

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**4 DECEMBER 2013**

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

**13/2609/FUL**

**Mount Pleasant, Stillington,  
Proposed Multi Use Games Area (MUGA) and associated fencing**

**Expiry Date: 17 December 2013**

### **SUMMARY**

This application seeks planning permission for the erection and installation of a Multi-Use Games Area (MUGA) on a parcel of grassed area within the open space adjacent Mount Pleasant Grove and Mount Pleasant Walk, Stillington. The scheme comprises an area of approximately 25m x 18m with a steel and mesh enclosure to the MUGA to provide basketball hoops, football goals 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.

The proposed MUGA will be located away from residential properties that bound the site and the closest residential property is situated approximately 50 metres from the proposed location.

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 proposed scheme is considered to satisfy the National Planning Policy Framework and the Adopted Stockton on Tees Core Strategy Policies CS3, CS6 and as such is recommended for approval.

### **RECOMMENDATION**

**That planning application 13/2609/FUL 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);***

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>SBC0001</i></b>	<b><i>22 October 2013</i></b>
<b><i>PL3638/5674/1</i></b>	<b><i>15 October 2013</i></b>
<b><i>SBC0002</i></b>	<b><i>22 October 2013</i></b>

**Reason: To define the consent.**

### **INFORMATIVE**

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

### **SITE AND SURROUNDINGS**

1. The proposed location of the MUGA is on an area of open space adjacent to Mount Pleasant Grove and Mount Pleasant Walk on the southern side of the village of Stillington. The site is designated as urban open space and is grassed and currently contains a set of goal posts.
2. The site is bounded to the north/north east by residential properties. To the east, south and west is agricultural land.

### **PROPOSAL**

3. Planning permission is sought for the erection and installation of a Multi-Use Games Area (MUGA) on an area of open space adjacent to Mount Pleasant Grove and Mount Pleasant Walk in Stillington. The area is defined as an area of urban open space. The scheme consists of an approximately 28m x 20m porous tarmac 'pad' with steel and mesh enclosure and the MUGA itself will measure approximately 25m x 18m. The MUGA, 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
  - Basketball hoops at a maximum height of 3.85m
  - Line markings for the provision of football and basketball and limited cricket.
  - two chicane entry/exit points
  - The finished colour scheme consists of a combination of red colour uprights and green colour mesh panels
4. The applicant has confirmed that the development does not include any scheme for lighting and will be open to all and would not require any booking.

### **CONSULTATIONS**

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

#### **Head of Technical Services**

##### General Summary

The Head of Technical Services is broadly supportive of this application which will provide a valuable play facility for Stillington.

##### Highways Comments

This proposal is intended to serve local residents and it is likely that many will walk to the site; there are no highway objections.

### Landscape & Visual Comments

There are no landscape and visual issues associated with this development, which is located within an informal grassed play space with a goal post. It should be noted that the south western section of the site is located within a flood zone, but this is not considered a problem in respect of the anticipated use of the site.

### Environmental Health Unit

Have no objection in principle to the development, and would not advise any conditions be imposed on the development should it be approved.

### Councillor Andrew Stephenson

No comments received

### Stillington and Whitton Parish Council

Stillington and Whitton Parish Council give full support to this application. Members feel that a MUGA in this location will be a real asset to the Parish and will be appreciated by local people. A temporary MUGA that was used on this site during community events during the summer was very popular with younger members of our community and Members think that a permanent MUGA will be well used.

### Spatial Plans Manager

The Development Plan - overview

The development plan currently comprises the:

- Stockton-on-Tees Core Strategy LDD (March 2010),
- Saved policies of the Stockton-on-Tees Local Plan (1997)
- Saved policies of the Local Plan Alteration Number One (2006), and
- The Tees Valley Joint Minerals and Waste LDD (September 2011).

### Limits to Development

The site is located outside the limits to development. Therefore saved Local Plan Policy EN13 will be a consideration in the determination of the application. Policy EN13 seeks to strictly control development in the countryside. However, a number of provisions are made within this policy to allow certain types of development where they do not harm the character of appearance of the countryside; this list includes 'sport or recreation'. The proposal is in general conformity with saved Local Plan Policy EN13.

### Provision of Open Space

The National Planning Policy Framework (paragraph 74) states that '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.'

In Stockton's case, the assessment referred to is the PPG17 Assessment, which forms Appendix 6 of the Open Space, Recreation and Landscaping SPD. This is also enshrined in point 3 of adopted Core Strategy policy CS6 'Community Facilities'. The SPD does not identify any land that is surplus to requirements and sets out that where provision is well above the minimum standard for a particular type of space, land should be considered for providing a different type of open space where the standard is not yet met rather than being developed for alternative uses. This is referred to as the 'cascade approach'.

