

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01816/FPA
FULL APPLICATION DESCRIPTION:	Erection of a MUGA (multi-use games area), with associated fencing, gates and path
NAME OF APPLICANT:	Charles Mercer St Marys Roman Catholic Primary School
ADDRESS:	Pemberton Road Consett DH8 8JD
ELECTORAL DIVISION:	Benfieldside Nick Graham Planning Officer
CASE OFFICER:	Telephone: 03000 264 960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is comprised of St Mary's Roman Catholic Primary School. The site falls within a residential area in Bridgehill, to the west of Consett town centre. The school is located on Pemberton Road which acts as one of the gateways to Consett. Residential properties are located to the west, north and east, whilst open countryside lies to the south.
2. The site's playing fields are bounded by thick vegetation and trees to the west bounding Pemberton Road, which act as a natural buffer to the site. The closest properties which can view the playing fields of the school are located at Highridge, approximately 150 metres to the east.

The Proposal

3. Permission is sought for the erection of a MUGA (multi-use games area) within the playing fields to the south of the school buildings, along with associated fencing and gates and a path leading to the facility. The MUGA would measure 20 metres x 30m metres with recessed goals at both ends. The surrounding fencing would measure just over 3 metres in height, and would be powder coated a dark green. A path is also proposed linking the school playing yard to the MUGA. Two marked out sports pitches would be unaffected by the proposal. The proposed MUGA would be used by the school as an alternative play provision, including during periods of inclement weather, for school lessons, breaktimes and after school clubs which are all already taking place at the site.

4. A vehicular access is noted from Pemberton Road, however it is understood this is used approximately 6 times per year for grass cutting machinery only, and this would continue to be the case as part of this proposal. No additional vehicular access is proposed.
5. The application is presented to Committee at the request of the Divisional Member.

PLANNING HISTORY

6. 1/2007/0416/60795 – Erection of security fence - Approved
7. 1/2009/0190/67550 - Extension to create new classroom within existing courtyard - Approved

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
13. *NPPF Part 7 – Requiring Good Design* – the Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

14. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

LOCAL PLAN POLICY:

15. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
16. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

17. *The County Durham Plan* – Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. The *Highways Engineer* has noted the application is acceptable in principle, however a designated bus drop off and pick up area should be provided for pupils and staff using and visiting the MUGA. The access from Pemberton Road is noted as being for maintenance purposes only, and does not appear to be intended for vehicular access over the public highway to park near the MUGA.

INTERNAL CONSULTEE RESPONSES:

19. The *Drainage and Coastal Protection Officer* has noted the site is not at risk of flooding during storm conditions, and the commitment to provide a soakaway for discharging surface water is in line with the principles as set out in the County Durham Surface Water Management Plan. The developer should provide a drainage strategy statement with particular reference to sustainable drainage solutions, infiltration test results, and drainage design calculations and layout.

20. The *Environmental Health Officer* has noted in principle should the use relate to that already on site, and not a significant intensification of use, then it is unlikely to result in an increased likelihood of impact. The main issues with MUGAs is use by adults into the evening and therefore should it be used at a similar time to the school and existing functions, it is likely to be part of the current noise climate and therefore noise is unlikely to be an issue. More generally, MUGAs due to their construction can add a few noise issues which were not there previously, such as the impact of a ball hitting the fencing. This advice is given on the assumption there is no floodlighting provided and that the use will cease at 5pm-6pm in the evening.

EXTERNAL CONSULTEE RESPONSES:

21. *Northumbrian Water* has commented noting insufficient information has been provided in regard to surface water management, in order for them to assess the capacity to treat flows from the development. A condition is recommended as part of any approval granted in relation to the disposal of surface water.
22. *Sport England* has commented noting the proposal relates to the provision of a new facility on an existing playing field. The application details that the playing field has been used to set out two junior football pitches, and goes on to show that the pitches could still be accommodated in the main, unaffected part of the playing field. The proposed MUGA will be used for curriculum PE lessons and informal play / recreation, and will offer the school an alternative for outdoor sport during inclement weather. Given the above assessment, no objection is raised to the application as it is considered to broadly meet the exceptions of Sport England's policy on planning applications.

