

Development Control Committee
Meeting to be held on 26 April 2023

Electoral Division affected:
Rossendale South

Rossendale Borough: application number: LCC/2022/0046

The construction of a Multi-Use Games Area (MUGA) facility with a 30mm pile artificial grass surface with pre-treated timber edging to the MUGA perimeter and surrounded by 2.4m high 868 duex fencing coloured green RAL6005. Balladen Primary School, Linden Lea, Rawtenstall

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Brief Summary

Application - The construction of a Multi-Use Games Area (MUGA) facility with a 30mm pile artificial grass surface with pre-treated timber edging to the Multi-Use Games Area (MUGA) perimeter and surrounded by 2.4m high 868 duex fencing coloured green RAL6005.

Recommendation – Summary

That subject to the Secretary of State confirming that the application will not be called in for his own determination, that planning permission be **Granted** subject to conditions controlling hours of use, floodlighting and materials.

Applicant's Proposal

This application is for the provision of a multi-use games area (MUGA). The proposed multi-use games area (MUGA) would measure 15 m by 32 m and would be surrounded by a 2.4m high wire mesh fencing coloured moss green (RAL 6005). The multi-use games area (MUGA) would be surfaced in artificial grass. Access to the multi-use games area (MUGA) would be from the existing playground to the east. A 5m wide tarmac access area would be formed between the existing playground and the proposed multi use games area.

Description and Location of Site

The proposed development is located within the boundary of Balladen Community Primary School. The school is located off Linden Lea, a residential street

approximately 1 km to the south of Rawtenstall. To the north and west of the school are residential properties; to the south and east are open fields.

The proposed multi-use games area (MUGA) would be located within south western area of the schools existing playing fields, adjacent to the existing playground. The boundaries of the existing playing fields are bordered by mature trees that are densely planted on the south east and south west boundaries and more sparsely planted along the north east boundary with properties on Linden Lea. The area of playing field to the south of the application site lies at a slightly elevated level to the remainder of the school field and appears to be used for more informal play, with a wildlife garden and polytunnel, whereas the playing field where the proposal is located is marked out with football pitches.

History: The following permissions have been granted for development at the school:

Planning permission 14/13/0055 Erection of conservatory
Approved March 2013

Planning permission 14/10/0426 Erection of a pram store
Approved September 2010

Planning permission 14/07/0372 Extension to provide a Sure Start Children's Centre, provision of three car parking bays and one disabled parking bay and new footpath
Approved August 2007

Planning permission 14/05/0537 New main entrance and store
Approved November 2005

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11-14, 95, 98-193 and 126-136 are relevant in terms of the presumption in favour of sustainable development, the requirement for educational development, protecting open spaces and the need for high standards of design.

Rossendale Local Plan 2019-2036 (adopted December 2021)

Policy SS: Spatial Strategy

Policy SD1: Presumption in favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy ENV1: High Quality Development in the Borough

Policy ENVV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

Policy LT1: Protection of Playing Pitches, Existing Open Space, Sport and Recreation Facilities.

Consultations

Rossendale Council: No comments received.



Lancashire County Council (LCC) Highways: No comments received.

United Utilities (UU): Request that a condition is added requiring details of a sustainable surface water drainage scheme and foul water drainage scheme to be submitted and approved in writing prior to the commencement of development. It is also requested that a further condition is attached regarding a maintenance and management regime for any sustainable drainage system.

Sport England: Sport England object to the proposals as it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy, or Paragraph 99 of the National Planning Policy Framework (NPPF). They request that the applicant provides additional information in relation to the following matters:

- A scaled plan of the design, layout and specification of the proposed multi-use games area (MUGA).
- Details of the strategic need for the proposed multi-use games area (MUGA) (has the need been identified in a local sport and recreation strategy or similar document).
- Details of whether the multi-use games area (MUGA) would be available for community use and is it easily accessible by the community?
- Will the facility be linked to a local sports development network?
- Does the facility improve the delivery of sport and physical education on school sites?

