

Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Fleetwood West and Cleveleys West
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Wyre Borough: application number. LCC/2022/0018

Provision of multi-use games area and associated 3m high perimeter fencing and connecting pathway. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys

Contact for further information:

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Executive Summary

Application - This application seeks consent for the provision of a multi-use games area (MUGA), with associated 3m high fencing and connecting pathway. The proposed multi-use games area (MUGA) would measure 30 metres by 15 metres. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling construction traffic management, materials, surface water drainage and community use scheme.

Applicant's Proposal

This application is for the provision of a multi-use games area (MUGA), with associated 3m high fencing and connecting pathway. The proposed multi-use games area (MUGA) would measure 30 metres by 15 metres and would be surrounded by 3m high weldmesh fencing coloured dark green. The multi-use games area (MUGA) would be surfaced in an artificial playing surface (porous asphalt tarmac). Access to the multi-use games area (MUGA) would be from the existing junior playground via a new footpath.

Description and Location of Site

Manor Beach County Primary school is located approximately 250m north of Cleveleys town centre and set back approximately 200m from Cleveleys promenade. The school is in a residential area bounded by houses on Manor Drive to the south, Palatine Road to the east and north and by The Links and Ocean Way to the west.

The multi-use games area (MUGA) would be located within the school grounds, to the north of the existing school buildings and car park, to the rear of properties on Palatine

Road to the north. The school has two hard play areas, for infants on the east side of the school and for juniors on the west side of the buildings and in the centre of the site. The school playing fields are on the north and west sides of the site. The rear boundary of the nearest houses on Palatine Road is approximately 10m from the proposed multi-use games area (MUGA).

Background

The application site is within an established educational facility. The following permissions have been granted for development at the school:

Ref 02/13/0436 - Provision of trim trail and gazebo
Approved July 2013

Ref 98/00591/FUL - Extensions to school and extensions to playground
Approved October 1998

Planning Policy

Paragraphs 11 - 14, 95, 98 – 103, 126 - 136 and 159-169 are relevant in terms of the presumption in favour of sustainable development, the requirement for new school places, protecting open spaces, the need for high standards of design and planning for flood risk.

The Wyre Local Plan Partial Review (2011-2013) (adopted in February 2019)

Policy SP2 - Sustainable development
Policy CDMP2 - Flood risk and surface water management
Policy CDMP3 - Design
Policy CDMP4 - Environmental assets

Consultations

Wyre Council: No objection. The proposal would not cause unacceptable visual harm or impact on neighbour amenity.

Lancashire County Council (LCC) Highways: No objection. It is noted that the proposed development is within a residential area and as such care is required when considering deliveries and construction if the proposed development was to be granted planning permission. A condition requiring a traffic management plan is recommended.

Sport England: No objection. They advise that they are satisfied that the proposed development meets exception 3 of their playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- Reduce the size of any playing pitch;

- Result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- Reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- Result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site'.

They make a number of recommendations regarding the construction, dimensions and materials.

United Utilities: Request a condition is imposed requiring details of a sustainable surface water drainage scheme be submitted and approved.

Environment Agency: In accordance with the National Planning Policy Framework (NPPF) (paragraph 167, footnote 55), a Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3 (regardless of vulnerability classification). This should be appropriate to the nature and scale of the development and should demonstrate how flood risk will be managed now and over the lifetime of the development, taking climate change into account, and with regard to the vulnerability of its users. As the proposal is at an education establishment, it may well be classed as 'more vulnerable' in accordance with Annex 3 of the National Planning Policy Framework (NPPF), as that is the official vulnerability classification of the application site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

Two letters of objection from neighbouring residents have been received. They make the following comments:

- The size and appearance of the proposed multi-use games area (MUGA) would impact on the character of the area being so close to residential properties.
- If the proposal, was to be used out of hours this would cause problems with car parking as the surrounding roads are full of parked cars as people return home.
- There would be the problem of noise pollution which could go on late into the evening in spring/summer months.
- There are other areas where the development could be sited without problems.
- There would be an invasion of privacy.

Advice

Manor Beach school presently provides education for 215 no. children aged between 5-11 years. The school benefits from playing fields to the north and west of the existing buildings. The proposed multi-use games area (MUGA) is to be located to the north of the existing buildings. The existing playing field to the west are used for a range of activities throughout the summer months, including after school sports clubs and inter school competitions.

The applicant has provided the following in support of the application:

- The location of the multi-use games area (MUGA) has been carefully chosen to the north of the school building on an area with poor topography that is not currently used as a playing field.
- The provision of the multi-use games area (MUGA) would allow outdoor sport all year round (from October to April the field is not suitable for use as it is too wet) and the remaining playing field would remain in situ.
- Floodlighting is not proposed.
- The proposed multi-use games area (MUGA) would be open to community use, specifically after-school, at the weekends, or during the school holidays, which would bring further economic opportunities to the school. This would only be during daylight hours.
- The school serves a socially deprived area, with limited sports facilities close to the school. For almost all of the children, school is where most of their physical activity and sport experiences takes place.
- The school want to support our community in becoming physically more active to support both physical and mental well-being, countering the limited facilities locally.

