

**REPORT SUMMARY**

|   |  |                                |                           |
|---|--|--------------------------------|---------------------------|
| <b>REFERENCE NO.</b>                                    | 3/20/0499/FUL  |                                |                           |
| <b>APPLICATION PROPOSAL</b>                             | Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents rec'd 6/7/20)  |                                |                           |
| <b>ADDRESS</b>  | St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives, BH24 2LE  |                                |                           |
| <b>WEB LINK</b>   | <a href="https://eastplanning.dorsetcouncil.gov.uk/plandisp.aspx?recno=116191">https://eastplanning.dorsetcouncil.gov.uk/plandisp.aspx?recno=116191</a>  |                                |                           |
| <b>RECOMMENDATION</b>                                   | - Grant, subject to conditions:<br>(see Section 9 of the report for the full recommendation)   |                                |                           |
| <b>REASON FOR REFERRAL TO COMMITTEE</b>                 | The Nominated Officer considers that it is appropriate for the application to be considered in the public forum in the light of concerns raised by the parish council and the large number of public consultation responses and objections from neighbours.  |                                |                           |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b>            | <ul style="list-style-type: none"> <li>• The development of a new sports facility will enhance opportunities for sport on the school site within the urban area where the principle of development is acceptable</li> <li>• The limited harm arising from the changed character of the school site will be outweighed by the benefits</li> <li>• Conditions can be imposed to mitigate the impacts arising in relation to noise and lighting to acceptable levels and assessments demonstrate that the proposal will not result in harm to neighbouring amenity</li> <li>• Adequate parking provision is available for users of the facility outside school hours</li> <li>• There are no other matters which would warrant refusal of planning permission.</li> </ul> |                                |                           |
| <b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> | None.  |                                |                           |
| <b>APPLICANT</b>  | St Ives Primary and Nursery School   | <b>AGENT</b>                   | Mr Daniel Wilden          |
| <b>WARD</b>   | St Leonards  | <b>PARISH/ TOWN COUNCIL</b>    | St. Leonards and St. Ives |
| <b>PUBLICITY EXPIRY DATE</b>                            | 21 July 2020   | <b>OFFICER SITE VISIT DATE</b> | 16 September 2020         |
| <b>DECISION DUE DATE</b>                                | 8 May 2020   | <b>EXT. OF TIME</b>            | 1 October 2020            |

| <b>RELEVANT PLANNING HISTORY</b> |  |                 |             |
|----------------------------------|--|-----------------|-------------|
| <b>App No</b>                    | <b>Proposal</b>  | <b>Decision</b> | <b>Date</b> |
| 3/19/1529/PAL                    | Pre-application advice was sought prior to submission. The officer's advice was that the development was acceptable in principle but it would need to be demonstrated that the proposal could avoid any significant harm to neighbouring amenity from noise and light pollution. |                 | 31/10/2019  |
| 3/14/0020                        | New Free Standing Classroom in School Grounds  | Granted         | 05/03/2014  |
| 3/10/0983/FUL                    | Erect Awning to Rear Elevation   | Granted         | 22/12/2010  |
| 3/75/1027                        | Build swimming pool<br>(no condition imposed to regulate hours of use)   | Granted         | 08/08/1975  |

This application was deferred from the meeting of the Eastern Planning Committee on 30 September to enable further consideration of the impacts on protected trees.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE AND SURROUNDINGS**

- 1.01 St Ives First School is located north of Sandy Lane within the urban area of St Leonards and St Ives. This area is predominantly residential with a suburban character.
- 1.02 The school is a single storey, predominantly flat roofed building which stands within a level, 1.5ha (approx.) site. Residential properties lie to the north, east and west of the school grounds. The access to the school is from Sandy Lane which runs along the southern boundary. The boundary is demarcated by post and wire fencing. The school is served by a car park offering 22 spaces with additional parking available outside of school hours on the playground.
- 1.03 The application site lies within the school field to the west of the school buildings.

