

**Development Control Committee**  
Meeting to be held on 3rd March 2021

Electoral Division affected: Burnley Rural
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**Burnley Borough: application number LCC/2020/0072**  
**Provision of multi-use games area with 3 metre high weld mesh fence with 2no. single access gates and 1no. double access gates**  
**Briercliffe County Primary School, Delamere Road, Briercliffe**

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### **Executive Summary**

Application - Provision of multi-use games area with 3 metre high weld mesh fence with 2no. single access gates and 1no. double access gates at Briercliffe County Primary School, Delamere Road, Briercliffe.

### **Recommendation – Summary**

That subject to the Secretary of State not calling in the application for his own determination, planning permission be **granted** subject to conditions controlling time limits, working programme, ecology, highways and surface water.

### **Applicant's Proposal**

The proposal is for a new multi-use games area (MUGA) with access gates which would be located on part of the existing school playing field at the rear of the school. The games area would measure 28 metres by 18.5 metres and would be surrounded by 3 metre high weldmesh fencing coloured dark green with contrasting yellow gates. The MUGA would be surfaced in an artificial playing surface to Sport England standards. Access to the MUGA would be from the existing Key Stage 2 playground via the existing steps and path.

### **Description and Location of Site**

The proposal is located at Briercliffe Primary School which is situated off Delamere Road in Briercliffe 4km north east of Burnley town centre. Delamere Road is a residential cul de sac that is accessed off Briercliffe Road. To the east and north of the school is open farmland whilst to the west are residential properties on Tiverton Drive which are separated from the school by a public footpath which continues around the northern boundary of the school.

The school occupies a sloping site which has been terraced during the development of the school. The school buildings are located on the lower level whilst the playing field is located on a higher level. The proposed MUGA would be on part of the existing playing field.

## **Background**

History: The application is at an existing school site. Planning permission was granted at the school in 2020 for four single storey extensions to provide additional teaching areas, new hall/studio, remodelling of main entrance and a new porch to the early years classrooms (LCC/2020/0019). The proposed MUGA originally formed part of that application but due to an objection from Sport England it was withdrawn from the application to allow the school extension proposals to be determined alone.

## **Planning Policy**

National Planning Policy Framework

Paragraphs 8-11, 94, 97, 109 -111, 127 – 130, 163 – 165, 175 are relevant with regards to the definition and attainment of sustainable development, ensuring choice of school places, protection of playing fields, highway impacts, the requirement for good design, flood risk and ecology

Burnley Borough Local Plan

Policy SP1: Achieving Sustainable Development

Policy SP5: Development Quality and Sustainability

Policy NE1: Biodiversity and ecological networks

Policy NE3: Landscape Character

Policy NE4: Trees, hedgerows and woodland

Policy CC4: Development and Flood Risk

Policy CC5: Surface water management and sustainable drainage systems

## **Consultations**

Burnley Borough Council – No objection

Briercliffe-With-Entwistle Parish Council – No observations received

Coal Authority - No observations received.

Ecology Service – The initial response was for the request of further information regarding the bat roosting potential of trees to be affected and the likely impacts on bats. Further bat surveys were submitted and LCC Ecology comment that the bat survey was now adequate and it was unlikely that there would be any impacts on bats. Conditions are requested in relation to nesting birds, protection of trees and shrubs and control of lighting.

LCC Highways Development Control – No objection. Conditions are requested in relation to hours of deliveries, wheel cleaning and a construction method statement.

Sport England – Sport England object to the proposals as they consider that the proposal conflicts with their Playing Fields policy. Sport England state that where development would result in the loss of grass sports fields, it is essential that there are sufficient benefits from the proposal to the development of sport so as to outweigh the detriment resulting from the loss of the grass field.

County Landscape Service – No observations received

United Utilities – No objection to the proposal. However, the current drainage proposals are unacceptable and United Utilities have requested conditions to require a surface water drainage scheme and foul water management.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

### **Advice**

Planning permission is sought for the erection of a multi-use games area at Briercliffe County Primary School.

In June 2020 permission was granted for four single storey extensions to facilitate the expansion of the school from its current 1.5 form intake to a 2 form intake per year which will increase the numbers of pupils in each year group from 45 to 60. The extension of the school will result in a loss of hard play area totalling 381m<sup>2</sup> which will require replacing and extending to accommodate the greater number of pupils.

In order to maximise year round usage it is proposed to build an all-weather multi-use games area (MUGA). This would replace the hard play area lost by the building of the extension and adds the additional area required to accommodate an extra 105 pupils. The MUGA would take up part of the playing field but the remaining grassed area would accommodate a 5-A-Side (Mini Soccer) pitch.

The main issues are visual impact, amenity and the impact on the existing playing field.

Burnley Local Plan Policy SP5 seeks high standards of design that positively address local context and characteristics. It is considered that the proposed development would be read in association with the existing school built form and will not appear as an incongruous addition in the landscape. The proposed development, therefore, would not have an adverse impact on the application site or surrounding area. Policy SP5 also seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking. The western boundary of the school is formed by a row of trees/hedgerow which provide a high level of visual screening from the nearest properties on Tiverton Drive the nearest of which are approximately 30 metres from the school. The existing school buildings and those currently being constructed also lie between the majority of the houses on Tiverton Drive and the proposed development and therefore it is therefore

considered the proposal is considered acceptable in terms of Policy SP5 of the Burnley Local Plan.

