

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

23 OCTOBER 2013

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

13/1956/FUL

**Playing Field East Of Heaton Road, High Grange Avenue, Billingham
Application for installation of a Multi Use Games Area in an area adjacent to the existing
play area.**

Expiry Date 30 October 2013

SUMMARY

This application seeks planning permission for the erection and installation of a Multi-Use Games Area (MUGA) on a parcel of grassed/green space within the playing field adjacent to high Grange Avenue, Billingham. The scheme consists of an area approximately 27m x 18m with the steel and mesh enclosure to the MUGA to provide basketball hoop, football goal and cricket wickets.

Under the Council's Scheme of Delegation, the application is put forward for determination by the Planning Committee as the scheme does not constitute minor development. In addition there have been six objections received from neighbouring residential properties largely on the grounds that there is an existing anti-social behaviour problem in the area that will exacerbate noise and disturbance for residents.

The proposed MUGA will be adjacent to the existing children's playground, located towards the south of the playing field towards High Grange Avenue. The closest residential property, which fronts on to Kelling Close, will be in excess of 40 metres from the proposal.

The proposed development is considered to be of an appropriate scale, design and layout for its setting, achieves satisfactory spacing from surrounding properties and is not considered that it will result in any unacceptable impacts on residential amenity. The Police Crime Prevention Design Advisor has confirmed that the Billingham Police Inspector is supportive of the MUGA. Additionally no objections are raised by Sport England or the Council's Head of Technical Services or the Environmental Health Unit.

The proposed scheme is considered to satisfy the principles of the NPPF, and Core Strategy Policies CS3, CS6 and CS10 and as such is recommended for approval.

RECOMMENDATION

That planning application 13/1956/FUL be approved subject to the following conditions and informatives

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

| | |
|------------------------------|-------------------------|
| Plan Reference Number | Date on Plan |
| SBC0001 | 7 August 2013 |
| PL3638/5674/1 | 4 September 2013 |
| UDL_2035_02 C | 5 August 2013 |

Reason: To define the consent.

02. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

SITE AND SURROUNDINGS

1. The application site is an area of land towards the south of an existing playing field which is a defined urban open space. The field also consists of two football pitches, a car park with changing facilities and a children's playground.
2. The site is bounded to the south by High Grange Avenue which is a busy highway, beyond which is a grassed area and residential properties. There are also residential properties adjacent to the north, east and west of the site. These neighbouring properties have garden areas adjoining the playing field. The boundary treatments which enclose the garden areas consist of a mix of fences and vegetation. The existing footpath adjacent to the edge of the field is illuminated by street lighting. There is also illumination for the existing children's playground provided by a lamp post.

PROPOSAL

3. Planning permission is sought for the erection and installation of a Multi Use Games Area (MUGA) on a parcel of grassed/green space within a playing field east of Heaton Road on High Grange Avenue in Billingham which is defined as an area of urban open space. The scheme consists of an approximately 25m x 18m 'pad' with the steel and mesh enclosure to the MUGA itself measuring approximately 27.4m x 18m. The MUGA, as illustrated on the submitted plans, will consist of

*Two goal ends with a maximum height of 3m in the middle sections falling to 1.2m at the lowest point

*1.2m high mesh fencing enclosing the MUGA

*the basketball hoops at a maximum height of 3.85m

*Line markings for the provision of football, basketball and limited cricket.

*the finished colour scheme consists of a combination of red colour uprights and green colour mesh panels.

4. The playing surface would be constructed from a porous Tarmac material. The applicant has confirmed that the development does not include any scheme for lighting. The

applicant has advised that the MUGA will be open to all, in line with all the other MUGA's in the Borough and does not require any booking.

CONSULTATIONS

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

6. Head of Technical Services

I refer to your memo dated: 12/09/13

General Summary

Subject to the comments below the Head of Technical Services raises no objections.

7. Highways Comments

There are no highway objections.

8. Landscape & Visual Comments

There are no landscape and visual objections to this application. The fence detail is acceptable.

9. Flood Risk Management

A Flood Risk Assessment has not been undertaken and Technical Services do not undertake a flood risk review on minor planning applications. The applicant is therefore advised to make their own enquiries.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. The Local Authority supports the use of sustainable drainage systems and welcomes the pending legislation. If the applicant proposes to dispose of surface water via the main sewer, this will need agreement from Northumbrian Water.

10. Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Construction Noise

11. Stockton Police Station - Eddie Lincoln

Specific consideration needs to be given to crime prevention and public safety in relation to design and access. The Government publication 'Safer Places' identifies seven attributes of sustainability that are of particular relevance to crime prevention. It is stressed that these are not a set of rules to be applied to all situations but prompts to considerations relating to crime prevention and promoting community safety through the planning system. The attributes relate to access and movement; structure; surveillance; ownership; physical protection; activity; and management and maintenance.

I have spoken to Billingham Police Inspector who is supportive of the MUGA.

12. Further comments;

I have checked for reported incidents on the green belt and the surrounding streets between 09 Oct 2012 and 08 Oct 2013. There have been only 5 reported incidents of Anti-

social behaviour, of the 5 only 1 relates to the greenbelt which was a complaint of young people playing football.