### **2.0 PROPOSAL**

- 2.01 The proposed Multi Use Games Area (MUGA) comprises an area of synthetic surface 50m long by 26m wide surrounded by 3m high perimeter ball-stop netting which will be served by eight 8m high lighting columns- 4 to the north and 4 to the south. A MUGA is an all-purpose court, providing an outdoor space suitable for a range of sports and activities so it has multiple different sports line markings. The proposed pitch could accommodate sports such as 5 a side football, netball and tennis. Existing climbing play equipment would be relocated within the school site.
- 2.02 It is proposed that the MUGA will be available for use between 9:00am and 8:30pm Monday to Sunday. During school hours it is anticipated that the

MUGA will be used by the school but outside of these hours it will be made available for hire by third parties. A Third Party Hire Management Plan has been submitted which the school will operate and this includes the following requirements:

- Sessions are to be scheduled as early in the evening as availability allows with particular priority for early scheduling of any hard ball sports
- A point of contact will be provided for residents to report matters relating to public health, safety or on-going disturbance
- Reasonable checks of potential hirers will be made and evidence of their activities, national body accreditation, insurance etc will be recorded
- All hirers will enter into a hire agreement to include limits on timings of sessions, flood light use, responsibility for noise levels (no whistles, radios, public announcement systems or other amplified sound allowed), no. of participants and use of parking on-site rather than on-street.
- Complaints procedure set up, complaints to be addressed promptly
- Records to be made available to the Local Planning Authority upon request

2.03 Since the application was deferred from consideration at the September Committee meeting, amended plans have been submitted which have re-positioned the proposed MUGA 3m east of its original proposed location.

### 3.0 SUMMARY OF INFORMATION

| All measurements approximate              | <b>Proposed</b>                        |
|---|--|
| Site Area (ha)                            | 0.19ha                                 |
| Use                                       | Continued use for sport and recreation |
| MUGA length                               | 50m                                    |
| MUGA width                                | 26m                                    |
| Height of netting                         | 3m                                     |
| Height of lighting poles                  | 8m                                     |
| Distance from west school boundary        | 28m                                    |
| Distance from building 5-11 Hesketh Close | Approx. 33m                            |
| Distance from southern school boundary    | 11-15m                                 |

|  |   |
|--|---|
| Distance from Sandy Lane dwellings     | Approx. 30m   |
| Distance from northern school boundary | 54m   |
| Parking Spaces                         | 22 + additional parking opportunities on playground         |
| Materials                              | Dark green playing surface,<br>Black/grey ball stop netting |

#### 4.0 RELEVANT PLANNING CONSTRAINTS

Open Space./Recreation  
 Main Urban Area  
 SSSI Impact Risk Zone  
 Airport Safeguarding  
 Tree Preservation Orders on trees along the northern school boundary and on individual trees along the south and east school boundaries

#### 5.0 POLICY AND OTHER CONSIDERATIONS

##### 5.01 Development Plan:

##### **Christchurch and East Dorset Core Strategy (Part 1) 2014 (CS)**

The following policies are of particular relevance in this case:

KS1 Presumption in favour of sustainable development  
 KS11 Transport and Development  
 KS12 Parking Provision  
 HE2 Design of new development  
 HE3 Landscape Quality  
 HE4 Open Space Provision  
 LN7 Community Facilities and Services  
 ME1 Safeguarding biodiversity and geodiversity

##### **East Dorset District Council Local Plan 2002 saved policies:**

DES2 Criteria for development to avoid unacceptable impacts from types of pollution

##### 5.02 **Government Guidance**

The National Planning Policy Framework (NPPF)  
 National Planning Policy Guidance (NPPG)

#### 6.0 LOCAL REPRESENTATIONS

6.01 The application was advertised by means of a site notice displayed on 11 May and by neighbour letters. These were delayed due to the physical constraints imposed by Covid but were sent on 14 May so the consultation period was extended until 8 June.

6.02 71 letters of objection were received during the first consultation raising the following concerns:

