

Report of the Chief Executive

APPLICATION NUMBER:	21/00254/FUL
LOCATION:	Awsworth Junior and Infant School, The Lane, Awsworth, Nottinghamshire, NG16 2QS
PROPOSAL:	Construct multi use games area (MUGA) facility including fencing

This application has been called to Planning Committee by Councillor D Pringle.

1 Executive Summary

- 1.1 This application seeks permission for a multi-use games area (MUGA), with 3m high mesh fences to be located on the school playing field in the north west corner of the site. The MUGA will provide a year round, purpose build sports facility that will benefit the physical education of the pupils.
- 1.2 There are no site specific planning policies affecting the application site. The main considerations are the design of the proposal and impact on neighbouring amenity.
- 1.3 The Council has received two letters of support and three letters of objection to the proposal. One letter raising no objection has also been received. The main reasons for objection are based on potential noise issues as a result of the proposal.
- 1.4 The proposed MUGA is set into the site and is considered to be in keeping with the school surroundings. It is not considered to be harmful to the street scene or out of keeping with the character of the area.
- 1.5 The proposed MUGA is not considered to result in an unacceptable loss of amenity for neighbouring residents, and a number of conditions have been recommended to mitigate against any potential noise impacts of the proposal. It is set significantly in from the north and west boundaries of the site which are closest to residential dwellings, with these boundaries being made up of substantial hedgerow.
- 1.6 Overall it is considered that the proposal is acceptable and that planning permission should be granted in accordance with the recommendations within the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct a multi-use games area (MUGA) facility at Awsworth Junior and Infant School. The proposed MUGA will have an artificial surface, allowing for all weather use, and will be bordered by 3m high mesh fencing. The proposed MUGA will be situated in the north west corner of the school site, land which currently forms part of the school playing field.

2 Site and surroundings

- 2.1 The application site forms part of the school playing fields. The site borders residential dwellings to the north and west, with the border to each side made up of a hedge circa 2m in height. The land falls away to the south where the school buildings are located, with access to the site being taken from the east boundary onto The Lane. Access is not affected by the proposal and no vegetation of significance is affected.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the application site.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles

4.2 **Part 2 Local Plan 2019**

- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

- 5.1 **Council's Environmental Health Officer:** No objection subject to conditions regarding operating hours, no hire or public use, maintenance, and lighting restrictions.

5.2 **Awsworth Parish Council:** Made the following comments:

- Concerns regarding noise impact for nearby residents.
- Suggested moving the facility away from the north west side or turning it 90 degrees. Moving it may require screening though as more prominent from the road.
- Acknowledges that it will be set in from the boundary to mitigate noise impacts.
- Suggested a condition should be placed on hours of use and that no applications for lighting or flood lighting will be approved in the future.
- Would like the mesh fencing to be green.
- Would like some compensatory measures for loss of grass.
- Could the turf to be removed to accommodate the MUGA be reused on the site?

5.3 Thirty five properties either adjoining or opposite the site were consulted. Six responses have been received from members of the public, two of which support the proposal, one raises no objection, and three raise objections. The reasons for support can be summarised as follows:

- It will be good for the school and children.
- It will improve the facilities at the school.

The reasons for objection can be summarised as follows:

- It is sited where it will cause most nuisance to the largest number of neighbours.
- Concerns it will be used as a public facility creating noise into the evenings and weekends.
- Potential flooding issues due to impact on the artesian spring line.
- No obvious reason for the facility.
- Noise concerns.
- Reduced area around the MUGA will create difficulties for maintaining the land around it.
- Concerns about lighting in the future.

6 Assessment

6.1 The main issues for consideration are the design and appearance of the proposed development and its impact on neighbouring amenity.

6.2 **Principle**

6.2.1 Policy 12 of the Broxtowe Aligned Core Strategy (2014) states that new, extended or improved community facilities will be supported where they meet a local need. The proposed MUGA will provide improved facilities at the school for sport and physical education, to the benefit of the local children who attend. It is therefore considered that the principle of development is acceptable subject to an assessment of the design and appearance of the proposal and its impact on neighbouring amenity.