Further to this I have checked for total incidents of Anti-social behaviour by ward for the Billingham area covering the same time frame, the area in question is within Billingham North.

Billingham North - 271
Billingham Central - 755
Billingham East - 606
Billingham South - 440

13. 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 is 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.

Whilst the proposed MUGA within a site which falls within the definition of a playing field, it is separated from the area where pitches are set out by a footpath which runs from Kelling Close to High Grange Avenue. The existence of an equipped play area and the irregular shape of the playing field to the east of the path mean that the provision of a MUGA in this location is not at the expense of it being able to accommodate a playing pitch.

In light of the above, Sport England considers that the proposal meets the following exceptional circumstance;

E3 - Only affects land incapable of forming a pitch

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

This being the case, Sport England **does not wish to raise an objection** to this application.

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 grant funding.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

PUBLICITY

Neighbours were notified and comments received are set out below:-

14. Thomas Millon

93 Heaton Road Billingham
(Summary) concerns raised

(The case officer tried to contact the applicant by email and phone number provided however no voicemail available and email undeliverable).

Please send plans showing location. We are having a problem with notice, including 2:30am football on the field including car with the motor running. Hope it is not going to be where the car park it at present. In support if it is not going to generate noise and anti social behaviour to the street.

15. Miss Dawn Tasker

83 Heaton Road Billingham
(summarised)

Object as we have previously had trouble with balls coming over the fence and hitting windows and breaking items in the garden. The fence behind the existing goal posts has previously been made higher to combat this problem. Do not understand why the goal posts are near the bungalows in the first place. To suggest more ball games in the area is not a good idea.

16. Pauline Grant

81 Heaton Road Billingham
(Summarised)

Object as there is already a problem of footballs coming over the rear fence. I have fought for the goal posts to be moved with the Council and although a higher wire fence has been erected this has not solved the problem. If something is broken will the Council foot the bill- I don't think so.

17. James Boyes

22 Kelling Close Billingham
(Summarised)

Object as there is an existing MUGA at John Whitehead Park which is half a mile away. I bought the house as it is a quiet area and is greenbelt. To the rear of my property houses have been built, football pitches and a playground which has been vandalised and has

groups of kids making noise late at night. The police are aware of this and trees being planted by Stockton Borough Council block the light to the rear of my property. This time the Council are going too far. This will devalue property, is this something Stockton Borough Council are prepared to go to court about?

18. Colin Burnett

15 Kelling Close Billingham

Because of the anti- social behaviour it will cause on a night I am objecting.

19. Mr Gary Carter

14 Kelling Close Billingham

(Summarised)

Object as a resident of Kelling Close I am regularly disturbed on an evening, especially during the summer months, by rowdy teenagers using the existing park as a drinking den. The amount of cans and bottles on the existing park and football pitches is disturbing along with other litter. This new park/ games area will bring groups of young people closer to residential properties, thus increasing the risk of anti-social behaviour being reported by local residents.

PLANNING POLICY

20. 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

21. 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

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

23. National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
-specific policies in this Framework indicate development should be restricted.

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

8. 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.

25. Core Strategy Policy 6 (CS6) - Community Facilities

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.
5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

26. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
 - i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
 - ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
 - iii) Urban open space and play space.

MATERIAL PLANNING CONSIDERATIONS

27. The main issues for consideration when assessing this application are the principle of development, potential impact upon the amenity of neighbouring properties, character of the surrounding area and implications for highway safety.
28. Six objections have been received from surrounding residential properties largely on the grounds that there is an existing anti-social behaviour problem at the existing playground and football pitch. The objectors consider that the proposed development will exacerbate this existing problem resulting in additional noise and disturbance for neighbouring residents.
29. Concerns are also raised regarding the devaluation of property. However this is not a material planning consideration and as such cannot be considered when assessing this application.

Principle of development

30. The proposed MUGA is located on an existing area of defined urban open space and play space. The open space has an existing playground which is enclosed by railings and comprises football pitches with goal posts. There is also an existing basketball hoop adjacent to the playground. The proposal will be located towards the south of the public open space and will provide facilities such as an all-weather playing pitch which will include markings for football, netball, cricket wickets and mini tennis to adjoin the existing play area.
31. The submitted Design and Access statement states that the proposal is necessary to address an identified need in the Borough, particularly in Billingham. The applicant has worked with the Northern Area Partnership and carried out survey work of the local community which has identified a need to improve sporting facilities within Billingham.
32. Within the Council's Open Space, Recreation and Landscaping Supplementary Planning Document (2009), Billingham is identified as not meeting the quantity standards for play/young people's areas (which includes MUGAs).
33. The justification relating to Core Strategy Policy CS6 (Community Facilities) notes;
34. "Provision of and access to facilities underpins a number of Sustainable Community Strategy strands. Promoting health, well-being and achievement of children and young people involves good quality education and training facilities, together with chances for young people to enjoy culture, sport and leisure opportunities...Encouraging residents to live a healthy lifestyle involves the provision of facilities to encourage regular exercise taking and to maximise the opportunities provided by the natural landscape of the Borough to improve their health".
35. As such, the criteria of Policy CS6 states that;
 1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities
 2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer;
 3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced;
 4. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location
36. In view of the above Policy considerations, and given that the area of land is currently used as part of a defined urban open space it is considered that the proposed MUGA would be located within a suitable location and that the proposal would satisfy the provisions of Core Strategy CS6 in terms of providing recreation facilities. Additionally policy CS10 of the adopted Core Strategy seeks to protect and enhance urban open space and play space. Therefore the principle of development is considered to be acceptable, subject to the proposed scheme satisfying other material considerations as set out below;

