



Appeal Decision

Site visit made on 8 March 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 8 April 2022

Appeal Ref: APP/D2320/W/21/3284743

Parklands High School, Southport Road, Chorley PR7 1LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Athletico Buckshaw Futsal Ltd against the decision of Chorley Borough Council.
 - The application Ref 21/01255/FULMAJ, dated 6 November 2020, was refused by notice dated 15 July 2021.
 - The development proposed is the installation of a concrete ring beam for anchoring an inflatable multi-sport airdome with resurfacing of courts, associated infrastructure and ancillary facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The name of the Applicant is given as Athletico Buckshaw Futsal Ltd on the original planning application form, but the Appellant's details are specified as Athletico Sports on the submitted appeal form. Nonetheless, it has been confirmed in writing that the Appellant is Athletico Buckshaw Futsal Ltd and I have used this name in the banner heading above.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area, including Great Wood.
 - The effect of the development on the living conditions of the residents of neighbouring properties on Hampton Close, with particular regard to noise and disturbance.

Reasons

Character and Appearance

4. The appeal relates to an existing tarmac surfaced tennis court that is located to the north-eastern corner of the grounds of a secondary school called 'Parklands Academy'. The appeal site lies adjacent to school playing fields which includes a floodlit artificial football pitch to the west, and a car park and other school buildings to the south. There are also residential properties on Hampton Close that bound the eastern side of the site and an area of woodland called 'Great Wood' to the north.

5. The appeal site is not located in a conservation area or a designated landscape. Nonetheless, Great Wood is ancient woodland, that has a verdant character, and is publicly accessible with footpaths running throughout it and is in proximity to the shared boundary with the appeal site. On my site visit I saw that this was a well-used walking route for members of the public.
6. The airdome would be installed over the existing outdoor tennis court. It would measure approximately 58 metres by 35 metres and would be approximately 11 metres in height at the top of the dome. It would be made of a translucent polyethylene canopy and be attached to the ground through a number of anchor points fastened to a concrete ring beam. It would also be kept inflated by fans that are to be installed at its western end and be internally illuminated through LED lights.
7. The proposal would therefore be a structure of substantial size and scale, with a smooth curve shaped form and appearance similar to that of a large inflated marquee. The submitted plans show that the proposal would sit at a lower level than the existing school buildings to the south, and as a result, I consider that it would not appear out of scale with these buildings when seen from within the school grounds.
8. Nonetheless, it would be of a much larger size and scale than the residential properties that abut Great Wood, which predominantly comprise pitched roof bungalows. Its form and materials would also be considerably at odds with those of the school buildings and the residential properties nearby, including those on Hampton Close. Furthermore, the existing school buildings to the south of the appeal site are a considerable distance away from the northern boundary with Great Wood, and are not readily apparent from the pathways within this ancient woodland, closest to the appeal site. The lack of built form in this area ensures that this part of Great Wood remains relatively undisturbed by development, thereby preserving its verdant character.
9. I appreciate that the curved shape of the proposal would reduce its bulk and massing when seen from Great Wood, and that views of it from this direction would be filtered by mature trees, some of which would be taller than the proposed structure. Nonetheless, the proposal would be sited only approximately 7 metres away from its northern shared boundary with Great Wood. The topography of the surrounding area is also such that the appeal site sits at a much higher level than the nearest footpaths within this woodland. Notwithstanding the appellant's photographs from this area, my site observations confirmed that there were clear views of the appeal site from these paths, in between gaps in the trees, which were not in leaf at the time of my visit.
10. As a result of all of these factors, I consider that the proposal would appear as a dominant, imposing and conspicuous form of development when seen from the neighbouring ancient woodland, which would cause subsequent harm to its verdant character. This impact would be compounded by the proposed airdome's internal illumination, which due to its white translucent canopy would appear lit up, thereby drawing the eye, and further accentuating its visual prominence, particularly on darker days or in the evening.
11. In light of the above, I therefore find that the development would cause harm to the character and appearance of the area, including Great Wood, and would conflict with Policies HW1 and BNE1 of the Chorley Local Plan 2012 – 2026

(2015) (the Local Plan) which amongst other matters seek to ensure that development, by virtue of its design, height, scale and materials would not have an adverse impact on the local environment or visual character of the landscape.