PUBLIC RESPONSES:

23. Neighbours have been consulted by way of direct notification, and a site notice was posted on Pemberton Road. Eight letters of objection have been received, and the following points have been raised:

-Parking at the site and surrounding streets is chaos; no specific parking has been provided for the MUGA facility. We would like written assurances that if this facility is passed it would never be used by the general public or hired to private sports clubs as it would cause congestion to nearby streets into the evenings and weekends.

-It is difficult for nearby residents to access or leave their drives; this has been reported to the school and the police who have had to intervene on a number of occasions and warn offending drivers. The parking problems will now extend into evening and weekends which is completely unacceptable.

-There are speeding issues on Pemberton Road and a 20mph speed limit is requested for the safety of all. The access is placed on a dangerous part of Pemberton Road. There is no pavement on part of Pemberton Road which is dangerous for children. A risk assessment is requested into traffic safety.

-It is hoped a visitor car park on-site is provided and the facility would only be used by St Mary's School pupils. It is expected a covenant is put in place preventing future change of use to include persons other than pupils of the school.

-If the MUGA is approved noise levels will increase at evening and weekends, jeopardising the peaceful life of residents. People leaving and returning to vehicles, vehicles parked on the roadside, and property values would all be at detriment to the residential amenity of neighbours.

-The Council has responsibilities under Protocol 1, Article 1 of the Human Rights Act, in that a person has the right to peaceful enjoyment of all of their possessions, including their home and land. Additionally, Article 8 stipulates a person has the substantive right to respect for their private and family life.

-Would the site be supervised during opening hours to prevent anti-social behaviour?

APPLICANTS STATEMENT:

24. Residents raise the issue of illegal parking, both on footpaths and nose to tail, along with speed which is often in excess of the legal limit. Whilst the school sympathises fully with resident's concerns, and is fully supportive of any possible actions to alleviate these issues, it must be noted that these are pre-existing problems which are out of the schools jurisdiction. The construction of a MUGA will in no way exasperate the problem as its proposed use would not increase the volume of traffic at the times the resident's site in their statements.
25. The school recognises its duty to promote active and healthy lifestyles for all the children in its care. The proposed MUGA would allow for an enhanced P.E. curriculum and better use of the Sports Grant Premium, which OFSTED look at very closely. The simplest core function of any school is to provide the very best educational experiences for the children; due to the location of St Mary's and the regular inclement, and often adverse, weather conditions the school faces the P.E. curriculum could be described as narrow and condensed as opposed to broad and balanced. The instillation of the proposed MUGA, which is an all-weather pitch, would ensure that this area of the national curriculum could be taught to all pupils, all year, irrespective of the weather. A net consequence of this would be fitter, healthier and happy children. The main purpose of the MUGA is to enhance the quality of what the children have access to at St Mary's. Every child has the right to enjoy both active and passive play, segregated appropriately where possible, high quality P.E. lessons, and due to overwhelming parental demand due to the nature of modern living, a range of extended extra-curricular activities both sporting and non-sporting.
26. The proposed MUGA would be situated inside of the school grounds and would therefore be surrounded by pre-existing secure perimeter fencing and established security protocols; there is no evidence to suggest that such systems are anything but robust with zero recorded instances of anti-social behaviour. The MUGA would have its own secure fencing and locked gates making entry 'doubly difficult'. In addition the MUGA is in no way visible from the public footpath, or from many residents' homes, due to the fact that dense trees and foliage shield the rear facet from view. With this in mind the opportunity for any 'opportune' anti-social behaviour has been minimised to the lowest possible level. As part of the site managers duties a full perimeter check is already conducted daily, with the proposed site incorporated, so in the unlikely event of any trespassers being identified, action to remove them from the premises would be as quick and efficient as they are now – however, again it must be stated recorded incidents are zero.
27. It has been suggested that the proposed MUGA would be in breach of the Human Rights Act, Protocol 1, Article 1 as it would reduce peaceful enjoyment of possessions including the home and other land. In fact the erection of the proposed MUGA would have the polar opposite effect. Currently the yard, primarily for recreational use, closest to the resident's homes, and the one which generates the highest noise level, is one of active play through the use of balls and resulting 'high energy games'. The proposed MUGA would be located approximately 30 metres back from this yard, and with its purpose being multi-use would reduce the existing

