

Agenda Item No. 4.2

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

23 September 2019

Report of the Executive Director – Economy, Transport and Environment

- 2 THE INSTALLATION OF A NEW MULTI-USE GAMES AREA AT BURBAGE PRIMARY SCHOOL, 1 CAVENDISH AVENUE, BUXTON, SK17 9AE**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD1/0219/94

1.1376.8

Introduction Summary The proposal is for the erection of a 30 metres (m) by 15m Multi-Use Games Area (MUGA) on land at Burbage Primary School's playing field. The development as proposed is considered to be of good design and would be situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant has demonstrated a justified need for the development. It complies with Sport England's Playing Field Policy. Due to the proximity of the development to residential properties, local residents may on occasion be disturbed by noise arising from the MUGA. The application site is not located within a Conservation Area (CA) or within the setting of a listed building. I am satisfied that the proposal would accord with relevant development plan policies and the National Planning Policy Framework (NPPF), and is therefore recommended for approval, subject to conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** Burbage Primary School is situated within the village of Burbage, approximately 1 mile from Buxton. The proposed site is on the existing playing field to the north of the school complex. The school site is within a residential area and is enclosed by residential dwellings. The school site is not situated within a CA or within a setting of a listed building. No draft or adopted Neighbourhood Plan has been progressed as yet for the area.

Proposed Development

The proposed development is for the erection of a 30m by 15m MUGA, which would include 3m high rebound fencing to the north, east and south of the proposed MUGA. The MUGA's western elevation would have 1.1m high

rebound fencing. The MUGA would contain two enclosed recessed goals and two basketball units. The MUGA is proposed to be surfaced with tarmac and Match Play 2XL multi-sports surface (sand dress), with inlaid lines for football, reduced tennis and basketball, or equivalent surface. The site would be accessed by a proposed pathway constructed from stone.

In addition to the school's own use, the proposed MUGA would be rented out for local community sporting use after school until 2000 hours. The external users of the MUGA would park their vehicles within the school's existing car park. In order to accommodate the proposed MUGA on the playing field, the existing sporting activity areas would require relocating. These areas consist of a running track, rounders pitch and a multi-sports area.

Relevant Planning History

- Application Code No: CD1/0313/161 – Single storey two classroom building with standard and accessible toilet facilities, internal circulation space and plant room, and the creation of additional car parking spaces (approved 1 July 2013).
- Application Code No: CD1/0609/67– The installation of an aluminium canopy measuring 12 metres by 4 metres with a maximum height of 2.9 metres, to be erected to the rear elevation of the school (approved 28 July 2009).
- Application Code No: CD1/1007/133 – The erection of a single storey block extension with three classrooms and teaching area, relocation of play area and equipment, provision of two additional car parking spaces and construction of a new gas meter house (approved 9 January 2008).

Consultations

Local Member

Councillor Kemp has been consulted.

High Peak Borough Council-Planning

“The site is situated within the built-up area boundary and is not constrained by any sensitive statutory designation. On behalf of High Peak Borough Council, I can confirm that we have no objections to this application subject to the application demonstrating compliance with all relevant Local Plan policies relating to public and neighbouring residential amenity – namely Policies EQ6 and EQ10, and all other material considerations including the NPPF.”

High Peak Borough Council's Environmental Health Officer

No comment.

Lead Local Flood Authority

No comment.

Coal Authority

No objection.

Sport England

No objections.

Highway Authority

“There are no objections to the proposals as submitted subject to any hiring by external parties not being permitted to commence until least 1 hour after normal school hours i.e. to enable pick-up to be clear of the site before after hours users arrive.”

Publicity

The application has been advertised by site notice with a request for comments by 12 June 2019. In response to this publicity, seven representations have been received, all raising objections to the proposal. The main points of objection are summarised as follows:

Representations Summary

- Noise and light pollution impacting upon ecology and local residents.
- Noise from users of the proposed MUGA and potential use of undesirable language.
- Light pollution impacting upon mental and physical health.
- Reduction in playing field space which could be a detriment to pupils who are unlikely to use the MUGA or participate in sporting activities.
- Renting out the proposed MUGA to the wider community outside of school hours.
- Existing facilities at Buxton Community School which are not fully utilised and this is within walking distance.
- Existing parking provision may not be sufficient to accommodate teams, spectators and larger vehicles, such as mini buses and coaches.
- Use of the school entrance would impact on parking on Dovedale Crescent. The area is already heavily parked between 9am and 3pm making access for residents difficult.
- The MUGA should have 3m high noise reduction fencing on all sides. Damage to properties and residential garden spaces as a result of footballs and individuals retrieving them.
- The height of the proposed 3m high fencing is considered inadequate for adults, because they have a much stronger ability to kick a ball, even over a 5m high fence.
- Close proximity to residential boundary fences.
- Detrimental effect on house prices.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the High Peak Local Plan (2016) (HPLP). The National Planning Policy Framework (NPPF) (2019) and the associated Planning Practice Guidance (PPG) are also material considerations.

