

Report of the Chief Executive

APPLICATION NUMBER:	23/00130/FUL
LOCATION:	Awsorth Junior and Infant School, The Lane, Awsorth
PROPOSAL:	Construction of Multi-Use Games Area (MUGA) Facility with 3 Metre High Perimeter Fencing and 4 Floodlighting Columns

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

1. Purpose of the Report

The application seeks full planning permission for the construction of a Multi-Use Games Area (MUGA) with associated fencing and lighting.

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 carpark, a 30m length path will be laid which 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 This application does not amend the proposal from the previous application that was refused at Planning Committee (22/00116/FUL refers), but provides further information with the application seeking to address the reasons for the previous refusals. This information includes a draft Community Use Agreement (CUA) along with a plan demonstrating the on-site car parking provision.
- 3.3 There are no site specific planning policies affecting the application. The main considerations are the design of the proposal, impact on neighbouring amenity and the car parking provision.
- 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

- 4.1 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 S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 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

- 6.1 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

- 7.1 None submitted.

APPENDIX**1** Details of the Application

- 1.1 The application seeks permission to construct a multi-use games area (MUGA) facility at Awworth 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 enclosed 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.
- 1.2 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. In addition to this a Community Use Agreement will be secured by condition to cover the above and the parking provision.
- 1.3 The land that the MUGA will be installed on rises up from the existing parking area within the site, and falls again to the north of the site adjacent to the boundaries with the dwellings along The Lane.
- 1.4 The application is accompanied with a Supporting Statement, Noise Management Plan, draft Community Use Agreement, lighting plan, topographical plan and car parking plan.

2 Site and Surroundings

- 2.1 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.
- 2.2 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.

3 Relevant Planning History

- 3.1 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.
- 3.2 A second application was refused by the Planning Committee for a MUGA (22/00116/FUL) at the site. The MUGA was for school and community use but did not include a car parking plan or a draft Community Use Agreement.

4 Relevant Policies and Guidance

4.1 **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 Health Lifestyles

4.2 **Part 2 Local Plan 2019:**

4.2.1 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

4.2.2 **National Planning Policy Framework (NPPF) 2021:**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Policy 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places

5 Consultations

5.1 **Environmental Health** – Has assessed all the information submitted and has not raised any objection to the application subject to conditions relating to hours of operation in line with the submitted documents; the lighting being installed in line with current guidance from the institute of lighting engineers ‘Reduction of obtrusive Light’; and an informative regarding construction hours.

5.2 **Parish Council** – The Parish Council previously commented on the two applications for the installation of a MUGA at the school. The previous proposals gave rise to the Parish Council having additional concerns in relation to nearby residents, mainly due to noise and light impacts as well as the potential to result in pressure for on street parking in the area.

5.2.1 The Parish Council comments are summarised as follows:

- Concerns how the MUGA will be run and operated, locked up at the end of the day, turn the lighting off;
- Possible security issues and the unwelcome risk that comes with it, anti-social behaviour;
- No toilet or changing facilities;

- The hours of operation are excessive and has the potential to provide a total of 80 hours a week during holidays when the school is expected to be quiet and is grossly excessive;
- The Code of Conduct is well intentioned but the Parish Council do not believe it will be adhered to;
- The Parish Council are unaware of any legally acceptable noise level attached to the use of playing fields;
- The lack of parking spaces – there is 15 spaces not 21 as stated and school staff use the village hall parking;
- There have been meetings between the Parish Council, Borough Council, Count Council, Highways Department, Police and the School over the last 10 years regarding parking issues;
- The submitted statement refers to a regular bus service travelling each way through the village. Trent Baron has reduced the bus to one per hour between Kimberley and Ilkeston and the bus only runs Monday to Saturday between 6.30am – 7pm;
- The application does not refer to Awsworth Neighbourhood Plan, made in July 2021 and the Parish Council consider this to be an important omission;
- Awsworth has a plethora of sporting opportunities for local children in the village, this development operating outside of school hours will almost certainly be for users from outside our village and local community;
- The Parish Council states their view this does not constitute ‘local community’ as expressed by the School, nor does it appropriately relate to Sport England requiring the MUGA must be available for wider community use and should be primarily use by the school and otherwise by the wider Awsworth community;
- The Parish Council are fully supportive of any improvements that will benefit the school and local children;
- Consideration should be given and balanced with the Parish Councils duty to consider all residents, particularly where proposals could adversely impact on those living close by.

