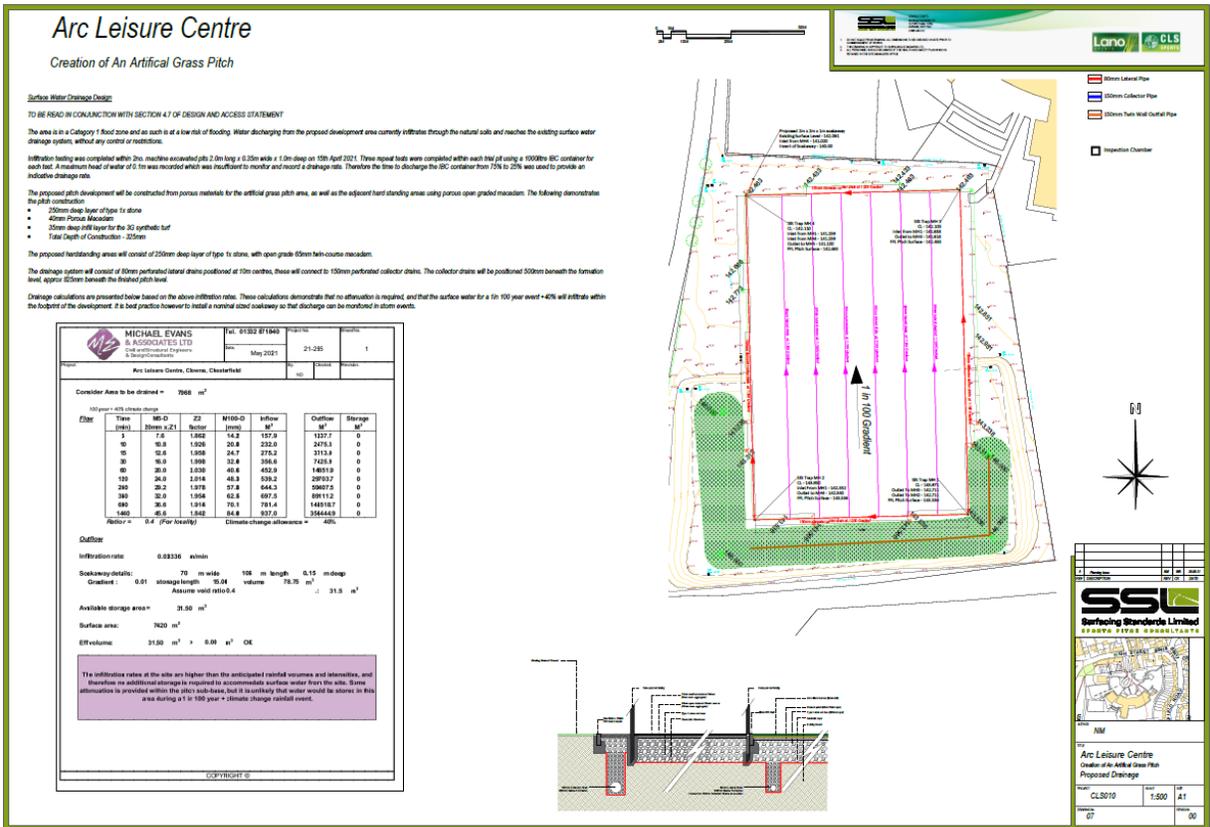
Drainage and land stability

Policy SC2 states that new developments should adopt *“sustainable drainage principles and avoid detrimental changes to the characteristics of groundwater drainage and surface water run-off, and protects the capacity of natural surface water drainage systems and access to them for maintenance and improvement. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable; into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer.”*

Policy SC14 of the adopted Local Plan states that, *“development proposals will not be permitted unless it can be demonstrated that any unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment. Development proposals should also demonstrate that they will not cause the site, or the surrounding environment, to become contaminated and/or unstable.”*

The Lead Local Flood Authority has been consulted by reason that the application is a 'Major' proposal. Comments have not been received by them during the processing of the application.

The application site is partially located within Instability Zone 4. The Council's land stability consultant, Eastwood and Partners has been consulted, and sent a copy of the proposed drainage scheme (see below), received 26th August 2021.



The agent has stated in an email dated the 26th August that, “In summary the entire footprint of the development is constructed from porous materials. The pitch surface, underlying macadam and aggregate are all designed to allow water to infiltrate through the subsequent layers, with a porosity rate of 500mm/hr or greater. I have shown the underlying perforated drainage pipes on the plan drawing and cross section. The laterals will connect into the collector drain at the low end of the pipe using a rigid junction.

