

<b>No.3</b>	<b>APPLICATION NO.</b>	2018/0619/FUL
	<b>LOCATION</b>	Elm Tree Community Primary School Elmers Wood Road Skelmersdale Lancashire WN8 6SA
	<b>PROPOSAL</b>	Proposed multi use games area (60 x 40m) for use by pupils of the school, including provision of perimeter fence.
	<b>APPLICANT</b>	Mr Chris Owens
	<b>WARD</b>	Tanhouse
	<b>PARISH</b>	Unparished - Skelmersdale
	<b>TARGET DATE</b>	22nd August 2018

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## **1.0** **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme however former Councillor Pendleton requested it be referred to Committee to consider loss of amenity, impact on parking and floodlighting.

## **2.0** **SUMMARY**

- 2.1 The proposed development is acceptable in principle. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the area or on the amenity of neighbouring properties. The development would not result in any additional adverse impact on highway safety or on flooding/drainage within the local area. The proposed development is considered to be compliant with the NPPF and Policies EN3 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0** **RECOMMENDATION** - **APPROVE with conditions.**

### **4.0** **SITE DESCRIPTION**

- 4.1 Elm Tree Community Primary School is sited to the east of Elmers Wood Road and comprises of the school building and associated playing fields to the north. The two parts of the site are clearly defined with the open school fields being separated from the buildings by a mesh security fence.
- 4.2 The playing field is approx. 95m x 70m. Immediately to the north of the field is cul-de-sac of residential bungalows. The nearest property is located approx. 2m from the boundary. Further residential properties are located to the west of Elmers Wood Road approx. 15m from the front boundary of the site.

### **5.0** **PROPOSAL**

- 5.1 The application proposes the construction of a Multi-Use Games Area (MUGA) on the existing school playing field for use by pupils of the school. The MUGA would be located adjacent to the existing mesh fencing close to the school building. It would measure 40m x 60m and would be surrounded by fencing on all sides.
- 5.2 The application also proposes a temporary access from Elmers Wood Road. This would be used during the construction period and re-instated on completion.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2017/1241/FUL - Proposed new multi-use games area including fencing, floodlighting and car park - Refused
- 6.2 LCC/2017/0018 - County Matter - Erection of two single storey demountable units to provide classrooms for a temporary period of 5 years - No objection
- 6.3 LCC/2015/0105 - County Matter - Variation of Condition 3 of planning permission LCC/2015/0068 to allow the use of the modular building for a period of 5 years - No objections
- 6.4 LCC/2015/0068 - County Matter - Installation of a modular building to be used for offices and classrooms for a period of 5 years - No objection
- 6.5 LCC/2015/0032 - County Matter - Installation of modular building and access ramp - Objections raised
- 6.6 2012/0269/LC3 - County Matter - Replacement of two single glazed windows with two larger windows to match the existing elevations and the erection of a canopy to the rear of the school to provide a covered play area - No objection
- 6.7 2011/0762/CMA - County Matter - Erection of a 12m high radio mast with antenna receiver to provide internet service for schools - No objection
- 6.8 2008/0094/LC3 - County Matter - Erection of a garage, provision of a toy store and erection of 2.4m high mesh security fencing to perimeter of the playing field - Objections raised
- 6.9 1998/1053 - County Matter - Erection of 2.4m high fence - No objections
- 6.10 1990/1212 - County Matter - Erection of replacement Junior and Infant School - No objections

## **7.0 OBSERVATIONS OF CONSULTEES**

### **7.1 Environmental Health Officer**

I have no objection to the application in principle. The application is for a large Multi-use Games Area (MUGA) on a field to be located close to residential properties on Evington and Elmers Green. It is of an improved location compared to the recent planning application 2017/1241/FUL. It has been distanced from the bungalows on Elmers Green, and this suggests it will be about 33 metres from the boundary with 22 Elmers Green (house and rear garden) rather than the previous 9 metres. The re-orientation suggests the goal ends for the larger pitch will be on the north and south boundaries. The application states proposed hours of use as 0900 – 1700 Monday to Friday.

I would have no objection to the MUGA in this location for the school's use for school hours and the typical 'after-school' hours, so the proposed hours of 0900 – 1700 are acceptable. This reduces the noise concerns with the intensive use that was suggested in 2017/1241/FUL. There would be noises created that are different from an ordinary playing field such as impact sounds from balls hitting the goal board, perimeter boards and catch fencing, but restricted to school use and school time they would not be intensive or in the evening or weekends. The sports played will vary and will not all involve balls. The

application states that they propose to use rebound fencing that is quieter than other types of fencing.

There is no additional car park proposed.

I recommend that a condition restricting the hours of use is attached to any planning permission.

## 7.2 LCC Highways

The proposed multi use games area will be located on existing school playing fields. Provided the use is restricted to use by school pupils only as indicated by the applicant and by the opening times (9.00am – 5.00pm) the Highway Authority do not consider this would attract additional parking.

Lancashire County Council have recently received complaints regarding parking on Elmers Wood Road to the front of the school however when visited on several occasions by a traffic engineer the parking was not found to be excessive but it was found that there were no "School Keep Clear" markings on the carriageway. The Highway Authority have now arranged for new "School Keep Clear" marking to be provided at this location.

No objections in principle to the application subject to conditions.

## 7.3 United Utilities - Drainage conditions recommended.

## 8.0 OTHER REPRESENTATIONS

### 8.1 Letters of representation have been received which can be summarised as:

Impact on parking levels/traffic - Current parking/traffic issues caused by the school will be made worse by this proposal;

Noise issues caused by users of the site;

Concerns about the level of use particularly from users outside the school;

The proposal seems to be out of context for the size of the primary school;

No objection in principle but hope that the proposal would not increase the parking problem;

Consider the site would no longer be pleasant and green but dominated by concrete buildings and surfaces.

