

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>22/00116/FUL</b>
<b>LOCATION:</b>	<b>Awsworth Junior and Infant School, The Lane, Awsworth</b>
<b>PROPOSAL:</b>	<b>Construct Multi Use Games Area (MUGA) Facility with 3m high perimeter fencing and 4 floodlighting columns (revised scheme)</b>

**1. Purpose of the Report**

The application is brought to the Committee at request of Councillor D D Pringle.

**2. Recommendation**

**The Committee is asked to resolve that planning permission is approved subject to the reasons outlined in the appendix.**

**3. Detail**

- 3.1 The application seeks permission for a multi –use games area (MUGA), with a 3m high mesh fence and four lighting columns to be located on the school playing field in the north east corner of the site. To access the MUGA from the school car park a 30m path will be laid that is 1.2m wide. The MUGA will provide all year round, purpose built sports facility that will benefit the physical education of the pupils and the wider community through the community use. Due to the land level differences across the site there will be some alterations to the levels to ensure a level area within the MUGA.
- 3.2 The application has been amended during the determination of the application to overcome the objection raised by Sport England. Sport England objected to the MUGA only for the schools use and stated the MUGA should be made available out of school hours and weekends to the wider community. Following the amendment of the application to allow community use of the MUGA Sport England removed their objection.
- 3.3 There are no site specific planning policies affecting the application. The main consideration are the design of the proposal and impact on neighbouring amenity.
- 3.4 The proposed MUGA has been positioned to north east of the site, along the existing shrub and tree lined boundary with the parking along The Lane. The mature screening along with the colour of the mesh fencing will enable the MUGA 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.
- 3.5 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 along with a management plan to mitigate against any potential

noise impacts of the proposal. The position of the MUGA will only have one boundary with residential dwellings, to the north, that has some hedgerow, that will be conditioned to be added to making a substantial hedgerow.

- 3.6 Overall, it is considered the proposal is acceptable and that planning permission should be granted in accordance with the recommendations.

4. Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with Section 106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Background Papers

None submitted.

**APPENDIX****8      Details of the Application**

- 8.1      The application seeks permission to construct a multi-use games area (MUGA) facility at Awsworth Junior and Infant School. The proposed MUGA is approximately 32m x 16m, with a recess each end for goals, four lighting columns in each corner and be surrounded by a 3m high mesh fencing conditioned to be green. The surface of the MUGA will have a shock pad installed before the artificial surface is laid. Due to the land rising from the north, east and southern boundary the land will be required to be levelled during construction of the MUGA.
- 8.2      The MUGA will allow for all weather use for the school and wider community and a noise management plan has been submitted with the application that covers code of conduct, opening times, the school's responsibilities, complaints management procedure and investigation.
- 8.3      The land that the MUGA will be installed on rises up from parking within the site, and falls again to the north of the site adjacent to the boundaries with the dwellings along The Lane.

**9      Site and Surroundings**

- 9.1      The application site forms part of the school playing fields. The site borders residential dwellings to the north of the site and to the east is off street parking on The Lane.
- 9.2      There are land level differences around the school site, and the land falls away to the south where the school buildings are located. There is an existing boundary treatment securing the school on the north, east and southern boundary along with some trees and hedgerow along the north and eastern boundary.

**10.    Relevant Planning History**

- 10.1    An application was refused by the Planning Committee for a MUGA (21/00254/FUL) at the site, but in a different position on the playing field. The MUGA was for school use only.

**11.    Relevant Policies and Guidance****11.1    Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:****11.1.2    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 Health Lifestyles.

## 11.2 Part 2 Local Plan 2019:

11.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity
- Policy 25: Culture, Tourism and Sport.

## 11.3 National Planning Policy Framework (NPPF) 2021:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places.

## 12. Consultations

12.1.1 **Environmental Health** – There has been several sets of comments from Environmental Health Officer during the application due to the changes in hours and community use.

12.1.2 First set of comments the Environment Health Officer did not raise any objection to the MUGA being used during school hours subject to conditions on hours, no hire or general public use, to maintain the MUGA in accordance with the manufacturers guidance to prevent excessive noise form operational wear and tear and the lighting to be installed and operated in accordance with current guidance from the Institute of Lighting Engineers.

