

Agenda Item No. 3.3

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

4 February 2019

Report of the Strategic Director – Economy, Transport and Environment

**3 THE CONSTRUCTION OF NEW MULTI-USE GAMES AREA
PLAYING SURFACE AND A TARMACADAM TRACK AROUND THE
PERIMETER OF THE MULTI-USE GAMES AREA AT RIDDINGS
JUNIOR SCHOOL, 15 CHURCH STREET, ALFRETON
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/1018/62**

6.815.25

Introductory Summary This application is for construction of a Multi-Use Games Area (MUGA) incorporating 1 metre (m) high fencing on three sides and 2m high fencing to the fourth side. The MUGA would have basketball nets and goal frames at its northern and southern ends. An informal running track is also proposed around the perimeter of the MUGA with a tarmacadam path connecting the proposed MUGA to the existing hard surfaced play areas. The development would be located to the northern end of the existing playing field at Riddings Junior School. The school is situated within Riddings Conservation Area (CA). The main school building, although not listed, is architecturally of historic merit and, as such, is considered to be a non-designated heritage asset. The development would not be visible from the highway (Church Street) which runs along the frontage of the school. The application has received an objection raising concerns about noise and highway impacts, as well as the impact on the CA.

I do not consider that the proposed development would cause any significant visual impacts or harm the significance of the heritage assets. The proposal would not result in an unacceptable increase in traffic or noise. The development accords with policies of the Amber Valley Borough Council Local Plan (2006) (AVBLP) and the emerging Amber Valley Borough Draft Local Plan (March 2018) (AVBDLP). The application is therefore recommended for approval.

(1) Purpose of Report To enable the Committee to determine the application.

(2) Information and Analysis

Site and Surroundings

Ridding's Junior school is located on Church Street in the village of Riddings which falls within the administrative boundary of Amber Valley Borough Council (AVBC). The school is situated within the Ridding's CA and 115m north of the School site there is a Grade II listed building called the Church of St James. The proposed MUGA would be located 235m away from the listed church. The main school building, although not listed, is considered to be of some historic merit and is considered to be a non-designated heritage asset. The application site is located in the northern part of the existing school playing field, to the west of three existing MUGAs. The application site is not visible from the public highway (Church Street) and is screened by mature trees to the north and west of the application area. There are residential properties 30m north and 60m west of the application site. The neighbouring residential properties and the proposed development are separated by a dense mature tree line, which runs along the north, west and south boundary of the playing field.

The Proposal

The application proposes the construction of a 15m by 30m MUGA on the school's playing field adjacent to an existing tarmac games area. The proposed MUGA would have a polymeric surface and a steel fencing (flow forge grid style) around its perimeter. The fencing along north, south and eastern sides would be 1m in height and along the western side 2m in height. Basketball hoops are also proposed at the north and south ends of the MUGA with a rim height of approximately 2.4m. The fencing panels would be finished in a light green colour (RAL6018) and the fence posts would be finished in green (RAL 6005). The goal frames and panels would be finished in white (RAL 9010). The application also proposes a tarmac pathway leading from the existing hard surfaced games area to the east of the proposed new MUGA along with an informal running track. The proposed running track would also have a tarmac surface and would run around the perimeter of the proposed MUGA.

Relevant Planning History

- Application Code No: CD6/0116/132 – Erection of a single-storey building incorporating an entrance reception, administration offices and single classroom (approved 31 March 2016).
- Application Code No: CD6/0411/17 – For external landscaping works and the reconfiguration of the playground area to create a ball court, trim trail, playing area, car parking area and the erection of 63 linear metres of 2.4 metres high security fencing (approved 17 June 2011).
- Application Code No: CD6/0503/28 – Erection of a classroom extension (approved 30 July 2003).

Consultations

Local Members

Councillor Marshall-Clarke and Councillor Smith have been notified.

Amber Valley Borough Council - Planning

No objection.

Amber Valley Borough Council – Environmental Health Officer

No comments.

Sport England

Sport England made the following comments on the proposal:

“... The new MUGA would provide additional resource to accommodate informal sporting activity, albeit of modest scale and not of a size or specification that would accommodate formal match play for football.

The MUGA would be positioned mainly within a recessed part of the school playing field to the west of an existing hard court area. It is considered that the most pertinent Sport England policy exception in this case is exception E3, as much of the land that would be occupied by the MUGA is judged not to be capable of forming part of a playing pitch due to its restricted dimensions, and the capacity of the retained natural turf playing field to accommodate pitch sports would not be significantly affected.

In view of this, the proposal is considered to fall within the scope of exception E3 of Sport England’s playing fields policy, and therefore Sport England does not wish to raise an objection to the application.”

Coal Authority

The Coal Authority raised no objections and recommended that the Coal Authority’s Standing Advice be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Highway Authority

The Highway Authority raised no objections to the proposal, subject to all use remaining ancillary to and in association with the existing junior school.

Publicity

The application has been advertised by site notice and press notice (Derbyshire Times) with a request for comments by 22 November 2018. One representation has been received in response to this publicity, objecting to the proposal for the following reasons:

- The road is considered by the respondent as *“unsuitable and dangerous for the amount of traffic and parking which already exists.”*
- Access and egress from residential properties is difficult due to on-street parking, which restricts visibility and across driveways.
- *“Some parkers sit with engines on and flicking cigarettes out of car windows causing pollution.”*
- The respondent also states that noise pollution from the school already affects the amenity of their property and garden. They believe that the proposal would result in additional noise being generated from the school making the impact worse.
- The respondent identifies the presence of Japanese Knotweed on the school site and raises concern that, if disturbed by the building of the MUGA, it would spread. As a result, the Japanese Knotweed would cause damage to buildings, pathways and gardens, etc.
- The respondent states that *“Our Conservation area is being affected more and more by developments of the school area and by increased traffic. Again our amenity is being affected.”*
- The respondent states that *“The large park opposite has facilities for community activities and sports so is there any need for more of the same in the school grounds. What we need for safety are parking areas, perhaps making our road into a one way street and more supervision when the children are outside to involve them in play rather than shouting and screaming.”*

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the AVBLP (2006). The AVBDLP (March 2018), the National Planning Policy Framework (NPPF) (July 2018) and the associated Planning Practice Guidance (PPG) are also material considerations.

The most relevant policies for the determination of this proposal are:

Amber Valley Borough Local Plan (2006) Saved Policies

LS1: Sustainable Development.

LS3: Design.

TP1: Transport Network.

EN27: Conservation Area.

LC3: Playing Fields, Parks and Informal Open Space.

LC9: Safeguarded Land For Educational Facilities.

AVBC is currently preparing a new local plan and a draft new local plan was submitted to the Secretary of State in March 2018 for consideration. The

Examination in Public was suspended by the Inspector until April 2019 pending a Green Belt review to inform housing land supply in the Borough. It is not anticipated that the emerging plan will be adopted before early 2020. Whilst the policies included in the submitted plan are therefore a material consideration in the determination of this application, they are only of limited weight at this stage of preparation.

Draft policies relevant to this proposal are:

SS1: The Presumption in Favour of Sustainable Development.

EN5: Conservation Areas.

EN17: All Development Proposals.

The most relevant paragraphs from the NPPF for this proposal are:

- 11: The presumption in favour of sustainable development.
- 46-48: Decision-making.
- 54-55: Planning conditions.
- 108-111: Promoting sustainable transport.
- 109: Considering development proposals.
- 124 -127: Requiring good design.
- 197, 201-202: Conserving and enhancing the historic environment.
- 216: (Annex 1) weight afforded to emerging local plans.

The main considerations for this proposal are:

- Need for the development.
- Design and visual impacts.
- Highway impacts.
- Heritage impacts.
- Noise impacts.
- Playing field and open space.
- Sport England's playing fields policy.

Need for the Development

The supporting documents accompanying this application state that *“the proposed development will add to the amount of use the playing field will get as the new MUGA will provide an all-weather gaming surface.”* The applicant also states that the development of the proposed MUGA has been driven by an increase in pupil numbers at the school which has increased by an additional 40 pupils within the last 3 years.

The NPPF at Paragraph 94 expects local planning authorities to *“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”*

The application demonstrates that there is a need to provide an additional MUGA at the school. Therefore, I am satisfied that there is a justified need for

the proposed development and that it would accord with the aims of the NPPF and Policy LC3 of the AVBLP.

Highway Impacts

Concerns have been raised by a local resident in the representation received about traffic associated with the school and parking on Church Street. The MUGA would only be used for activities associated with the operation of the school and would not be available for local community use. The creation of the new MUGA would not directly lead to any increase in pupils at the school.

Whilst I acknowledge the concerns raised, I am of the view that the proposed development would be unlikely to result in an increase in traffic generated from the existing school site. The Highway Authority has not raised any objections or concerns about the proposal.

Therefore, I do not consider that the construction of a MUGA would lead to any significant increase in the volume of traffic or parking along Church Street. I am satisfied that the MUGA would not have an unacceptable impact on highway safety or impact on the highway network in capacity terms. The development accords with Policy TP1 of the AVBLP and the NPPF in this respect.

