
Appeal Decision

Site visit made on 9 January 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2023

Appeal Ref: APP/P4415/W/22/3306517

St. Bedes Catholic Primary School, Wortley Road , Kimberworth, Rotherham, South Yorkshire S61 1PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by St Bede's Catholic Primary School against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2022/0669, dated 26 April 2022, was refused by notice dated 19 July 2022.
 - The application sought planning permission for the erection of 4m high fencing and 10 No. 8m high floodlight columns to illuminate play area and car park without complying with a condition attached to planning permission Ref RB2019/0050, dated 26 April 2019.
 - The condition in dispute is No 4 which states that: The playground and the associated floodlighting shall be used by the school and its pupils and only operate between 09:00 and 18:00 Monday to Friday.
 - The reason given for the condition is: in the interests of amenity of the surrounding area.
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Decision

1. The appeal is dismissed.

Main Issue

2. Following the granting of planning permission in 2019 a playground at the school was resurfaced and around its perimeter fencing and floodlighting was erected to create a multi-use sports area (MUSA). In the application that is the subject of this appeal the school stated that it wished to use the MUSA to host sporting events and, at times, to allow local community football teams to use the facility. As a result, an extension of its hours of use for these purposes was sought from those originally imposed to 20:00 hours Monday to Friday and, should it be needed, to allow use at weekends. At appeal stage the school amended what it sought to allow use of the MUSA by school aged children up to 20:00 hours Monday to Thursday and until 18:00 hours on Friday, and to allow use on up to two occasions a year at a weekend between 10:30 and 12:00 hours.
3. The main issue in this appeal is the effect that allowing the pitch to be used as proposed in the evenings, Monday to Friday, and on occasional weekends would have on the living conditions of nearby residents.

Reasons

4. The MUSA is located in a residential area next to the A629 Wortley Road. The main source of noise from the use of outdoor sports areas are the voices of players.
5. Evenings and weekends are especially valuable in terms of residential amenity as most people will be at home at such times and it is reasonable for them to expect to be able to relax and enjoy their homes. Houses and back gardens on the western side of the MUSA, together with the front elevations of dwellings on the opposite side of Wortley Road, are close to the appeal site. As a result, should the hours of use of the MUSA be extended as proposed in the application or appeal, it is possible that the living conditions of the occupiers of these houses would be adversely affected by noise and disturbance. This is a common issue in relation to proposals to extended hours of use of MUSAs. To determine whether or not this would be the case a noise assessment is necessary. As is the norm in planning applications, such assessments have to be commissioned and submitted by the applicant.
6. Wortley Road is a busy road with a steady stream of traffic. As a consequence, ambient noise levels experienced by residents in the immediate vicinity will be higher than in many residential areas. Road traffic is likely therefore, to an extent, to mask noise from the MUSA during the proposed increased hours of use. However, in the absence of a noise assessment it is not possible to determine if this masking effect would be sufficient to avoid harming the living conditions of nearby residents.
7. For these reasons, I therefore conclude that the proposal would be contrary to policies SP11 and SP52 of the Rotherham Local Plan Sites and Policies document. Both policies seek to prevent unacceptable adverse impacts from development on the living conditions of residents. Policy SP52 also specifically requires the submission of a noise assessment to enable clear decision making in relation to such matters. As a result, I find that the proposed extension of use of the sports area would be contrary to the development plan considered as a whole.
8. I recognise that Rotherham is deprived and that making the MUSA available to local children's football clubs would help improve health and fitness whilst also providing income for the school whose budgets have decreased. However, whilst I attach significant weight to these considerations in favour of the appeal, they do not outweigh the potential harm that could be caused to the living conditions of neighbours and non-compliance with the development plan.

Conclusion

9. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector