



**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 December 2011

Subject Heading:	P1327.11 – The Albany School Creation of an all weather sports pitch on part of existing school field (Application received 30th August 2011)
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Policy context:	Local development Framework
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application seeks permission to create a Multi Use Game Area (MUGA) on part of the existing school field.

The application is brought to the committee because the site is within Council ownership. The application was deferred at Staff request committee on 3rd November 2011 from due to a late received Sport England objection.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The floodlights hereby approved shall not be illuminated other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 0800 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: - To enable the Local Planning Authority to retain control in the interests of amenity.

4. Prior to the commencement of the development hereby approved, details of the floodlighting (including any baffle features) and any other means of external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: - In the interests of amenity and site security.

5. Before any of the development hereby approved is commenced, details of all materials to be used in the construction of the Multi Use Games Area and fencing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:- To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the LDF Development Control Policies Development Plan Document.

6. The Multi Use Games Area shall not be used for the purposes hereby permitted other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 08:00 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC28, DC29, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

REPORT DETAIL

1. Background information

- 1.1 The application was deferred from committee on the 3rd November 2011 following a late received Sport England objection which raised concern over the loss of playing fields and arrangement of the MUGA. Suggested amendments to the layout were put forward from Sport England which would overcome their objections, which the applicant has incorporated. These include a revised positioning of the MUGA so that is parallel to the existing tennis courts, which leaves sufficient playing field space for rugby and football pitches to be laid out.

2. Site Description

- 2.1 The application site is the Albany Business and Enterprise College, comprising buildings up to three storeys in height with outdoor recreation areas and extensive playing fields. The site is accessed off Broadstone Road from the west. The site includes the car parking areas as existing near the entrance as well as 6 tennis courts and an open grassed playground immediately west of the tennis courts. The main college buildings are to the north of the tennis courts with a large open playing field to the east of the site. Harrow Lodge Park is to the south of the site with residential properties located to the immediate west and north of the site boundaries.

3. Description of proposal

- 3.1 Permission is sought for a multi use games area (MUGA), located centrally within the site on the existing playing fields and to the south east of the school buildings. This measures 36.6m deep by 40.6m wide and would be constructed of a porous macadam surface, marked out as to provide 2 No. tennis/ netball and basketball courts. The games area would be enclosed by a chain link fence measuring 3.6m high and be lit by 6 lighting columns, each measuring 10m high. The games area has been designed to meet Sport England criteria.
- 3.2 The pitch is for games and sports use and would be made available to those attending the school; the submitted supporting statement has indicated that the pitch could be made available for local residents, with bookings handled via the school. This MUGA would be built in place of a previously approved sports pitch which is now no longer proposed to be constructed. This MUGA differs from the previous approval in that is positioned centrally within the site, rather than toward the boundary, has 10 fewer lighting columns and is slightly smaller.
- 3.3 The application has been submitted with letters of support from the Council's Head of Culture and Leisure, England Netball and Pro-Active East London.

4. Relevant History

- 4.1 P0780.09 – Extension and refurbishment of existing tennis courts including new floodlighting. New all weather playing surface – Approved, but not yet implemented.

P0064.08 New building to accommodate changing rooms and social facilities, rear paving, car parking and landscaping (outline) – Approved. This permission has now lapsed.

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 57 properties. 29 representations were received, these are summarised below:

- Floodlighting is too powerful
 - Noise levels would be excessive
 - Parking is a cause for concern and additional parking would be a nuisance.
 - Vandalism has occurred by people using the school premises.
 - Increase in traffic levels
- 5.2 At the time of writing this report, comments have yet to be received from Sport England which confirm that amendments to the application are acceptable. Any comments received will be reported verbally at the committee meeting. Any comments received prior to the meeting will be reported verbally. Should comments be received after the date of the committee meeting Staff request that authorisation be given for the Head of Development and Building Control to grant Planning permission on the basis of no objections received from Sport England, with the conditions set out at the end of this report. In the event that representations are received from Sport England continue to raise objection the application shall be referred back to the Regulatory Services Committee for determination.

6. Staff Comments

- 6.1 The main issues to be considered by Members in this case are the principle of development in relation to design/street and amenity issues.
- 6.2 This application has previously been deferred from committee due to a late received Sport England objection. This objection was based on the loss of playing fields and the impractical positioning of the proposed MUGA.
- 6.3 Within the representations received from Sport England stated that their objections could be overcome with a revised layout of the MUGA. Revised plans to include Sport England's suggestions have been submitted as revised plans. The report also addresses some previous inaccuracies with regard to the difference in flood lights.
- 6.2 PPG17 (Planning for Open Space, Sport and Recreation) and the relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are CP17 (Design), DC29 (Educational Premises) and DC61 (Urban Design) are considered relevant.
- 6.3 Policies 3.18, 3.19 of the 2011 London Plan are also relevant.
- 6.4 Principle of development
- 6.4.1 The site has an existing use as a school and lies outside the Metropolitan Green Belt, designated Conservation Area and contains no Listed Buildings. The pitch would provide an additional facility to an existing use. This is acceptable in principle.

