

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
12 April 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/0315/LA

**Harold Wilson Recreation Centre, Thornaby Road, Thornaby
Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure.**

Expiry Date: 14 April 2023

SUMMARY

Planning permission is sought for the creation of a multi-use games area with associated enclosure.

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".

No objections have been received from neighbouring residents or statutory consultees subject to a number of conditions.

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 national and local plan policies and as such is recommended for approval.

RECOMMENDATION

That planning application 23/0315/LA be approved subject to the following conditions and informatives;

Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Reference Number	Date Received
A10577-HW-002	17 February 2023
A10577-HW-001	17 February 2023
A10577-HW-003	17 February 2023

Reason: To define the consent.

03 Construction activity

No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00a.m on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

04 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason; To ensure that any unexpected contamination is dealt with appropriately

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

BACKGROUND

1. The Council has received Section 106 funding from the housing development at Cayton Drive (Planning Ref; 15/1466/OUT). The S106 states that *'such sum to be used towards extension works to the Thornaby Allotments and/or MUGA at Harold Wilson Playing Fields, including an extension to the play area and/or an extension to the changing facilities at the Harold Wilson Playing Fields to increase capacity or any other open space, recreation or landscaping scheme that serves the needs of the Development'*.
2. Therefore, in consultation with ward councillors, an appropriate portion of the s106 capital is allocated to the development of the MUGA at Harold Wilson centre.

SITE AND SURROUNDINGS

3. The Harold Wilson Centre is located in the South West of Thornaby adjacent to the A1045 and Bader Avenue.
4. The proposed location for the MUGA, is on an existing area of Tarmac surfacing, to the south of the site which is currently used for informal sports.

PROPOSAL

5. Planning permission is sought for the provision of a MUGA (Multi Use Games Area) which will be built on an existing Tarmac surface, measuring approximately 28 metres x 20 metres.
6. The MUGA enclosure is manufactured out of steel and mesh and will be completed with the following
 - Two goal ends stepping down from a height of 3m at the middle to 1.2m at the corners
 - Two 1.2m high mesh fencing running along both sides to the goals

- Two centre chicanes, allowing easy ingress and egress
- White Ground graphics for Football and Basketball

7. The Design and Access Statement accompanying the application states that the position of the MUGA is compliant with the Fields in Trust recommendation that such a facility should be located a minimum of 35 metres away from residences.

CONSULTATIONS

8. Consultees were notified and the following comments were received.

9. Highways Transport & Design Manager

The Highways Transport and Design Manager raises no objections to the proposals.

Landscape & Visual Comments

The Highways Transport and Design Manager raises no landscape and visual objections to the proposed modification to create a multi use games area on the site

10. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- Construction/ Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

- MUGA and Sports Playing Pitch

I have checked the additional documentation provided in regards to the Noise Assessment Statement and agree that the information has covered my concerns for this application, Environmental Health would have no objection in the principal of this development

- Land Contamination

A search of our land quality records shows that the site was previous military land (circa 1954) and is considered low risk. I would recommend the unexpected land contamination condition is imposed in the event of unexpected contamination being found

11. Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and against its own playing fields policy, which states:

'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 which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that 'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.'

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

12. Northern Gas Networks
No Objection

PUBLICITY

13. Neighbours were notified and no following comments were received.

PLANNING POLICY

14. 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 Borough Council Local Plan 2019.
15. Section 143 of the Localism Act came into force on the 15 January 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 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.

National Planning Policy Framework

16. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
17. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Paragraph 99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) 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
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Local Planning Policy

18. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and

h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.
2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.
3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:
 - a. it has been demonstrated to be surplus to requirements; or
 - b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
 - d. the proposal is ancillary to the use of the open space; and
 - e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.
2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.
3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:

- a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

19. The main material considerations when assessing this application are the principle of development, character of the surrounding area, potential impact upon the amenity of neighbouring properties, and any other residual matters.

Principle of development

20. The MUGA is located on an existing area of tarmac within an area designed as playing fields. The development provides formal facilities which will include markings for various games.
21. The National Planning Policy Framework encourages access to open spaces for sport and recreation and policies are generally supportive of improving the facilities available to residents.
22. Sport England have been consulted and raised no objection to the use of the land in the manner proposed.
23. In view of the above policy considerations and given that the area of land is currently used as part of a defined area it is considered that the development is within a suitable location and the principle of development is acceptable.

Character of the Surrounding Area

24. The development site is within an existing facility used for general sport. It is considered that the scale of the proposed development is an appropriate size in relation to the wider open space and will be built on the site of the existing facilities. The enclosure of the MUGA will be through the provision of a 1.2 metre high fence along the sides with higher fencing at either end. As such the proposal is considered to be of a modest scale
25. The Highways Transport and Design Manager has commented from a landscape aspect and raises no landscape or visual objections to this development.
26. 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.

Amenity of Neighbouring Properties

27. No objections have been received and given the use of the land already exists it is considered that the improvements as proposed will have no impact on the neighbours over and above what already is in place.
28. 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.

Other matters

29. The Highways Transport and Design Manager raises no highway objections, it is therefore considered that the proposal will not result in an adverse impact upon highway safety.
30. A condition has been recommended to ensure that any contamination, if encountered, is appropriately dealt with.

CONCLUSION

31. Overall, it is considered that the proposed development is an appropriate scale and design for its setting and the proposal would not result in any unacceptable impacts on the residential amenity of neighbouring properties.
32. In view of the above it is considered that the proposal accords with the provisions of the National Planning Policy Framework and the local plan policies it is recommended that the application be approved with conditions.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Village
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Financial Implications: See Report

Environmental Implications: See 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.

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

National Planning Policies Framework
Stockton on Tees Local Plan
Application File