Design and Visual Impact

The proposed MUGA is situated to the west of three existing hard surfaced courts and to the south of a mature tree line. The application site is discretely located to the northern area of the existing playing field. This area is screened by existing mature trees to the north and west of the site. Therefore, I do not consider that the development would be directly visible from the public highway, residential properties or the CA. The MUGA would be located adjacent to the existing recreational facilities and would be well-related to the existing built development at the school.

I am satisfied that the proposed development would not result in a significant visual impact. The MUGA would be discretely located and would relate to the school's existing development pattern. Therefore, I consider the proposed development complies with policies LS1 and LS3 of the AVBLP.

Heritage Impact

The original school building is not listed, however, it is of some historic and architectural significance to the locality, which contributes positively to the character of the Ridding's CA. The School, previously known as Riddings National School, was constructed by local industrialist James Oakes in 1845. The location of the proposed development would be approximately 90m from the main school building. The MUGA would be screened by existing mature trees, which would limit the MUGA's visibility from the non-designated heritage asset and the CA.

Therefore, I do not consider that the proposed development would impact on the character of the heritage assets and that there would be no harm to their significance. I am satisfied that the proposal complies with Policy EN27 of the AVBLP (2006).

Noise Impact

Concerns have been raised by local residents about the potential impact of noise from the proposed development at the school. The proposed MUGA would only be used by the school pupils during school hours and after school clubs, which run until 16:30 hours on school days. There is no intention for the MUGA to be made available for use by the local community for other activities.

Whilst I acknowledge the concerns raised, I am of the view that the construction of a MUGA, together with an informal running track, would be unlikely to result in any significant increase in noise generated from the school site over and above existing levels.

I am satisfied that the MUGA would not adversely impact on the amenity of nearby residents in terms of noise and would accord with policies LS1 and LS3 of the AVBLP and the NPPF in this respect.

Playing Field and Open Space

The proposed site is identified in the AVBLP under Policy LC3, as playing field land and as safeguarded land for educational facilities under Policy LC9. AVBLP Policy LC3 seeks to prevent the grant of planning permission for development which would result in the loss of playing fields, parks and informal open space. The policy states that, in such a case, planning permission should only be granted if “*either:*

- a) it can be demonstrated that there is no demand for their continued use either currently or in the foreseeable future, or that they will be replaced by alternative facilities, at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality, or*
- b) the proposals would not harm their individual character and function.”*

I consider that the proposed development would comply with AVBLP Policy LC3, because the area of the field, in which the proposed MUGA is to be situated, is incapable of forming part of a regular playing pitch, and it would provide a superior alternative facility that would be accessible and useful to the school and its pupils during all weathers.

AVBLP Policy LC9 identifies sites within the Amber Valley Borough which are safeguarded for either the future expansion of existing schools, or for the provision of new schools or school playing fields. I am, however, satisfied that

the proposed MUGA would be considered to be an extension of the school's existing sports facility and would therefore comply with this policy.

Sport England has raised no objection to the proposed development and has concluded that the MUGA would comply with exemption E3 of Sport England's playing fields policy, as the majority of the land that would be taken up by the MUGA is considered incapable of forming part of a playing pitch due to its restricted dimensions.

I am satisfied that the loss of playing field land would comply with AVBLP policies LC3 and LC9. The proposal is also in compliance with Policy E3 of Sport England's playing fields policy.

Conclusion

In conclusion, I consider that the proposed development would not impact on the significance of the non-designated heritage asset and would not detract from the character and appearance of the CA. The development would not result in an increase in traffic and vehicles parking on the surrounding roads. I do not consider that the proposal would result in an increase in noise levels generated from the school site and would not harm the individual character and function of the playing field. I am satisfied that the proposal would not conflict with the policies of the development plans and the NPPF. Therefore, this application is recommended for approval, subject to conditions.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, social value, property and transport considerations.

(6) **Background Papers** File No. 6.815.25

Application documents: Application Form, Existing Site Plan, Site Location Plan, Revision B, Work Location Plan, Revision B, Arboricultural Method Statement, MUGA Brochure – Wickstead, Supporting Statement (LR2) and Tree Survey Report all received 16 October 2018.

Letter from Agent dated 5 December 2018.

Correspondence: Amber Valley Borough Council - Planning Services Division dated 8 November 2018, Derbyshire County Council - Built Conservation and Design Quality dated 29 October 2018, The Coal Authority dated 30 October 2018, and Sport England dated 8 January 2019.