12.1.3 Following Sport England objection the application was amended to increase the hours and community use. A second set of comments was received from the Environmental Health Officer and again they raised no objection to the installation of the MUGA and lighting subject to conditions on hours of operation, shall be operated in accordance with the submitted School Noise Management Plan, maintain the MUGA in accordance with the manufacturers guidance to prevent excessive noise form operational wear and tear and the lighting to be installed and operated in accordance with current guidance from the institute of lighting engineers.

12.2.1 **Parish Council** – The Parish Council provided two formal sets of comments on the application.

12.2.2 First set of comments were relating to the school use only of the MUGA. The Parish Council welcomed the re positioning of the MUGA away from residential dwellings to the north and west of the site, but still had concerns regarding noise impact on dwellings. The introduction of lighting raised further concerns and the Parish Council requested a guarantee that the MUGA would only be used for the school and there would be a restriction on the hours. Due to the position and height of the fencing they requested the fencing should be green to match the existing perimeter fencing.

12.2.3 Following Sport England's objection the application was amended to increase the hours and community use and the Parish Council provided a second set of comments. The Parish Council wishes to register the strongest concern regarding the amendment to the application. The Parish Council has concerns regarding the location and inevitably means there will be some adverse impact on nearby residents and feel these should be minimised and/or mitigated wherever possible. The proposal is constantly changing and the Parish Council

has had to modify their response accordingly. The Parish Council was satisfied previously with the MUGA for school use only but their main concerns relate to the likely adverse impacts on nearby residents particularly in terms of noise and disturbance resulting from extended hours of use; potential traffic generation and parking conflicts in the local area resulting from actively encouraging external users to use the new facility; concerns in relation to detailed design / appearance / layout of the proposed facility especially in the context of the school playing field being a designated Local Green Space in the Awsworth Neighbourhood Plan. The Parish Council would like to discuss and develop, with the East Midlands Educational Trust, a community use agreement submitted and approved to the LPA prior to the facility being brought into use.

- 12.2.4 The Parish Council would like to point out there is already a full size football pitch, changing rooms, cricket pitch, sports pavilion, small MUGA, skateboard area, bowling green, two children's playgrounds and pocket park all within close proximity to the school and these areas are regularly used. The Parish Council also refer to the existing parking at the Village Hall, which closes at dusk, so parking would be an issue should the users of the MUGA choose to park at the Village Hall in the winter months.
- 12.2.5 The Parish Council note that Sport England area very clear as regards their expectations for applicants to receive funding from the very start of the process, and would be interested to know when Sport England funding was applied for and when the offer was made. The Parish Council wish for Sport England to re consider their conditions for funding and support the previous scheme.
- 12.2.6 The Parish Council would consider reduced hours over the weekend and bank holidays and consider this to be a reasonable compromise between the needs for the school and level of impact on amenity for nearby residents that the Parish Council is concerned to protect.
- 10.2.7 The Parish Council has stated that the future new housing (250 new homes) to be constructed in Awsworth soon and expect Broxtowe Borough Council to be satisfied in terms of any section 106 developer contributions which might be reasonable to be required. Could this be extended to appropriate contributions towards the facility at the school MUGA.
- 12.3 **Sport England** – Sport England commented a total of three times during the application.
- 12.3.1 Sport England stated that they are a statutory consultee as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 and should have been consulted on the previous application (reference 21/00254/FUL) as the proposal involves land used as a playing field. Due to the lack of details/information a holding objection was put in place by Sport England.
- 12.3.2 Following additional information Sport England provided a further set of comments acknowledging the MUGA will result in the loss of grass playing field, Sport England is mindful that the MUGA is aimed at primary school children who will learn basic skills in playing sport, offer opportunities for sporting activities unusable due to bad weather and that the lighting will provide opportunities for school use and school club use. However, Sport England was disappointed the MUGA could not be used by the wider community over longer hours. Sport England objected and stated should the application be determined without the support of Sport England then the application will need to be

referred to the Secretary of State in line with The Town and Country Planning (Consultation) (England) Direction 2021.

