

**Development Control (Hetton, Houghton and Washington)
Sub-Committee**

16 July 2014

REPORTS FOR CIRCULATION

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

Hetton, Houghton &
Washington

S2	Land North And West Of North East Aircraft Museum, Washington Road, Usworth, Sunderland, SR5 3HZ
S4	Land South East Of Pattinson Road Pattinson Industrial Estate Washington
S6	Easington Lane Primary School, High Street, Easington Lane

Number:	S2
Application Number:	13/03740/LP4
Proposal:	Change of use of open land to form part of museum site, to include erection of 2.4 metre high palisade fencing.
Location:	Land North and West Of North East Aircraft Museum, Washington Road, Usworth, Sunderland, SR5 3HZ

As set out in the main Committee report in connection with this application:

- Impact on playing field land.
- Highway Issues.

are considered to be acceptable.

The issues which remained under consideration at the time of preparation of the main report are as follows:

- Principle of the Development.
- Siting, design and amenity issues.
- Other Issues raised in objection.

Principle of the Development

As set out in the main agenda report, site specific policy WA3.1 identifies that proposals which allow the enhancement of the visitor facilities at the Museum will be encouraged. The key consideration is in respect of the appropriateness of the proposed change of use of the former bowling green to the north of the site and the presently unused land to the west of the site into the grounds of the Museum with regard to Green Belt policy.

In this regard and having consideration to the commitment identified in the UDP to encourage the enhancement of the Museum, it is considered that the proposal is appropriate given the nature of the proposed use of the land. The land is presently disused and the proposal would see it brought back into a beneficial use for outdoor recreation in association with the Museum. This is based on the description of the proposed use of the land supplied by the applicant that it will be used to allow visitors to the Museum more space to enjoy the site and that no permanent visitor displays or exhibits would be positioned on the presently open land which is to be enclosed. The latter can be ensured through imposition of a condition should Members be minded to Grant Consent for the proposal.

For the reasons set out above, it is considered that the proposed change of use of land to allow it to form part of the Museum's curtilage is acceptable in principle with regard to National and Local Green Belt policy and also the site

specific UDP policy which seeks to encourage the enhancement of the Museum.

Siting, design and amenity issues

The main physical change proposed by this application is the realignment and extension of an existing palisade fence to allow the area of land north-west of the Museum to be enclosed into the site. The visual impact of this would be a palisade fence running on a north-south alignment as opposed to the present east-west alignment. The applicant has advised that all other fences surrounding the land to which the application relates would remain unchanged.

In considering the visual impact, it is noted that the realigned fence would be viewed against the backdrop of a hedge which stands on the land to be enclosed as part of the Museum, which the applicant has advised will remain in situ and beyond this are the existing rear fences of the dwellings at Usworth Cottages. Viewed against this backdrop, the proposed new fence is considered to be appropriate in visual terms, subject to the imposition of a condition requiring the retention of the existing hedge as a green backdrop when viewed from the east. It is also recommended that a condition be imposed preventing the erection of any further new fences or enclosures surrounding the land which is to be enclosed without the Council first granting consent. A further condition should be imposed requiring full details of the proposed new car parking area, including detailed layout and surfacing to be submitted and approved prior to the commencement of development.

In terms of residential amenity, it is noted that the land to be enclosed as part of the Museum site stands immediately adjacent to the boundaries of 1-5 Usworth Cottages and The Chalet. Whilst the close proximity to these existing dwellings is noted, the applicant advises that whilst the land will be available to visitors to the Museum at all times during opening hours, days on which it will see most use will be limited to special event days. It is considered that the limited nature of the proposed use would limit the impact of the proposal upon the amenities of adjacent residents to the point whereby a refusal of planning permission on such grounds could not be justified. It is considered that the impact upon the amenities of adjacent residents can be further limited through the imposition of a condition preventing the placing of any permanent displays or exhibits on the land to be enclosed without the prior written consent of the Council.

For the reasons set out above, it is considered that the proposed change of use of land to allow it to form part of the Museum's curtilage is acceptable in terms of its impact on visual and residential amenity with regard to the relevant planning policies.

Other Issues raised in objection

Discussions have been held with the writer of the main agenda report and it seems that the objectors had not seen the plan which shows the existing and proposed fencing arrangements around the site and that only one new fence

would be erected, crucially leaving the fence to the rear of Usworth Cottages unaltered. Subject to the imposition of a condition preventing the erection of any additional fencing on or around the land to be enclosed without the prior consent of the Council, it is considered that the planning concerns raised by the objectors have been adequately addressed such that a refusal of planning permission could not be justified.

