

Change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space

**Report Item No
A3**

Play Area Lillehammer Drive Coalville Leicestershire

**Application Reference
14/00681/FUL**

**Applicant:
Barratt Homes North Midlands**

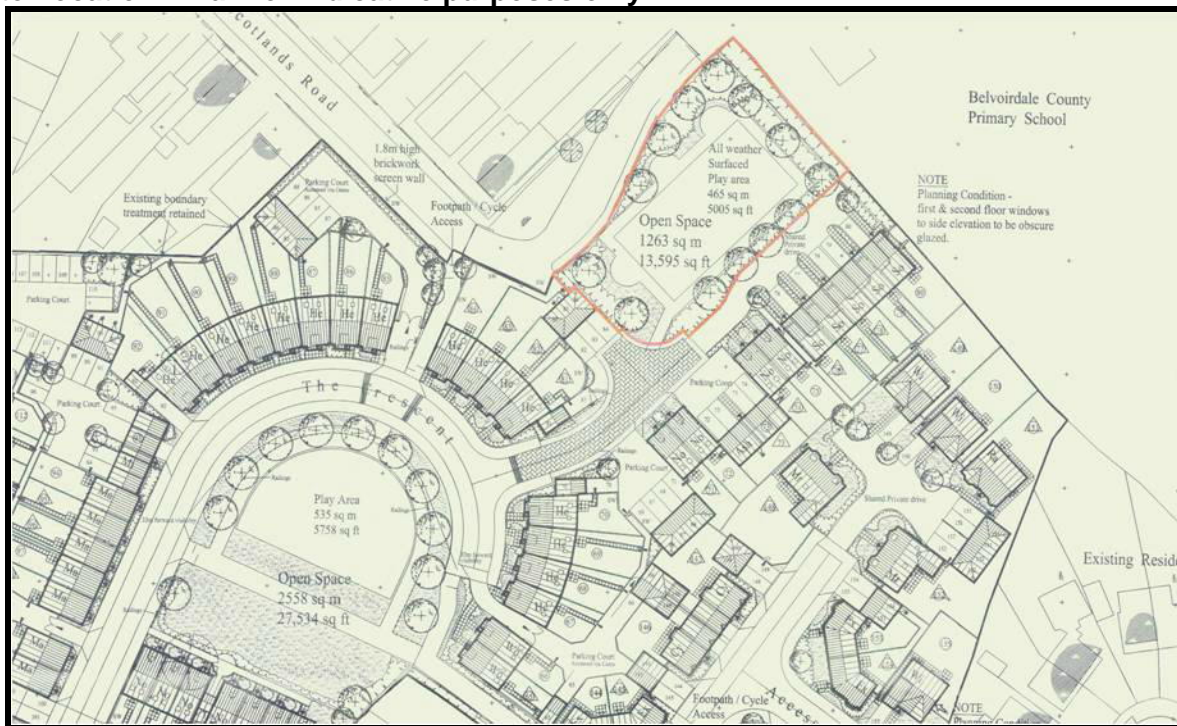
**Date Registered
8 July 2014**

**Case Officer:
James Mattley**

**Target Decision Date
2 September 2014**

**Recommendation:
PERMIT subject to a Section 106 Agreement**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as it is a matter which is considered to be of significant public interest.

Proposal

Planning permission is sought for the change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space. It is proposed to relocate the MUGA to a more appropriate location within Coalville.

Consultations

Members will see from the report below that letters of representation have been received from surrounding neighbours some of which consider the MUGA should remain and some of which consider that the area should be re-designed to make the area less attractive for ball games.

Planning Policy

Providing that the MUGA is relocated to a more appropriate location within Coalville the scheme is considered to comply with the relevant policies of the North West Leicestershire Local Plan as well as guidance contained within the National Planning Policy Framework.

Conclusion

Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. The proposed scheme is considered to strike an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. Taking all of this into account, the proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4 and the advice in the NPPF. It is therefore recommended that the application be permitted subject to a legal agreement requiring the MUGA to be relocated to a more appropriate location in Coalville.

PERMIT, subject to conditions and subject to a legal agreement requiring the MUGA to be relocated;

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use from neighbourhood equipped area for play (NEAP)/Multi-uses Games Area (MUGA) to informal public open space along with the erection of 2.4 metre high fencing on land off Lillehammer Drive, Coalville. The site is located within the limits to development.

In May 2005 outline planning permission was granted for a residential development on the site under planning application reference 03/01880/OUT. This planning application included for a MUGA which has been in place since 2013. The MUGA has resulted in noise, disturbance, nuisance and anti-social behaviour to some residents on the estate and the applicants (in conjunction with the District Council) have recently decided to fence off the MUGA which has prevented its use. This action has been taken as a precursor to formal consideration being given to the current planning application.

The current application seeks for planning permission to remove the MUGA and replace it with an area of informal public open space. It is also proposed to erect 2.4 metre high mesh fencing and associated gates to the area. It is proposed that the MUGA would be relocated to a more appropriate location in Coalville.