5.3 **Sport England** – Sport England had reviewed all the submitted information and has not raised any objection to the application. They note the application does not amend the proposal from the previous application and Sport England refers to the previous comments. The Community Use Agreement would secure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the area of playing field. A condition has been recommended (condition 3) for a Community Use Agreement but should the Local Planning Authority decide not to attach the condition then Sport England would wish to raise an objection to the application. Should the Local Planning Authority be minded to approve the application without the suggested condition, then given Sport England’s subsequent objection in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

5.4 **Nottinghamshire County Council Highway Authority** – has assessed the application and has not raised any objection to the application.

5.5 **Neighbours** – A total of 52 neighbours were consulted on the application and a total of 62 representations have been received from neighbours and members of public through the determination of the application. The 33 letters of support can be summarised as follows:

- Welcome addition to the school grounds, the children will have all year round games area that will enhance their physical development, PE lessons and opportunities for play and the community;
- MUGA would bring much need revenue from community use that will enhance opportunities for children and establish community links;
- School requires these critical facilities to enable the children to continue development and have the recreational space;
- There is a recreation ground nearby and the additional of the MUGA will add to the existing facilities and not sure why this has not been supported by the local council and urge the Council to fully consider the positive impact this facility will have for many years to come;
- Can't understand how 250 houses can get approval but this can't;
- As a qualified coach in cricket, football and multi skills it will be a great benefit for the school and the village to have an outdoor facility to use during autumn and winter;
- School Voice letter of support from the children – the pupils at Awsworth Primary School are fully supportive of the plan, it would give better choices at playtime, children can play football and the girls would like to use this area for a girl's football team/hockey/netball and give more equal opportunities;
- No structure leads to vandalism and this has been a problem in the park, Awsworth needs a structured leisure facility – there are a lot of bored kids and teenagers;
- Nurturing the next generation has surely got to be part of the bigger picture;
- It's about time the school playground was improved, no changes in the 10 years my children have been at the school;
- Fantastic facility and facility to improve the equality and opportunity for a girls football team and we must invest in our future generations and the provision of better facilities for them locally
- Ofsted along with DFE encourages schools to support and promote healthy lifestyles including exposure to sporting activities;
- School is a safe haven for a lot of children, their only chance to learn new skills, reduce obesity and understand the importance of a healthy lifestyle along with good sportsmanship;
- The Village hall generates noise and this should be no different and;
- Playing outside encourages good mental health and reduces anxiety and stress and will improve concentration in the class room;

5.6 The 29 letters of objection can be summarised as follows:

- Detrimental to the environment due to building on a field and the Academy Trust have a responsibility to the wildlife on the school grounds and it would be better to re-wild the area rather than a MUGA;
- Although not a bad idea, there are concerns regarding an already busy school entrance, pick up point and safety of the kids;

- The recreation ground is 100m away and has a similar facility available for kids for free on top of plenty of green space;
- Issues regarding noise and lighting;
- When are residence supposed to get any respite from the noise, after rush hour its quiet;
- Little or no noise from the village hall or the hire of the village hall;
- Issue of parking, there is only 15 spaces and the application states 21;
- There may be cars locked in the recreation ground carpark due to the lack of parking;
- There is not a regular bus service as stated and the number 27 bus has been reduced to one bus per hour only running Monday to Saturday 6.30am-7pm;
- No jobs being created so who is managing the usage and security of the site, who will make it secure at night and ensure no members of public remain on site after closure (safeguarding children);
- No changing facilities or toilets;
- Does no one care about the views of the people who live here;
- No objection to the use of the MUGA for the school only but object to the community use;
- Want a peaceful life and the MUGA will not provide a peaceful life;
- The levels of lighting of disturbance beyond that would be considered fair;
- It's hard to deal with issues of anti-social behaviour as when it is reported they have normally left by the time someone arrives to sort it out;
- Can't understand and flabbergasted how the application keeps coming back, each time worse for the residents;
- The Parish Council car park is a facility that local residents pay for and is used by the school with their permission and is not a direct school facility;
- Live near the existing MUGA facility and the footballs rattle the MUGA fence on a regular basis, that can be very loud;
- Sure the people supporting the MUGA being opened out of the school hours and weekends will have children at the school but to no live in Awsworth – they do not need to worry about all the negatives impacts;
- The residents of Awsworth who are impacted should have more weight than Sport England who are not even financially supporting this project;
- Noise from the school travels through the village in the day time, this is going to happen all day/week;
- Water run-off, no mitigation being put in and there is a long standing issue with stagnant water on the perimeter of the site.

