

PLANNING COMMITTEE: 3rd July 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0616

LOCATION: Delapre Primary School , Rothersthorpe Road

DESCRIPTION: Conversion of current memorial garden space into fully enclosed Multi Use Games Area (MUGA)

WARD: Delapre & Briar Ward

APPLICANT: Mr Stephen Casey
AGENT: N/A

REFERRED BY: Councillor J Davenport
REASON: Would affect character of the area and residents amenity

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development represents an appropriate land use and would not have a significant adverse impact upon the character and appearance of the surrounding area, neighbour amenity and the highway system. The development is therefore in conformity with the requirements of the National Planning Policy Framework, Policy S10 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The applicant seeks planning permission to construct a Multi-Use Games Area (hereafter referred to as a MUGA) within the curtilage of the existing primary school. The MUGA would have dimensions of 34.4m and 26m, and be surrounded by fencing, which would have a height of 3m. Access to the MUGA would be solely from within school grounds.

3 SITE DESCRIPTION

3.1 The application site consists of a primary school, sited in between Rothersthorpe Road and Briar Hill Road and located within a predominantly residential area. As a consequence, building types within the area tend not to be overly high. Furthermore, the school grounds are adjoined by a

number of domestic gardens. In terms of the layout of the school site, the bulk of academic buildings are located to the east of the site. Further to the west is a garden area (which is the site of the proposed MUGA), with a playing field being sited further to the west.

4 PLANNING HISTORY

4.1 None relevant.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10: Sustainable Development Principles.

5.4 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 – New development

6 CONSULTATIONS/REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Environmental Health** – Request conditions covering the submission of a noise survey and hours of use.

6.2 **Councillor J. Davenport** – Request that the application be determined by the Planning Committee as the proposal will affect the character of the area and would impact on the ability for residents to enjoy their properties.

6.3 10 letters of objection. Comments can be summarised as:

- The proposal would generate excessive noise

- Privacy would be affected
- The development would adversely affect visual amenity and would be out of keeping with the character of the area
- Traffic could increase, creating parking problems
- The hours of use may be increased, or commercially rented
- Some trees have been felled
- Lighting may be installed in the future
- Balls may cause damage
- Wildlife will be adversely affected
- The construction process will impact amenity

7 APPRAISAL

- 7.1 The proposed development is for the creation of a MUGA, for use as part of the existing school. As a consequence, the development would result in an enhancement of the sports facilities on offer within the school and, potentially, allow for the playing of sports in more inclement weather conditions. Therefore, it is considered that that the proposal would be of some benefits in terms of promoting more healthy lifestyles.
- 7.2 It is noted that some representations received by the Council have commented upon the understanding that the land on which the MUGA is to be sited was acquired for a school garden. In response, it should be acknowledged that, in planning terms, the site forms part of the school and as such, the development does not relate to a change of use of the land. Therefore, given that the space can be used for educational or recreational purposes associated with the school, it is considered that there would not be a material increase in noise or activity that would warrant refusal of the planning application.
- 7.3 The design of the MUGA is of a functional nature, with a maximum fencing height of 3m. Given these factors, it is considered that the proposal would not lead to a significant impact on the amenities of surrounding properties in terms of matters such as light and outlook. This is because there is a reasonable separation distance between the MUGA and surrounding dwellings (which is, in part, due to the significantly sized gardens of those dwellings in Rothersthorpe Road and Briar Hill Road). Furthermore, under permitted development rights boundary fencing of up to two metres can be constructed on the site's boundaries. As a consequence of these factors, it is considered that the proposed development would not result in an overbearing feature. On account of the existing boundary treatments and the existing use of the site, it is considered that the operation of the MUGA would not result in a significant loss of privacy to the occupiers of adjoining properties.
- 7.4 It is noted that comments have been submitted in respect of potential damage to properties arising from balls inadvertently leave the MUGA, which may adversely affect amenity. In order to overcome this, a condition is recommended that would require the installation of protective netting over the top of the MUGA prior to its first use and for this to be retained throughout the life of the development.
- 7.5 In order to ensure that the proposed MUGA does not have an unwarranted level of prominence, an additional condition is recommended that would enable the Council to approve details of the finished appearance of the associated structures.
- 7.6 The documents submitted with the planning application state that the MUGA will be used solely between the hours of 8am and 6pm on Mondays to Fridays only. Given that these hours are likely to coincide with periods where background noise levels are likely to be greatest, it is considered that the proposal would not result in any significant undue loss of amenity to the occupiers of neighbouring properties arising from noise and disturbance. In order to ensure this, and in line with the advice of the Council's Environmental Health section, a condition is recommended to limit the use of the MUGA to these hours only. This would therefore exclude any usage of the MUGA during weekends and bank/public holidays, when a greater level of peace and quiet might reasonably be expected.

- 7.7 It is noted that the Council's Environmental Health section have requested a condition regarding the submission of a noise survey. In response, it is noted that the days and hours of usage of can be controlled by condition. This ensures that the MUGA would only operate during periods when background noise levels would be expected to be higher. Given this conclusion and the fact that the site is already part of a school, where a certain level of activity would be expected, it is considered that the proposal would not be unduly harmful to amenity and therefore such a condition would be unreasonable and unwarranted.
- 7.8 In addition, it should be noted that the proposal does not include any lighting to the MUGA, which would result in diminished usage of the development during event periods, particularly during winter months, which would also serve to minimise the impacts of the development in respect of noise.
- 7.9 Given that the MUGA would operate as part of the school and would not form a separate planning unit in its own right, it is considered that the proposal would not result in a greater number of vehicles arriving or departing the site.