- 12.3.3 Following the amended application for longer hours during the week and weekend and offering the MUGA out to the community for use Sport England removed their objection but requested a condition regarding the submission and approval of a community use agreement that is prepared in consultation with Sport England. Should this condition be omitted or determined without a community use agreement then Sport England would object to the application and the application will need to be referred to the Secretary of State in line with The Town and Country Planning (Consultation) (England) Direction 2021.

- 12.4 **Neighbours** – A total of 17 representations have been received from neighbours and members of public through the determination of the application. The five letters of support can be summarised as follows:

- Support the development, but the field drainage is awful;
- Appreciate the moving of the MUGA to the opposite side of the field;
- Sole use for the school – no objection;
- Great facility for the benefit of the community;
- Urge local councillors to support the proposal;
- Live nearby and support the scheme;
- The children deserve a more appropriate all weather supporting area to use during the school day, to object is to this planning is to deny our children their right to play and have a safe space to do so;
- Been underfunded for years and pleased to see that the local school is trying to improve the facilities of the school, not only for the pupils who attend but the wider community;
- The MUGA will provide a much needed income in a time that they are desperately requiring for the smallest projects;
- The plans have been put in place are well thought out, the management plan they have in place is reasonable and there is no reason why this project should not go ahead;
- Wholeheartedly support the scheme.

- 12.4.1 The 12 letters of objection can be summarised as follows:

- Will the trees be removed;
- Only operated during school hours including flood lights;
- Lack of parking already and this will be made worse;
- When works start where will the residents park;
- How long will the disruption be for;
- No additional parking spaces provided;
- Is it for financial gain or really for improving facilities for the school;
- Already a court/cricket pitch/play area close to the school;
- Why are flood lights required for a school;
- Potential noise and light nuisance;
- Rain water run off – standing water in wet weather;
- The original application did not include flood lights which seem excessive and will result in light intrusion into nearby properties;
- Lack of information to make an informed judgement;

- Work shifts and have to sleep at the front of the house due to the noise from the playground etc. The noise from the front of the house will result in no sleep. Can it be moved somewhere else;
- The hours are past children's bed times and will affect their sleep;
- Residents parking will be required as spaces will be limited;
- Morphed into a 7 days, weekend and evening facility for the general public not for school use;
- The parking at the village hall is already used to the max and closes at sunset;
- Money is more important than peace and quiet of the neighbouring properties, how are people meant to sit out in gardens at the weekend and evenings;
- Past history of the site: security has been breached and unauthorised persons being able to enter, the word gets around the village and no time the field and playground will swarming with villagers using and abusing the site;
- The noise and language can be horrific at times from the existing MUGA near the village hall, so would have this noise and language from both sides at weekends;
- The schedule of works does not mention the residents and;
- The thought of this development is keeping me awake at night.

### 13 Assessment

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

#### 13.2 Principle

13.2.1 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 during all months of the year, for the children and the wider community. It is therefore considered that the principal of development is acceptable subject to an assessment of the design and appearance of the proposal and the impact on neighbouring amenity.

#### 13.3 Design

13.3.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 policy 10 states that all new development should be designed to make a positive contribution to the public realm and sense of place, reinforce valued local characteristics and have regard to the local context and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their setting.

13.3.2 Throughout determination of the application the position, design and materials of the MUGA have not changed. The proposed MUGA will be sited in the north east of the school field and will enable the existing field to be used for other sports, the MUGA measures approximately 32m x 16m with two goal recess in the north and southern fencing. The existing boundary treatment along the north and east will remain, trees/shrubs and existing boundary treatment. The proposed fencing around the MUGA will be 3m in height and will be conditioned to be green to match the existing fencing around the school. The four flood lights will be positioned in each corner of the of the MUGA with two lights on

each lighting column and be approximately 8m in height to enable lighting to cover the whole of the MUGA.

- 13.3.3 It is considered the proposal would not be out of keeping with the surroundings, that is, in the context of a primary school and its outdoor play areas, and the fencing and MUGA will be screened from the street scene. It should be noted that due to the height of the lighting, the four lighting poles will be visible above the existing boundary treatment and shrubs when viewed from the street scene, but would not be considered to be obtrusive or visually dominant.
- 13.3.4 Overall, it is considered that the proposed MUGA, fencing and lighting 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 dwellings.