6 Assessment

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

7. Principle

- 7.1 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, and is a use compatible with the existing use as an educational facility. 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.

8. Design

8.1 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.

8.2 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 recesses in the northern 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.

8.3 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 overly obtrusive or visually dominant.

8.4 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.

9. Amenity

9.1 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.

9.2 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. 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.

- 9.3 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 the Environmental Health Officer has raised no objection to the proposal, subject to conditions on hours of operation, which 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.
- 9.4 Concerns were raised regarding noise specifically in relation to the general use of the MUGA during the evening and weekends. The application is accompanied with 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.
- 9.5 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.
10. Highway Safety
- 10.1 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.
- 10.2 The application is accompanied with an additional plan in the Draft Community Use Agreement that demonstrates 21 parking spaces for the proposed MUGA. There are public transport services. Notwithstanding this, as the MUGA is aimed at the local community and as such sustainable means of transport such as walking and cycling will be the preferred method of travel for most users.
- 10.3 Concerns have been raised regarding the lack of parking, turning within the site and issues regarding road safety accessing and leaving the site.
- 10.4 Nottinghamshire County Council Highway Authority has been consulted on the application and they have not raised any objection to the application, stating the proposed MUGA is smaller than a pitch for under 7's 5 a side football. It is considered that there would be adequate parking, allowing for a changeover also, there is no issue and so the proposal complies with the relevant policies, and it is considered that the proposal would not result in a significant residual cumulative impacts on the road network.

11. Other

- 11.1 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.
- 11.2 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 material planning concerns in respect of school security or unauthorised use.
- 11.3 There has been several points raised regarding Sport England being the driving force to ensure the MUGA is made available for community use as well as the school. Sport England aim is to help protect and enhance opportunities for people to take part in sport and physical activities, specifically part 5 of the Playing Fields Policy that is aligned with paragraph 98 of the NPPF. Paragraph 98 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities. To ensure the MUGA is available for community use Sport England have requested a Community Use Agreement be added to the decision notice and the application is accompanied with a draft copy. 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.

12. Planning Balance

- 12.1 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, however the MUGA and lighting will be set in from the boundaries and the hedgerow to these sides would provide 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 latter being available for use until the light goes. The recommended conditions are considered sufficient to mitigate these impacts.
- 12.2 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.

13 Conclusion

- 13.1 To conclude, 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. 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.
2.	The development hereby permitted shall be carried out in accordance with the lighting plan HLS3565, Site Location Plan and Block plan 20201-16(P)03 /rev P2, Plan of MUGA and Lighting 20201-16(P) 05 P1, Proposed Plan and Elevations of the MUGA and Lighting 20201-16 (P) 06 P2, MUGA dimensions 20201-16 (P) 04 P2, Proposed MUGA and new location of the grass pitch 20201-16 (P) 09 P3 and the Noise Management Plan received by the Local Planning Authority 14 February 2023. Plan demonstrating car parking arrangement received 11 May 2023. Reason: For the avoidance of doubt.
3.	The MUGA and lighting hereby approved 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 development shall not be used otherwise than in strict compliance with the approved agreement. 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).
4.	The MUGA and associated lighting hereby approved shall not be used except between the hours of 08.00 – 20.00 Monday to Friday, and 08.00-18.00 Saturday, Sunday, Bank Holiday and any other

	<p>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 are 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 hereby approved 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 hereby approved shall be operated in line with the East Midlands Educational Trust and Awsworth Primary School Noise Management Plan received 14 February 2023.</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>
	<p>NOTES TO APPLICANT</p>
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>

2.	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 on Saturday and no noisy works on Sunday and Bank Holidays.
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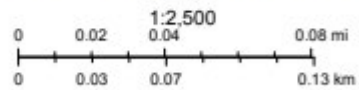
Map