The principal planning policies relevant to this planning application are:

High Peak Local Plan (2016) Policies

S1: Sustainable Development Principles.

S1a: Presumption in Favour of Sustainable Development.

S2: Settlement Hierarchy.

EQ1: Climate Change.

EQ6: Design and Place Making.

EQ9: Trees, Woodland and Hedgerows.

EQ10: Pollution Control and Unstable Land.

CF4: Open Space, Sports and Recreation Facilities.

CF5: Provision and Retention of Local Community Services and Facilities.

CF6: Accessibility and Transport.

The most relevant paragraphs from the NPPF for this proposal are:

11: The presumption in favour of sustainable development.

45-48: Decision-making.

54-55: Planning conditions.

80, 84: Building a strong, competitive economy.

103, 108-110: Promoting sustainable transport.

117,121: Making effective use of land.

124 -127: Achieving well-designed spaces.

170,175: Conserving and enhancing the natural environment.

180, 183: Ground conditions and pollution.

The key planning considerations for this development are:

- Need for the development.
- Playing field and open space.
- Sport England's playing fields policy.
- Lighting impacts.
- Design and visual impact.
- Noise impacts.
- Traffic and highway safety.

Need for the Development

The supporting information accompanying this application identifies that *“the new M.U.G.A will provide the children at Burbage Primary School the opportunity to explore and learn through play in a controlled and zoned area”*. The applicant acknowledges that Sport England advises that children get at least 60 minutes of physical activity every day. The applicant believes that the MUGA would improve the chances of achieving this target and encourage further participation from students. This is because the facility can be used all year round due to its all-weather surface and can facilitate a wider choice of physical activities the children could take part in as part of their curriculum.

The supporting information also states that by renting out the facility, it is likely to bring the additional benefit of improved community links for the school, as it will be providing improved local facilities for sporting groups.

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education:*

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”*

HPLP Policy CF4 identifies that enhancements to existing land, such as playing fields, is supported, *“where it can be demonstrated that alternative facilities of equal or better quality will be provided”* and where, *“an alternative sports provision that would deliver benefits that would clearly outweigh the loss”*.

The proposal demonstrates that there is a need for the proposed works to erect a MUGA at the school. Therefore, I am satisfied that there is a justified need for the proposed development.

Playing Field and Open Space

The proposed site is part of the existing school playing field and running track. I am satisfied that the applicant has demonstrated that there is sufficient space to alter the existing layout of the playing field to accommodate the MUGA without adversely impacting upon existing sports provision at the school. I have no reason to doubt this assessment as this has been considered against the standards set out by Sport England.

Sport England has raised no objection to the proposed development and has concluded that the MUGA would comply with Exception E5 of its policy which states; *“The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the*

use, of the area of playing field. This is also consistent with Local plan policy CF4 as mentioned above, which supports *'alternative sport provision that would deliver benefits that would clearly outweigh the loss'*.

I am satisfied that the loss of playing field land would comply with HPLP policies CF4 and CF5. The proposal is also in compliance with Exception Policy E5 of Sport England's playing fields policy.

Lighting Impacts

It is acknowledged that a number of representations raised objections and concerns to floodlighting being installed at the application site. It should be noted that the development does not include any floodlighting as part of the proposal. Therefore, impacts on health and ecology as a result of light pollution would not occur.

Design and Visual Impact

The school site is enclosed by residential properties and the application area is within close proximity to a small number of rear residential gardens. The site benefits from existing screening from mature hedgerows and residential boundary fences. The MUGA would be situated within the existing playing field, which is away from the public highway and any public right of way. Therefore, the MUGA's location is considered to be in a relatively discrete location and would not have a visual impact on the amenity of the area. However, the proposal would be positioned approximately 21m west of nearest residential property. The MUGA would involve altering the existing layout of the existing playing field. However, the repositioning would not interfere with any other sporting activities that take place on the field.

I am satisfied that the proposed development would not result in a significant visual impact as the MUGA would be discretely located. Therefore, I consider the proposed development complies with policies EQ1 and EQ6 of the HPLP and the NPPF.

Noise Impacts

I note that concerns have been raised by local residents about the potential noise generated from the proposed development, in particular outside of the school hours. The nearest noise receptors would be the residential properties located along Dovedale Crescent, approximately 21m east of the MUGA. The school proposes to make the MUGA available for community use for no more than 25 people at a time and would be restricted until 2000 hours. I am satisfied that there are elements to the design of the MUGA that would help reduce any noise impacts on the surrounding area. I acknowledge that given the close proximity to residential properties, there would be, on occasions, some noise disturbance from the potential users of the MUGA, but I am satisfied that this would be ensured to be within acceptable limits by the imposition of a condition as referred to below..