#### 13.4 Amenity

- 13.4.1 The proposed MUGA will be approximately 7m from the northern boundary with The Vicarage, 8.5m from the eastern boundary with The Lane. Taking into account the height of the fencing and boundary treatments along the north and eastern boundary it is considered that these distances are sufficient to ensure the proposal will not result in an unacceptable loss of light or sense of encloses for the residents of the neighbouring properties to the north of the site.
- 13.4.2 The application has been accompanied with a lighting plan demonstrating the position of the poles, the lighting within the MUGA and the overspill from the lighting to the land around the MUGA, proposed floodlighting plan by Halliday Lighting. This plan also includes the land contours and boundary treatment around the site. The plan demonstrates that the height of the lighting poles is required to be 8m in height to enable adequate lighting within the centre of the MUGA.
- 13.4.3 Concerns have been raised by members of the public and the Parish Council regarding impact on neighbouring properties due to the increase noise, light pollution and the accumulative disturbance as a result of the proposal. These concerns were raised throughout the determination of the application and with consultation with the Council Environmental Health Officer, following the amended hours operations to include evening and weekend use, the Environmental Health Officer has raised no objection to the proposal and hours of use for the MUGA, subject to conditions on hours of operation, shall be operated in accordance with the submitted School Noise Management Plan, maintain the MUGA in accordance with the manufacturers guidance to prevent excessive noise form operational wear and tear and the lighting to be installed and operated in accordance with current guidance from the institute of lighting engineers.
- 13.4.4 Concerns were raised regarding noise specifically in relation to the general use of the MUGA during the evening and weekends. The agent has supplied a Noise Management Plan that includes a code of conduct, school's responsibilities and complaints management procedure along with investigation. The Local Planning Authority and the Environmental Health Officer are satisfied with this document and this will be secured by condition.
- 13.4.5 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 neighbouring properties.



### 13.5 Highway Safety

13.5.1 Concerns have been raised by neighbours and the Parish Council regarding parking within the consultation responses and that there are insufficient spaces for the MUGA and residents parking. Paragraph 111 of the NPPF states 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. Paragraph 107 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport to access the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles.

13.5.2 It is noted that within the school grounds there is off road parking for several vehicles and given there are regular public transport services and as the MUGA is aimed at the local community where sustainable means of transport such as walking and cycling could be achieved, it is considered that there would not be any shortfall in parking resulting in highway safety issues.

### 13.6 Other

13.6.1 Concerns have been raised regarding drainage and the potential impact on local flooding as a result of the proposal. The application site is not within a flood zone and it is not considered to be at risk of flooding. The MUGA will be constructed with adequate drainage in line with the submitted plans.

13.6.2 Concerns have been raised about security of the school and MUGA when not in use. The MUGA is sited within the school fencing and it is considered that there would not be any concerns in respect of school security or unauthorised use.

13.6.3 The Parish Council has asked to be consulted on community use agreement submitted to the Local Planning Authority before the MUGA is brought into use. As no part of the development is on the Parish Council land there would not be any reason to formally consult with the Parish Council once this information has been submitted to the Local Planning Authority.

13.6.4 Sport England has been the driving force to ensure the MUGA is made available for the community as well as the school. To ensure the MUGA is available for community use they have requested a community use agreement be added to the decision notice. The community use agreement is to be drawn up between the applicant, Sport England and the Local Planning Authority before any works commence on site, and the use of the MUGA carried out in accordance with the agreement for the lifetime of the development.

### 13.7 Planning Balance

13.7.1 The proposed MUGA will provide a high quality sporting facility that can be used all year round for many different activities within physical education for the school and with wider community. The MUGA and the lighting are sited in a location that will be easy accessible when entering the school grounds and will be sited behind the existing hedgerow and boundary treatment running along The Lane. It is considered that the MUGA and lighting will not have any harmful impact on the character of the surrounding area. It is acknowledged that there are residential dwellings to the north of the site, given the MUGA and lighting will be set in from the boundaries and the hedgerow to these side provides a substantial boundary treatment to mitigate against the visual impact of the

proposal. Whilst some noise from the MUGA is inevitable, it is unlikely that this will be significantly different in terms of levels from the activities that can currently take place on the playing fields within the school grounds and the MUGA run by the Parish Council. The recommended conditions are considered sufficient to mitigate these impacts.