- 6.4.2 PPG17 states that Local Authorities should give careful consideration to any planning applications for development on playing fields, and states that proposed development should be ancillary to the use of the site as a playing field. Measures should also be taken to enhance existing open space where available.
- 6.4.3 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development. Policy DC29 seeks to ensure that the provision of educational facilities is of a high quality. The proposed school pitch would provide an all weather recreational facility within the site. Policy DC28 states that opportunities to make existing schools and their facilities available to the wider community will be encouraged where impacts on amenity, environmental, safety or traffic problems do not result. The matters to be considered further therefore are the impact of the proposed development in this location including its visual impact, effect upon amenity to neighbouring properties, potential traffic and parking implications.
- 6.4.4 The proposals would involve the loss of grassed playing fields to the centre of the site, but would provide alternative recreational space, which would be available all year round. Paragraph 18 of PPG17 seeks improvements to existing open space, and the proposal here is considered to enhance the existing layout of the playing field, by extending its usability. It is not proposed to construct a previously approved sports pitch and there would be no overall loss of playing field than that previously approved. Revised plans submitted show the repositioning of the MUGA within the school site with marked out athletics tracks, rugby and football pitches. Where there is sufficient space for all facilities to be provided.

6.5 Design/Impact on Street scene

- 6.5.1 The playing fields of the school are largely screened from public view by the school buildings which face the entrance on Broadstone Road. These fields are however, visible from the rear of properties which back onto the school site on Pett Close to the north and Broadstone Road to the west, properties in Steed Close have an obscured view of these fields, which is partially blocked by the school buildings and outbuildings. Previously approved sports pitches were located to the south west corner of the site, approximately 44 m west of the boundary with Broadstone Road, but would not have been visible from those to the north of the site in Steed Close and Pett Close as it would have been screened by the adjacent three storey school buildings.
- 6.5.2 It is no longer proposed to construct the previously approved sports pitch and the submission here proposes construct a multi use games area (MUGA) in a different location, now set centrally within the site. Original plans proposed this to be set 150m from Broadstrone Road and 87m from Pett Close with the MUGA set away from the tennis courts to the south projecting into the playing fields. Following Sport England suggestion, the

MUGA has a revised position, so that is now in line with the existing tennis courts with a reduced projection into the playing fields. This has increased the distance from the boundaries so that it is now 155.5m away from the Broadstone Road boundary to the west and 104m from the boundary with the rear of properties on Pett Close to the north. The central positioning of the MUGA would mean it would still be visible as part of the playing fields, although the eastern portion of the MUGA would be screened by existing development within the school site. The increased distance from both residential boundaries from that originally intended is further considered to reduce visual impact.

6.5.3 The MUGA is now smaller than previously approved, measuring 1388 square metres versus 1665 square metres as previously approved. This combined with the revised location is not considered to appear harmful in the locality. The MUGA would not be visible from properties located in Adelphi Crescent and Apollo Close due to the orientation of the main school buildings.

6.5.4 The pitch would be enclosed by 3.6m high mesh type fencing, similar to that found on the existing tennis courts. The existing school boundary is enclosed by a higher similar type fence, which provides partial views to residential rear gardens through gaps in the trees. The proposed fencing is lightweight in construction and is not considered to appear overly intrusive within the school field environment. However, to ensure that the fencing is of an appropriate design, details are requested via condition.

6.5.5 It is proposed to light the MUGA by way of 6 No. 10m floodlighting columns. The proposed floodlight columns are not in principle considered harmful to the open character of this part of the school site as they are relatively slim-line and well spaced out around the pitch.

6.6 Impact on Amenity

6.6.1 It is proposed to open the use of the pitch beyond the immediate school site; this is to include the local community and activity groups, who would need to book the pitch via the school. No further details of this have been provided although, the access to the MUGA would be limited to a degree, due to the general levels of security that the school needs to maintain.

6.6.2 Given the extended use to other groups aside from the school, it is acknowledged that the MUGA would create an element of noise from the levels of activity on site. However, the pitch is located on an existing playing field which is used by the school, for exercise and lunchtimes. The nearest properties on Broadstone Road are 155m away and the properties to Pett Close and Steed Close are approximately 104m away. The activities proposed including netball and basket ball would create a materially different level of activity on site than at present but are located adjacent to the existing tennis courts. The concentration of these activities to the centre of the site is considered to assist in reducing their impact and the use of the MUGA would also be controlled via a condition to restrict the hours of use.