Loss of playing field

The Wyre Local Plan Partial Review (2011-2013) was adopted in February 2019. It identifies all the land around the school as green infrastructure. Policy CDMP4 of the plan sets out the criteria that development proposals involving green infrastructure will have to meet. The policy states that development that involves the partial, or complete, loss of land identified as green infrastructure (including playing field) will not be permitted unless a number of criteria are met:

- a) A connected network of green spaces is maintained; and
- b) The development can be accommodated without the loss of the function of the Green Infrastructure site; or
- c) The site is surplus to requirements; and
- d) The impact on the green infrastructure as a whole can be mitigated or compensated for through the direct provision of new or improved Green Infrastructure elsewhere of the same or improved functionality and accessibility, or through the provision of a financial contribution to enable this to occur; or
- e) 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.

Paragraph 99 of the National Planning Policy Framework (NPPF) makes it clear that existing open space, sports and recreational grounds should not be built on unless an assessment has identified that the open space is surplus to requirements, the loss would be replaced, or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England have a statutory remit to protect Playing Fields. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless it meets a number of exceptions. Sport England have not raised any objections to the proposal and indicated that they consider policy exception E3 of their playing field policy to be the most appropriate in this instance:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- Reduce the size of any playing pitch;
- Result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- Reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- Result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.'

The multi-use games area (MUGA) would provide an additional sporting facility for the school to enhance the quality and availability of usable open space. Sport England have not raised any objections. The proposal is therefore considered to comply with policy CDMP4 of the Wyre Local Plan.

Neighbour Amenity

The National Planning Policy Framework (NPPF) states that developments should provide a high standard of amenity for existing and future users. Policy CDMP3 of the Wyre Local Plan states that development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties.

In response to the concerns raised by neighbouring residents the school have confirmed the following:

- After-school sporting activities finish at 4.30pm.
- Community use of the facility is proposed.
- Community use would be restricted to 8.00pm. Weekend use would be available, again restricted to 8.00pm.
- The school car park would also be used outside normal school hours. The Key Stage 2 playground could be used if more parking was needed.

The proposal is considered likely to result in a more intensive use of this part of the playing field by pupils of the school than is presently the case. However, it is important to note that the playing field can already be used by the school at any time, and there are a number of operations that could take place without the need for planning consent that could also intensify activity in the area. No floodlighting is proposed, and therefore the multi-use games area (MUGA) could only be used during daylight hours and up until 8.00pm during the summer. It is important to note that there are presently no

restrictions on the hours of use of the existing playing fields. However, given the increase in intensity of use on the site that could arise as a result of the proposals it is recommended that a condition be attached to limit the times of use of the MUGA.

The following times are proposed:

09:00 - 20:00 Mon – Fri,

09:00 - 17:00 Saturdays, Sundays and public holidays

The proposed hours on Saturday and Sunday afternoons are slightly less than suggested by the applicant but with these hours of use it is considered that the impacts on the amenity of local residents would be acceptable. It is considered that a condition should be imposed to control the use of the site by the wider community outside of school hours.

It is considered that the proposed development is unlikely to give rise to any significant increase in vehicle movements to and from the application site that would cause any undue increase in the level of noise and disturbance experienced by neighbouring residents, beyond that which is already experienced. Lancashire County Council (LCC) Highways have requested a condition for a traffic management plan. However, given the scale of development and the relatively short timescale of the construction works it is not considered that such a condition is necessary.

The size, scale and appearance of the proposed fencing is considered to be in keeping with the proposed development and existing use. It would be viewed in the context of the existing school building and is sufficiently far from the adjacent residential properties so as not to form an unduly overbearing or obtrusive feature.

The proposed development is therefore acceptable in terms of visual amenity and impact on residential amenity in accordance with the National Planning Policy Framework (NPPF) and policy CDMP3 of the Wyre Local Plan.

Flood Risk and Drainage

The application site is located within flood zone 2, as is a significant amount of the wider area of Cleveleys. Parts of the school grounds and the neighbouring streets (Manor Drive, Beach Road, Palatine Road) are also at risk from surface water flooding.

In accordance with the National Planning Policy Framework (NPPF) (paragraph 167, footnote 55), a Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3 (regardless of vulnerability classification). Even though outdoor sport and recreation facilities are classified as water compatible development, the Environment Agency (EA) are of the view that because the facility is to be provided at an educational establishment it may well be classed as 'more vulnerable' in accordance with Annex 3 of the National Planning Policy Framework (NPPF), as that is the official classification of the application site.