13.7.2 On balance it is considered that the benefits of the proposal sufficiently outweigh any limited harm and on balance it is considered the proposal is acceptable.

#### 14. Conclusion

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

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <b>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.</b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with the site location plan 20201-16 (p3), Topographical B21352-01, Plan showing existing pitch 20201-16 (p) 09 received by the Local Planning Authority 6 June 2022 and proposed floor plan and elevations of the MUGA 20201-16 (p) 06, lighting plan HLS3565 and block plan 20201-16 (p) 05 received by the Local Planning Authority 4 April 2022.</b>  <b>Reason: For the avoidance of doubt.</b>
<b>3.</b>	<b>The hereby approved MUGA and lighting shall not be commenced until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing with the Local Planning Authority. The agreement shall apply to the MUGA and lighting and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The</b>

	<p>development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy 25 of the Part 2 Local Plan (2019) and Policy 12 of the Broxtowe Aligned Core Strategy (2014).</p>
4.	<p>The MUGA and Lighting shall not be used except between the hours of Monday to Friday 08.00 – 20.00, Saturday and Sunday and Bank Holiday 08.00-18.30 and any other public holidays without prior agreement in writing of the Local Planning Authority.</p> <p>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
5.	<p>Details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimize overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development in line with the current guidance from the Institute of Lighting Engineers - Reduction of Obtrusive Light Guidance for the duration of the permitted use.</p> <p>Reason: The details area required to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</p>
6.	<p>The MUGA shall be maintained in accordance with the manufacturers guidance to prevent excessive noise from wear and tear.</p> <p>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
7.	<p>The MUGA shall be operated in line with the East Midlands Educational Trust and Aswsorth Primary School Noise Management Plan received 28 July 2022 as approved.</p> <p>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>

8.	<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>Reason: To ensure a satisfactory standard of external appearance in accordance with Policy 17 of Broxtowe Part 2 Local Plan.</p>
	<b>NOTES TO APPLICANT</b>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it in line with adopted policies.</p>

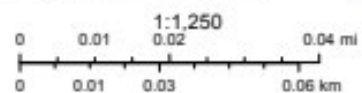
Map

22/00116/FUL - MUGA Awsworth School



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-  Local Interest Building
-  Group TPO
-  Open Spaces
-  Site
-  Mature Landscape Area



