



<b>Application Reference:</b>	<b>P1678.18</b>
<b>Location:</b>	<b>Rise Park Junior School, Annan Way</b>
<b>Ward:</b>	<b>Pettits</b>
<b>Description:</b>	<b>Installation of a Multi-Use Games Area (MUGA)</b>
<b>Case Officer:</b>	<b>Scott Schimanski</b>
<b>Reason for Report to Committee:</b>	<b>Call in by Ward Councillor</b>

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## **1 BACKGROUND**

- 1.1 The application was called in by Councillor Osman Dervish for the following planning reasons:
- Unacceptable impacts on neighbouring amenity due to proximity to neighbouring properties
- 1.2 The application was considered at the Planning Committee meeting 24 October 2019 where it was deferred to enable the applicant to amend the layout of the scheme as suggested by Committee. Specifically, Committee Members requested that the MUGA be repositioned so it is rotated 90 degrees and positioned no less than 12 metres from any side boundary.
- 1.3 This report is now brought back to Members, updated where necessary and based on revised plans outlining requested amendments.

## **2 Summary of Changes and Additional Information**

- 2.1 The revised layout re-orientates the MUGA from an east-west orientation to a north-south position. This results in the long side of the facility being moved away from properties to the south, namely the Rise Park Chapel and towards residential properties to the north-east of the site (1 Wood View Mews). Although the re-orientated MUGA will be moved towards other properties,

overall, the re-orientation of the MUGA is not expected to result in any increase in the number of properties that will be closest to the MUGA.

- 2.2 As result of the amended layout, the above mentioned neighbouring properties were re-notified about the application.

Two letters from one property were received as a result of the re-notification. Issues raised related to on-going noise from the school, impacts during construction, hours of operation, parking, use of flood lights and light pollution. Fund raising for a roof to an existing swimming pool was also mentioned, however it is unclear how this relates to the MUGA application. These issues are discussed in the main body of this report.

- 2.3 Sports England was also consulted about the revised scheme. In addition to requesting their view on the revised layout, officers also requested clarification of Sports England's setback requirements for MUGA's. This issue was raised as a result of comments made by members of the public who stated Sports England requires that MUGA's are setback a minimum of 12 metres from adjoining residential properties. In response, Sport England noted that they do not have specific minimum setbacks for MUGA's and stated that each proposal is assessed on a case by case basis with regards to impacts on amenity. With regards to this proposal, Sports England's comments (Section 6.3.6) remain unchanged.

### **3 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 3.1 The approach to the site is design led and responds to the constraints associated with the site successfully. The proposed development as amended would deliver improved facilities to an existing educational establishment without impacting upon pupil or staff numbers. In addition, the proposal as amended is not expected to result in an increase impact upon amenity in terms of noise and disturbance that that of the existing playground. Further, the proposed would make a more efficient use of existing grounds by replacing an unusable area in winter with a facility that can be used all year round.
- 3.2 Having regard to the proposed improvements to existing facilities at the school and the NPPF requirement that Local Authorities should approach planning decisions in a positive and creative way, with a presumption in favour of sustainable development. In the absence of any other quantifiable harm arising from the proposals, officers consider on balance, that planning permission should be granted subject to conditions.

### **4 RECOMMENDATION**

- 4.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

## **Conditions**

- 1 Time limit
- 2 Accordance with plans
- 3 Materials samples
- 4 MUGA Specifications (Sports England)
- 5 Hours of Use/Restriction of Use (No Private Hire)
- 6 Construction Methodology/Wheel Wash Facilities (Pre-commencement)
- 7 Surface Drainage (Pre-Commencement)
- 8 Hours of Construction

## **Informatives**

1. Fees – Discharge of Condition
2. No Floodlighting without approval
3. Approval with no negotiation required

## **5 PROPOSAL AND LOCATION DETAILS**

### **5.1 Proposal**

- This application seeks permission for the installation of a Multi Use Games Area (MUGA) with associated fencing being between 2 and 3 metres in height.

### **5.2 Site and Surroundings**

5.2.1 The application site comprises of a rectangular shaped parcel of land to the south west corner of the Rise Park Junior School. The site currently forms part of the playing fields/soft open pay area for the school. The main school buildings are located to the east of the site with the school playing fields extending to the north. The rear gardens of residential properties and the roadway of Wood View Mews are to the west of the site and the Rise Park Chapel is located to the south.