Representation dated 6 December 2018.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to the following conditions:

Form of Development

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details in the 1APP form dated 27 September 2018, letter from the Agent dated 5 December 2018, MUGA Brochure - Wickstead, Arboricultural Method Statement, Supporting Statement (LR2), Tree Survey Report and the following drawings:

- Drawing no. PBS18-0802-003 entitled 'Existing Site Plan'.
- Drawing no. 1007-01-001 entitled 'Site Location Plan', Revision B.
- Drawing no. 5156106.011.003 entitled 'Work Location Plan', Revision B.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should, wherever possible, be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

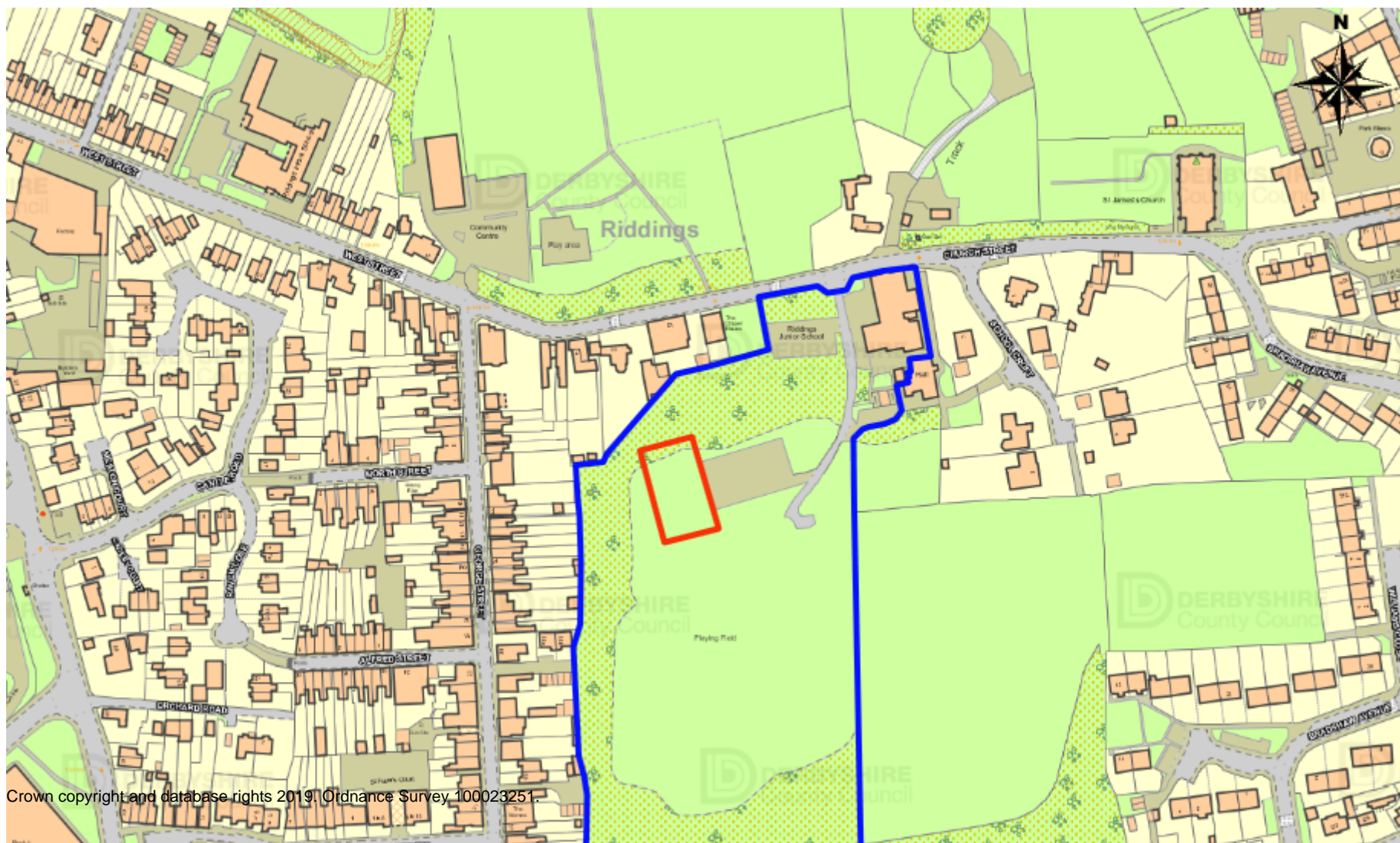
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1 January 2019 until 31 December 2020.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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9-Jan-2019