Representations: The application has been advertised by site notice and neighbouring residents informed by individual letter. One letter of representation has been received that makes the following comments:

- Concerned about the impact on residents of Linden Lea and Redwood Drive from car parking, noise from the football pitches and the lighting.
- Teachers already park from 7am until 5pm, and parents park wherever they want at 8.30am and 3.20pm blocking driveways.
- What will be the hours of use at night time and will there be any additional parking?

County Councillor Cheetham has confirmed support for the application.

Advice

Balladen Community Primary School is a community school for children aged 4-11. There are 185 pupils on roll.

The proposal is for the creation of a multi-use games area (MUGA) area measuring 15m by 32m. The multi-use games area (MUGA) would be surfaced with an artificial grass surface and enclosed by a 2.4m high fence.



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

- The proposed multi-use games area (MUGA) would benefit the pupils.
- Team games will still be able to take place on the field.
- The position of the multi-use games area (MUGA) will improve drainage on the field.
- It will allow pupils to partake in more sporting activities during the school day and after the school day throughout the year.
- Currently the field is out of action from October to around February/March (dependent upon the weather).
- The school will be able to offer more clubs as a result of the development.
- No additional lighting is proposed. The school currently have yard lighting for sports activities which take place after school from 3.30pm-4.30pm in the winter. Occasionally the school will hold football matches/sports which may run until later in the afternoon/evening.
- There are no plans to change these hours of use.
- The multi-use games area (MUGA) will only be for the school's use.

Loss of playing field

The main issue relates to the objection from Sport England in relation to the loss of the playing field.

The Rossendale Local Plan identifies the application site as land within the urban boundary. Policy LT1 of the Local Plan states that development proposals which would result in the loss of playing pitches will be resisted and only permitted (in the case of school playing fields) where the development is for educational purposes or the land is no longer required for school use and its loss would not result in a shortfall in recreational open space/playing pitches/sports facilities for the local community now or in the future.

It goes on to state that school playing pitches perform an important role in supporting the fitness of pupils and encouraging a healthy lifestyle. They can also be of wider benefit if the facility is managed for public access and reduce the pressure on public pitches. The loss of small areas of land in the curtilage of a sporting or recreational site will be considered where the scheme would enhance the overall recreational value of the site or, alternatively, improved provision would be made within walking distance of the site.

Paragraph 99 of the National Planning Policy Framework (NPPF) states 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 indicated that they consider policy exception E5 to be the most pertinent to this proposal:

'E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields'.

However, Sport England do not consider that the applicant has presented sufficient information to demonstrate that this exemption applies and therefore object to the application.

The proposed development would result in the loss of part of the grass playing field. However, a substantial area would remain available for use for outdoor sporting activities. The applicant has demonstrated that it would be possible to accommodate a 53m x 37m football pitch (plus a 3m run off area) on the area of field that would remain after the development of the multi-use games area (MUGA). Sport England have accepted the advice of the Football Foundation (who provide comments to Sport England on behalf of the Football Association) that this would be sufficient to accommodate a mini 7m x 7m size pitch.

Other areas of outdoor space, including grassed areas would also remain available and unimpacted by the proposal, such as that part of the playing field that lies in an elevated position to the south of the proposed multi-use games area (MUGA). The applicant has provided technical details of the proposed construction of the surface of the multi-use games area (MUGA), including a cross sectional drawing.

It is considered that, on balance, the particular circumstances of this application, and in particular the increased opportunities for outdoor sport and recreation that this proposal would provide for the pupils of the school would comply with the aims of the National Planning Policy Framework (NPPF) and Policy LT1 of the Rossendale Local Plan. Furthermore, the proposal would accord with wider aims of inclusivity, health and wellbeing, and increasing opportunities for outdoor sport and recreation for all, which outweigh the loss of a small part of the existing grass playing field.

As Sport England have maintained their objection to the proposals the application must be referred to the Secretary of State, should the Committee resolve to approve the application.