5.2.2 The surrounding area is predominantly residential. The site is not located within a Conservation Area.

### **5.3 Planning History**

There is no relevant planning history regarding this proposal.

## **6 CONSULTATION and REPRESENTATIONS**

### **6.1 Consultation**

6.1.1 A total of 61 neighbouring properties were notified about the application and invited to comment.

6.1.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 7

No of petitions: 0

It is noted that multiple letters have been received from a number of the same properties including letters from third parties presenting neighbours.

### **6.2 Representations**

6.2.1 The following Councillor made representations:

- Councillor Osman Dervish
- Unacceptable impacts on neighbouring amenity

6.2.2 With regards to the above, the impacts upon the amenity of residential properties neighbouring the site have been fully considered by officers, mindful of the existing use of the site.

6.2.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

#### Objections

- Increased parking stress within surrounding roads
- Noise and disturbance
- Loss of privacy/overlooking
- Details on exact location and alternative locations and relationship/proximity to neighbouring properties
- Accuracy of plans and height of fencing
- Adequacy of fencing to prevent disturbance of neighbouring properties
- Hours of operation
- Drainage
- Impact upon the visual quality of the locality
- Impact upon security

Some matters raised are immaterial in the consideration of a planning application. For example, matters such as disturbance during construction,

potential further expansion of the use of the MUGA and introduction of Floodlighting and overall expansion of the school cannot be attributed weight in a planning decision. Any material matters raised in response to the statutory consultation have been fully considered by officers in making this recommendation.

### **6.3 Consultation Responses**

- 6.3.1 Highway Authority: No Objection to the proposal. No requirement for conditions.
- 6.3.2 Waste and Recycling: No objection and no request for inclusion of conditions
- 6.3.3 Environmental Protection: No objections were raised with regards to land contamination or air quality. With regards to noise, it has been suggested that a pre-commencement condition outlining how noise emanating from the MUGA will be controlled.
- 6.3.4 Sports England: The sand filled surface proposed would only allow the school to play sports to a limited standard as it is not the most appropriate surface for most sports, especially those intended to be played in the MUGA. For instance, basketball is better played on a polymeric surface when outside and football on rubber crumb artificial turf. That said, given that the school is a junior school it is likely that they are seeking a more recreational type year round facility rather than a more specialist facility for one or two sports. In this respect a polymeric surface or sand based artificial turf could well achieve their aspirations. Sport England would want it made clear that the proposed surface would mean that the facility would not be suitable for any level of competitive sport.
- 6.3.5 In light of the above, Sport England would be content to remove its holding objection as the scheme is broadly in line with Exception E5 of its playing field policy as the proposed location of the facility would not affect the formal sport pitches that have been/are marked on the playing field, it would be on an area that has drainage issues and it would provide a year round facility for students to be active during school core hours and for after-school and holiday clubs. Sport England would also encourage that the school considers allowing community users access to the facilities.
- 6.3.6 In summary, Sport England raises no object to the proposal as it considers that the proposal's benefits to sport outweighs the loss of an often waterlogged area of playing field therefore it considers that the proposal broadly aligns with its Playing Field Policy. It is recommended, however, that the scheme is actually constructed in line with the guidelines outlined within their document, *Artificial Surfaces for Outdoor Sport*. A condition requiring compliance with this guidance would be included on any consent issued for the works.

## 6.4 Applicant's Response to issues raised

In response to the issues raised by the public, consultees and Committee members, the School has provided the following comments:

- The proposed site for the MUGA is on the Junior field, adjacent to the school playground at some distance from any boundary line
- It will not be floodlit, nor will it be let out for use by the wider community at evenings or weekends, being for the schools' own pupil use only during term time dates
- It will be placed on an area of the field which becomes damp and muddy during the winter months, rendering it unsafe for pupil sports activities at certain times. A permanent all weather pitch will provide an all year sports facility which would be of great benefit to our pupils
- The sports activities being played on the pitch e.g. netball, basketball, football, 5 a side etc. are currently played by our pupils on the field and so the frequency or volume of any noise related to these lessons would not increase; indeed the acoustics of such games within a permanently constructed, contained area would actually be better controlled than in a wide open space, as currently happens
- If the MUGA was to be placed on the opposite side of the school field, the same residential factors would need to be taken into account, as the school site is surrounded by a housing estate on all sides.
- The Trust has saved its Sports Premium Funding for the past four years for the specific purpose of installing this amenity
- The school have reviewed the latest guidance from Sports England on Artificial Surfaces for Outdoor Sport and given the range of sports that we wish our primary pupils to use the MUGA for (Athletics, Netball, Basketball, Mini-tennis, Football); the guidelines appear to point to a sand-filled or sand-dressed pitch. Having referred to a previous indicative design and quote from SportSafeUK their recommendation is consistent with this i.e. "2G Astro Turf second generation artificial grass designed to be infilled with sand or dressed with silica sand.....with a pile height of between 22-24mm".
- The school confirms that the playground is only used by pupils between 7.30am and 6pm Monday to Friday. This includes periods throughout the school holiday when it is used for holiday clubs.