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**Photographs**



Access gate



Parking along The Lane



View towards access and parking



View to the east



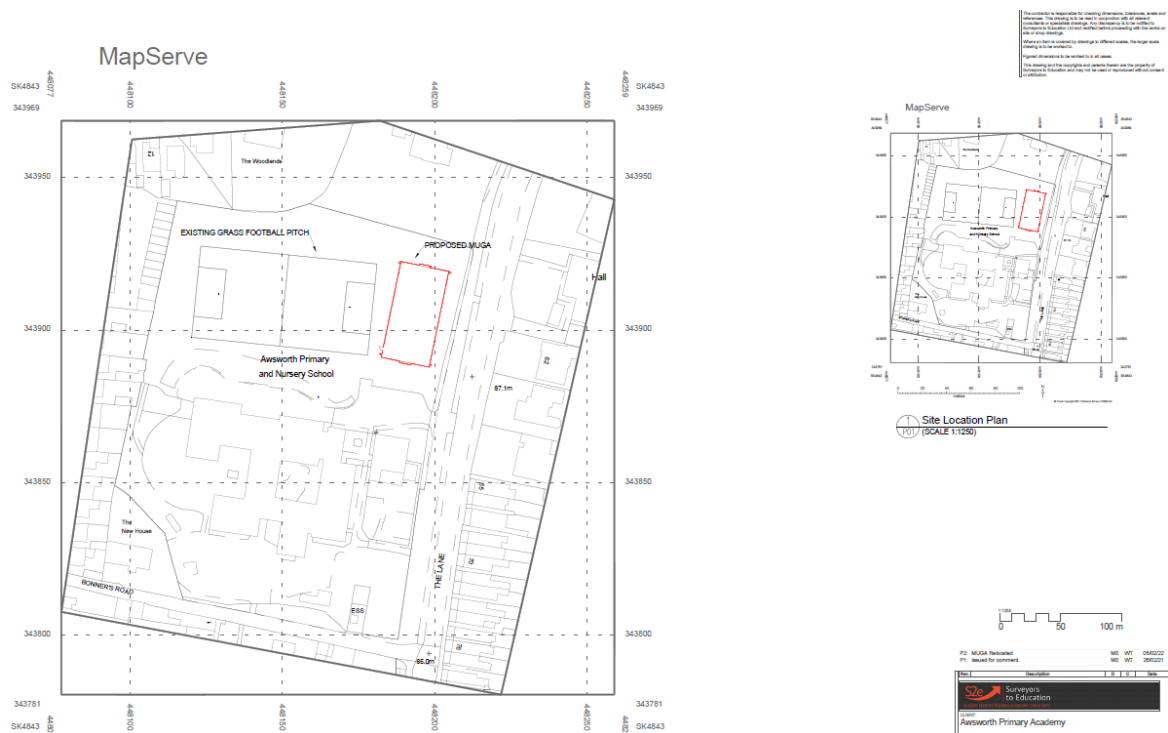
View to the north