8 CONCLUSION

- 8.1 In conclusion, it is considered that the proposed development represents an appropriate land use that would facilitate the playing of a greater array of sports in schools and, subject to conditions, would not have a significant adverse impact upon amenity.

9 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Block Plan; and Location Plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Notwithstanding the details submitted, full details of the external finished materials (including colour) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity in accordance with the requirements of Policy E20 of the Northampton Local Plan.

3. Notwithstanding the details submitted, full details of protective netting to the top of the MUGA shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first use of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of neighbour amenity, in accordance with the requirements of Police S10 of the West Northamptonshire Joint Core Strategy.

4. The Multi-Use Games Area hereby approved shall only be used between the hours of 8am and 6pm on any one day on Mondays to Fridays, and at no times on Saturdays, Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

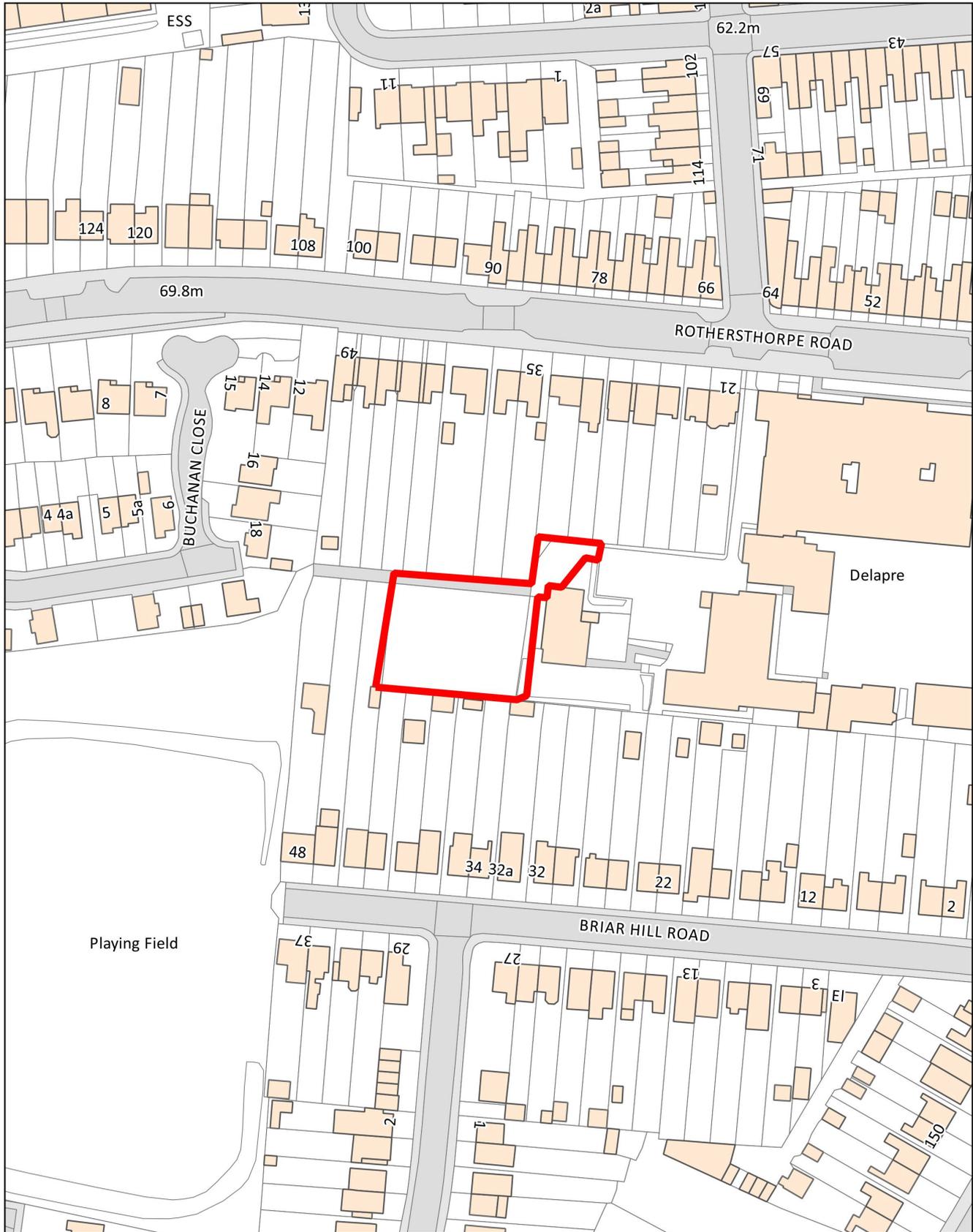
10.1 None

11 LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Delapre Primary School.**
Rothersthorpe Rd

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Date: 18-06-2018
 Scale: 1:1,250
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