6.4.1 In summary, the addition of a MUGA facility to our Trust site would not create any additional negative impact upon the local community, but would in fact positively impact upon the sports provision and enrichment opportunities that would be offered to all of our pupils for many years to come. Further, the proposed materials will accord with the requirements of Sports England.

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Design and appearance
- Impact upon the setting and character of the locality
- Impact of the development on neighbouring amenity
- Implications for highways/servicing, pedestrian access and parking.

### **7.2 Principle of Development**

7.2.1 The NPPF, at paragraph 7, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 94), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The policy specifically states that great weight be placed on the need to create, expand or alter schools.

7.2.2 Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Policy 3.19 goes on detailing that development proposals that increase or enhance the provision of sports and recreation facilities will also be supported.

7.2.3 Furthermore, LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents and that the most efficient of land and buildings is undertaken in order to provide a full range of education opportunities.

7.2.4 Staff are of the view that the proposed development will enhance the quality of the school and by providing a more robust playing area will make a more efficient use of an existing school site. The proposal it is therefore judged to be in accordance with the London Plan and Policy DC29 of the Core Strategy.

7.2.5 As the proposal will not impact upon the existing operation and function of the school, there are no objections in principle to the subject site being brought forward for additional sporting/recreation facilities to the school. The NPPF requires that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Accordingly, the best use of the site is attributed significant weight in the decision making process. Decision takers at every level are advised in Para 38 of the NPPF that they “should seek to approve applications for sustainable development where possible.”

7.2.6 The proposed development is acceptable in land use terms and is considered to accord with the aims and objectives of the development plan.

### **7.3 Design and Appearance**

7.3.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the Nation Planning Policy Framework (NPPF) reinforces this by placing emphasis on good quality, design and architecture.

7.3.2 The proposed MUGA would measure 33 metres by 18 metres and will consist of a 2G Astro Turf second generation artificial grass that is designed to be infilled with sand or dressed with silica sand. The revised layout now sees the main pitch area of the MUGA would be positioned 12 metres from the western boundary and approximately 12 metres from the southern boundary. The MUGA will be surrounded by a two metre high power coated twin wire sports fence with three metre high recessed goal ends. The previous scheme had the MUGA positioned 7.5 metres from the western boundary and approximately 11 metres from the southern boundary.

7.3.3 The MUGA is a simple design that minimises its components and height in order to reduce impacts upon its surroundings in terms of bulk. The submitted plans suggest that the fencing would be green in colour with the goal recessed (three metre fencing) being grey in colour. The proposed structure is located within an existing school ground and its appearance is considered to be suitable given its function/purpose and its location within a school ground. In terms of design and appearance, staff consider the MUGA to be acceptable (subject to a condition requiring specific details of materials) as it would respect the scale, massing and height of its surrounds in accordance with relevant guidelines and policies, particularly DC61 of the Core Strategy.

### **7.4 Impact on amenity of surrounding residential properties**

7.4.1 The Core Strategy policies relating to community facilities require that new community facilities should be sited and designed such that there is no significant adverse effect on residential character and.. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

7.4.2 With regard to the scale, bulk and mass of the MUGA and its position relative to neighbouring premises, it is not considered that there would be any unacceptable loss of light or undue level of overshadowing sufficient for planning permission to be withheld.

7.4.3 Loss of privacy and overlooking are material considerations. The proposed MUGA is essentially the reuse of existing underutilised area of open space for the school. The proposed mesh fencing that would enclose the MUGA is likely to reduce direct views between the structure and neighbouring rear gardens of adjoining dwellings. Notwithstanding this, at present, both

students and staff of the school are able to access this area and therefore the proposal would not result in any loss of privacy.