Conclusion

In light of the above and the conclusions reached in the main agenda report, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out below.

RECOMMENDATION: Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992

Conditions:

1) The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2) Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- The Proposed Fencing Detail (Scale 1:50), received 11 December 2013;
- The Location Plan (Scale 1:1250), received 11 December 2013 and
- The Location Plan (Scale 1:3000), received 27 November 2013

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3) Prior to the commencement of use of the land to which this application relates as part of the Museum curtilage, precise details of the proposed new car park shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall include a plan showing the layout of the proposed car and coach parking facilities and details, including the materials to be used, of any resurfacing works proposed to be carried out to facilitate the use of the land as a car park. Once details are approved, the development shall not proceed other than in complete accordance with the approved details, unless any variation is first agreed in

writing by the Local Planning Authority, in the interests of visual amenity and to accord with policies B2 and CN5 of the Unitary Development Plan.

4) No permanent museum displays or exhibits shall be positioned on the former bowling green land located to the rear of the adjacent dwellings to the west of the site (1-5 Usworth Cottages) without the prior written consent of the Local Planning Authority, in the interests of visual and residential amenity and to accord with policies B2 and CN5 of the Unitary Development Plan.

5) The existing hedge which stands on the former bowling green land and runs parallel to the rear boundaries of 1-5 Usworth Cottages shall not be removed either in whole or in part, without the prior written consent of the Local Planning Authority, in the interests of visual and residential amenity and to accord with policies B2 and CN5 of the Unitary Development Plan.

6) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the current Town and Country Planning General Permitted Development Order or any subsequent Statutory Instrument revoking, replacing or amending that order, no new boundary enclosures, other than the proposed palisade fence along the eastern boundary of the bowling green as shown on the approved plans, shall be erected on or around the land to which this application relates without the prior written consent of the Local Planning Authority, in the interests of visual and residential amenity and to accord with policies B2 and CN5 of the Unitary Development Plan.

7) Prior to the commencement of the development, a parking and access plan for users of the football pitches on Plessy's Sports Field shall be submitted to and approved in writing by the Local Planning Authority (following consultation with Sport England). The approved scheme shall be brought into use upon the commencement of development and shall remain in operation for the duration of the Museum's use of the former bowling green, in order to ensure that the use of the retained playing fields is not prejudiced and to comply with policy L7 of the Unitary Development Plan.

Number:	S4
Application Number:	13/04444/FUL
Proposal:	Residential development comprising 43no. dwellings and associated access, infrastructure and landscaping.
Location:	Land South East Of Pattinson Road, Pattinson Industrial Estate, Washington

Following the preparation of the main report to the Sub-Committee, further consideration has been given to the ecological implications of the proposal, upon consultation with the Council's Senior Heritage Protection Officer (Countryside).

An Ecology Report (September 2012) which forms an addendum to a Penn Associates report of 2010 has been provided which concludes that the ecological status of the site has not changed significantly and recommends a series of mitigation measures. A further site inspection was carried out in March 2014, the details of which are provided in a Site Inspection Form by Penn Associates, to substantiate the aforementioned conclusions and recommendations. These are considered to be acceptable given the relatively low ecological value of the site and, upon completion of the specified mitigation works detailed in this Report, it is considered that the proposal satisfies UDP policies CN18 and CN22 and chapter 11 of the NPPF.

In respect of flood risk, policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water. It is noted that the site lies within Flood Zone 1 so is of low sensitivity in respect of potential flooding. A Flood Risk Assessment has been provided which indicates that surface water would be discharged to the public sewer. Accordingly, Northumbrian Water has been consulted and raised no concerns in respect of drainage. However, in order to ensure that an appropriate means of drainage be provided, it is recommended that a condition be imposed requiring the submission of such details should Members be minded to approve this application.

Having regard to viability, due primarily to the cost of remediating the site, the applicant asserts that the developer would not be in a position to make any affordable housing provision in this instance. A Viability Statement (VA), using the completed Homes and Communities Agency Economic Appraisal Tool, has been provided as justification, the details of which cannot be disclosed due to its commercially sensitive nature. Upon consultation with the Council's Strategic Asset Manager (Property Services), the VA demonstrates that the financial viability of development would be significantly at risk if the provision of affordable housing or any significant additional financial contributions were to be made by the developer.

However, it is noted that the applicant is currently unable to fully substantiate the estimated site remediation costs, given that these would not be known until a certain level remediation works have been carried out. In order to facilitate a more accurate estimate, the cost of remediating the site can be re-appraised through an agreement under Section 106 of the Town and Country Planning Act 1990 once the actual remediation costs are known, an approach the applicant has agreed to in principle.