| Issue   | Number of Representations raising this issue |
|---|--|
| <b>Lack of car parking and increase in traffic as well as the school traffic</b> - road access to the school is restricted with many vehicles parking on the road at all times of the day. The traffic pattern will now be altered to include regular evening/night and weekend activity, potentially all year round. No additional parking facility. | 58   |
| <b>Noise</b> – from playing matches (whistles, people shouting, cheering, car doors slamming). Inappropriate in a residential area. Users would stay later than 10pm  | 57   |
| <b>Light-</b> altered character and impact on amenity   | 54   |
| <b>Open Times</b> – 10pm closing time will impact on amenity, should be no use on a Sunday  | 41   |
| <b>Biodiversity</b> – harm arising from lighting  | 22   |
| <b>Safety</b> - road safety, increase in traffic accidents, emergency services won't be able to get through due to traffic and car parking. Traffic calming needed.   | 18   |
| <b>Character of area</b> – quiet residential area   | 15   |
| <b>Mental health-</b> associated with harm  | 10   |
| <b>Anti-Social Behaviour</b> - anticipated foul language, disruptive behaviour, vandalism, drug use.  | 10   |
| <b>Security-</b> neighbouring properties at risk  | 9  |
| <b>Trees-</b> removal of trees in the past  | 8  |
| <b>Litter</b>   | 8  |
| <b>Lack of Toilet/Changing Facilities</b> - No toilet, washing, changing, first aid or storage facilities.  | 6  |
| <b>Privacy-</b> impacts for neighbours  | 5  |
| <b>Visual Impact</b>  | 5  |
| <b>Too large-</b> over development of the field   | 5  |
| <b>Air pollution-</b> from associated traffic   | 4  |
| <b>Unnecessary-</b> all weather facilities available elsewhere in Ringwood and Ferndown.  | 4  |

6.03 27 letters of no objection, and 18 letters of support were also received during the first consultation period raising the following matters:

- Community benefits of additional sport facilities- improved opportunities to participate in activities and improve health
- Shortage of all weather facilities in the local area

- 6.04 A re-consultation took place in July following receipt of additional information and a revised proposal to limit operating times until 8:30pm. 33 representations were received, 32 raising objections that the amendments failed to overcome their previous concerns.
- 6.05 Amended plans were received on 18 November but as these included only a non-material alteration to the positioning of the MUGA 3m to the east, no further public consultation was undertaken.

## **7.0 CONSULTATIONS**

- 7.01 St Leonards & St Ives Parish Council (22 May 2020)- initial response

Members discussed the proposal at length. There was considerable concern about the impact on those living close by in relation to noise and lighting particularly outside of school hours and questioned whether the requirements of policies HE2, HE3, HE4 and LN7 were being met.

It was agreed unanimously that they could not support the proposal in its present form. Whilst there were some merits and benefits to the school they had serious concern about the impact of the proposal on residents and the environment particularly in relation to the hours of opening and number of days of use. Cllr Bryan will ask that this goes to the LPA Committee if the Officer is minded to approve and asked that a Member of the Committee supports him at that meeting if called.

- 7.02 St Leonards & St Ives Parish Council (24 July 2020)

The Parish Council feels very strongly that the amendment to the original planning application does not address or mitigate the serious concerns the Parish Council raised in its initial objection.

In that the noise levels would be unacceptable.

The lighting levels would be unacceptable and that the school does not possess the ability to safely or adequately manage the facility nor has it demonstrated how the facility would be managed properly.

The Parish Council feels that this application does not address or mitigate the detrimental impact on the local community and the environment.

It is the opinion that this is a commercial venture and is not suitable or appropriate for this community.

The Parish Council does not wish to make any suggestions or proposals that may be deemed acceptable as they believe the whole proposal is unacceptable.

- 7.03 Dorset Council Highways (20 May 2020)  
No objection

- 7.04 Dorset Council Public Health (2 September 2020)

No objection subject to conditions to secure installation of polypropylene cord netting, omit backboards and secure use in accordance with the management plan, which includes a booking system for outside school hours, a complaints procedure for nearby residents and a ban on the use of whistles, radios, public announcement systems or other amplified sound for third party users.

7.05 Sports England (7 October 2020)

Summary: No objection as the proposal meets exception 5 of the playing fields policy: '*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*'

It appears that the MUGA will not have a detrimental impact on existing pitch layout and will bring benefits to both the school pupils and staff as well as the local community. There is a shortage of this type of MUGA in Dorset and it will help deliver central government objectives of schools being central to local communities and the creation of healthy active lifestyles for local communities. It is also in line with Sport England's current strategy for getting the nation active.

The sports lighting is a crucial element to development, allowing small games to be played during winter afternoons as well as being able to be used by the local community from later September to late March in the evenings

## 8.0 APPRAISAL

8.01 The main planning considerations are:

- The principle of development
- The impact on the character of the area
- The impact on neighbouring amenity

These and other considerations are set out below.

### The Principle of Development

8.02 NPPF para 91 encourages planning decisions to '*enable and support healthy lifestyles*' including the provision of sports facilities.