I note that some of the representations are concerned about the impacts of noise on the local wildlife, in particular, owls that have been observed in the vicinity. Given the nature of the proposal and the hours of operation, I am satisfied that the proposed development would not have a significant impact on the local wildlife.

The Environment Agency and High Peak Borough Council both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee have raised any objections to the proposal on noise grounds.

I am satisfied that the MUGA would not significantly impact on the amenity of nearby residents or local wildlife in terms of noise and would accord with policies EQ1, EQ6 and EQ10 of the HPLP and the NPPF in this respect. However, given the close proximity of the proposed development to residential properties, a condition proposed under the Officer's Recommendation would restrict the hours of operation of the MUGA to ensure that the use of the MUGA does not exceed 2000 hours during weekdays or 1800 hours on Saturdays, Sundays and Bank Holidays.

Ecology

Taking into consideration the concerns and objections made by local residents in respect of local wildlife and protected species, it is considered that the potential impact upon local wildlife is insignificant, as the proposal contains no artificial lighting as part of the development. The potential noise generated from the site would not exceed reasonable hours. The site is not situated within or in close proximity to a local wildlife site and is considered to have no significant ecological value as a result of the existing use as a playing field.

The field margin, trees and hedgerows remain unaffected by the proposal which are the likely hunting/feeding grounds for protected species, such as owls and bats. No lighting is proposed as part of the development and, therefore, should not result in any adverse impacts in respect of light pollution on protected species.

I am satisfied that there is no ecological barrier to the determination of this development and that it would accord with policies EQ9 and EQ10 of the HPLP and the NPPF.

Traffic, Highway Safety

Whilst I acknowledge the concerns raised in representations with regard to the suggestion of insufficient parking, I am of the view that the requirements for parking generated by the proposed development would be able to be accommodated within the existing school site. The applicant has stated, with the Community Use Statement submitted with the application, that the existing

parking provision on site can accommodate the number of potential users of the site.

The Highway Authority has not raised any objections to the proposed development but does advise that the MUGA should not be available to external parties until 1 hour after normal school hours. This is to prevent congestion along the local highway and to enable children to be picked up from the school site without impediment from users of the MUGA. This would also encourage users to park within the grounds of the school site and deter parking along the local highway.

Therefore, I do not consider that the construction of a MUGA would lead to any significant increase in the volume of traffic or parking. I am satisfied that the MUGA would not have an unacceptable impact on highway safety or impact on the highway network in capacity terms. However, I do recommend a condition to be imposed to restrict community use of the MUGA to between 1600 hours and 2000 hours. The development would accord with Policy CF6 of the HPLP and the NPPF.

Conclusion

The proposal would contribute towards an increase in noise as a result of the external parties using the facility after school hours. The design and materials have been chosen to reduce the noise impact of the proposal on the residential properties nearby the site. I do not consider that the proposal would result in any adverse visual impacts or have any significant impact on ecology. The works, as described above, have a justified need to take place and would accord with local and national planning policy. The development would not, in my opinion, generate significant amounts of traffic or pollution and related nuisances. Subject to the recommended conditions, I am satisfied that the proposal would accord with the HPLP and the NPPF, and it is recommended for approval.

The representations which raise a number of concerns, as listed above, have been taken into consideration when determining this application.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

- (5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File No. 1.1376.8
Application Form received 19 February 2019.
Site Location Plan Installation of new MUGA received 12 February 2019.
Key Plan Installation of new MUGA Existing layout of field as provided by School and Key Plan Installation of new MUGA Proposed layout of field, both received 29 July 2019.
Community Use Statement, Design Access Statement, Open Space Statement and Tree Impact Assessment all received 30 April 2019.

Correspondence

Clarification - No flood Lighting 07 CD1/0219/94 dated 13 August 2019.

Consultation Responses from:

The Highway Authority received 2 May 2019.
The Coal Authority received 13 May 2019.
Sport England received 14 May 2019 and 13 August 2019.
Lead Local Flood Risk Authority received 20 May 2019.
High Peak Borough Council – Planning received 22 May 2019.

- (7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to the following conditions:

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

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of a date for the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details contained in the 1APP dated 14 February 2019, Design and Access

Statement, Community Use Statement, Tree Impact Assessment, Open Space Statement and the following plans:

- Drawing entitled 'KEY PLAN Installation of new MUGA Proposed layout of field'.
- Drawing entitled 'KEY PLAN Installation of new MUGA Existing layout of field as provided by School.
- Drawing entitled 'Site Location Plan'.

2019 08 13 Clarification -No flood Lighting 07 CD1-0219-94

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Construction

- 4) No construction/demolition work at the site shall take place outside the following hours:

0700 hours to 1900 hours Mondays to Fridays,
0800 hours to 1300 hours on Saturdays,

or at any time on Sundays or Public Holidays except by agreement with the County Planning Authority.