- 6.6.3 Floodlighting is proposed to the MUGA, this is provided via 6 No. 10m high columns. The proposed floodlighting will potentially be visible to residents of nearby residential properties in Broadstone Road, Pett Close and Steed Close due to the height of the columns. Representations received have objected on the grounds that the floodlighting is not appropriate and would negatively impact residential amenity. Sport England guidance states that floodlight can be positioned 12m from the boundary and 30m from the rear wall of residential property. The nearest floodlight would be positioned approximately 155m from the nearest neighbour in Broadstone Road and 104m from those in Pett Close/Steed Close. This far exceeds Sport England guidance and is considered that it would not be harmful to neighbouring occupiers.
- 6.6.4 The impact of the flood lighting on residential amenity is a matter of judgement for Members. Staff however, consider that given the distance of the lighting from neighbouring residential properties any light spill would be minimised. The hours of illumination and the detailed specification of the floodlighting would be subject to controls, which can be achieved by condition, to ensure material harm to residential amenity would not occur. The MUGA would be located a minimum of 50m from Harrow Lodge Park, a reduction from 67m previously, however, this separation distance is still consider acceptable, given the existing boundary screening.
- 6.6.5 The previous report to committee states that 16 flood lights were originally proposed, and that the 6 flood lights for the MUGA represented a reduction of 10. However, the previous sports pitch was not flood lit, and the 16 flood lights refer to the tennis courts. These would be kept in situ, and the 6 flood lights proposed would be additional, to give a total of 22 flood lights on site. Staff consider that given the location away from residential properties, far in excess of Sport England guidance, would not detrimentally add to light spill or glare on site as they can be angled downward towards the ground. The location of the MUGA, visible from neighbouring properties is still a matter for judgement for Members however. Lighting to the north east corner of the MUGA would be screened in any case by the surrounding buildings, which would further mitigate their impact.
- 6.6.6 In terms of noise, the MUGA is located on an existing playing field, used by the school; this is marked out with football and rugby pitches and would therefore create an element of high activity during the school day. The MUGA site is located centrally within the site, away from residential boundaries. It is acknowledged that this use would create an element of activity and therefore noise proposal is located centrally within the site, so it is at the maximum distances away from residential properties. A certain element of the games area would be screened by the surrounding school buildings.
- 6.6.7 Representations received have also objected on the grounds of anti-social behaviour and vandalism that occurs around the school. Anti-social behaviour or criminal damage is a matter for the Police and the school,

rather than the Local Planning Authority. The MUGA would be managed via the school itself and its availability would be controlled.

6.7 Highway/Parking/Access

6.7.1 Representations received have objected due to the congestion locally that arises from the lack of parking at the school, specifically on the immediately surrounding streets. The site has a 69 space car park at present located to the west of the site by the school entrance. The Highways Authority has no objection to the application. This MUGA is proposed to replace an existing approved sports pitch which is proposed not to be constructed.

6.7.2 Vehicular access into the site is via Broadstone Road. It is not proposed to alter either the access or parking layout. Representations from the Highways Authority raise no objection with regard to potential impact on the highway or parking situation. When it is proposed to be the MUGA outside of school hours, Staff do not consider that this would bring any traffic implications as the car park would not be in use and there would be available parking within the site.

7. Other issues

7.7.1 The school site is known to be contaminated, as such, Environmental Health have requested that a condition be attached to any consent, requiring the submission of a land contamination survey.

7.7.2 The school has stated that they do not wish to construct the approved sports pitches and instead build the proposed MUGA. The previous planning permission would remain valid, and in reality there would be two permissions on the site for games areas. Staff have considered the possible impact of this in terms of design and residential amenity. Given the separate locations of the games areas and the reduced amount of floodlighting on this application, it is considered that two games areas would not materially be harmful in either design terms of in residential amenity and parking. It is also considered that there would be acceptable open area of playing fields remaining. The drawings submitted indicate that only one pitch would be built and in any case, financing would not be available for both pitches. Nonetheless, the extant permission could be implemented at any time up to 25th February 2013.

8. Conclusion:

8.1 Staff do not consider that the creation of a MUGA would have an adverse impact on the amenity of neighbouring occupiers. The scale and design of the pitch and enclosure fencing is considered to acceptably integrate into the school field surroundings, and would be of a limited impact within the wider streetscene. The floodlighting is located at significant distances from residential properties and would be partially screened by the three storey school buildings. Parking remains an issue for local residents; however,

Staff consider that the MUGA would not result in adverse harm to the highway or parking demand.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as applicant and owner of the site.

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The Multi Use Games Area would provide a year round facility for the school, which would contribute providing additional activities for students and the wider community.

BACKGROUND PAPERS

Application forms and plans received 30th August 2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