Living Conditions

12. An Acoustic Technical Memorandum (ATM) was commissioned by the Appellant in order to address objections that were received from the local residents of Hampton Close during the course of the determination of the planning application. This is intended to provide a review of the potential noise issues surrounding the installation and operation of the airdome.
13. As a result of the timing of the planning application, amidst restrictions due to the Covid-19 pandemic, the ATM sets out that the measurement of background sound levels was not possible due to the restriction on movement and the operation of the school, and nearby commercial, retail and entertainment venues, which resulted in traffic levels being significantly reduced. For the same reasons, the ATM also states that it was not possible to obtain source noise data or undertake measurements for the operation of similar airdomes as sporting facilities were closed.
14. Accordingly, rather than take specific noise measurements at the appeal site, a number of testimonials from local residents living in proximity to a larger airdome at St Joseph's High School Sports College in Horwich have been put forward in support of the case. The submitted testimonials confirm that the noise from the sports operating within the airdome or the operation of the fans has not given rise to disturbance to these residents. On the basis of these testimonials, the ATM suggests that it is reasonable to conclude that the operation of the proposed smaller dome would be unlikely to give rise to any disturbance to the residents at Hampton Close.
15. Nonetheless, I consider the failure to provide site-specific sound data with the appeal to be a substantial shortcoming of a proposal which seeks to introduce a proposal in proximity to noise-sensitive properties, which the Council measure would only be around 8 metres away from the rear garden area of 3 Hampton Close. In coming to that view, I appreciate that there is noise already associated with the existing outdoor courts and car park during school hours. However, the courts cannot be used at night due to a lack of lighting, and there is little before me to suggest that it is used or would be likely to be used at weekends.
16. Conversely, the proposed airdome would offer an indoor facility that would be available to use during times of bad weather, on weekday evenings (up until 22:00 hours) and weekends (between 09:00 and 18:00 hours). The Appellant's evidence also indicates that the proposal would be used for a multitude of sporting activities including futsal, tennis, netball, action cricket, fitness, tournaments, leagues and social bookings as well as an array of school PE lessons. The types of noise and disturbance that may be associated with these uses would therefore be likely to include shouting from participants and spectators, referees and coaches whistles, and the impact from balls bouncing.
17. Notwithstanding the above, the Appellant sets out the proposal would provide a level of sound insulation from the activities carried out within it and would also provide some mitigation from the noise associated with the floodlit artificial

pitch further within the grounds of the school. However, there is no conclusive empirical evidence before me to substantiate these assertions, or to demonstrate that the land levels or dual skin polyethylene canopy would limit noise emissions. There is also little information regarding desirable sound levels in outside areas such as gardens.

