

Delegated officer's report	Officer: KMM
Application ref. 9/2018/0722	
THE CONSTRUCTION OF A MULTI-USE GAMES SPORTS PITCH WITH BALL STOP FENCING AND FLOOD LIGHTING AT PENNINE WAY JUNIOR SCHOOL PENNINE WAY SWADLINCOTE	
Valid date:	26/07/2018
Consults expired:	28/08/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Planning Services Delegation Agreement.

Responses to consultations

Environmental Health Officer – No objections subject to the use of the MUGA being restricted to school use and not to be used as a local facility and hours of operation.

County Highway Authority – No objections subject to the glare from the floodlights being restricted to avoid dazzle to vehicle users on neighbouring roads.

Coal Authority - The MUGA and associated fencing and lighting will not require substantial foundations or earthworks. Therefore it is not considered that a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and do not object to this planning application.

Sport England - Support the MUGA for school and community use between the hours of 8am – 7pm as given the primary school setting, this would provide sufficient benefit. In addition, a condition that prior to the laying down of the surface, details of the surface specification and the levels of illumination are submitted for approval to ensure that there are suitable conditions to accommodate the optimum sports that would be played.

Responses to publicity

No comments have been received.

Planning history

None relevant to the current application.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), INF2 (Sustainable Transport) and INF9 (Open Space, Sport and Recreation).
- 2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development)

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

- South Derbyshire Design Guide SPD

Planning Considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development;
- Visual impact; and
- Impact on amenity

Planning Assessment

Principle of development

The proposed MUGA would be created within the curtilage of the school on an area which is currently a grassed play area facility. The proposed MUGA would provide an all-weather sports facility which would be a significant improvement to sporting provision and create a sports facility that could be used all year round. Sport England raise no objection, suggesting a condition to optimise the potential of the MUGA. The principle of the proposed development would be suitable and would be consistent with policy INF9 of the Local Plan Part 1.

Visual impact

The proposed MUGA would be positioned to the north west of the school and would be largely obscured from the neighbouring residential properties by existing dense tree planting. The site is located within a dip and there would be steps created to access the pitch from the higher ground levels above. The MUGA would be surrounded by ball stop fencing which would be 3m in height and painted dark green. There would be four flood lights at 12m in height positioned in all four corners of the MUGA. Given the extent of screening of the site by existing tree planting, there would be a very minimal wider visual impact and it is not considered that there would be a harmful visual impact arising from the proposed works. On the basis of this, it is considered that the works would comply with policy BNE1 of the Local Plan Part 1.

Impact on amenity

Concerns were initially raised by the Environmental Health Officer regarding potential for noise and light pollution from the pitch, and that the MUGA should only be used by the school with a condition restricting the operation to the hours of 8am – 7pm. Given the height of the proposed floodlights and the intensity of the proposed illumination, there have been no objections raised. It is shown on drawing number HLS04300 that the glare from the floodlights would not exceed the perimeters of the site and would not cause a distraction to drivers as referred to by the County Highway Authority, in line with policy INF2.

Based on the hours of usage condition, it would be possible for the school to constantly use the MUGA between the hours of 8am-7pm and if the MUGA were to be open to community groups during these hours when not in use by pupils, the same level of usage could result. In this respect, all that would change would be the user group of which it would be unreasonable (and potentially create an inequality) to condition against this. Associated parking and vehicular movements from community usage would be comparable to that likely for after school activities by pupils. Therefore, it is considered that the proposed works would not result in a harmful impact on the amenity of local residents subject to the condition relating to hours of usage and that it would not be reasonable or proportionate to restrict the use to just the school during these hours. The proposed works would therefore be consistent with policy SD1 of the Local Plan.

Recommendation

- ☐ Approve without conditions
- ☒ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☐ Refuse

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended).

Recommendation made:	22/11/2018	
Recommendation agreed:	22/11/2018	Agreed by: CN