

Development Control Committee
Meeting to be held on 3rd June 2020

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| Electoral Division affected: Cleveleys East |
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Wyre Borough: Application number LCC/2020/0020
Provision of multi-use games area with 2m high ball stop fencing. Northfold County Primary School, Ringway, Cleveleys.

Contact for further information:
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Executive Summary

Application - Provision of multi-use games area with 2m high ball stop fencing. Northfold County Primary School, Ringway, Cleveleys.

Recommendation – Summary

That subject to the Secretary of State confirming that the application will not be called in for determination, planning permission be **granted** subject to conditions controlling time limits, working programme, building materials and pitch markings, hours of use only and no lighting.

Applicant's Proposal

Planning permission is sought for the provision of a multi-use games area (MUGA) with 2m high ball stop fencing on the perimeter. The MUGA would measure 30m x 15m to consist of a permeable artificial grass pitch to be coloured green to measure 28m x 13m and that would be surrounded on all sides by a 1m wide run-off area to be coloured blue. The fencing would be wire mesh to be coloured green and would incorporate two single wire mesh pedestrian gates. No lighting is proposed.

Description and Location of Site

The proposal is at Northfold Primary School, located on the west side of Ringway in a residential area approximately 1km north of Cleveleys town centre. The site is rectangular shaped with Northfold Primary set back and separated from Ringway by a building formerly used as The Haven Short Stay School. The school playground is on the south side of the school being separated from Ringway by a grassed area. The school playing field is on the west side of the school.

The whole of the school site except along the northern boundary is located within Flood Zone 2.

The MUGA would have an east to west orientation and be located on part of the grassed area between Ringway and the school playground. Access to the MUGA would be from an existing access path that links the school access gates from Ringway to the school playground.

Background

The proposal is at an existing primary school.

A number of planning permissions have been granted at this school for educational developments but none are directly relevant to the current application.

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 12, 47, 54 - 55, 91 – 92, 96 – 97, 117, 124, 127, 155, 158 - 165, 170, 180 and 182 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, tailoring planning controls to local circumstances, and planning conditions and obligations; Promoting healthy and safe communities – open space and recreation; Making effective use of land; Achieving well-designed places; Meeting the challenge of climate change, flooding and coastal change – planning and flood risk; and Conserving and enhancing the natural environment – ground conditions and pollution.

National Planning Practice Guidance

Wyre Local Plan (2011 – 2031)

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| Policy SP1 | Development Strategy |
| Policy SP2 | Sustainable Development |
| Policy SP8 | Health and Well-Being |
| Policy CDMP1 | Environmental Protection |
| Policy CDMP2 | Flood Risk and Surface Water Management |
| Policy CDMP3 | Design |
| Policy CDMP4 | Environmental Assets |

Consultations

Wyre Borough Council - No objection subject to a condition requiring a watching brief during construction works in view of potential contamination issues.

LCC Highways Development Control - No objection.

Environment Agency - No objection but comment that Flood Risk Standing Advice should be applied as the site is located within Flood Zone 2.

Sport England - Holding objection as there is insufficient information to adequately assess the proposal until further information has been submitted to consider Sport

England's Playing Fields Policy. Therefore, further clarity on the following points is required:

- Information regarding what sports the proposed multi-use games area will be used for and whether this has been considered against Sport England's guidance regarding the size of the MUGA and the proposed surface in order to meet the school's needs.
- If the school has considered entering into a community use agreement to increase the availability of sports facilities to the wider community when they are not being utilised by the school.
- If the proposed MUGA has been identified in a School Development Plan.

Representations – The application has been advertised by press notice and neighbours have been notified by letter. One representation has been received making the following points:

- Not enough time has been given, especially in the present climate, to assess and consult on the implications of this application should it be approved.
- There is concern that the usage as set out in the application could be exceeded at a later date.
- There is concern that high powered lighting could be added at a later date.
- As it has not been possible at this time to ascertain who will be funding this project, there is concern that should this application be approved it could be a precursor for further development of the front playing fields of Northfold School.

Advice

The school have advised that the proposed MUGA is to improve outside facilities at the school so that more children are active and can access more space for exercise and sports. The school has an issue with the weight of the pupils being above average and the MUGA is seen as part of a package of measures to increase physical activity to try and combat this issue.

The main issues associated with the application the impacts on local amenity, visual impact and views of Sport England.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site for the purposes of this proposal is the Wyre Local Plan (2011 – 2031).