6.3 Design

- 6.3.1 The proposed MUGA will be sited in the north west corner of the application site, away from the main access to the school and the street scene along The Lane to the east. Whilst the MUGA represents a reasonably large development in terms of the surface area it covers, the fencing will have a maximum height of 3m, which is not considered excessive, in relation to its surroundings. The existing school buildings along with gated access to the school are to the south of the site, and it is considered that the proposed development will not be out of keeping with these surroundings. The boundaries to the north and west of the site are made up of high hedgerows which will largely screen the MUGA from the view of neighbouring properties, at least at ground floor level, and is therefore not considered to be harmful to the visual amenity of neighbouring properties.
- 6.3.2 The specification for the proposed MUGA states that the fencing will be finished with either green or black powder coated paintwork. It is considered that green would enable the development to best blend in with the surrounding area, especially considering the existing fencing and gates at the school follow this colour pattern. It is therefore considered appropriate to condition this.
- 6.3.3 Overall it is considered that the proposal will not be harmful to the street scene, out of keeping with the character of the area or harmful to the visual amenity of the neighbouring residents.

6.4 Amenity

- 6.4.1 The proposed MUGA will be approximately 12.5m from the west boundary of the site, and 6.8m from the north boundary of the site at the closest point. Taking into account the high existing boundary treatments along the north and west of the site, it is considered that these distances are sufficient to ensure the proposal will not result in an unacceptable loss of light or sense of enclosure for the residents of the neighbouring properties to the north and west. There are no directly neighbouring properties to the south and east of the site that would be affected by the proposed development.
- 6.4.2 Concerns have been raised by members of the public and the Parish Council regarding impact on neighbouring residents of increased noise and disturbance as a result of the proposal. In an email from the agent for the application received by the Council on 14 May 2021, it was confirmed that the proposed MUGA would be for use during term and school hours only, not extending beyond 4.30pm. It was also confirmed that the MUGA would not be available for hire to members of the public and that no flood lighting is proposed as part of the development. In consultation with the Council's Environmental Health Officer, and the agent for the application, it has been agreed that should planning permission be granted, conditions will be attached limiting hours of use to Monday to Friday 07.30 – 18.00, that the MUGA is to be for school use only and not hired out to members of the public, and that no floodlighting would be installed without the prior agreement in writing from the Local Planning Authority, which would need to be as part of a new planning application.

- 6.4.3 With regards to noise as a result of the general use of the MUGA, the agent notes that the spec allows for rebound panels at the base of the fence which are designed to eliminate the noise resulting from balls hitting the fence. The Environmental Health Officer has reviewed the spec and is satisfied with this, subject to a condition requiring that MUGA is maintained in accordance with the manufacturer guidance to prevent excessive noise from wear and tear.
- 6.4.4 Comments raised by members of the public question the location of the proposed MUGA, being the closest part of the field to neighbouring residential properties. The proposed location was identified as the most suitable part of the field due to the topography of the site, with this being the most level portion of the field. It is closest to the gate where the proposed foot path access will be from. Whilst it may be the closest area of the field to the residential properties, it will be set significantly in from the boundaries of the site and it is considered that the noise impacts of the development can be mitigated by the recommended conditions.
- 6.4.5 Overall it is considered that subject to the recommended conditions that the proposal will not result in an unacceptable loss of amenity for the residents of the neighbouring properties.

6.5 Other Matters

- 6.5.1 Concerns have been raised by members of the public regarding potential impacts on local flooding as a result of the proposal. The application site is not within flood zone 2 or 3 and is not considered to be at risk of flooding.
- 6.5.2 The Parish Council has suggested that a condition should be included on any permission granted to say that no applications for lighting or flood lighting will be approved in the future. Whilst a condition can be imposed to prevent the installation of lighting without planning permission, a condition cannot be used to prevent or pre-determine future applications. The agent for the application has stated that there is no intention to install flood lighting at the site. However, should an application for this be submitted in the future it would be determined based on the merits of the proposal.

7 Planning Balance

- 7.1 The proposed MUGA will provide a high quality sports facility that can be used year round for many different activities within physical education, therefore providing clear benefits to the pupils of Awsworth Junior and Infant School. The development will be sited in a location within the site that will make it least prominent from the public realm, and is not considered to have a harmful impact on the character of the surrounding area. Whilst there are neighbouring residential dwellings to the north and west of the site, the MUGA will be set in from the boundaries, and the hedgerow to these sides provides a substantial boundary treatment to mitigate against the visual impacts of the proposal. Whilst some noise from the facility is inevitable, it is unlikely that it will be significantly from the activities that can currently take place on the school playing fields, and the recommended conditions are considered sufficient to mitigate these impacts.

7.2 On balance it is considered that the benefits of the proposal significantly outweigh any limited harm, and on balance it is considered the proposal is acceptable.