The pitch is designed with a 1 in 100 gradient heading along the length of the pitch from south to north (north being the lowest end). We can therefore move the soakaway across to the north east of the pitch but the space here is less than on the north-west side. Due to the infiltration rates of the site, it is highly unlikely that the soakaway will be required, as demonstrated by the drainage calculations, and that surface water will infiltrate through the entire formation into the underlying ground.”

Eastwoods have formally responded on the 1st September, and advised that there are no objections in principle as the application site is sufficiently far from the edge of the escarpment, but they require further clarification in the form of an amended site levels plan to include the area to the south and west of the site, as they were not able to accurately scale from the submitted plan.

The agent has been sent a copy of the comments from Eastwoods and asked to submit the plan.

Eastwoods has confirmed in their response that the site lies partly in zone 4 and partly in zone 5 of the Landslide Zonation Hazard Report.

Typically a Landslide Report would normally be required for developments within Zone 4, however, a drawing CLS010/002(00) has been submitted that shows existing levels on the site and it also shows the positions of the 130m, 135m and 140m contours.

The 140m contour is at a minimum distance of 37m west of the site boundary, and the maximum level on the boundary is 143.03. Eastwoods have concluded that there is an area of land separating the site from the escarpment that is at least 25m wide and less steep than 1 in 10 (typically shallower than 3.03m in 37m).

Levels to the south of the site have not been specified, and where they have, it has not been possible to scale accurately from the submitted plan. Eastwoods have used Google Earth as a rough guide and surmise that adjoining land to the south appears to be level. For accuracy they have recommended that the level survey should be extended a minimum of 25m beyond the site boundary, and to the top of the escarpment on the western side where this is further, to an accuracy that can be scaled. If this demonstrates that their assumptions are correct, they would have no concerns about slope stability.

The northern half of the site is at the same level as the surrounding ground and is almost flat with slopes in the order of 1 in 100. The southern half is elevated by 1-1.5m above general ground level all round, but also has only very shallow slopes, both at the top of the elevated area and across its base. The proposed site layout CLS010/003(01) shows that the levels in the northern half of the site are being raised by about 300mm, and the elevated platform is being lowered by about 400mm.

Eastwoods consider that the escarpment is at least 35m beyond the western boundary, the gradients between the western boundary and the top of the escarpment are comfortably shallower than 1 in 10 (of the order of 1 in 15) and the land to the south is essentially flat. They go on to say that they consider the site to be in zone 5, where no planning constraints would be required.

Eastwoods have identified that if levels around the site are as expected and the position of the escarpment is represented correctly, the bund will be sufficiently far away from the escarpment to be of no consequence.

All materials to be used for the construction of the pitch are porous in nature, and soakaway tests have indicated the ground to be highly permeable with infiltration rates of about 5×10^{-4} m/s. Eastwoods consider that infiltration will be similar to the undeveloped condition, and they expect the quantity of water discharging to a soakaway to be fairly small. The soakaway shown on the drainage drawing appears to be approximately 16m inside the boundary of the site and more than 50m from the top of the escarpment. Therefore, if levels around the site are as expected and the position of the escarpment is represented correctly, they do not consider that a soakaway in the position shown will have any significant detriment on the stability of the escarpment.

It is therefore considered that on submission and consideration of the amended site levels plan, Eastwoods are likely to be satisfied that the proposal poses no land stability risks to the integrity of the escarpment, and it is not anticipated that they will require any conditions.

CONCLUSION

The application as submitted has been assessed in accordance with the adopted Local Plan (2020) policies of Bolsover District Council, and has given due regard to the adopted Playing Pitch Strategy Assessment (2017).

The proposal is to make enhancements to an existing playing pitch which is a protected playing pitch site, under the provisions of the adopted Local Plan, and has been allocated for enhancements based on an identified need for improvements to existing pitches within the north of the District.

Whilst the Council fully acknowledge concerns raised by adjacent residents, the proposal is not to create a 'new' pitch within a residential area, it is to enhance an existing pitch which is already in use ancillary to an established leisure centre. The pitch has been afforded formal protection through the Local Plan process, which was subject to thorough examination prior to adoption.

It is considered that the agreed reduction in hours of operation, and the installation of a bund with acoustic fencing on top will adequately mitigate against potential, adverse levels of noise that may be generated from the proposal. Residents have been consulted on the proposed acoustic fence, with comments due back by the 6th September. Any late representations in respect of the amendments will be reported to Planning Committee on the 15th September. Notwithstanding that, it is considered that the applicant has taken reasonable steps to protect the amenity of adjacent residents from noise and disturbance associated with the use of the land.