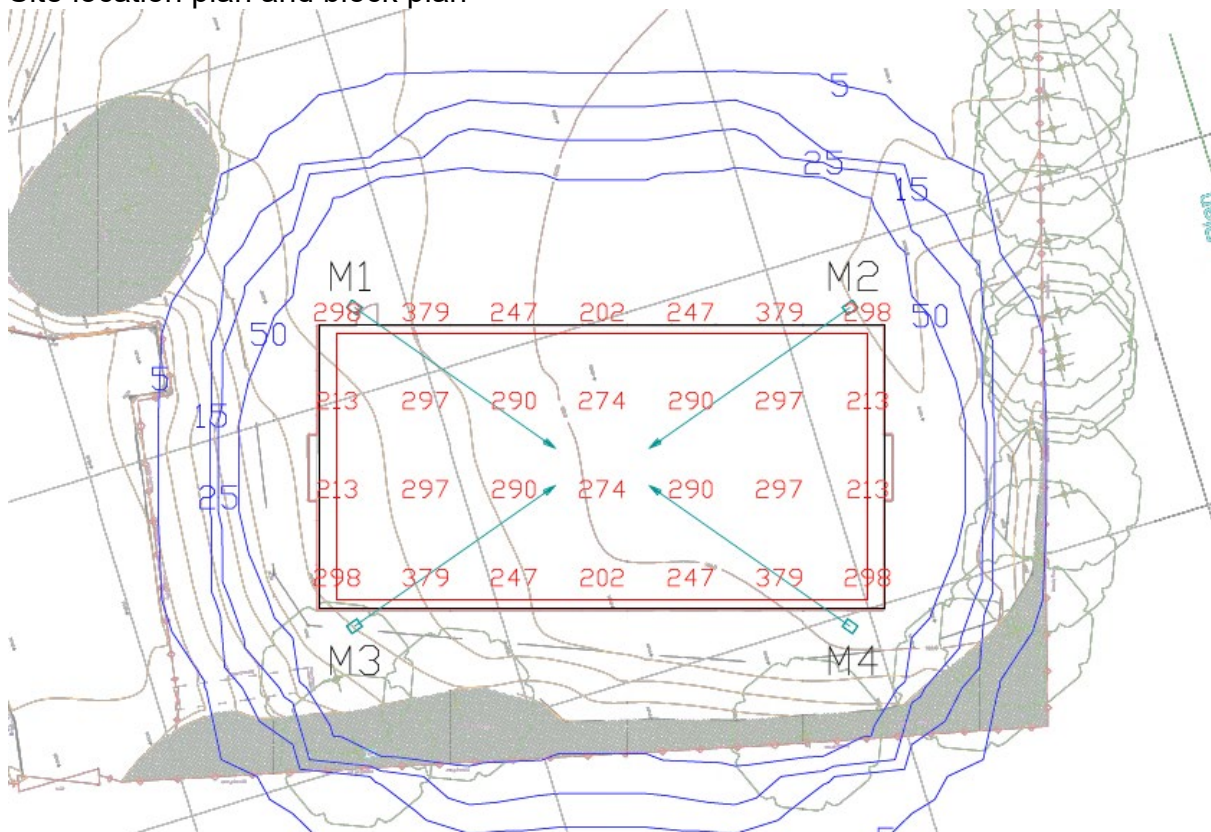
Aerial view from google earth



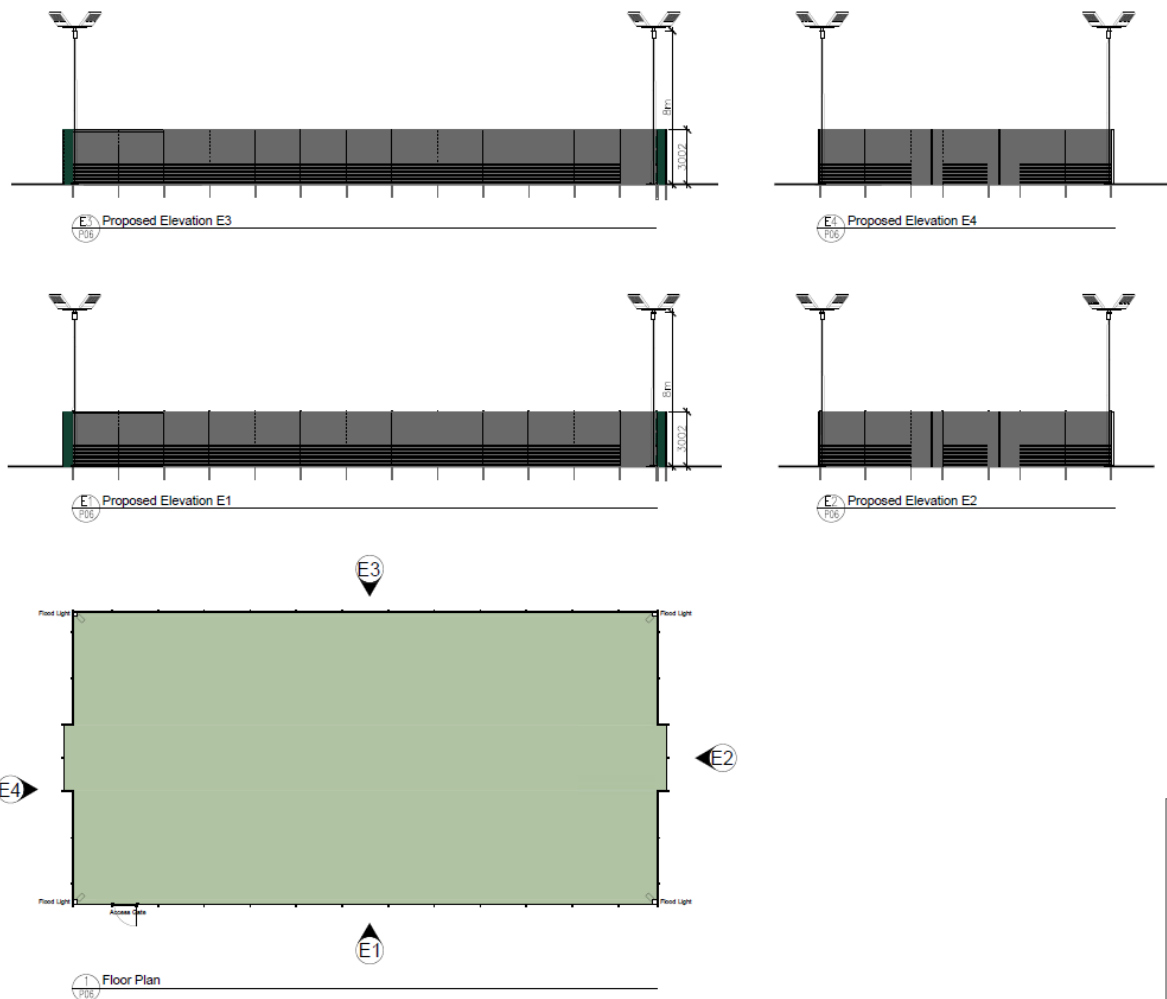
**Plans (not to scale)**



Site location plan and block plan



Lighting plan



Proposed MUGA and elevations