

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

11 APRIL 2012

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

12/0463/LAF

Hartburn Primary School, Adelaide Grove, Hartburn

Revised application for the construction of a junior size all weather pitch with associated fencing and footpath works

Expiry Date 17 April 2012

SUMMARY

This application seeks permission for the construction of a junior sized all weather pitch with associated fencing and footpath works at Hartburn Primary School in Stockton. Five letters of support have been received from residents within the locality of the application site. Occupiers of one of the residential properties adjacent to the school enquired about the operating hours of the all weather pitch and have expressed concern about existing inconsiderate car parking generated by out of school activities and seek assurances that the situation won't be exacerbated.

Sport England have been consulted and have no objections to the proposal subject to a condition being placed on the application that a management scheme is to be completed in consultation with Sport England. Following consultation between Hartburn Primary School and Sport England a management scheme has been completed and agreed with Sport England (Appendix 1)

The Head of Technical Services has no objection on highway, landscape and visual grounds. In order to protect the existing trees at the site during development the Council's Landscape Architects have requested an informative be placed on the application to ensure the protection of the trees. The Council's Environmental Health Unit has no objections to the application.

With the application being submitted by the Local Authority on behalf of Hartburn Primary School the application is placed before the Planning Committee for determination.

RECOMMENDATION

That planning application 12/0463/LAF be approved subject to the following conditions and informatives below;

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>ARC1209.001</i>	<i>21 February 2012</i>
<i>ARC1209.002</i>	<i>21 February 2012</i>
<i>ARC1209.003</i>	<i>21 February 2012</i>
<i>HBPS-01-ELV REV G</i>	<i>21 February 2012</i>
<i>HBPS-01-RL REV G</i>	<i>21 February 2012</i>

Reason: To define the consent.

- 2. No development shall commence until a community use management scheme prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the all weather pitch and shall include details of pricing policy, hours of use, access by non school users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall thereafter be substantially complied with".**

Reason: To ensure a satisfactory form of development.

INFORMATIVES

The scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these documents as the scheme does not lead to an unacceptable loss of amenity for neighbouring residents. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change

National Planning Policy Framework

BACKGROUND

1. A previous application (11/1771/LAF) for the construction of a junior size all weather pitch with associated fencing and footpath works was withdrawn in September 2011. The application was withdrawn due to an objection from Sport England as the applicant had not demonstrated that the all weather pitch could be utilised subject to permission by the Head Teacher by the local community and additional schools within the area.

SITE AND SURROUNDINGS

2. The application site is Hartburn Primary School which is located on Adelaide Grove in Hartburn, just off Green's Lane. The site is located within a residential area, to the north of the site are the rear gardens of 1,2,3,4 Levisham Close and 10,12,14 and 16 Ingleby Grove and to the west are the rear gardens of 5 Levisham Grove and newly constructed apartments at 69-71 Greens Lane. Brisbane Grove is located along the eastern boundary of the site with 51, 53, 55 and 64 Brisbane Grove located towards the eastern boundary of the site. Adelaide Grove is located along the southern boundary of the application site. The application site is outside the Hartburn Conservation Area and the Article 4 designated area.

PROPOSAL

3. This application is for a junior all weather pitch and surrounding fencing and access footpath at Hartburn Primary School. The proposed all weather pitch will be located to the north of the main school building and will be sited on the existing playing field at the school.

4. The proposed all weather pitch will be 30 metres wide by 50 metres long and will be a synthetic sand dressed artificial all weather green pitch.
5. The proposed all weather pitch will be surrounded by a 1.6 metre high green weld mesh fence with a single access footpath leading from the pitch to the existing gravel area to the east of the proposed site.
6. The proposed hours of operation for the pitch are during the normal school day, between the hours of 15:45 and 18:15 Monday to Friday and between 9:00 and 15:00 hours at weekends. The use on public or bank holidays would be restricted to weekend hours which will be no later than 15:00. This is to give younger pupils and afterschool clubs the opportunity to use the facilities

CONSULTATIONS

7. The following Consultees were notified and comments received are set out below:-

Sport England

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that;

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies."

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The proposal stands to be judged against the following exceptional circumstance;

E5 - Replacement of equivalent sports facilities (indoor/outdoor)

The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields

The issues that Sport England take into account in considering whether a proposal meet this circumstance can be viewed here;

<http://cms.sportengland.org/sportengland/idoc.ashx?docid=711df9d1-29e9-4be3-9eb1-ca4c5b132720&version=-1>

While the Artificial Grass Pitch does not meet Sport England or the FA's guidance on such, the following matters have counted in favour the application;

-Stockton now has up-to-date Playing Pitch Strategy. The playing field at Hartburn Primary is not of the pitch supply and it is not identified as a site needed for future pitch use.

-Work has been undertaken between the school and the Council to identify potential beneficial use of the proposed facility for adjacent schools and as a practice facility for junior football teams.

-The applicant has indicated a willingness to open up the proposed facility for community use.