The proposal constitutes the development of a MUGA on an area of land identified as amenity green space within the open space audit. The proposal is for an alternative recreational provision which will supplement the existing play area to the north west of Stillington and is therefore in general conformity with both national and local policy.

#### Summary

The proposal is in general accordance with the development plan.

#### **PUBLICITY**

Neighbours were notified and no responses have been received

#### **PLANNING POLICY**

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 Stockton on Tees Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

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**

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.

#### **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.

#### Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.
2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.
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.
4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.
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.

#### 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**

5. 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.

#### **Principle of development**

6. The proposed MUGA is located on an existing area of defined urban open space. The submitted Design and Access statement states that there is a lack of facilities for ball sports

in Stillington. There has been consultation with the local community and the applicant has stated that there have been a number of positive comments. Furthermore, Stillington and Whitton Parish Council give full support to this application, stating that members feel that a MUGA in this location will be a real asset to the Parish and will be appreciated by local people.

7. The site is located outside the limits to development. Therefore saved Local Plan Policy EN13 is a consideration in the determination of the application. Policy EN13 seeks to strictly control development in the countryside. However, a number of provisions are made within this policy to allow certain types of development where they do not harm the character of appearance of the countryside; this list includes 'sport or recreation'. It is considered the proposal is in general conformity with saved Local Plan Policy EN13.
8. The National Planning Policy Framework (paragraph 74) states that '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.'
9. In Stockton's case, the assessment referred to is the PPG17 Assessment, which forms Appendix 6 of the Open Space, Recreation and Landscaping SPD. This is also enshrined in point 3 of adopted Core Strategy policy CS6 'Community Facilities'. The SPD does not identify any land that is surplus to requirements and sets out that where provision is well above the minimum standard for a particular type of space, land should be considered for providing a different type of open space where the standard is not yet met rather than being developed for alternative uses. This is referred to as the 'cascade approach'.
10. The proposal constitutes the development of a MUGA on an area of land identified as amenity green space within the open space audit. The proposal is for an alternative recreational provision which will supplement the existing play area to the north west of Stillington and is therefore in general conformity with both national and local policy.
11. 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 policies CS3 and 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**

12. The MUGA will be located on land which is currently defined as urban open space and currently has football facilities. The Council's Environmental Health Unit has been consulted on the application and has no objections Planning policy within core strategy policy CS6 and CS10 seeks to enhance such community facilities. As such it is considered that the proposal will not result in a change in the character of the use of the area and therefore would not result in any significant detrimental impact upon the amenity of neighbouring properties.

13. The closest residential property is located to the north east of the proposed location of the MUGA. This rear boundary of this neighbouring property is situated approximately 50 metres from the proposed MUGA. Furthermore the neighbouring residential properties are already screened by their boundary treatments which enclose the rear gardens of surrounding properties and consist of fences primarily of a close boarded nature. The residential properties are also located at a higher ground level to the proposed MUGA which will contribute in reducing the visual impact when viewed from neighbouring properties.
14. In view of the separation distances to residential properties, the modest design and scale of the proposal and the fact that the MUGA will be sited within an 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.
15. The proposed development does not include a floodlighting 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.

#### **Character of the Surrounding Area**

16. The scale of the proposed MUGA is considered to be of an appropriate size and scale in relation to the wider site. The Head of Technical Services has stated there are no landscape and visual issues associated with this development. Furthermore, the site at a lower level to the entrance to the open space which will also assist in reducing any visual impact.
17. 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**

18. The Head of Technical Services has stated this proposal is intended to serve local residents and it is likely that many will walk to the site. As there are no highway objections it is considered that the proposal will not result in any adverse impact upon highway safety.

#### **Matters of Flooding**

19. Part of the proposed MUGA will be located in a flood zone; the Head of Technical Services has stated this is not considered a problem in respect of the anticipated use of the site.
20. Furthermore, the use is classed as 'water compatible' development by the Environment Agency and the materials used for the 'pad' are to be porous. It is considered that the proposal is acceptable in terms of flood risk.

#### **CONCLUSION**

21. It is considered that the proposed scheme is in accordance with the National Planning Policy Framework and the Adopted Stockton on Tees Core Strategy Policies CS3, CS6 and CS10 is therefore recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

**WARD AND WARD COUNCILLORS**

**Ward Western Parishes  
Ward Councillor Councillor Andrew Stephenson**

**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.