Impact on Neighbour Amenity

The National Planning Policy Framework (NPPF) states that developments should provide a high standard of amenity for existing and future users. Policy ENV1 of the Rossendale Local Plan states that new development will be expected to be sympathetic to surrounding land uses and occupiers and avoid demonstrable harm to the amenities of the local area. Developments should not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light; nor should it be adversely affected by neighbouring uses and vice versa.

The proposed multi-use games area (MUGA) would be located approximately 18 metres from the nearest residential property to the south west on Cherry Crescent.

No external lighting is proposed, nor is it anticipated that the facility will be used for any wider community uses. It is however intended that the facility will be used by the school and made available for use for lunchtime activities, after school clubs and competitions. The hours of use can be controlled through planning conditions.

It is considered that the proposed development would be 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 already arises from the school.

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. The size, scale and appearance of the proposed multi-use games area (MUGA) is considered to be in keeping with the existing use of the site as a school. The playing field and school boundaries are well screened by existing mature trees.

The size, scale and appearance of the proposed multi-use games area (MUGA) is considered to be in keeping with the existing use of the site as a school. Visual impacts from the proposed multi-use games area (MUGA) would be limited by the existing boundary planting. The proposal would be viewed in the context of the existing school building and grounds and is sufficiently far from the adjacent residential properties so as not to form an unduly overbearing or obtrusive feature. There would be very limited views of the proposed facility from the street scene, and it would not appear as an incongruous feature.

The proposed development is therefore acceptable in terms of visual and residential amenity in accordance with the Framework and Policy ENV1 of the Local Plan.

Highway Safety

The vehicular access to the school is off Linden Lea. This is a narrow, residential cul-de-sac that also serves a number of residential properties. There is limited off-street parking for both neighbouring properties and the school.

The National Planning Policy Framework (NPPF) states 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 considered that a refusal on highway safety grounds could not be sustained.

Drainage

The application site is not within an area at risk from flooding. United Utilities (UU) have not raised any objections to the proposals and have recommended that conditions are imposed regarding the submission and implementation of a surface water drainage system. Only the access path would be surfaced in tarmac which would drain onto the adjacent land. A condition is recommended regarding the drainage from the multi-use games area (MUGA) area itself.

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 would also have benefits for sport and recreation at this school which would outweigh any loss of grass playing field. The proposal is accordingly recommended for approval. However, as Sport England have maintained their objections to the proposals the application must be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 so that the Secretary of State may consider using the power to call in the application.

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 subject to the Secretary of State confirming that the application will not be called in for his own determination, 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, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application and supporting statement received by the County Planning Authority on 16 September 2022

- b) Submitted Plans and documents:

Location Plan and Proposed Site Plan ref. 12710 B01 D2

Location Plan and Fencing Details ref. 12710 B02 D2

Site Plan and Section ref. 12710 B03 D5

Further information on make-up of multi-use games area (MUGA)
received 07/10/2022

Reason: To minimise the impact of the development on the amenities of the area and to conform with and Policy ENV1 of Rossendale Local Plan.



3. No floodlighting shall be erected to illuminate the multi-use games area (MUGA).

Reason: To minimise the impact on local amenity and to comply with Policy ENV1 of the Rossendale Local Plan.

4. The multi-use games area (MUGA) area shall only be used between the hours of 08.00-19.00 hours Mondays to Fridays.

Reason: In the interests of local amenity and to conform with Policy ENV1 of the Rossendale Local Plan.

Building Materials

5. Notwithstanding the details indicated on the approved plans and supporting documents no development shall commence until details (including cross sections) 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 protect the visual amenities of the area and to conform with Policy ENV1 of the Rossendale Local Plan

Safeguarding of Watercourses and Drainage

6. No development shall commence until details of a sustainable surface water drainage scheme have been submitted to and approved in writing by the Local 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).
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in Above Ordnance Datum (AOD).
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

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.

Thereafter the development shall be constructed in accordance with the approved details and the drainage measures shall be retained thereafter for the lifetime of the development.

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

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0046	April 2023	Helen Ashworth Planning and Environment 01772 530084

Reason for Inclusion in Part II, if appropriate

N/A