8 Conclusion

8.1 overall it is considered that the proposal is acceptable and that planning permission should be granted subject to the conditions listed in the recommendation.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with the drawings numbered 20201-16 (P) 01 rev P1, 20201-16 (P) 06 rev P1, 20201-16 (P) 05 rev P1, 20201-16 (P) 04 rev P1; received by the Local Planning Authority on 16 April 2021. <i>Reason: For the avoidance of doubt.</i>
3.	The MUGA shall not be used except between 07.30 -18.00 hours Monday to Friday and at no time on Saturday or Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority. <i>Reason: To protect nearby residents from excessive operational noise.</i>
4.	The MUGA shall be for use by Awsworth Primary and Junior School only and no hire or public use shall be permitted. <i>Reason: To protect nearby residents from excessive operational noise.</i>
5.	The MUGA shall be maintained in accordance with the manufacturers guidance to prevent excessive noise from wear and tear. <i>Reason: To protect nearby residents from excessive operational noise.</i>
6.	There shall be no floodlighting installed without the prior agreement in writing of the Local Planning Authority.

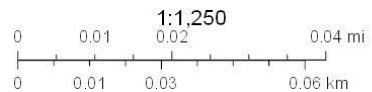
	<i>Reason: To protect nearby residents from excessive operational light pollution.</i>
7.	<p>The mesh fencing of the MUGA shall be green in colour and shall be retained as such for the lifetime of the development.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance in accordance with Policy 17 of Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	<p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3.	Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.

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 Site



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Photographs



Location of proposed MUGA and north and west boundaries of site.



Location of proposed MUGA and west boundary of site.