The grassed area where the MUGA would be sited forms a part of the school playing fields and is designated as 'Green Infrastructure' under Policy CDMP4 of the Wyre Local Plan (2011 – 2031). Policy CDMP4 seeks to ensure that development proposals protect and enhance the functionality and interconnectivity of Green Infrastructure as

a whole. Proposals involving the partial or complete loss of land identified as such will not be permitted unless it is demonstrated that a number of criteria have been satisfied including the development can be accommodated without the loss of the function of the Green Infrastructure site, and the need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

Sport England have objected to the development as they do not consider that the proposal meets exception 5 of their playing fields policy: Exception 5 is the provision of a new outdoor sports facility which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

The applicant has advised that the grassed area where the MUGA would be sited is not utilised for structured sport due to the poor condition of the ground with the playing field on the west side of the school being used for football, rounders and athletics. The proposal would therefore not affect the existing outdoor recreation facilities and space at the school. It would increase the area that the school would have available for physical activities and hence would have a positive impact on both physical and mental health of the school's pupils. The applicant has advised that the MUGA would be used for sports such as tennis, netball and hockey.

Sport England suggest that the applicant considers the design of the proposed area when considered against the sports proposed to be accommodated (tennis, netball and hockey etc). The MUGA is proposed to be constructed using artificial grass and would measure 28m x 13m. Sport England maintain that this surface is not suitable for all sports as proposed and suggest the school considers their guidance regarding different artificial surfaces and comparative sizes of sports pitches/courts in order to ensure that the MUGA is fit for purpose and meets the school's existing and long term future sporting needs.

In response, it is considered that a planning condition could be imposed to require that no development commences until details have been submitted and approved relating to the type of artificial surface to be used and layout of pitch markings.

It is considered that the school should not be expected to enter into a community use agreement to increase the availability of sports facilities to the wider community due to the management issues and associated problems that it would create. The proposal would also not result in the loss of a facility that is currently open to the public and therefore any community use agreement is not necessary to address the impacts of the development. The lack of lighting would also restrict the potential for any community use. The applicant has confirmed that the MUGA has been identified in a School Development Plan. Taking into account these issues, Sport England's objection is not supported and the proposal is considered to accord with Policy CDMP4 of the Wyre Local Plan (2011 – 2031). However, in view of Sport England's objection, it will be necessary to refer the application to the Secretary of State before planning permission can be granted.

The MUGA would be approximately 40 metres from the nearest houses on Ringway and is sufficiently distant not to give rise to any amenity issues. The size, design and materials of the proposal would be acceptable and it would have no detrimental visual

impact on the surrounding area The facility would be used primarily for physical education lessons, at break times during the school day, for after school clubs, and for extra-curricular activities and tournaments with other schools. It would be used for no more than two hours after school until 5.30p.m. at the latest but not at weekends. The hours of use could be controlled by condition, as could the restriction to prevent the use of lighting of the facility. With such conditions, the proposal is acceptable in terms of Policy CDMP3.

In relation to the representation that has been received, issues of cost and who would pay for the MUGA are not planning matters.

The application is accompanied by a flood-risk assessment. An advice note could be applied to bring to the attention of the applicant the issue of Flood Risk Standing Advice because the site is located within Flood Zone 2.

It is considered that the proposed development complies with the policies of the National Planning Policy Framework and the development plan.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The conditions relating to use only by the school and prohibition of lighting will protect the rights of local residents.

Recommendation

That subject to the Secretary of State confirming that the application will not be called in, that planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 26 March 2020.

b) Submitted Plans received by the County Planning Authority on 26 March 2020:

Location Plan

Proposed Elevations and Floor Plans DWG No: LG/BW/3505

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies SP1, SP2, SP8, CDMP1, CDMP2, CDMP3 and CDMP4 of the Wyre Local Plan (2011 – 2031).

Building Materials

3. No development shall commence until details of the artificial pitch surface to be used and the markings to be applied to the pitch surface have first been submitted to, and approved in writing by the County Planning Authority. The type of artificial surface and pitch markings contained in the approved details shall be used in the construction of the MUGA.

Reason: To ensure that the MUGA is practical and functional for its intended use and conforms with Policies SP2, SP8, CDMP3 and CDMP4 of the Wyre Local Plan (2011 – 2031).

4. The multi-use games area shall only be used during the following hours:

08.00 - 18.00 Mondays to Fridays

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies SP2, CDMP1 and CDMP3 of the Wyre Local Plan (2011 – 2031).

5. The multi-use games area shall not be floodlit.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies SP2, CDMP1 and CDMP3 of the Wyre Local Plan (2011 – 2031).

Notes

The advice of the Environment Agency is brought to the attention of the applicant in that Flood Risk Standing Advice should be applied as the site is located within Flood Zone 2.

Local Government (Access to Information) Act 1985
List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A