The Environment Agency advises that the Flood Risk Assessment (FRA) should:

- Be appropriate to the nature and scale of the development;
- Should demonstrate how flood risk will be managed now and over the lifetime of the development (taking into account climate change); and
- Have regard to the vulnerability of the users.

The Environment Agency (EA) have also advised that the sequential test should also be applied in respect of the proposals. The sequential test requires that development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding.

Policy CDMP2 (Flood Risk and Surface Water Management) of the Wyre Local Plan states that development will be required to demonstrate that:

- a) It will not be at an unacceptable risk of flooding; and
- b) It would not lead to an increased risk of flooding elsewhere; and
- c) It would not adversely affect the integrity of tidal and fluvial defences or access for essential maintenance and emergency purposes.

It is considered that given the nature and scale of the proposals the main issue of concern is understanding how surface water run-off from the development will be managed.

The applicant has provided a Flood Risk and Surface Water Assessment to support the application. It concludes that:

- The proposals are for a multi-use games area (MUGA) associated with the existing school.
- Given the small scale of the proposals it would be unreasonable for alternative sites to be considered.
- The school has confirmed that there are currently no issues associated with flooding or standing water at the multi-use games area (MUGA) location.
- It is recommended that a flood management plan should be prepared. The plan should consider safe access and egress routes, how information will be disseminated, and information on how to prepare for a flood event / what to do during and after a flood event. Additionally, the plan should include a list of contact numbers.
- It is recommended that the surface of the multi-use games area (MUGA) will be porous asphalt tarmac. This will allow surface water to drain naturally through the surface. The advice of the installer / manufacturer should always be followed, and it is strongly recommended that they provide a maintenance schedule for the surface.

With regard to the sequential test, it should be noted that the land to the west of the school building is within Flood Zone 1, however this area is where the present playing

pitch facilities are located, and as such the development of the multi-use games area (MUGA) in this location would be likely to be unacceptable to Sport England. Furthermore, as the multi-use games area (MUGA) is to be used by pupils of the school, it cannot be reasonably located outside of the grounds of the school.

Given the nature of the proposed development and site constraints it is considered that the proposed multi-use games area (MUGA) is in accordance with the sequential test and would not give rise to any undue increase in surface water run-off. The multi-use games area (MUGA) could reasonably be located elsewhere, and appropriate, porous materials are proposed.

Highway Safety

There is one vehicular access to the school, off Palatine Road, and two separate pedestrian accesses off Manor Drive and Palatine Road to the school. There is limited on street car parking in the surrounding area due to the density of housing development around the school.

The applicant has confirmed that they are happy with the proposed condition requiring a traffic management plan for the construction phase to be submitted and agreed.

The National Planning Policy Framework (NPPF) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As no objections have been raised by Lancashire County Council (LCC) Highways it is not considered that a refusal on highway safety grounds could not be sustained.

Conclusion

Subject to the imposition of appropriate conditions the proposal would not give rise to any undue loss of amenity for neighbouring residents and would enhance the quality and availability of open space at the school. The proposal is accordingly recommended for approval.

In view of the size, scale and nature of the proposals it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than three 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 in accordance with the following documents:

Submitted Plans and documents:

Dwg. No. 11369-L01 Location Plan
Dwg. No. 11369-L02 Proposed Site Plan of School
Dwg. No. 11369-L03 Proposed Site Plan
Dwg. No. 11369-L04 Fencing Details

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The approved drainage systems shall be implemented in the construction of the multi-use games area (MUGA).

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Hours of Working

4. The multi-use games area (MUGA) shall not be used outside of the hours of:

09:00 - 20:00 Mondays to Fridays
09:00 - 17:00 Saturdays, Sundays and public holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.

5. The multi-use games area (MUGA) shall not be brought into use until a scheme of community use of the facility has been submitted to and approved in writing by the County Planning Authority. The scheme shall contain the following information:

- a) Details of how community use will be managed including prevention of access outside of the hours in condition 4 above.
- b) Details of litter collection facilities to be installed.

The use of the multi-use games area (MUGA) shall be managed in accordance with the approved scheme at all times.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.

5. No flood lighting shall be installed to illuminate the multi-use games area (MUGA).

Reason: To minimise the impact on local amenity and to comply with Policy CDMP3 of the Wyre Local Plan Partial Review.

Building Materials

6. No development shall commence until details of all surfacing materials used in the development have first been submitted to and approved in writing by the County Planning Authority. Thereafter only those materials approved shall be used in the development.

Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk and to conform with Policy CDMP2 of the Wyre Local Plan Partial Review.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0018	July 2022	Helen Ashworth Planning and Environment (01772) 533069

Reason for Inclusion in Part II, if appropriate

Not applicable.