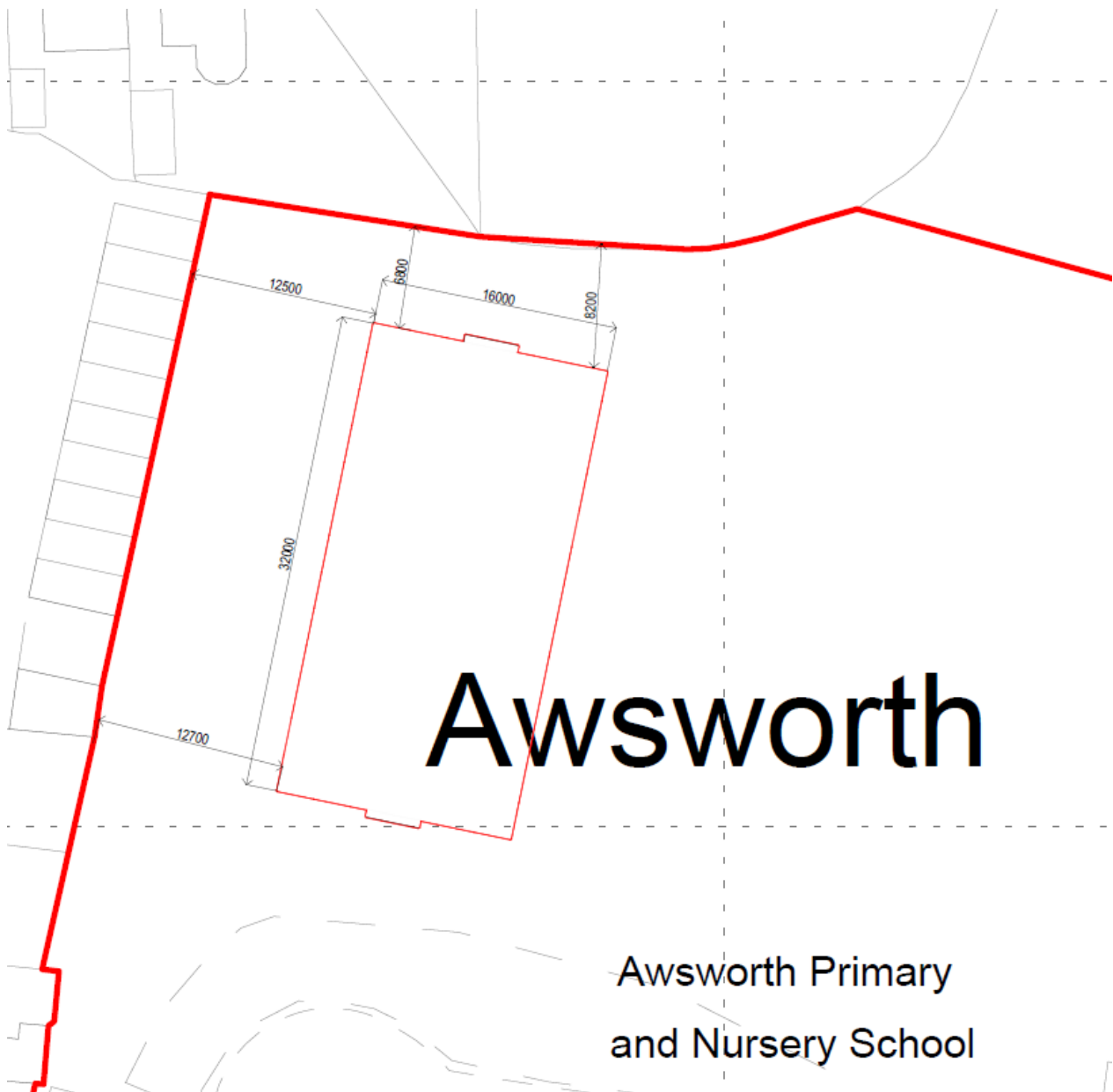


Location of proposed MUGA taken from north west corner of the site.



Application site taken from access to School at The Lane.

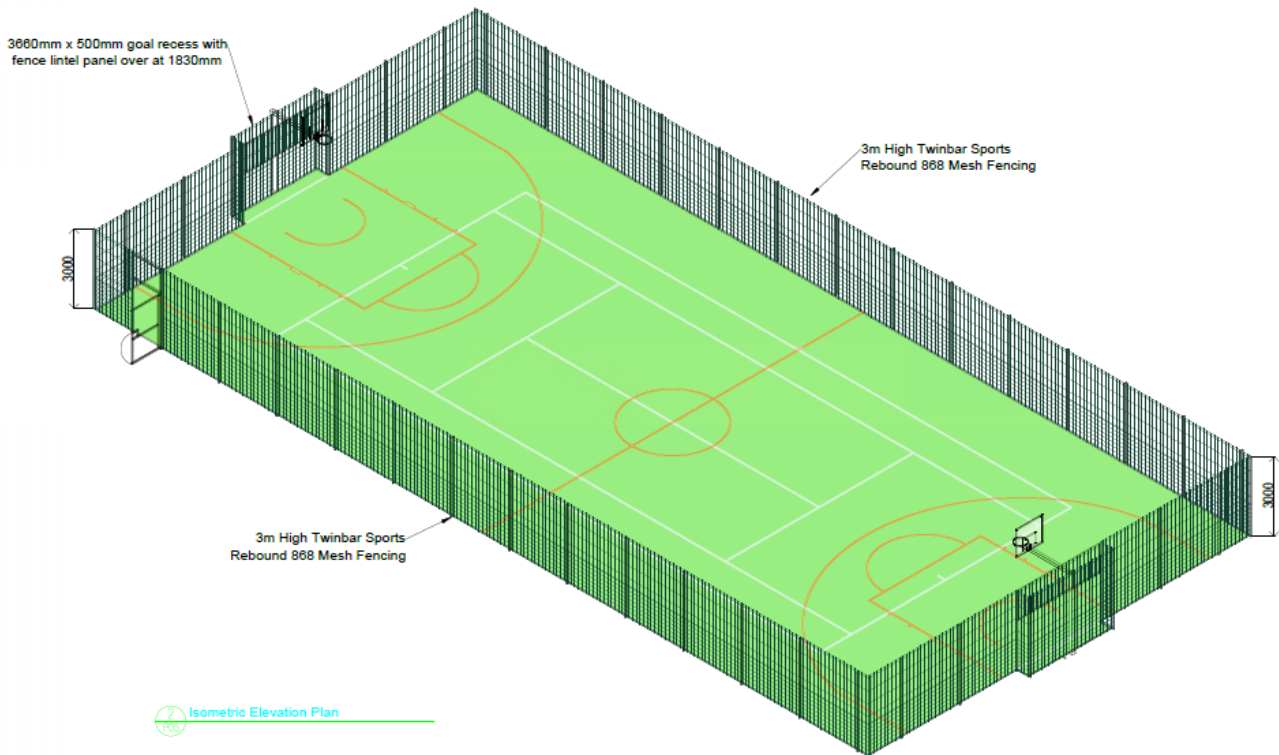
Plans (not to scale)



Site Block Plan



MUGA Floor Plan



MUGA Elevations