All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme approved in writing by the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of local amenity and the environment.

Hours of Operation

- 5) The MUGA to be provided by the development hereby permitted, shall only be used during the following hours:

Mondays to Fridays 0800 hours - 2000 hours.
Saturdays, Sundays and Bank Holidays 0900 hours - 1800 hours.

Reason: In the interests of local amenity and the environment.

- 6) The MUGA shall not be made available for use by any external parties except between the following hours:

Mondays to Fridays 1600 hours - 2000 hours.

Saturdays, Sundays and Bank Holidays 0900 hours - 1800 hours.

Reason: In the interests of highway safety and local amenity.

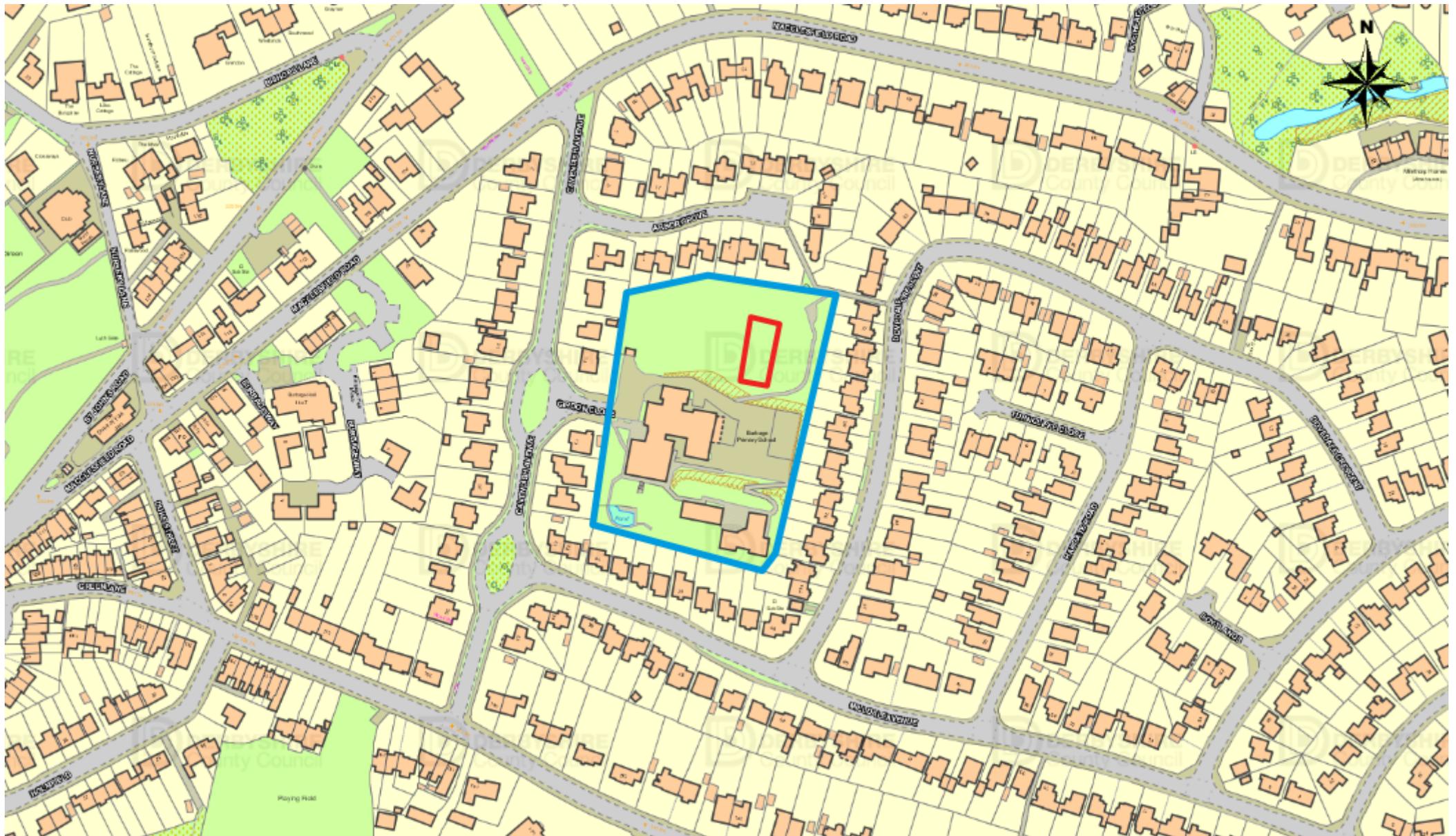
Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnote

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.

Mike Ashworth
Executive Director - Economy, Transport and Environment



50 m

Scale = 2500

16-Aug-2019