Should it be conclusively demonstrated that the development would be made unviable should the developer be required to provide affordable housing, the applicant has indicated that a grant will be provided by the Homes and Communities Agency to allow for the provision of six off-site affordable units, which is more than the 10% required by policy CS4.3 of the emerging Sunderland Local Plan, the Council's Strategic Housing Market Assessment and Economic Viability of Affordable Housing Requirement Study. The Homes and Communities Agency has confirmed this.

Conclusion

In light of the above and the conclusions reached in the main agenda report, the development is considered to be acceptable in terms of all relevant material planning considerations.

RECOMMENDATION: Members be minded to approve the application subject to the draft conditions outlined below and to the completion of a Section 106 Agreement and that the application be referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 2/09).

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Drawing ref. NE-19-02C: Planning Layout received 06.05.2014
 - Drawing ref. NE-19-04C: Presentation Layout received 06.05.2014
 - Drawing ref. NE-19-06A: House Type Portfolio received 20.12.2013
 - Drawing ref. NE-19-08: Location Plan received 20.12.2013
 - Drawing ref. NE-19-09A: Highways and Management received

06.05.2014

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 and T14 of the adopted Unitary Development Plan.
- 4 No development shall commence until detailed plans of the existing and proposed ground level sections across the site and details of the finished slab levels of each property have been submitted to and approved in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 5 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 7 to number 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 10 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the adopted Unitary Development Plan.
- 7 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to

assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

- 8 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

- 9 The remediation scheme approved under Condition number 8

(Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the now cancelled Planning Policy Statement 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 7 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 8 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 9 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary Development Plan.

- 11 Notwithstanding the submitted information the following sound

attenuation scheme must be implemented:

- o For habitable rooms fronting onto Pattinson Road enhanced double glazing comprising of a generic 6mm glass / (6-20mm air cavity) / 4mm glass construction should be used.
- o The above glazing specification shall also be provided to habitable rooms within properties with a direct line of sight Faurecia.
- o For habitable rooms shielded from both Pattinson Road and Faurecia, a standard double glazed unit consisting of 4mm glass / (6-20mm air cavity) / 4mm should be used.
- o Acoustically treated window vents shall be used to provide background ventilation to all habitable rooms fronting onto Pattinson Road and those with a direct view of Faurecia to the south west should have a vent open (4000mm²) Dn,e,w of at least 37dB.
- o For all other habitable rooms standard trickle ventilation is appropriate.

Reason: In the interests of residential amenity and in accordance with policy EN5 of the adopted Unitary Development Plan.

- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 14 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 15 No dwelling hereby approved shall be occupied until details of the

precise location of footways and cycleways within and affected by the development and full details of provisions for public transport (including bus lay bys and shelters) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, such measures shall be fully implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority, in the interests of highway safety and to increase the sustainability of the site, in accordance with policy T14 of the adopted Unitary Development Plan.

- 16 The development hereby approved shall be carried out in complete accordance with the mitigation/enhancement measures detailed in the Ecology Reports dated September 2012 and September 2010 prepared by Penn Associates. For the avoidance of doubt and in addition, no development shall commence until precise details, illustrated by appropriate plans/drawings and an associated schedule, of the specification, locations and management of bat and bird roost and nest features, lighting and landscaping together with a long-term management plan has been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter, unless first agreed, in writing, by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 17 No development shall take place until full details of all play equipment to be provided, its layout and future maintenance have been submitted to and approved, in writing, by the Local Planning Authority. For the avoidance of doubt and in order to inform the location and type of equipment to be provided, consultation shall be carried out with ward Members, local schools, resident groups and community groups and the relevant sections of the Local Authority, including Landscape and Reclamation, Sport and Leisure and Street Scene, and an appropriate timescale for such consultation shall be agreed, in writing, by the Local Planning Authority prior to it being carried out. All such equipment shall be provided in accordance with the agreed details prior to the occupation of any dwelling hereby approved unless otherwise agreed, in writing, by the Local Planning Authority and all equipment shall be maintained thereafter or suitably replaced to the satisfaction of the Local Authority, in accordance with policy H21 of the adopted Unitary Development Plan.
- 18 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 4no. housing units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Social Landlord shall be involved);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

19 No dwelling shall be occupied until the parking provision which serves that dwelling has been constructed, surfaced, sealed and made available for use in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policies B2, T14 and T22 of the adopted Unitary Development Plan.

20 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.

21 No development shall take place until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and no dwelling hereby approved shall be occupied until the facilities have been fully provided and installed in accordance with the approved details, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with policy B24 of the adopted Unitary Development Plan.

