

**REGULATORY SERVICES COMMITTEE**  
**23rd August 2012**

<b>APPLICATION NO:</b>	<b>P0735.12</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 11th June 2012 <b>Expiry Date:</b> 6th August 2012
<b>ADDRESS:</b>	Havering Sixth Form College Wingletye Lane Hornchurch Essex	
<b>PROPOSAL:</b>	Reinstatement of a Multiple Use Games Area (MUGA) close to the boundary of the Sixth Form College site with The Walk and the erection of a 3.6 metre high perimeter fence, including an extension to the hours of use to Monday-Friday 08.00 to 22.00hrs, Saturday 09;00-21.00hrs, Sunday and Bank Holidays 09.00-21.00hrs.  Revised description 23/07/12	
<b>DRAWING NO(S):</b>	4073-01-A, 4073-02-A, T_sk(90) P00 Rev A,	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor John Mylod on the basis that the proposal would have an adverse effect on the neighbours bordering the school in respect of possible light pollution, noise and disturbance.

### **SITE DESCRIPTION**

The subject site comprises a shingled area of open space within the grounds of the Havering Sixth Form College. It currently holds picnic tables and table tennis tables for the recreational use of students of the College. The site is located in the south east of the College grounds and faces The Walk. Planning permission was previously granted for a Multi-Use Games Area on the site and this was implemented. The MUGA was removed when planning permission was granted for the redevelopment of the College in 2008, albeit that redevelopment did not take place.

The Havering Sixth Form College is located within a predominantly residential area. The northern and southern boundaries of the site are shared with the rear gardens of residential properties. The college grounds meet The Walk and Wingletye Lane to the east and west respectively.

The college has a parking area with 189 car parking spaces to the north of the site. The main entrance to the college grounds, including the car park is obtained from Wingletye Lane. Access can also be gained to the College from The Walk. The school buildings comprise a mixture of single, two and three storey buildings.

### **DESCRIPTION OF PROPOSAL**

The proposal comprises the reinstatement of the Multi Use Games Area as the development of the college has been put on hold. The MUGA would measure 28.2m wide by 34.7m long. The surface would consist of Water Efficient Tiger Turf, a durable, polyethylene yarn. It would be marked out for tennis, 7-aside football and hockey.

The MUGA would be surrounded by a fence measuring 3m high on three sides and 3.6m high on the side facing the access to The Walk. The fencing system would be a Corrie Power Play system consisting of steel mesh fencing, coloured green. It would include a neoprene gasket set between the fence panels and the posts and rails to eliminate any noise from rebounding balls.

The proposed MUGA would be open for bookings from the public. The application requests that the hours of use be from 8am to 10pm on Mondays to Fridays, 9am to 9pm on Saturdays, Sundays and Bank Holidays.

The application does not propose the installation of any floodlighting.

### **RELEVANT HISTORY**

There have been a significant number of applications for the site including new buildings, extensions to existing buildings and car parking. The relevant application is detailed below:  
P0774.97 All-weather multi-sports playing surface Approved

### **CONSULTATIONS/REPRESENTATIONS**

Neighbouring occupiers were directly notified of the application; twenty responses were received. The objections and comments are summarised below:

- The noise from users of the MUGA is regular, sustained and excessive
- The noise of rebounding balls and users of the facility will be disruptive to neighbouring residents
- Allowing the public to use the MUGA will allow access close to the rear gardens of the properties backing onto the college, which is a security concern
- Parking problems already exist in the area and the proposed MUGA will exacerbate the problem
- The proposed land use is unsuitable in close proximity to residential homes
- Users of the MUGA would use foul language
- How can the MUGA be used in the evening without lighting?
- The college failed to manage the facility properly before it was removed
- Stray balls will be kicked into the gardens of neighbouring properties
- The teenagers who attend the college exhibit anti-social behaviour; the proposed MUGA is likely to increase the problem

Sport England have been consulted and have no comments to make on the proposal.

The Crime Prevention Design Advisor has been consulted on the proposal and has no objections or concerns in relation to the proposal.

A member of the Council's Park's team was consulted on the proposed fencing, and confirmed that this type of fencing is successful in significantly reducing the noise of rebounding balls.

Environmental Health consider that the proposal has the potential to cause unacceptable levels of noise and therefore recommends a condition restricting the hours of use to Monday-Friday 08.00 to 19.00hrs, Saturday 09:00-19.00hrs and not at all on Sundays and Bank Holidays.