The Council fully acknowledge that the application site is within a zone of land instability and as such the necessary consultations have been sent to the Council's land stability consultant and Lead Local Flood Authority. Eastwoods have confirmed that while they have no objections in principle, they do require an amended plan to accurately show land levels to the south and west. It is expected that this plan will be submitted and considered before the 15th September, but in the event that it is still outstanding, Members will be requested to approve the application, but to defer the decision until these matters have been resolved. The consultees will either confirm that the submitted information is satisfactory, or recommend conditions, or may request additional information for formal consideration prior to determination of the application.

Subject to the requirements of any late comments and representations made in respect of the proposal, it is considered that subject to the full implementation of all appropriately worded conditions, the proposal complies with the provisions of the adopted Local Plan and as such it is recommended that the application is approved subject to conditions, but that the date of determination is deferred until all outstanding matters have been resolved.

RECOMMENDATION – Resolve to grant planning permission but to defer the decision to the Planning Manager (Development Control) in consultation with the Chair / Vice Chair of Planning Committee; subject to all outstanding issues associated with land stability and drainage being resolved.

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents and shall be retained as such for the life of the development:
 - Proposed drainage - 07 Rev 00; received on the 26th August 2021
 - Revised proposed site layout - 03 Rev 01; received on the 23rd August 2021
 - Revised proposed AGP layout - 04 Rev 02; received on the 23rd August 2021
 - Revised proposed AGP Elevations - 06 Rev 02; received on the 23rd August 2021
 - Landscaping planting plan - 780 Rev P03; received on the 23rd August 2021
 - Construction Phase Health and Safety Plan - Compiled for: Football Foundation (28/7/21); received on the 28th July 2021
 - Revised site location plan - 01 Rev 02; received on the 24th June 2021
 - Appendix D - Proposed materials and appearance - Surfacing Standards Ltd; received on the 11th June 2021
 - Floodlighting system - Philips OptiVision LED gen 3.5; received on the 11th June 2021
 - Existing site plan - 02; received on the 11th June 2021.
 - Attenuation calculations; received 11th June 2021
 - Lighting Assessment - CLS010 21-05-2021, designed by Nick McLaren; received on the 11th June 2021.
 - Noise Impact Assessment - Ref: 8976/DO May 21; received on the 11th June 2021
 - Preliminary Ecological Appraisal - BJ Collins (June 2021); received on the 11th June 2021
 - Soakaway Test Report - Project no. EAL.178.20; received on the 11th June 2021.
3. The materials and finishes to be used on the approved fencing and storage container shall be as stated on the submitted application form and plans.
4. Prior to the development hereby permitted being brought into use, a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented in accordance with the agreed document and maintained as such throughout the life of the development.
5. The hereby approved landscape bund and acoustic fence shall be constructed in accordance with the approved details, prior to the development being brought into use and shall be retained and maintained for the life of the development.
6. The hours of use for the playing pitches hereby permitted shall be between the hours of 9am to 9pm Monday to Friday, and 9am to 6pm on Saturdays, Sundays and Bank Holidays.
7. Prior to the development hereby permitted being brought into use, the applicant shall

provide verification that the lighting installation complies with the limits provided in the guidance "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. Specifically, the validation should demonstrate compliance with the requirement of table 3: Maximum values of vertical illuminance on premises and table 4: Limits for the luminous intensity of bright luminaires for environmental zone E3 .

8. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Section 6 of the Preliminary Ecological Appraisal.

9. The development hereby permitted shall be carried out in accordance with the proposed landscaping plan, submitted on the 23rd August 2021. The bund shall be planted using a species rich wildflower mix, and shall contain a mix of the fine leaved grasses and herbs as identified in advisory note 1. The landscaping shall be provided within the first planting season following completion of the development and shall be retained as such in accordance with the approved details.

If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the development takes the form as envisaged by the Local Planning Authority.

3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.

4. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.

5. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.

6. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.

7. To protect the amenity of residents living to the south of the site. In the interests of residential amenity and in compliance with policies SC3 and SC11 of the adopted Local Plan.

8. To ensure that adequate mitigation is provided to ensure that protected species are afforded adequate protection, and to off-set against the loss of amenity grassland, in the interests of biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

9. To ensure that the site is landscaped in accordance with the approved details, and is retained as such, In the interests of visual amenity and biodiversity, and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

Notes

1. In accordance with condition 9 above, Derbyshire Wildlife Trust has recommended the following species for inclusion in the bund planting: Fine-leaved grasses - Common bent, Red fescue, Crested dog's-tail, Quaking grass, Sweet vernal grass; Herbs - Common bird's-foot-trefoil, Common stork's-bill, Germander speedwell, Thyme-leaved speedwell, Red clover, White clover, Common cat's-ear, Oxeye daisy, Selfheal, Black medick, Wild strawberry, Yarrow, Lady's bedstraw, Lesser stitchwort, Pignut, Burnet-saxifrage.

Statement of Decision Process

The case officer has worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.