On balance therefore it is now considered that this proposal meets exceptional circumstance E5. As such Sport England does not wish to raise an objection to this application, subject to the following condition(s) being attached to the decision notice (if the Council are minded to approve the application):

No development shall commence until a community use management scheme prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to [describe facilities] and shall include details of pricing policy, hours of use, access by non school users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall thereafter be substantially complied with.

If your Authority decided not to attach the above condition(s), Sport England would wish to maintain/lodge a statutory objection to this application. Should your Authority be minded to approve this application without the above condition(s), then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

Head of Technical Services

General Summary

Technical services have no objections to this application.

Highways Comments

There are no highway implications to this application therefore, we have no objections.

Landscape & Visual Comments

As the scheme is the same as the previous one submitted under application 11/1771/LAF former comments are repeated as below in italics including conditions:

We have no landscape and visual objections to this application subject to the comments below.

We understand there is a need for a useable all weather pitch in this area due to drainage issues and that the residents who live around the playing field and will have a view of the development offer no objections to the proposal.

We would request that all existing trees on the school site are protected during the site works and that the site compound is sited away from these trees. Suggested condition wording is attached below in this respect.

Informatives

Location of Site Works

In order to protect all the existing trees on site worthy of retention sufficient space must be assigned for all site activities and indicated on a site plan. No works will be allowed in the root protection area of any retained tree without agreement with the Local Planning Authority. Consideration needs to be given to following:

- a) Construction and /or Demolition zones
- b) Site access
- c) Location of site signage
- d) Material storage
- e) Parking for the duration of the works
- f) Space for temporary construction buildings (offices)
- g) Installation of underground services
- h) Grading and storage of soil
- i) Use of temporary fencing

Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

Retained Tree Prohibited works

The following works are not allowed under any circumstances:

- No work shall commence until the approved Tree Protection Barriers are erected.
- No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.
- No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.
- No unauthorised trenches shall be dug within the Root Protection Zone.

-No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Environmental Health Unit

I have no objections nor think it necessary to impose conditions on this development.

Councillor Carol Clark

This is to let you know that ward councillors Carol & Michael Clark fully support this proposal.

Councillor Michael Clark

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PUBLICITY

8. Neighbours were notified and five letters of support were received and one further representation, details of which are below:

Ms Miriam Robertson

12 Silton Grove Stockton-on-Tees

I fully support this planning application.

I am a parent of a child who attends this school and the installation of the M.U.G.A. will greatly enhance opportunities for the children to participate in sporting and play activities, all year round.

Mr Chris Pickles

11 Oakdene Avenue Stockton-on-Tees

This development will allow children to exercise and play on a safe, dry and clean surface all year round which should be whole heartily supported as the benefits of exercise are well documented. This will further enhance an already excellent school, of which my daughter is a young pupil. They should be given every support from SBC and be applauded for their forward thinking approach to child development.

Mrs Rebekah Walker

23 Jesmond Grove Stockton-on-Tees

We fully support the application for the MUGA project at Hartburn Primary School as it will enhance the children's sporting activities / events and ensure all year round usage.

Paul and Diane Brown

51 Brisbane Grove Stockton-on-Tees

Thank you for the opportunity to comment on the application to build an all weather pitch at Hartburn Primary School. At this stage my comments are only limited to points of clarification in the application and supporting comments paper.

Section 21 of the application form (Hours of opening) states that the use will be 9.00 to 4.30 Monday to Friday.
Saturday, Sunday and Bank holidays are blanked out.

The supporting comments paper states:

Section 1.1 (repeated in section 3.7)

"Hours of use are intended to be restricted to school hours plus up to the normal closure of the school subject to adequate natural light (school officially closes at 6.30 pm) this allows the potential for after school groups and groups at weekends to use the facility"

"The school is committed to supporting community use of the synthetic pitch, albeit for under 16 years only"

Section 2.4

"The school would welcome wider community use relating to the under 16 age group on application to the Governing Body of the school"

I would be grateful if you could clarify and confirm the proposed hours and days of use of the facility.

Second response dated 27th March 2012

The reason for our original enquiry is that what is now a very quiet neighbourhood in terms of noise and traffic could potentially be changed significantly with Brisbane Grove becoming a very busy road with traffic entering and leaving the facility throughout it's opening times. We except that the area is very busy for about 20 minutes around school start / finish times and we knew that when we bought the property. What we didn't anticipate was the thoughtless parking that we regularly experience. Tonight our drive was blocked again and for a longer period than normal because there was a disco at the school. Our fear is that these parking issues will extend to longer periods.

We do not wish to object to this development as we realise it will be a valuable resource to children but we do need assurances around the potential for changes to the environment we currently enjoy. We would like assurances that the traffic and parking will be managed in a manner that gives consideration to residents and does not change the current environment significantly.

Mrs Val Boyers

4 Ingleby Grove Stockton-on-Tees

I'm fully supportive of this application, I have one daughter at the school and another daughter due to start in September and they will both benefit from using the new MUGA during their time at school.

PLANNING POLICY

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

10. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework 2012

11. Paragraph 74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

..the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

..the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

12. Paragraph 123. Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

13. Additionally, in designing new development, proposals will:

- Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations in regard to this application are the impact of the proposed scheme on the existing building and surrounding, the impact on the amenity of neighbouring properties and the impact in terms of the loss of an existing playing field and car parking.