8.03 The site lies within the urban area of St Leonards and St Ives which is identified as a 'Suburban Centre' in policy KS2, which is a settlement '*with no existing centre[s] that will provide for some residential development along with community, leisure and retail facilities to meet day to day needs within the existing urban areas.*' The proposal, for a Multi Use Games Area to serve the school and local community, falls within the development that is acceptable in principle subject to compliance with other policies.

8.04 Some objectors have raised concerns that the proposal will result in the loss of open space as the development will be positioned on the school field. As the proposal is for a sports facility in connection with the school it will not represent a material change of use of the land. It is understood from representations received, that the existing school playing field is not of a

particularly high quality. By providing an all-year around playing facility, the MUGA will enhance the current opportunities for sport on the school site. The majority of the playing field will remain unaltered and Sport England are satisfied that the MUGA will not have a detrimental impact on the existing pitch layout and will bring benefits that outweigh the 'loss' of the existing playing field. Development that secures alternative sports and recreational provision where the benefits outweigh the loss of the former use is acceptable on existing recreational land under NPPF para 97.

- 8.05 Objectors have suggested that the demographic of the area is predominantly older people so those using the proposed sport facility would be from outside the area and the location is inappropriate. There is no recent published open space and recreation study for the area but policy HE4 'Open Spaces Provision' of the Christchurch and East Dorset Local Plan identified that the Open Space Study PPG 17, conducted in 2007, would remain applicable throughout the Plan area, amended as necessary to take account of subsequent developments. In section 6, which considers St Leonards and St Ives, the report noted that there were two sites providing active sports space; Braeside Road Recreation ground and Horton Road Recreation Ground and only the later had formal pitch provision. The level of active sport space was 1.48ha below recommended minimum level provision due to the low level of formal sport and play area provision. The report identified very limited facilities for young people with only one children's play area and no facilities for teenagers. It states '*...facilities for young people and children should thus be a priority, despite the demographic profile. The First school (since 2015 St Ives Primary and Nursery School) is in an opportune location and possibility for improving facilities there for community use should be investigated.*' Since this report there has been no significant change to sports pitch provision in the locality.
- 8.06 Since 2007 when the open space study was conducted the school has improved its facilities with the swimming pool being repaired and refurbished. The proposed MUGA represents an additional opportunity to improve facilities for young people, both those attending the school and those attending sports clubs that may hire the MUGA, in line with the 2007 report. This is also in accordance with Local Plan policy LN7 'Community facilities and services' which encourages the provision of high quality, convenient, local and accessible facilities for community use and prioritises the multi-use of existing facilities.
- 8.07 The proposal represents an enhancement of an existing community facility in St Leonards and St Ives which is acceptable in principle.

### **The Impact on the Character of the Area**

- 8.08 NPPF paragraph 127 requires that development is sympathetic to local character, including the surrounding built environment and landscape setting.

- 8.09 Local Plan policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria including layout, height, materials, visual impact and relationship to trees.
- 8.10 The proposal will introduce development onto the currently open school field which will be evident from adjoining properties and Sandy Lane. The southern edge of the school site is demarcated by a concrete post and chain link fence. A treed verge which runs between the highway and the pavement for approx. 60m provides softening and contributes to the local verdant character. Where the verge ends, the road affords open views across the school field to the trees along the northern boundary. Although the 3m high mesh netting around the large MUGA and the eight lights would change the streetscape, the proposed siting enables the development to benefit from some screening provided by the verge trees in views from the southwest. The form would retain visual permeability through the mesh fencing and, being a sport related structure, it would not have an incongruous appearance on the existing school field.
- 8.11 Objectors have raised concerns about the removal of trees that used to stand along the southern boundary of the school. There is a longstanding tree preservation order on trees to the north of the site and in 2019, following the removal of some trees that were not protected, a preservation order was placed on individual trees with amenity value to the south and west. Amended plans have re-sited the MUGA 3m east to achieve an appropriate separation distance with the adjacent Oak tree and a tree protection plan demonstrates that the installation can take place without harm to the trees on site. This can be secured by condition (no. 3).
- 8.12 Several objectors have referred to the character of the urban area in which the application site lies as being quiet and peaceful. Concerns have been raised that the proposed use of the MUGA, in combination with existing school facilities including an outdoor swimming pool, will increase the intensity and duration of recreational activities to a harmful extent.
- 8.13 The school has explained that the school field is currently used outside of school hours until approx. 18:30 most days, including for holiday clubs, and until 20:00 three or four times a week. Additionally, the field is used on Saturdays 09:00-20:00 and on Sunday mornings. They expect that the proposed new MUGA will not significantly alter the current usage. Notwithstanding this information, officers recognise that the proposed MUGA, which will offer a better surface during the winter months than the existing field, is likely to result in increased intensity of use of the school field over the year. The lighting will also facilitate use into the evenings and it is proposed that the MUGA be available for use between 09:00 and 20:30 each day. The proposal will therefore increase the period during which vehicular trips to and from the site would be anticipated and the number of trips. It will also introduce lighting into a currently dark area of the settlement where streetlights are limited, which will have a visual impact. These changes will have an impact upon the character of the area but when taking into account the lighting assessment, which identifies that light spill will be contained, and