LCC Highways have requested that a condition be imposed requiring a construction management plan to be submitted providing details such as wheel cleaning, construction delivery hours and hoarding between construction site and the public highway. A condition can be imposed in relation to hours of construction. However, the other conditions requested by Highways are not considered to be necessary as the scale and nature of the development does not demand the use of wheel cleaning equipment or a construction management plan.

The proposal includes cutting back adjacent trees on the northern boundary of the proposed games area to gain an extra 3m of space. The applicant has undertaken a bat survey of the trees adjacent to the proposed MUGA. LCC Ecology have reviewed the survey and commented it was reasonably unlikely that there would be any impacts on bats resulting from the proposals. However, they have requested conditions to be imposed in relation to nesting birds, protection of trees and shrubs, and control of lighting.

The main issue relates to the location of the multi-use games area on part of the existing school playing field. Paragraph 97 of the National Planning Policy Framework states that existing recreational land including playing fields should not be built upon unless an assessment shows that the land is surplus to requirements, the loss would be replaced by something of equivalent or higher standard or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current use. Sport England have objected to the application as whilst the MUGA would provide a recreational facility, due to its fixed size it would not have the same flexibility of use as the current grassed pitch and there is no evidence that the benefits of the MUGA to sport and recreation would outweigh the impacts on the existing pitch. Therefore, Sport England do not consider that the proposal meets the exceptions to their playing fields policy.

In response the school submit that the existing grass pitch is regularly unusable due to drainage issues and therefore the provision of an area with an artificial surface would be of benefit in allowing year round use of the facility. With the school proposing to increase to two form entry, the new MUGA would ensure that the school is able to maintain at least its present level of PE and sport and will also enable segregation of ball sports from general play which would improve safety. It should also be noted that the existing playing field is not available for use by the public and therefore the proposed MUGA would not lead to the loss of a community recreation facility. Taking these factors into account, it is considered that the MUGA would have benefits to sport and recreation which would outweigh the impacts resulting from the loss of part of the existing grass pitch. The proposed MUGA is therefore considered acceptable in relation to paragraph 97 of the National Planning Policy Framework. However, as Sport England have objected, it will be necessary to refer the application to the Secretary of State.

United Utilities have raised comments in relation to the disposal of surface water. The proposed MUGA would include an under drainage scheme which would discharge to

the public sewer via a hydrobrake which would restrict the discharge rates of water to the sewer to 5l / second.

In summary, the proposal would compensate for the loss of hard play area lost through the development of the four class room extensions recently given permission, and will help to accommodate the greater number of pupils and ensure a satisfactory level of recreation and PE provision for all pupils. The proposal is acceptable in terms of scale and design and would have no unacceptable impacts in terms of ecology and highways.

In view of the scale, location and design of the development is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

That subject to the Secretary of State not calling in the application for his own determination 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 8 December 2020

- b) Submitted Plans and documents:

Drawing 8407-A-01	Site and Location Plan
Drawing 8407-A-26C	Muga Layout
Drawing 8407-A-27B	Muga Sections
Drawing 8407-A-29B	Muga Drainage Attenuation
Drawing 8407-A-33	Muga and Playing Field

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

*Reason: To minimise the impact of the development on the amenities of the local area, and to conform with policies SP1, SP5, CC4 and CC5 of the Burnley Borough Local Plan.*

3. No construction development, delivery or removal of materials shall take place outside the hours of:

07.30 to 18.00 hours Monday to Friday (except Public Holidays),  
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy SP5 of the Burnley Borough Local Plan.*

4. The surface water from the multi-use games area shall be drained in accordance with the details shown on Plan 8407 A29B

The drainage system shall be maintained in working order at all times.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Burnley Local Plan.*

5. All trees and shrubs identified for retention in the submitted Arboricultural Report shall be adequately protected during construction, including through the use of appropriate protection fencing.

*Reason: In the interests of local amenity and to conform with Policy NE4 of the Burnley Borough Local Plan.*

6. Vegetation clearance/tree pruning works and any other works that may affect nesting birds shall take place outside the bird nesting season 1 March and 31 August.

*Reason: In the interests of local amenity and to conform with Policy NE4 of the Burnley Borough Local Plan.*

7. The ball stop fencing shall be coloured Dark Green (RAL6005) and thereafter maintained in that colour.

*Reason: In the interests of the visual amenities of the area and to conform with Policy NE4 of the Burnley Borough Local Plan.*

8. No external lighting associated with the development shall be installed without the prior approval in writing from the County Planning Authority

*Reason: In the interests of local amenity and to conform with Policy NE4 of the Burnley Borough Local Plan.*

**Notes**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

**Local Government (Access to Information) Act 1985**

**List of Background Papers**

None

Reason for Inclusion in Part II, if appropriate

N/A