yard to an area of passive play. This subsequent shift in use would see a reduction in noise levels during school hours and therefore help to further enhance resident's peaceful enjoyment of their possessions, including the home and other land. As previously mentioned the proposed site has a surrounding area of established, and mature, dense tree and foliage; this area would provide a natural sound proofing system and help to reduce any resulting noise. However, it must be noted that the school currently has capacity for 210 children to enjoy active play on the school field; the erection of the proposed MUGA, within this said area, would not alter these numbers so again the noise level pre and post MUGA would be identical.

28. The school recognises how misconceptions surrounding access arrangements to the MUGA have arisen. To clarify the access sited on the plan is only open to maintenance vehicles, for example grass cutting equipment and DCC contractors. This pre-existing and already established access route would only be used for maintenance issues; under no circumstances would cars be parked on the school field or be allowed access via these gates for any activities relating to the use of the proposed MUGA. Existing school control systems require all visitors to report to the main entrance and then be accompanied on site; adhering to established systems will ensure security is not breached, potential for anti-social behaviour is eradicated and the sited 'extremely hazardous manoeuvre' would not be taking place. Again any traffic management concerns sited by the residents are pre-existing problems which the school has no jurisdiction over.
29. In relation to outside schools using the facilities such provision already exists and currently takes place on the school playing fields and yards; inter school competition and partnership is an important part of any schools sporting provision. When the existing facilities are used for school sporting activities they never exceed the operational opening hours of the school; the site manager has the entire school secure and locked up for 6:30pm prompt every day. It is envisaged that the proposed MUGA would work in line with the pre-existing timings. The school does not have a business plan and has no desire to invite various bodies onto the site through leasing. The proposed MUGA is for school use. However, it must be made clear that inter school competition, sometimes taking place after school is considered school use; it would be unrealistic to propose a cut off time of 4:30pm for example, as logistics of travel and setting up would leave little time for the actual sporting activity to occur. In addition, the proposed plan has no floodlights included – this combined with the geographical location in Consett, means that despite being an all-weather pitch, lack of natural light and severe adverse weather prevents the facilities from being used all year in an after school capacity.
30. Finally, the school wishes to further highlight the fact that a pre-existing traffic issue is a completely separate issue to the impact of the proposed MUGA. The school currently has a Bronze Level Traffic Plan Award pending thus showing commitment to sustainable travel and trying to alleviate congestion; the school welcomes partnership with the residents on a solution to this issue but again highlights it is a separate issue. If the proposed MUGA is refused planning permission 210 children will still be dropped off and collected from school in various modes of transport. If the proposed MUGA is granted planning permission 210 children will still be dropped off and collected from school in various modes of transport. To conclude erecting the proposed MUGA will, as outlined, be of benefit to the children's lives, and despite suggestions to the contrary, in no way exasperate traffic issues or driving standards.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on neighbouring amenity and privacy, access and highway safety, and drainage.

Principle of development

32. The application site is located on the playing field within the curtilage of the school site. Policy GDP1 of the Derwentside District Local Plan permits new development when criteria relating to design, landscape, neighbouring amenity, and flooding are met. These are explored in detail below.

Visual impact upon the surrounding area

33. By virtue of the proposal's siting, it would not be visible from Pemberton Road. The main public viewpoint would be from Highridge, Phoenix Court, and Braemer Court, approximately 150 metres to the east of the site. Given the size of the proposal, and considering the fencing would be a dark green blending with the boundary vegetation, the visual impact upon the surrounding area is considered to be minimal and the proposal would accord with this part of Policy GDP1 of the Local Plan.