Amenity of Neighbouring Properties

37. Neighbours have raised objections to the proposal on the grounds that balls go in the gardens of the surrounding residential properties and cause damage to gardens. The objectors state that the provision of a MUGA will worsen the existing anti-social behaviour and cause additional noise and disturbance.

38. The Police Crime Prevention Design Advisor was consulted on the application and has commented that reported incidents on the green belt and the surrounding streets between 09 Oct 2012 and 08 Oct 2013 have been checked. There have been only 5 reported incidents of Anti-social behaviour to the police, of the 5 only 1 relates to the greenbelt which was a complaint of young people playing football.
39. Further to this the total incidents of Anti-social behaviour were checked by ward for the Billingham area covering the same time frame, the area to which this application related is within Billingham North. These statistics show that the anti-social behaviour in the area is significantly lower than in other wards. Furthermore submitted comments confirm that the Billingham Police Inspector is supportive of the MUGA. The MUGA will be located on land which is currently defined as urban open space and consists of football pitches and basketball hoops. Planning policy within core strategy policy CS6 and CS10 seeks to enhance such community facilities. As such it is not considered that the proposal will result in a significant detrimental impact upon the amenity of neighbouring properties in terms of anti-social behaviour.
40. The closest residential property is located to the east of the proposed location and fronts on to Kelling Close. This neighbouring property is situated in excess of 40 metres from the proposed MUGA. Furthermore screening will be provided for neighbouring residential properties by the boundary treatments which enclose the rear gardens of surrounding properties. These boundary treatments consist of a mix of fences and planting which will provide a significant amount of screening for the development.
41. In view of this separation distances to residential properties, the modest design and scale of the proposal and the fact that the MUGA will be sited within an established area of defined urban open space which currently has playing pitches and playground equipment, it is considered that the proposed scheme will not result in an unacceptable impact upon the amenity of neighbouring land users in terms of overlooking, appearing overbearing and noise disturbance.
42. The proposed development does not include an illumination scheme. As such it is not considered that the proposal will result in an intensification of the playing field or extend the hours of use outside of the existing use. Furthermore it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring properties in terms of light intrusion.
43. The Council's Environmental Health Unit has been consulted on the application and has raised no objections subject to controls on the hours of construction/deliveries to the site. It is considered that the condition is necessary in relation to the works on site and is recommended accordingly.

Character of the Surrounding Area

44. The proposed MUGA would be situated towards the south of the site approximately 30 metres from the eastern boundary of the playing field and approximately 25 metres to the southern boundary of the site adjacent to High Grange Avenue. To the south the site is largely open with the north, east and west boundaries being bounded by residential gardens enclosed by a mix of fences and planting.
45. The scale of the proposed MUGA is considered to be commensurate to the proportions of the playing field and will be located adjacent to the existing playground facilities provided at the site for children which are currently enclosed by railings. The enclosure of the MUGA will incorporate a 1 metre high mesh fence along the sides with a maximum height of 3.8

metre high basketball hoops and goals at either end. As such the proposal is considered to be of a modest scale.

46. The Council's Landscape Architects have commented that the scheme has been agreed with the North Billingham Residents Association to provide a play facility for older children. It is considered that the Multi Use Games area sits well with the existing play facilities in the park and therefore there are no objections to the development.
47. In view of the modest scale and design of the scheme, which respects the proportions and layout of the field, it is considered that the proposal will not result in an incongruous feature or result in an adverse impact upon the character and appearance of the surrounding area.

Highway Safety

48. The scheme is proposed to improve facilities for existing users and car parking is provided within the site. As such the Head of Technical Services raises no highway objections. Therefore it is not considered that the proposal will result in an adverse impact upon highway safety.

Residual Matters

49. Sport England has raised no objections to the scheme.

Matters of Flooding

50. The Head of Technical Services has commented that the proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. The proposed materials consist of porous tarmac therefore it is not considered that it will have a significant impact upon surface water drainage.

CONCLUSION

51. It is recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Helen Heward Telephone No 01642 526063

WARD AND WARD COUNCILLORS

| | |
|------------------------|----------------------------------|
| Ward | Billingham North |
| Ward Councillor | Councillor Colin Leckonby |
| Ward | Billingham North |
| Ward Councillor | Councillor Apedaile |
| Ward | Billingham North |
| Ward Councillor | Councillor Ray McCall |

IMPLICATIONS

Financial Implications: as report

Legal Implications: as report

Environmental Implications: as report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on residential properties, occupiers, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

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.

Within this report consideration has been given to implications in respect of community safety including the impact of traffic and transport.