23/00130/FUL - MUGA Awsworth School



5/10/2023, 4:50:56 PM

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



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Photographs



Access gate



Parking along The Lane



View towards access and parking



View to the east



View to the north



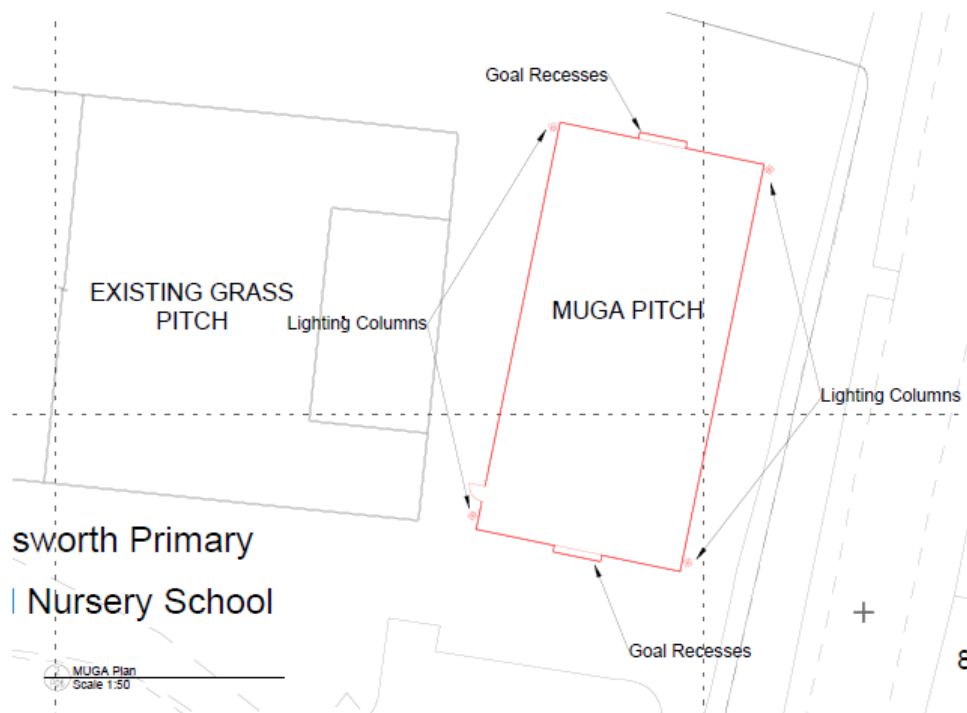
Ariel view from Google Earth

Plans (not to scale)

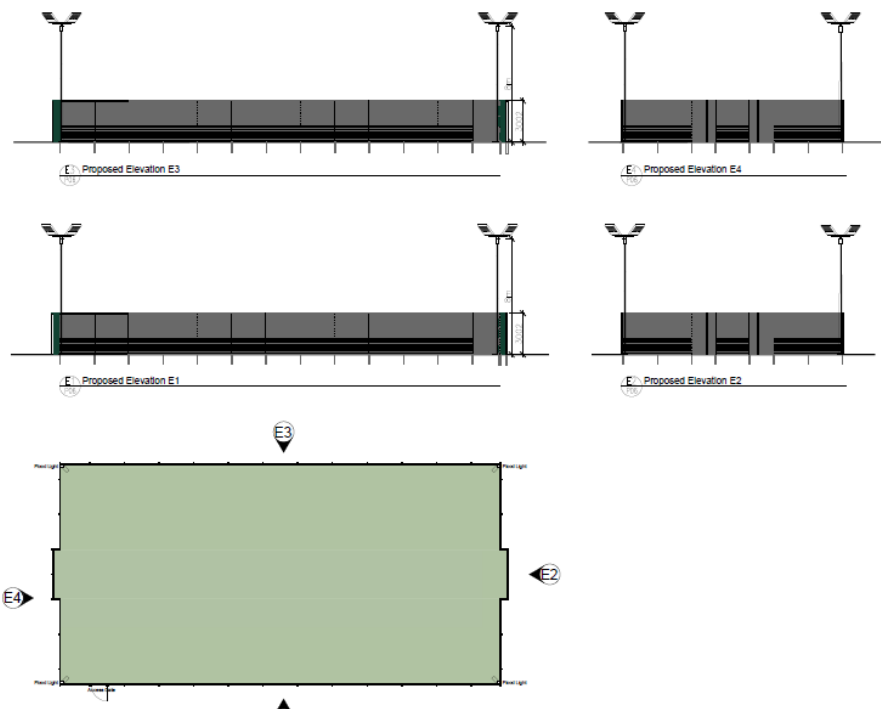


Site Block Plan
(SCALE 1:500)