Impact on neighbouring amenity

34. Concerns have been raised from neighbouring properties with respect to the potential for the facility to generate additional noise, above and beyond what already takes place at the site. The applicant has confirmed the facility would only be used as alternative provision for existing students during the school day and as part of after-school clubs, particularly in times of inclement weather when the grassed area would be unsafe or impractical to use. The facility would not be used to host additional events outside of existing school hours, besides from after school clubs, therefore there would be no increased impact at evenings or weekends. A condition restricting the use to the school day and after-school clubs is recommended as part of any approval granted. It is also noted the facility would be sited approximately 75 metres from the closest residential property at Bridgehill Farm Cottages and any noise would be heard against the general background noise that a school and pupils would usually generate.

Drainage

35. Due to the nature of the facility, groundwater infiltration will be lost. Therefore, a request has been made from both the Council's Drainage Officer and Northumbrian Water for appropriate conditions relating to surface water drainage and particularly its run-off. Such conditions are considered appropriate as part of any approval granted and would accord with this part of Policy GDP1 of the Local Plan.

Highway safety and access

36. Concerns have been raised from several residents with regards to the parking issues that currently exist at the school, and the knock-on impact to surrounding streets and residents. The concerns of residents are noted however it is not the requirement of this planning application to resolve an existing situation and in determining the

application account can only be taken of any additional impacts, above and beyond the current arrangement.

37. It is acknowledged the MUGA would have the potential to increase capacity at the site for additional out-of-school clubs and events. However, as outlined above the applicant has confirmed the operating hours of the facility would not differ from the existing arrangement and this would be secured via condition. Given these circumstances and the fact that the proposal would not result in an increase in the number of people using the site, the request of the Highways Engineer for a bus drop off and pick up area is not considered to be a reasonable request, and would not meet the tests for a planning condition.
38. The applicant has confirmed the access from Pemberton Road would remain as existing, with bi-monthly access for grass cutting and construction vehicles only. It is considered appropriate to attach a prohibitive condition preventing other vehicles from using this access without the prior approval of the Local Planning Authority.
39. A representation has requested a risk assessment into traffic is carried out, whilst another requests a 20mph speed limit outside of the school. Neither of these requests are considered to be material to the decision-making process given the site's use in terms of intensification would be unchanged. The proposal is therefore considered to meet the requirements of Policy TR2 of the Local Plan.

CONCLUSION

40. The proposed MUGA would be used as an alternative play provision, including during periods of inclement weather, and would not result in an intensification of use at the school site. The two marked out sports pitches would remain, whilst the facility itself is seen as beneficial to the students by virtue of its all-year-round use. The proposal is not considered to have an adverse impact upon the surrounding area or residential amenity, the intensification of use and the level of vehicles attracted to the school would be unchanged, whilst conditions relating to hours of operation, drainage and access are all considered appropriate.
41. As such, the proposal is considered to be in accordance with Policies GDP1 and TR2 of the saved Derwentside District Local Plan and the application is recommended for approval subject to a condition restricting the times that the facility may be used.

RECOMMENDATION

That the application be **APPROVED** 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: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site Plan
Location Plan

7 June 2016
7 June 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and TR2 of the saved policies of the Derwentside District Local Plan, 2009.

3. Prior to the commencement of development, a Drainage Strategy statement, including sustainable drainage solutions, infiltration test results, the disposal of surface water, and drainage design calculations and layout, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented thereafter.

Reason: In the interests of surface water drainage and to accord with Policy GDP1 of the Derwentside District Local Plan and the NPPF

4. The MUGA hereby approved shall not be open and available for use: before 8.30am or after 6.30pm Monday to Friday; nor at any time Saturdays, Sundays and Bank Holidays.

Reason: In order to control any disturbance from the use within the local area and to accord with Policies GDP1 and TR2 of the Derwentside District Local Plan.

5. The access route, as shown on 'Layout Plan 73401-2', shall be used for grass cutting and construction vehicles only, and shall not be used for general purpose access to the site.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Derwentside District Local Plan.