### **RELEVANT POLICIES**

DC28, DC33, and DC61, - LDF Core Strategy and Development Control Policies Development

Plan Document.  
Policy 3.18 and 3.19 The London Plan  
National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

CIL Liable: No

### **STAFF COMMENTS**

The planning permission for the previous MUGA restricted the use of the MUGA to be solely for the use of members of the College. The hours of use were restricted to Monday to Friday 0800 hours - 1800 hours and Saturdays 0800 hours - 1300 hours x 15 times a year. The MUGA was not to be used on Sundays and Bank Holidays. Application P0774.97 initially included the use of the facility by the general public, but, in response to comments from neighbouring residents, the college amended the application.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC28 of the LDF Core Strategy and Development Control Policies Development Plan Document states that opportunities to make existing schools and their facilities (including playing fields) available to wider community use will be encouraged where such use results in no unacceptable amenity, environmental, safety or traffic problems. Both the reinstatement of the MUGA and the opening of it to the general public are therefore acceptable in principle; 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.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposal would alter the street scene; both the surface itself and the fenced enclosure. In particular, the run of 3.6m high fencing would be set some 7m from the highway boundary. However, the fencing is of a height and design commonly found on educational establishments and the landscaped boundary to The Walk would further soften the impact of the fencing.

The location of the proposed MUGA is currently an informal open recreation area; the proposed MUGA would still retain an open character to the site frontage. Staff consider that the facility would not appear incongruous within this educational setting, nor would it materially harm The Walk streetscene or character of the area.

### **IMPACT ON AMENITY**

It is proposed to open the use of the MUGA beyond the immediate college site; this is to include the local community and activity groups, who would need to book the facility via the college. No further details of this have been provided.

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, from users of the facility and from the rebound fencing. The proposed hours of use are Monday-Friday 08.00 to 22.00hrs, Saturday 09:00-21.00hrs, Sunday and Bank Holidays 09.00-21.00hrs.

Staff note that the nearest houses are located approximately only 30m away from the proposed MUGA and rear gardens of neighbouring dwellings are less than 20m away. However, the proposed MUGA is located on an existing open area used by college students and the application does not include any lighting, so use of the facility would be limited to daylight hours. Staff also note the use of the sound buffering fencing which will reduce the noise of balls

rebouncing against the fence. A judgement must be made as to whether there is a likelihood that the proposed MUGA and the proposed opening hours would result in unreasonable noise and disturbance.

Within the vicinity of the application site, being part of a college, a certain level of background noise can be expected within the area. Main college classes run from 08.30 to 16.15hrs Monday to Friday, however some classes take place later in the weekday and the Music School is open on Saturdays. However, ambient noise levels drop significantly by mid evening, and on Sundays. Staff consider that during the daytime, the MUGA would be unlikely to detract from residential amenity over and above the impact of the existing background noise generated by activities at the college and surrounding area. However, staff consider that use of the facility from 7pm is likely to result in an increase of noise levels that would have an unacceptable impact on the amenity of neighbouring residents, especially considering the close proximity of the neighbouring residential properties. Staff therefore suggest that a condition be imposed on the planning permission (if granted) that restricts the opening hours to Monday-Friday 08.00 to 19.00hrs, Saturday 09;00-19.00hrs, and not at all on Sundays and Bank Holidays. Staff note that the Council recently approved opening hours for MUGAs until 10pm at the Albany School (P1327.11) and the Newton School (P1308.10), however, in both these cases, the MUGA was located some 30m further away from neighbouring properties than in this case.

In terms of concerns about security, the College has stated whenever the College lets its facilities appropriate security and site staff presence is provided. A member of College staff and/or a security contractor will be there at the end of any letting in order to supervise the users leaving and then to lock up. Staff consider that such arrangements would reduce the risk of security breaches to the same level as existing.

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.

## **HIGHWAY/PARKING**

Representations received have objected due to the congestion locally that arises from the lack of parking at the college, specifically on the immediately surrounding streets. The site has a 189 space car park at present located to the west of the site by the college entrance, and users of the facility would be requested to use this car park.

Vehicular access into the site is via Wingletye Lane. It is not proposed to alter either the access or parking layout. Staff consider that users of the MUGA outside of college hours would not give rise to traffic or parking problems as the car park would not be in use by students of the college and there would be available parking within the site.

## **KEY ISSUES/CONCLUSIONS**

The principle of the reinstatement of the MUGA is supported by policies within the LDF, London Plan and National Planning Policy Framework. The impact of the proposal on neighbouring properties would be reduced to acceptable limits by the imposition of a condition controlling the hours of use. The scale and design of the MUGA and enclosure fencing is considered to acceptably integrate into the college surroundings, and would have a limited impact within the wider streetscene. Given the parking facilities on site, staff do not consider that the MUGA would result in adverse harm to the highway or parking demand.

Therefore, the proposal is considered to be in accordance with the aims and objectives of policies DC28, DC33, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 3.18 and 3.19 of the London Plan and the National Planning Policy Framework and approval is recommended, subject to conditions.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC09 (Materials) (Pre Commencement Condition)
3. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8am - 7pm on Mondays to Fridays, 9am to 7pm on Saturdays and not at all 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.

4. SC32 (Accordance with plans)
5. Non Standard Condition 31  
No floodlighting shall be erected to serve the facility hereby permitted. Before any other external lighting is installed details of its location, brightness, design and orientation shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt, to protect neighbours' amenity.

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## **INFORMATIVES**

- 1 **Reason for Approval**  
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The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and 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.