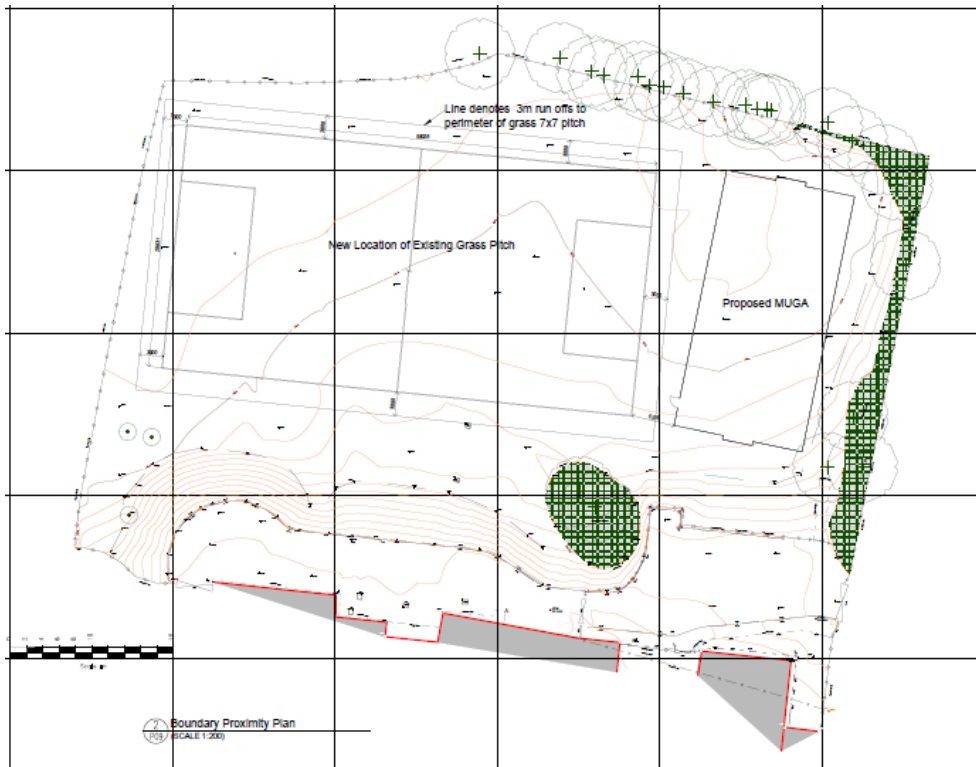
School block plan



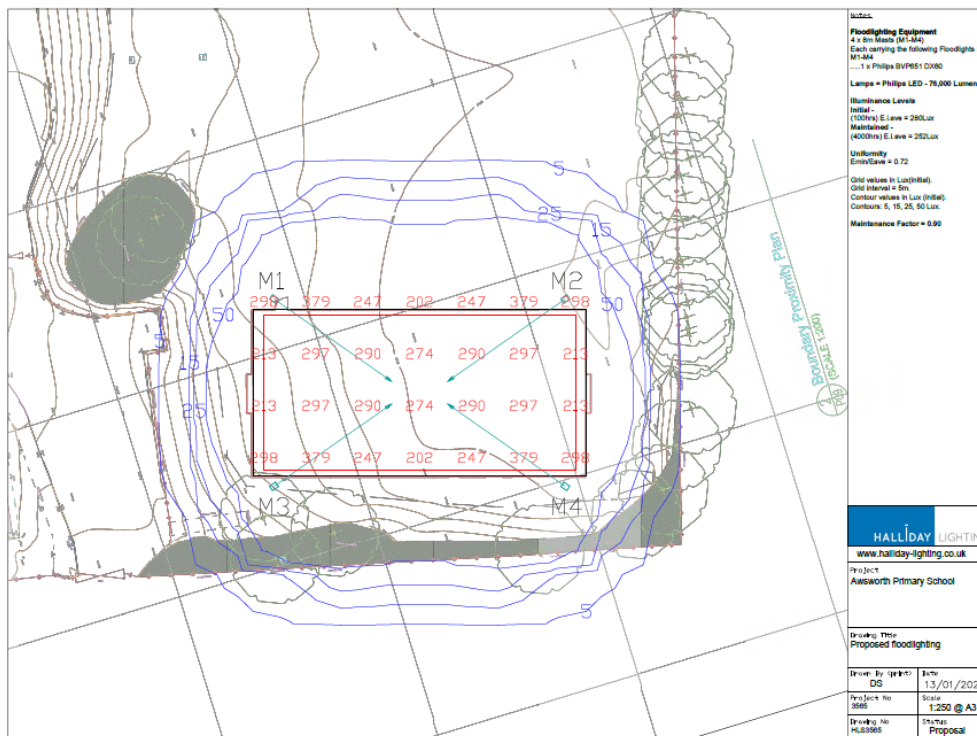
Proposed block plan of the MUGA



Proposed MUGA elevations and floor plan



Proposed plan showing MUGA and new location of the grass pitch



Proposed lighting plan