## 9.0 RELEVANT PLANNING POLICIES

### 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

#### **National Planning Policy Framework**

Promoting healthy and safe communities

Achieving well-designed places

#### **West Lancashire Local Plan Policies**

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN3 - Provision of Green Infrastructure and Open Recreation Space

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

10.1 The main considerations for this application are

Principle of Development  
Design/Layout  
Impact on residential amenity  
Highways  
Drainage

### *Background*

10.2 Application ref: 2017/1241/FUL was refused on 7th February 2018 for the following reasons:

*1. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 in that it fails to demonstrate that, as a result of noise and light spillage, the development would not have an adverse impact on neighbouring properties to the significant detriment of the residential amenity of occupiers of those properties.*

*2. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' (Jan 2008) in that, by virtue of the scale and position of the car park, fencing and floodlighting, it would result in the loss of a significant area of open space to the detriment of its open character.*

10.3 The current application has been submitted following pre-application discussions and aims to overcome the reasons for refusal. The siting of the MUGA has been changed and aspects of the scheme have been removed including a car park and floodlighting for the MUGA.

### *Principle of development*

10.4 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

10.5 Policy EN3 is relevant to this application. The location for the MUGA is an existing school playing field which is classed as Open Space/Sports and Recreation Facilities. The loss of such facilities will only be permitted if one of the conditions are met. Due to drainage issues the school field is unusable at certain times of the year. The proposed surfacing and drainage would relieve this issue and allow the playing area to be used at all times during the school year. It is my view that as the development would still allow the space to be used for recreation purposes the proposal would comply with the requirements of policy EN3.

### *Design/Layout*

10.6 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

- 10.7 The site is located close to the entrance to the Elmers Green estate and in its current form enhances the character of the local area by providing an attractive green open space and focal point to the estate. The proposed MUGA would be located in the corner of the field adjacent to an existing fence line and hedgerow. Whilst the proposed fencing and hardsurfacing would be visible from public vantage points it is my view that the impact on the character and appearance of the area would not be harmful.
- 10.8 The reinstatement of land following the removal of the construction access offers an opportunity for landscape enhancement along with some additional screen planting as shown on the site layout. A suitable condition can be imposed to require re-instatement details and full landscaping details to be submitted to and agreed with Council officers.
- 10.9 It is my view that the proposal would comply with the requirements of policy GN3.

*Impact on residential amenity*

- 10.10 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.11 The submission confirms that the MUGA would only be used by pupils of the school between the hours of 9am and 5pm. This would allow for extracurricular activities to take place at the end of the school day.
- 10.12 Since the previous application the siting of the MUGA has been altered and at its closest point the MUGA would now be more than 30m from the nearest residential property. In addition the floodlighting has been removed from the scheme. A condition can be imposed to ensure that no floodlighting is erected at a later date without consent from the Council.
- 10.13 I note that the current use of the land as a school field is unrestricted and therefore at present it could be used at all times of the day including for after school activities. Having regard to the current situation it is my view that given this position and the design of the facility or the use of the MUGA by school children during the times stated would not have a detrimental impact on the amenity of neighbouring residents. The proposal would therefore comply with the requirements of policy GN3 1(iii).

*Highways*

- 10.14 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards.
- 10.15 I note that significant concerns have been raised regarding existing parking and traffic issues within the local area and whether the proposed development would exacerbate the problems.
- 10.16 It is my view that use of the MUGA by school children for the hours stated would not result in a need for any additional car parking spaces. I have consulted the Highway Authority who have confirmed that the development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
- 10.17 The development involves the creation of a temporary access to allow construction traffic to access the site separately from the pedestrian and existing car park access. The Highway Authority have advised that the access would need to be constructed under a legal agreement however there is no objection to the principle of the works.

10.18 I am satisfied that the development would comply with the requirements of policies GN3 and IF2 of the Local Plan.

### *Drainage*

10.19 Full details of the drainage system and attenuation measures to be installed have been submitted as part of the application. The Council's drainage engineer has assessed the proposal and considers the details acceptable.

## **11.0 CONCLUSION**

11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval, subject to the following conditions.

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Site location plan, block plan and plans named 'Outlet plan', 'Site Layout revision 4', 'Ground Construction Detail' and 'Fence elevation drawing' received by the Local Planning Authority on 27th June 2018.
3. The hereby approved Multi-Use Games Area shall only be used between the hours of 09.00 and 17.00 Mondays to Fridays and at no other time.
4. No floodlighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been submitted to and approved in writing by the local planning authority. All lighting shall be installed and maintained in accordance with the agreed scheme.
5. Before any other part of the development is commenced all the highway works within the adopted highway/verge shall have been constructed in accordance with a scheme that shall first be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
6. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
7. Before the first use of the Multi-Use Games Area a landscaping scheme, which includes details of the re-instatement of the land used for the temporary access, shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is first brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The developer is advised to contact the County Council as Highway Authority to discuss an appropriate Legal Agreement. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area West) on 0300 123 6780, or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)
2. United Utilities have advised that a trunk main borders the site and a water main crosses the site. The developer is advised to contact United Utilities directly on [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk) to discuss any impact this may have on the approved development.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN3 - Provision of Green Infrastructure and Open Recreation Space

IF2 - Enhancing Sustainable Transport Choice

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.