the proposed hours of operation which can be secured by condition (no. 7), it is considered that compared to existing use of the school site, only limited harm to the character of the area will result.

### **The Impact on Neighbouring Amenity**

- 8.14 NPPF paragraph 127 requires that planning decisions ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'* Local plan policy HE2 similarly requires that development should be secure acceptable relationship to nearby properties including *'minimising general disturbance to amenity'*.
- 8.15 Many of those who have objected to the proposal cite concerns about harm to their amenity as a result of noise, disturbance, unneighbourly parking and light pollution. Fear of increased crime levels have also been expressed by the occupants of some of the properties adjoining the school field.
- 8.16 In relation to light pollution, the lighting assessment submitted with the planning application demonstrates that the eight lights will be directed so as to avoid harmful light spill beyond the school site. The measurement of 1 lux (1 lumen per sqm) is equivalent to full moon and this measure is achieved within the site and along the southern boundary, with lower levels beyond, so no harm to neighbouring amenity as a result of light spill is anticipated. A condition is necessary to secure the lighting in accordance with the submitted details (condition 5).
- 8.17 Additional noise will be associated with the proposed development which will facilitate sports training and matches. At the request of officers, a Noise Impact Assessment has been submitted which considers the likely noise impact for properties nearest to the proposed MUGA. Ambient noise level readings were taken on consecutive days Friday- Sunday in June. The site lies close to the A31 which contributes to a relatively constant ambient noise. Due to the impacts of Covid 19 it is anticipated that the ambient noise readings were conservative, so they formed a robust baseline scenario. The predicted noise levels were based upon ball impact event noise measurements from Winchester Leisure Centre MUGA pitches including noise from the ball hitting the side boards and chain link fencing (checked against other locations to ensure consistency), male voice shout and whistle data and Sport England data. This Sport England data, which was used to predict noise levels of typical sports, included noises from multiple sports including football, hockey and rugby participated in by men, women and children.
- 8.18 When comparing the predicted MUGA noise levels with existing noise levels it was found that the use of the MUGA would not result in significant changes to noise levels experienced by neighbouring residents.

- 8.19 Subsequent additional noise information submitted in support of the application included noise readings for Sunday evenings which were missing from the initial assessment. On that occasion the ambient levels were slightly lower than had previously been recorded, likely due to the warm, still conditions compared to higher wind speeds previously. The likely noise levels at the receiver (neighbouring properties) were measured across distances equivalent to the centre and edge of the proposed pitch.
- 8.20 The conclusion from the noise impact assessments is that noise levels from the centre of the MUGA will result in equal or lower than existing ambient levels at the closest resident. Noise from the edge of the MUGA could lead to marginally higher ambient levels between 18:00 and 20:30 on quieter evenings. Noise levels without mitigation would remain below levels recommended by Sport England and the impacts for neighbouring residents would not be harmful as they meet the World Health Organisation average for external noise in gardens and daytime (including evening) internal noise levels recommended by British Standards. On the quietest evenings there might be an increase of 5dB above ambient noise levels from the edge of the pitch. Although noticeable, the noise would not be constant and is not judged to be at a level where it would represent harm to neighbouring amenity. Reference has been made to the Institute of Environmental Management and Assessment guidance which classifies such a long term impact as minor.
- 8.21 In order to mitigate the noise impacts, the design of the MUGA includes ball stop netting rather than traditional chain link fencing or wire mesh to avoid noise associated with balls hitting the barrier. The Noise Impact Assessment recommends that there are no backboards fitted and suggests prohibiting whistles. As whistles are already used on the school field by teachers it would not be reasonable to prohibit their use during school hours but the proposed management plan for use by third parties includes a prohibition on the use of whistles, radios and other amplified sound which is reasonable and necessary. The use of backboards for hockey or basketball are associated with increased peak level noise events so it is reasonable for backboards to be restricted by condition (no. 10). The closure of the MUGA by 20:30 each evening and the management plan proposals, including a complaints procedure to address any breach of terms of use, would ensure that the school can control the impacts of the MUGA. Within these parameters, which can be secured by condition (nos. 4, 7, 8), officers are satisfied that the noise impacts would not conflict with policy HE2 and DES11 requirements.
- 8.22 Fear of crime was raised by a number of neighbouring residents due to the proposed use of the site out of school hours. The management plan has responded to these concerns by requiring checks of those hiring the MUGA and establishing a point of urgent contact for neighbours to report concerns. The school has a fence (approx. 2m high) which extends around the majority of the perimeter of the site. The boundary with Hesketh Close properties is less formalised, with hedging. Whilst there is no CCTV (due to primary education safeguarding constraints), the school has confirmed that it is proposed to run a remote recording system overlooking the MUGA in the same manner as the existing system for the swimming pool. This is a stand