6. No floodlights shall be installed at the MUGA without the approval of the Local Planning Authority.

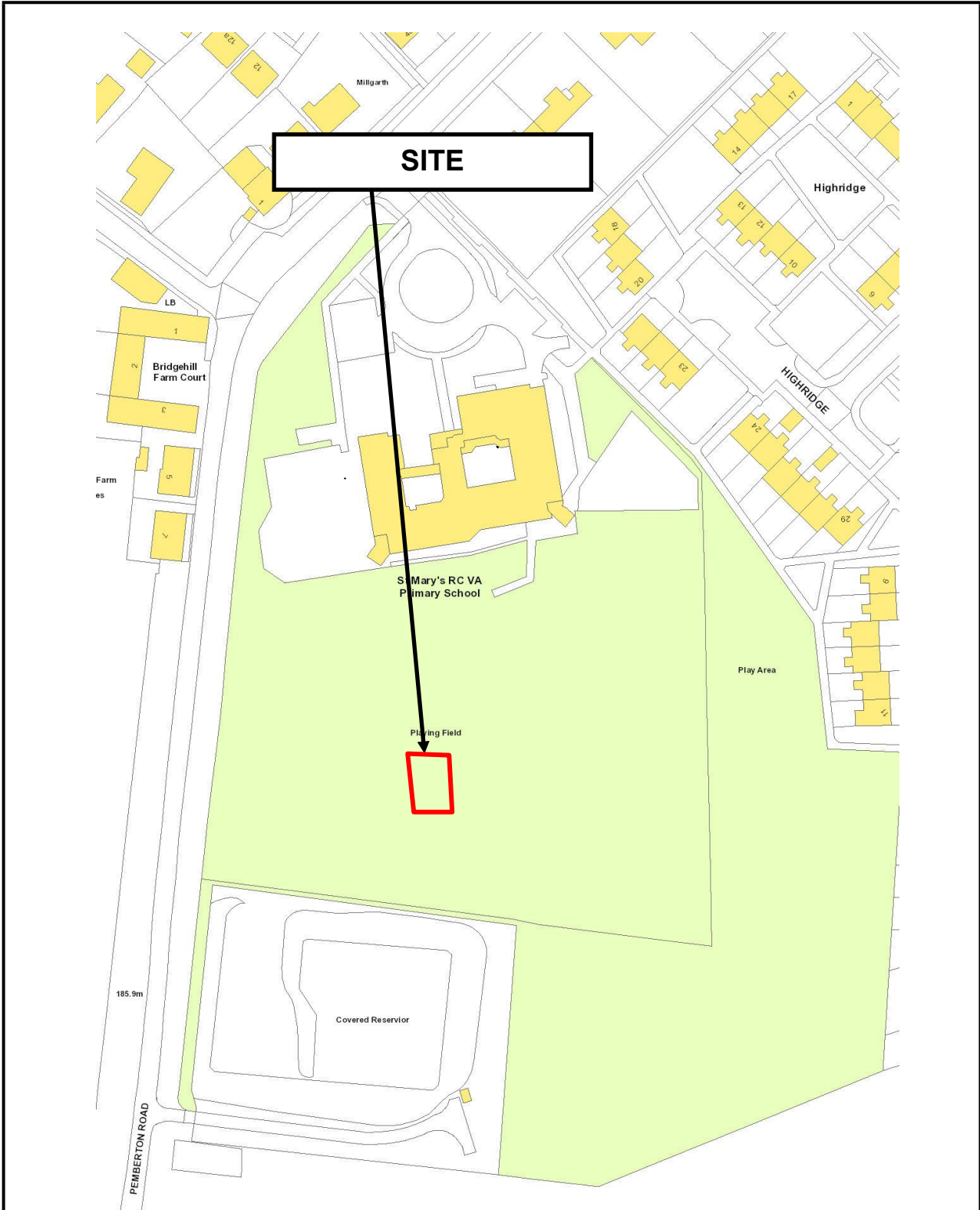
Reason: In the interests of neighbouring amenity and to accord with Policy GDP1 of the Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Derwentside District Local Plan (saved Policies 2009)
- Statutory consultation responses



Planning Services

St Marys Roman Catholic Primary School,
Pemberton Road, Consett, DH8 8JD

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Comments

Date 28th July 2016

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