Number:	S6
Application Number:	14/01205/LAP
Proposal:	Creation of a multi-use games area with associated fencing, lighting and ramps
Location:	Easington Lane Primary School, High Street, Easington Lane, Houghton-le-Spring

Following the preparation of the main report to the Sub-Committee a consultation response has now been received from Public Health and Sport England.

Public Health has considered the proposal in respect of the out of school hours use of the Multi User Games Area (MUGA) and the associated nuisance and disturbance this may potentially cause to nearby residents.

Residential amenity

In terms of the proposed lighting it is noted that the MUGA is to be lit by 4 400W luminaires on 8 metre high columns. A Light Spill drawing supplied by the applicant indicates that light spill outside the boundary of the school will be 0 lux and it is therefore not anticipated that light will cause a nuisance to the nearby residential properties that adjoin the site.

On the proviso that the lights to the MUGA are switched off promptly at the end of the proposed hours of use it is not considered that the lights would have any significant impact on the living conditions of nearby occupants. This would be controlled via an appropriately worded condition.

In respect of potential noise and disturbance generated by the use of the (MUGA) consideration has been given to the noise impact assessment submitted with the application. The assessment, prepared by Apex Acoustics concludes that on the basis of the measurements, details and prudent assumptions provided in the report, the potential noise impact of the (MUGA) would comply with all relevant assessment criteria and that the development is unlikely to be the cause of complaints.

The specific calculations made within the noise impact assessment have been assessed by Public Health and they have not disagreed with the assertions that have been made. In this respect it is concluded that the proposed multi-use games area would not generate a significant degree associated of noise and disturbance and that the living conditions of nearby properties would not be demonstrably harmed.

Notwithstanding the above and in order to protect the amenities of nearby occupiers it is prudent to ensure that the use is not operated beyond the hours requested within the application. This would be controlled via an appropriately worded condition.

Playing field

Sport England was consulted in order to consider the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

Sport England has confirmed that the proposed MUGA is located on land which is classed as playing field. However they have also qualified that the topography and shape of the school's playing field is such that the area where a playing pitch is likely to be set out lies at the northern end of the site.

In light of the above, it they have confirmed that the proposal is considered to represent an exceptional circumstance insofar that;

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

On this basis, no objection has been raised by Sport England subject to the provision of a planning condition laid out to ensure that a community use agreement is prepared and implemented in conjunction with Sport England and the Local Planning Authority. The reason for such an agreement is to ensure that secure well managed and safe community access to the sports facility/facilities is provided. In this respect Sport England's standard condition for community use will be attached to the application.

Based on the contents of the main agenda report and the comments provided above, it is considered that the impact of the proposed development on the visual amenity of the locality and the residential amenity of surrounding occupiers is acceptable without causing demonstrable harm. Further, it is considered that the development would have no significant impact on highway or pedestrian safety.

The proposal is considered to adhere with the relevant UDP policies and, accordingly, it is recommended that Members grant consent under Regulation 3 of the Town and Country General Regulations 1992 (as amended) subject to the following conditions;

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The location plan received 21.05.2014 (Drawing No. 0513004/ARCH/100 REVB).

The proposed site plan received 21.05.2014 (Drawing No. 0513004/ARCH/214 REVP1)

The MUGA sections received 21.05.2014 (Drawing No's 0513004/ARCH/212 REVT2) and 0513004/ARCH/215 REVP1)

The plan entitled 'MUGA DETAILS' received 21.05.2014 (Drawing No. 0513004/ARCH/211 REVT2)

The MUGA lighting installation/light spill plan received 21.05.2014 (Drawing No. 0513004/ELEC/008 REVP1)

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 The multi user games area hereby approved shall not be utilised for any purposes and shall not be artificially illuminated by any means outside of the hours of 09:00 and 21:00 on Mondays to Fridays, 09:00 and 17.00 on Saturdays and Sundays unless any variation to these hours is first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to accord with policy B2 of the Unitary Development Plan.
- 4 The fencing enclosing the artificial grass sports pitch hereby approved shall be coloured "moss green" (RAL 6005) prior to its installation and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in the interests of visual amenity and to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the adopted Unitary Development Plan.
- 5 The school car park, which, for the avoidance of doubt, incorporates the areas of parking identified on Drawing 0513004/ARCH/100 REVB, shall be made available to users of the multi use games area at all times in order to ensure that parking associated with the development hereby approved is contained within the site in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.

6 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Multi-Use Games Area and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement. In order to secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to comply with policy L7 of the Unitary Development Plan.