alone recording device that works as a deterrent as opposed to CCTV, it records activity and alerts the intruder to the fact that they are being recorded. It can then be downloaded to a computer if required. Additionally, confirmation has been provided that the school intends to make changing rooms and toilets available to hirers. Overall it is considered that the proposal would accord with planning policy in relation to security.

- 8.23 The site lies in a predominantly residential area, but it is considered that the design of the MUGA and its use in accordance with the submitted management plan would mitigate the impacts on neighbouring amenity to an acceptable level in accordance with policies HE2 and saved policy DES11.

#### **Impact on highway safety**

- 8.24 The use of the MUGA by the school is not anticipated to result in additional vehicular traffic but proposed third party use of the MUGA has resulted in objections from neighbours. The existing school use is associated with significant on-street parking and concerns have been raised that the proposed out of hours use would extend issues already faced by residents in relation to poor parking and associated reduced accessibility. To avoid negative impacts on highway safety the Third Party Management Plan requires that those hiring the facility to advise participants/parents to use on-site parking and drive into the site for drop off/pick ups. It is noted that the school playground provides good parking opportunities but such on-site parking would need to be made available by the school so a condition is necessary (condition 9). Whilst lawful parking on the highway cannot be prevented, this measure would assist in mitigating impacts that might otherwise arise.

- 8.25 The Council's Highway team have no objection to the proposal which will use the existing school vehicular entrance. The proposal is found to accord with highway and parking policies KS11 and KS12.

#### **Impact on Biodiversity**

- 8.26 The application is accompanied by a biodiversity plan which has been certified by the Council's Natural Environment Team. The biodiversity survey of the site found no evidence of bats or other protected species on the site and although some light spill on trees and shrubs is anticipated, this is not considered likely to have any significant effect on wildlife such as bats. The proposal is considered unlikely to have any significant impact on any protected species or habitats, a bat box, bird box and insect tower will be provided at appropriate locations within the school site to enhance biodiversity. Compliance with the biodiversity plan can be secured by condition (no. 5).

#### **Conditions necessary to make the application acceptable**

- 8.27 NPPF para 55 requires that the Council considers whether otherwise unacceptable development could be made acceptable by the imposition of planning conditions. These need to meet the six tests in para 56; necessary,

relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

8.28 It is considered that the proposal can be made acceptable in relation to the impact on the character of the area and neighbouring amenity by ensuring that the MUGA is constructed in accordance with the plans, including lighting plans and restricting the operational hours (including lighting) to 9:00-20:30 each day. Further restrictions such as limiting weekend use would not be reasonable given the intention of the MUGA, which is to be part funded by Sport England, is to improve accessibility to and opportunities for engagement in outdoor activity.

8.29 It is also necessary to require that use accords with the management plan in order to ensure that the development is compatible with the adjoining residential land use and to secure the biodiversity plan which includes enhancement measures.

### **Conclusion**

8.30 Having considered all material planning considerations it is your officers' position that the proposal complies with local and national planning policy.

## **9.0 HUMAN RIGHTS**

9.01 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

9.02 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **10.0 PUBLIC SECTOR EQUALITIES DUTY**

10.01 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.02 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## **11.0 CLIMATE IMPLICATIONS**

11.01 The proposal is likely to result in an increase in the number of vehicle trips to the application site to use the MUGA outside of school hours as there are limited sustainable transport options available, but it is also likely to reduce some existing trips from the St Ives area to alternative sport facilities. Overall the impacts will be limited.

## **12.0 Well-being and Health Implications**

12.01 In accordance with the Council's responsibility for promoting health and wellbeing and the reduction of health inequalities across the county, the potential impact of the proposal on general health and wellbeing has been considered.

12.02 The proposal will make a positive contribution by facilitating outdoor sport, increasing opportunities for physical activity which is important for the health and well-being of communities. The application site is located within a residential area and the amenity of the neighbours and third party representations have been taken into account as part of the planning appraisal which has found that the development is acceptable in planning terms subject to conditions.

12.03 In considering this application regard has been given to the future wellbeing and health of the local population within the scope of the material planning considerations applicable to this application and the realms of planning legislation.

## **13.0 CONCLUSION**

13.01 The proposed MUGA will facilitate sport throughout the year, improving sport facility provision in St Leonards and St Ives in accordance with Local Plan policies HE4 'Open Space Provision' and LN7 'Community Facilities and Services'. The increased intensity of use of the school field and the introduction of lighting will alter the character of the area, but it is considered that the harm will be limited. Only a minor change to noise levels is anticipated and the design of the MUGA will limit light spill and noise levels to appropriate levels within the residential area. The proposed management plan to be implemented by the school in relation to third party users of the MUGA will ensure that all users are aware of noise and operating hour restrictions and will encourage off-street parking. The mitigation measures are considered sufficient to avoid conflict with Local Plan policies HE2 'Design of New Development' and HE3 'Landscape Quality'.

13.02 For the above reasons the proposal is recommended for approval subject to conditions.

**RECOMMENDATION** - Grant, subject to the following:

**Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by 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:  
4306-1 Site Plan, 4306-2A Block Plan, 4306-4 Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The protection of trees must be carried out in accordance with the Tree Implication Assessment and Arboricultural Method Statement submitted by Gwydion's Tree Consultancy, ref: GH 2083 dated 19.11.2020. This condition shall not be discharged before an arboricultural supervision statement, the contents of which are to be agreed at a pre-commencement meeting, is submitted to and approved in writing by the local planning authority on completion of development and prior to the first use of the MUGA.

Reason: To protect trees which contribute to the amenity of the area

4. The MUGA surface shall be dark green and the boundary fencing shall be ball-stop netting which shall be dark grey or black in colour.

Reason: In the interest of the visual and auditory amenities of the area.

5. The lighting of the MUGA must at all times accord with the submitted lighting details by Thorn Lighting Limited and light spill plan 4306-3.

Reason: In the interests of the character of the area, neighbouring amenity and protected species.

6. The mitigation measures identified in the approved Biodiversity Plan dated 12 March 2020 shall be adhered to during the carrying out of the development.

The development hereby approved shall not be first brought into use unless and until the protected species enhancement measures as detailed in the approved Biodiversity Plan have been installed.

Thereafter the approved enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of biodiversity

7. The Multi Use Games Area hereby approved shall not be used, nor shall the lighting be on, between the hours of 20:30-9:00 Monday to Sunday.

Reason: In the interests of the character of the area and to protect neighbouring amenity

8. The use of the Multi Use Games Area (MUGA) by third parties, other than St Ives Primary and Nursery School, shall be strictly in accordance with the 'Third Party Hire Management Plan' produced by Pure Town Planning and any subsequent amended management plan agreed by the Local Planning Authority in writing.

Reason: To ensure that the MUGA functions well in the interests of the amenity of neighbouring residents and highway safety.

9. On-site car parking spaces shall be made available and accessible to third party users of the MUGA during their hire period in sufficient number to accommodate the needs of each user.

Reason: In the interests of highway safety and neighbouring amenity

10. There shall be no backboards fitted or used within the MUGA.

Reason: In the interest of neighbouring amenity due to the noise levels associated with backboards.

**Informatives:**

1. The applicant is advised if substantiated noise complaints from nearby residents in the future are received the Council has a duty to investigate and take action to abate any statutory nuisance identified within the remit of part III of the Environmental Protection Act 1990.

**Background Documents:**

Case Officer: Elizabeth Adams

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.