Impact of the proposal on the existing school building and surrounding area

15. Although the all weather pitch is a new facility it will be located on the current playing field site. The proposal will be located approximately 20 metres from the original rear elevation of the school building and will be located a minimum of 5 metres from the rear boundaries of 1, 2, 3 Levisham Close and 10, 12 and 14 Ingleby Grove.
16. The proposal includes a section of 1.6 metre high green mesh fence that will surround the all weather pitch. The height of the mesh fence has been limited to 1.6 metres to reduce the overall impact of the fencing and the green colour and mesh design is to ensure that the fencing still has an open appearance. Both the proposed pitch and the surrounding pitch are of a modern design and are therefore considered to fit in with the modern design of the existing school buildings.

17. There are existing trees that have been planting around the perimeters of the existing playing field. Comments have been received from the Council's landscape Architect's that the proposal is not considered to have an impact on any of the existing trees within the school site. However, to provide guidance to the applicant there have been several informative placed on the application to ensure that that no damage will occur to the trees during construction works.
18. Overall due to the proposal being located on the existing school playing pitch and the fact the mesh fencing has been limited to 1.6 metres in height and will be painted green, means the proposal is not considered to have a significant impact on terms of the overall character and appearance of the existing building or the surrounding area. The Head of Technical Services has raised no objections to the scheme in landscape and visual terms.

Impact on amenity of neighbouring properties

19. The proposal will be located a minimum distance of 5 metres from the rear boundaries of 1, 2, 3 Levisham Close and 10, 12 and 14 Ingleby Grove. The proposal will be located in the same position as the existing playing field at the school. With the proposed all weather pitch being located on the existing playing pitch site the impact in terms of noise on the neighbouring properties at 1,2,3 Levisham Close and 10,12 and 14 Ingleby Grove is not considered to be any more significant than the current situation.
20. The current water logging issues on the playing field have limited its use for sporting activities and the all weather pitch will result in it being available throughout the year irrespective of the weather conditions. However to ensure a reasonable balance between the level of use of the facility and not significantly impacting on the amenity of the occupiers of the adjacent residential properties, the hours of operation have been limited to no later than 18.15 hours Monday to Friday and between 11:00 hours and 1500 hours on a weekend. Due to the limitation on the hours of use of the all weather pitch the potential increase in the use of this area of the school grounds is not considered to have a significant detrimental impact on the amenity of the surrounding neighbouring properties in terms of noise.
21. The proposed all weather pitch will not be floodlit and therefore there is considered to be no significant impact in terms of light pollution from the proposal to the neighbours of the surrounding properties.

Impact in terms of the loss of a playing field

22. Sport England have been consulted on the application as the proposed all weather pitch will be replacing an existing playing field at the school. Sport England has confirmed that although the existing playing field will be lost through the proposal this application forms part of their exceptional circumstance criteria. Sport England have confirmed that as the existing playing pitch does not form part of the playing pitch supply set out in Stockton's Playing Pitch Strategy and that the applicant has demonstrated that the all weather pitch will be available for use by adjacent schools and the community they have no objections to the loss of the playing field subject to a management agreement being agreed.
23. The applicant has consulted with Sport England and a management agreement regarding the use of the all weather pitch has been agreed with Sport Engln. (Appendix 1).
24. Overall the loss of the existing playing field is considered in this instance to be acceptable in light of the proposed use of the area as an all weather pitch which will be available for wider adjacent school and community use.

Impact on car parking

25. Concern has been expressed by the occupiers of 51 Brisbane Grove that they already experience inconsiderate parking generated by out of hours activities at the school and they fear that these parking issues will extend to longer periods.

They have clearly indicated that they do not wish to object to this development as they realise it will be a valuable resource to children but they are seeking do assurances around the potential for changes to the environment they currently enjoy and would like assurances that the traffic and parking will be managed in a manner that gives consideration to residents and does not change the current environment significantly.

26. The Head of Technical Services has advised that there are no highway implications to this application and therefore has no objections to the proposal. The obstruction of driveways is a matter which the Council's Neighbourhood Enforcement Officers can investigate.

CONCLUSION

22. It is considered that due to the location of the current playing field at the school site the addition of the all weather pitch is not considered to have a significant detrimental impact on the character of the existing building and the surrounding area.

23. It is also considered that by virtue of the location of the proposal on an existing playing field and by the limitation on the hours of operation of the all weather pitch the proposal would not have a significant detrimental impact on the amenity of neighbouring occupiers. The application is therefore considered to be in accordance with the Approved Development Plan and is therefore recommended for approval.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward Grangefield
Ward Councillor Councillor Carol Clark

Ward Grangefield
Ward Councillor Councillor Michael Clark

IMPLICATIONS

Financial Implications: n/a

Legal Implications: n/a

Environmental Implications: n/a

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Stockton on Tees Borough Council Core Strategy 2010

National Planning Policy Framework

12/0463/LAF

Hartburn Primary School, Adelaide Grove, Hartburn

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