

**DELEGATED**

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

**23/0057/LA**

**Playground South West Of 2 To 16 Mount Pleasant Walk Stillington  
Application for the construction of new Multi Use Games Area (MUGA) with associated enclosure and 6no floodlights**

**Expiry Date** 12 April 2023

**SUMMARY**

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

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 Parish Council has written in support of 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 proposed scheme is considered to satisfy National and Local Plan policies and as such is recommended for approval.

**RECOMMENDATION**

**That planning application 23/0057/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);

<b>Plan Reference Number</b>	<b>Date Received</b>
UDN_2074_07	25 January 2023
UDN_2074_06	19 January 2023
UDN_2074_10	19 January 2023
SLDS-3769-V1A	12 January 2023

TS/10088/102/1304A	12 January 2023
UDN-2074-04 REV D	12 January 2023
UDN_2074_05	12 January 2023
UDN_2074_05 REV A	12 January 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 Multi Use Games Area Lighting - Hours of use**

Notwithstanding details hereby approved, the lighting scheme hereby approved which relates to the Multi Use Games Area shall only be used between the hours of 4pm - 10pm.

Reason: In order to limit disturbance through light pollution.

## **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. In 2017, Stillington and Whitton Parish Council developed a Community Plan that would establish a vision for the future of the Parish over the next 5 – 10 years. An integral part of that plan was to develop recreational facilities for children and young people throughout the parish, including the installation of a Multi-Use Games Area at Mount Pleasant.
2. The MUGA has previously had planning consent (App No. 13/2609/FUL) but was not delivered due to lack of funding.
3. With s106 resources from the nearby Jasper Grove development (17/2912/FUL) Stockton Council has now received the final payment from the developer that enables the delivery of the Multi Use Games Area in the open space at Mount Pleasant, Stillington.

## **SITE AND SURROUNDINGS**

4. The application site forms part of a large area of open space adjacent to the south west of Mount Pleasant Walk , which is accessed by a footpath leading out to the village.
5. The location of the MUGA is such that it is as far away from houses as practical, and Design and Access Statement accompanying the application states the distances are compliant with the Fields in Trust recommendation in that such a facility should be located a minimum of 35 metres away from residences.

## **PROPOSAL**

6. Planning permission is sought for the installation of a MUGA (multi use games area) which will be built on to a new porous Tarmac Pad measuring approximately 28 metres x 20

metres. 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 application includes the provision of six, 8 metre high light columns which will enable the MUGA to be used for extended hours, particularly during the winter months, and the lighting will be switched off no later than 10pm.
8. Access to the site will be from Mount Pleasant Grove. A haul road may be required during the construction phase and there is also a requirement to provide a footpath access from Mount Pleasant Road which will be lit, the basis of this will be the proposed haul road, utilising the initial construction works for access to the site and once work is complete the new access path will be constructed and land restored to its former condition.

### **CONSULTATIONS**

9. Consultees were notified and the following comments were received.
10. Highways Transport & Design Manager  
Highways Comments - There are no highway objections to the proposed MUGA and 6no floodlights.  
Landscape & Visual Comments - There are no landscape and visual objections to the proposed MUGA and floodlighting south of Mount Pleasant Grove.
11. Environmental Health Unit  
I have checked the additional documentation provided in regard 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
12. 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 well used and appreciated by local people. One of the main outcomes of a community planning exercise completed in the Parish in 2019 was a desire for the provision of more activities for the younger members of our community. Another high priority was for additional facilities within walking distance for the majority of residents in the Parish that will provide opportunities for improved health and wellbeing. The proposed MUGA will meet all of these needs.

### **PUBLICITY**

13. Neighbours were notified and no 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 4 (SD4) - Economic Growth Strategy**

18. The Council will support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it:

- a. Is necessary for a farming or forestry operation; or
- b. Provides opportunities for farm diversification; or
- c. Provides opportunities for equestrian activity; or
- d. Is a tourism proposal requiring a rural location; or

#### **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.
  - e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
  - f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
  - 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.
2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
  - a. Directing development in accordance with Policies SD3 and SD4.
  - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
  - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
  - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

#### 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 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and
- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

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.

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, flood risk and any other residual matters.

#### **Principle of development**

20. The proposed MUGA is located on an existing area of open space which is already used for informal recreation.
21. The submitted Design and Access statement states that there is a lack of recreational facilities in Stillington. There has been consultation with the local community and in 2017 Stillington and Whitton Parish Council developed a Community Plan that would establish a vision for the future of the Parish over the next 5 - 10 years. An integral part of that plan was to develop recreational facilities for children and young people throughout the parish, including the installation of a Multi-Use Games Area at Mount Pleasant.
22. 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.
23. The site is located outside the limits to development however, a number of provisions are made in the local plan to allow certain types of development where they do not harm the character of appearance of the countryside; this list includes 'sport or recreation' and it is considered the proposal is in general conformity with Local Plan Policies.
24. The National Planning Policy Framework encourages access to open spaces for sport and recreation and local plan policies are generally supportive of improving the facilities available to residents.
25. Overall, it is considered that there are no planning policies which would render the application as unacceptable and it is considered that the development is within a suitable location and the principle of development is acceptable.



### Character of the Surrounding Area

26. The development site is part of an existing area used for an informal recreation. It is considered that the scale of the proposed development is an appropriate size in relation to the wider open space. The enclosure of the MUGA will incorporate 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
27. The Highways Transport and Design Manager has commented from a landscape aspect and raises no landscape or visual objections to this development.
28. 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

29. No objections have been received and given the use of the land already exists for open space and recreation it is considered that the development as proposed will not have a significant adverse impact on the neighbours, the nearest of which is over 80 metres away.
30. A noise assessment accompanies the application which has been received by the Council's Environmental Health Unit and raised no objections.
31. The proposal includes the provision of light columns, and it is considered reasonable to control the hours of operation of these lights to prevent any significant intrusion to neighbouring properties. In addition, a condition to control the hours of construction has been recommended.
32. With these controls 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.

### Flood Risk

33. Part of the proposed MUGA will be located in a flood zone. 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.

### Other matters

34. The Highways Transport and Design Manager raises no highway objections, it is therefore not considered that the proposal will not result in an adverse impact upon highway safety.

## **CONCLUSION**

35. 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.
36. 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 Western Parishes**

**Ward Councillor Councillor Steve Matthews**

**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 Policy Framework  
Stockton on Tees Local Plan  
Application File