18. Turning to the potential noise from the fans which are required to keep the structure inflated, the Appellant's evidence indicates that these fans would be located around 87-91 metres away from the rear elevation of 3 Hampton Close. The ATM sets out that the calculated fan noise in a bedroom at night, with windows partially open, is significantly below the typical ambient noise for a bedroom at night and it is unlikely that any disturbance to sleep would occur.
19. However, the assessment of potential noise from the fans, which would be in operation 24 hours a day to keep the dome inflated, is compared against background noise readings taken from a property adjacent to Altrincham Grammar School rather than the appeal site itself. From the information before me I am not persuaded that the ATM provides a fully representative picture of the existing background noise or accurate predicted noise levels of the development to quantify the likely noise impact. Whilst I acknowledge the difficulties which have occurred in obtaining site specific readings from the appeal site as a result of the Covid 19 pandemic, this does not justify the granting of planning permission for a proposal which may result in an unacceptable levels of noise and disturbance to the occupiers of adjoining residential properties.
20. Furthermore, I am unable to be certain that the Council's Public Protection Officer's references to retrospectively investigating statutory noise nuisance complaints after the development has been brought into use would provide appropriate mitigation for the potential disturbance that I have identified above.
21. In addition, given the proximity of the car park to the dwellings on Hampton Close, the increased level of activity through the comings and goings of the users of the proposal, whether by foot, or car, and the noise associated with them (such as from car engines, car audio systems, slamming of doors and people conversing), would also increase noise levels at times when neighbouring residents would reasonably expect a certain degree of peace and quiet, such as in the evenings and during the weekend. Whilst I appreciate that it would be more convenient for people to park closer to the entrance of the dome away from the neighbouring properties, this cannot be guaranteed, particularly at busier times.
22. I am also conscious that members of the public would only use the proposal after 17:00 hours, and that the impacts arising from the proposed development would be materially different from the existing situation. Given the magnitude of the scale of the proposed increase in sports use, there is also clear potential for the activities to cause unacceptable levels of noise and disturbance to the occupiers of neighbouring properties. This is particularly the case in respect of evenings and other times when using their back garden areas such as at weekends.
23. The Appellant has also drawn my attention to a previous planning permission for an airdome at Fleetwood Town Football Club. Whilst I have had regard to this in reaching my findings, I have not been provided with the full details of

this case, including the development plan policies and noise evidence so I am unable to be certain that the circumstances are the same as the proposal before me. Moreover, each proposal must be determined on its own merits, and that is what I have done in this case.

24. Furthermore, the credentials and experience of the Appellant's acoustic consultant are noted and I have been made aware that the Council's Public Protection Officer's pre-agreed the scope of the assessment criteria for the ATM. However, neither of these factors go to the heart of the planning merits of the proposal.
25. Taking all of the above into account, the proposal has failed to demonstrate that it would not adversely affect the living conditions of the occupiers of the neighbouring residential properties on Hampton Close through excessive noise and disturbance associated with the development. As such, the proposal would conflict with Policies HW1 and BNE1 of the Local Plan which amongst other matters seek to ensure that proposals will not harm the amenities of local residents or cause an unacceptable degree of noise and disturbance to surrounding land uses.

Other Matters

26. Neither main party has raised any objections to the effect of the proposed development on the character and appearance and setting of Astley Hall (Grade I listed building), the stable block to Astley Hall, drinking fountain, Astley Hall Historic Park and Garden, and Ackhurst Lodge (all Grade II listed buildings). In reaching my decision I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of these listed buildings. In these respects, and based on the evidence before me, I agree that the proposal would not harm the significance and setting of these heritage assets. On this basis, I am satisfied that it preserves those interests.
27. There would clearly be community, recreational, sporting and educational benefits associated with the proposal. It has been put to me that the proposed airdome would broaden the school curriculum, ensuring that PE lessons would no longer be weather dependant, thereby improving the education of pupils and indoor sporting provision for children and adults in this respect. I also recognise the advantages of Futsal in developing the skills of footballers and the social and health benefits associated with physical activity and sport, which are endorsed by the National Planning Policy Framework. The supporting statements from various sporting bodies which include Lancashire Netball Association who have identified a shortfall of adequate facilities are also noted.
28. In addition, the Appellant states that there has been no new provision allocated for indoor sports facilities despite the Council's predicted growth rates for between 2018 and 2043. However, there is nothing in the evidence before me to indicate that the particular scheme in the location proposed is the only way of achieving such benefits. This limits the weight that I can attribute to these benefits in favour of it.
29. It has been put to me that the appeal site is in an accessible location with excellent public transport links. Whilst this may well be the case, it is not a factor which weighs significantly in favour of the proposal.

30. Finally, I acknowledge that no statutory or internal consultees objected to the proposal, and I have had regard to the letters of support and objection to the proposal.
31. In summary, whilst some of these factors weigh in favour of the proposal, in my view they do not overcome or outweigh the significant harm that I have identified in respect of the main issues of this case. As a result, the appeal scheme would not be sustainable development for which the presumption in favour applies.

Conclusion

32. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR