

COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel
Reference: 22/00787/GRG3
Application at: Fishergate CP School Fishergate York YO10 4AF
For: Installation of enclosed Multi Use Games Area pitch to playing field at rear of school
By: Fishergate Primary School
Application Type: General Regulations (Reg3)
Target Date: 30 November 2022
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application site is at Fishergate Primary School. Access to the school is from Escrick Street.

1.2 The applicant seeks consent for the installation of an enclosed multi-use games area (MUGA) to be located within the playing field towards the rear of the site.

1.3 The relevant property history is as follows;

13/03898/FUL - Erection of gazebo on school playing field. Permission granted.

The Council previously granted planning permission for the erection of a gazebo on the playing field which would be used as an external classroom and for events on the playing field. This was on the area where the football pitch is marked out. It would appear that this consent was not implemented.

2.0 POLICY CONTEXT

Development Control Local Plan (2005)

GP1 – Design

ED11 – Protection of Playing Fields

D1 – Placemaking

GI15 – Protection of Open Space and Playing Fields

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development Team (City Archaeologist)

3.1 Recommends a watching brief informative.

Public Protection

3.2 The Council has not received complaints from similar MUGA developments, and the site is an established school where a level of noise is expected. General guidance suggests MUGAs should be 30m from the nearest residential property. A noise impact assessment may be required if the MUGA was to be used outside of typical school opening days/hours, this should be conditioned. A condition could also be attached stating the MUGA is 30m from the nearest residential property, although the current scheme is 22m from the nearest dwelling.

EXTERNAL

Sport England

3.3 Objects. The MUGA would encroach onto a 7v7 football pitch and result in its loss. The MUGA does not meet FA standards to be used as a formal football pitch and is less flexible than an open playing field so its use for other sports is limited. Recommends that the pitch be amended in size with the addition of floodlights to meet the required standards, or the application be withdrawn. The application is contrary to the NPPF, particularly paragraph 99. Upon re-consultation and further discussion Sports England maintain its objection.

4.0 REPRESENTATIONS

Neighbour Notification/Publicity

4.1 One response received raising supporting the creation of the MUGA in principle, but requests full consideration is given to potential for noise. Melbourne Court and Melbourne Street should be well shielded, the only residents potentially affected will be the nearest on Escrick Street. Can see no lighting is proposed.

5.0 APPRAISAL

PLANNING POLICIES

National Planning Policy Framework 2021 (NPPF)

5.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users. In addition, this emphasis on positive design is supported by Part 12 of the NPPF; Achieving well designed places.

5.3 Also of relevance to this application is Part 8 of the NPPF which outlines the approach that should be taken to ensure healthy and safe communities and within this are paragraphs relating to open space and sports/recreation facilities.

Publication Draft Local Plan 2018 ('2018 Draft Plan')

5.4 The policies contained within the 2018 Draft Plan can be offered some weight depending on the stage of preparation at which the plan is at; the extent to which there are unresolved objections to relevant policies; and the degree of consistency relevant policies have with the NPPF. Policy GI15 states that development proposals which would harm the character of, or lead to the loss of, open space of environmental and / or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.

Development Control Local Plan 2005 (DCLP)

5.5 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. Policy ED11 relates to school playing fields and states that “the loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist.” Further text states that the loss of playing fields can be harmful to schools and pupils. The primary role of playing fields is for outdoor recreation and sport at schools and in considering its loss, what the replacement use would be is therefore relevant. Policy ED11 appears to apply most strongly to the loss of playing fields and replacement with a use that would restrict or remove a recreational use at the school.

KEY ISSUES

5.6 The key material considerations to be assessed will be the impact on residential amenity, the design of the development and the principle of the development in relation to the potential loss of open space, impact on heritage assets.

Loss of playing field

5.7 An objection has been raised by Sport England that the proposed MUGA would result in the loss of an identified sports playing pitch. Policy GI15 of the 2018 Draft Plan and ED11 of the DCLP resist the loss of playing fields. Both policies require provision. Paragraph 99 of the NPPF states the following:

“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.”

5.8 The proposed MUGA is located on a section of the school’s rear playing field adjacent to the car park adjacent to an area where there is a vegetable patch and

wildlife area. While the MUGA would result in the loss of a section of grass playing field, it would create a facility that would be used for recreation and leisure within the school site. The all-weather surfacing would also ensure that the facility would be available for outdoor sports during winter months. The majority of the grass playing field would remain. As such, it is considered that the MUGA would provide alternative sports and recreational provision, the benefits of which would outweigh the loss of a small area of grass playing field.

5.9 The football pitch shown on the satellite images and presently marked out on the school playing field is currently used solely by the school itself. Sport England reference the loss of a 7v7 football pitch, which they also state should measure 55m by 37m (excluding run off space), but from measuring the currently marked pitch this does not meet these standards at the moment. The width of the pitch has been measured at 26m. The proposed MUGA does not build over the entirety of the marked football pitch with the encroachment measured to be approximately 2.5m along the south side of the pitch. It would appear that the pitch could also be reorientated to reduce this encroachment further, and a large, grassed space capable of supporting a football pitch would remain at the site. Whilst the MUGA may result in a minor reduction in size of the current pitch, the MUGA would provide facilities for outdoor recreation in poorer weather conditions which may improve the quality of outdoor recreation possible at the school. Overall, the proposed development is deemed to not conflict with paragraph 99 of the NPPF or the aims of Part 8 of the NPPF as a whole.

Residential amenity

5.10 The residential properties on Melbourne Street and Cemetery Road are well shielded from the site by the large buildings located between the school and these properties. There is a terrace of dwellings on Escrick Street that are closer to the proposed development and these currently face directly towards the school site. The nearest dwelling on Escrick Street to the proposal is approximately 22m away.

5.11 The MUGA is located within a school site and on the playing field where a reasonably high level of noise can be expected by residents who live in the vicinity of the site. The MUGA does not include floodlights and so whilst its use may be more intensive than the playing field it is unlikely to be used at materially different times than existing.

5.12 The development is not considered likely to significantly alter the demand for parking at the site.

Design and visual amenity

5.13 The MUGA measures 20m by 15m with 2m high fencing around its perimeter. It is of typical design for such a facility and will not look out of place in a school setting. It is located in the rear playing field and is appropriately placed within the site and will have no negative impact on the visual amenity of the site when viewed from the public highway.

Impact on Heritage Assets

5.14 The school building is listed Grade II. The two storey brick building is by WH Brierley for the York School Board and was built 1893-95. The school playing field has formed part of the school since at least the 1960s but is outside of the original curtilage of the school which is delineated by a brick boundary wall. The main school building, but not the playground or playing field is within the Conservation Area. The pavilion-style building within the original school-yard is considered to be curtilage listed. Due to the design and location of the proposal it is not considered that there would be any harm to the setting of the listed building or other curtilage listed structures, nor the setting of the Conservation Area.

6.0 CONCLUSION

6.1 Having carefully assessed the proposed development, all material planning considerations and all representations received, it is considered to represent an appropriate form of development in this location that will not result in harm to the amenity of residents, the setting of heritage assets or be harmful to the provision of recreation spaces in the area.

6.2 In accordance with statutory requirements, Sport England have been consulted. The unresolved Sport England objection means that the provisions of The Town and Country Planning (Consultation) (England) Direction 2021 apply. The Direction requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. Should members be minded to grant permission the application is required to be referred to the Secretary of State before a decision can be issued.

7.0 RECOMMENDATION: Approve after referral to Secretary of State

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Site Location Plan 190024.10, Proposed Site plan 190024.11, both received on 11/04/2022; Proposed Layout Plan 2806-01, Proposed Elevations 2806-01, 2806-03, 2806-04, 2806-05, 2806-06, all received on 28/04/2022.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT

This development lies within the Area of Archaeological Importance designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The owner must serve an Operations Notice to York Archaeological Trust under Section 35 of the 1979 Ancient Monuments and Archaeological Areas Act at least 6 weeks prior to development commencing. The Operations Notice can be downloaded from City of York website.

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