- 7.4.4 The proposal does not include any artificial lighting and this has been confirmed by the applicant. The proposed MUGA will only be used during daylight hours and only during the normal operating times of the school. In the event that the school wishes to install floodlighting at a future date, it would require further planning consent. The merits of this would be at that time. An informative stating this would be included on any consent issued.
- 7.4.5 Residents have raised concern with the MUGA begin utilised after normal school hours. Unlike many such proposals, the school is not proposing to open the MUGA to the wider community outside school hours for public/private hire. To ensure this, a condition outlining hours that the MUGA can be used would be included on any consent issued.

The hours the MUGA can use used would be between 7.30 to 18:00 Monday to Friday, not including public holidays.

- 7.4.6 The provision of a MUGA as shown would increase the intensity and frequency of the use of this part of the site. Whilst it is not possible to quantify to what extent and how frequently the site would be used during the normal school hours, the associated noise and disturbance would be readily comparable to that of the existing school grounds. Although it's possible to reposition the MUGA to another part of the school, as the school is surrounded by residential properties any alternative site would have the same impact on other nearby residents.
- 7.4.7 Further, concern has been raised by nearby residents that the new MUGA would amplify the noise created by the bouncing of balls on the new surface. In response, this issue was raised with Sports England who stated that it is not normally the balls bouncing on the ground of artificial grass facilities that is the greatest source of noise from outdoor facilities. Noise from balls hitting fencing and side boards and shouting from users is the most common concern and that this is usually more of an issue when such facilities are used in the evening. Although such noise may be generated by the MUGA, the noise associated with it already does occur with the site being part of the playground of the existing school.
- 7.4.8 It is noted that Council's Environmental Protection Officer has reviewed the proposal and requested that a pre-commencement condition outlining how noise emanating from the MUGA will be controlled be included on any consent issued for the works. In response to this, planning staff are of the view that as the MUGA relates to activities that currently occur at the site and that those activities would only occur during normal school hours, the need for such a condition is not necessary. Further to this, given the openness of the MUGA, the only effective way to control noise is to limit the times it is used. In saying that, as the MUGA would be surrounded by play space that would be used by students, the potential noise generated by

students and staff in the vicinity of the MUGA could not be suitably controlled. It is for this reason that the proposed condition is not sufficiently justified as its exclusion would not result in the proposal being unacceptable on planning grounds.

## **7.5 Implications for highways, cyclists, pedestrian access and parking**

7.5.1 The proposed works to the school will not result in any increase in the number of enrolled students or the need for additional staff. The proposed development once completed is therefore not likely to alter the impact that the existing school has upon vehicle movements to and from the site, the cycle network of pedestrian access/movement to and from the site.

7.5.2 Some impacts during construction may occur, however these impacts will be mitigated and kept to a minimum by way of conditions approving details of a Construction Management Plan and regulating hours of construction. Given the site is located within a grassed area of a large school, there is a high likelihood that construction and movement of construction vehicle could impact upon the surrounding road network and neighbouring properties. Because of this, it is considered reasonable to request that these details are agreed by the Local Authority prior to works commencing on the site. The applicant has been notified of this condition and has agreed to it being placed on any consent issued for the site.

## **7.6 Drainage**

The application states that one of the reasons why this specific site was selected was due to it often being waterlogged and unusable. This would indicate that surface drainage in this particular location is not adequate. As the application states that surface water would be dealt with via existing drainage facilities (existing watercourse), staff are of the opinion that additional details of surface water drainage works are submitted prior to works commencing on the site. Although, pre-commencement conditions should be avoided, by requiring this information prior to works commencing, the Local Authority can be assured that the development would not increase any risk of flooding and accord with the objectives of DC49 and DC61. In this instance, the discharge of this condition before development commences is considered reasonable as the proposal would not be considered acceptable in planning terms if it resulted in increased flooding risk. Notwithstanding this, the applicant has been informed of the condition and has agreed to it being placed on any consent issued.

## **8 Conclusions**

The proposed facilities would provide additional areas for the School to deliver play, sporting and education activities, especially during the winter months when the playing fields may not be useable.

Whilst it is accepted that there is not a specific need for these facilities, it is considered that the proposal would enhance the environment for education and skills development. Therefore, improving the school as a whole.

Having regard to all relevant factors and material planning considerations staff are of the view that this proposed Multi Use Games Area would be acceptable.

Staff consider that the proposal would accord with Policy DC29 in relation to enhancing existing educational facilities. The proposal comprises a relatively modest scheme that represents a minor increase in the scale, bulk and mass of the existing school.

All other relevant policies and considerations have been taken into account. Planning permission should be granted subject to conditions for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.