Relevant Planning History:

03/01880/OUT - Residential development (Outline - means of access) - permitted.

05/01283/REM - Erection of 95 houses and 60 flats (reserved matters to outline planning permission ref. 03/01880/OUT) - permitted.

06/00120/VCU - Carrying out of residential development approved under reserved matters approval 05/01283/REM without complying with condition 29 so as to enable the existing war memorial to be relocated to Newbridge School - permitted.

07/00907/VCU - Carrying out of residential development approved under reserved matters approval 06/00120/VCU without complying with Condition 2 so as to enable development to proceed not in accordance with approved street scene plans - permitted.

2. Publicity

209 No. Neighbours have been notified (Date of last notification 22 July 2014)

Site Notice displayed 23 July 2014

3. Consultations

County Highway Authority 23 July 2014.

Severn Trent Water Limited 23 July 2014.

Street Action Team Manager 23 July 2014.

National Forest Company 23 July 2014.

Leisure Services Team Manager 23 July 2014.

Police Architectural Liaison Officer 23 July 2014.

4. Summary of Representations Received

Third Party Representations

A total of 8 letters of representation have been received making the following points:

- Young people need a designated area to play;
- Removal of the MUGA would result in problems elsewhere on the estate;
- The estate is currently blighted by parking issues due to inadequate road widths and a lack of off-street car parking;
- Existing MUGA resulted in noise, disturbance, trespass, vandalism, litter and anti-social behaviour;
- The proposed informal space will still result in anti-social behaviour;
- The police would not be happy with the revised plans;
- The plans only address the issue of noise created by bouncing balls which is the least important issue in this area;
- The play area should remain but should be improved;
- The existing parking area for residents in close proximity to the MUGA is small and the proposed fence may further impact on this area;
- The location of the MUGA and the proposed open space is poorly lit and in a secluded area;
- Would not wish to see any restrictions relating to ball games in the proposed open space area.

Statutory Consultees

County Highway Authority raises no objection to the proposal under the standing advice procedure;

Severn Trent Water raises no objection to the proposed development;

National Forest Company raises no objection to the proposed development;

Non-Statutory Consultees

The Neighbourhood Police Sergeant from the **North West Local Policing Unit** makes the following comments regarding the proposal:

- The existing MUGA has resulted in a disproportionately large number of incidents related to noise nuisance, damage, substance misuse and general anti-social behaviour;
- The site should be sculpted, landscaped and planted as this will assist in alleviating a reoccurrence of the incidents that have taken place on the site;
- There is adequate youth provision catered for by existing parks and youth activity areas within a reasonable distance to Lillehammer Drive;
- Further youth provision on Lillehammer Drive could not be justified when balanced against the quality of life of the residents;
- A level and turfed area would attract groups that would result in an even higher demand on resources.

The North West Leicestershire Joint Action Group (JAG) which includes NWLDC community safety team, Leicestershire Police, Leicestershire Fire and Rescue and other agencies makes the following comments regarding the proposal:

- The JAG would like to re-iterate the work that has been carried out to try to manage the anti-social behaviour in the area in the past. This has included using the incremental approach (where perpetrators were identified), speaking with residents and deploying the Impact Team to provide diversionary activities.
- The JAG realised last year that the MUGA was not suitable for this location, a view the group still shares.

- The JAG believes that any design which would deter ball games from this location would be favourable due to the proximity of properties to this space.
- The JAG would not want to see the MUGA provision abolished completely as a resource for Coalville and would support it's relocation to a more suitable location.
- Undulated ground and mature trees would be favoured in the space as the most effective way of deterring ball games and reducing potential ASB.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 58 and 69 of the NPPF states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy L21 sets out the circumstances in which schemes for residential development will be

required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan. When the site was originally developed a development brief was adopted by the District Council as Supplementary Planning Guidance (SPG) and this stated, amongst other things, the following: An integral part of the redevelopment of the site will be the provision of adequate open space. Such areas provide opportunities for play for children whilst also contributing towards an attractive environment. The MUGA was required to be provided under a legal agreement associated with Outline Planning Permission 03/01880/OUT.

In terms of the principle of the development, it has previously been established that a MUGA is required to serve a development of this size in this location. It is the applicant's intention to relocate the MUGA to a more appropriate venue in Coalville. Whilst a site has not been selected at this stage, the preferred option is for the MUGA to be relocated to a site within Scotlands Playing Fields. A consultation exercise by the District Council is currently underway in relation to the relocation this location and the results of the consultation will be reported on the update sheet. The relocation of the MUGA could be secured through a suitable legal agreement or by way of a Deed of Variation to the existing S.106 agreement. Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. However, it is still necessary to consider other material planning considerations such as design, residential amenity, highway safety and any other material considerations.

Residential Amenity and Design

It is clear that the existing MUGA is leading to significant impacts upon the residential amenities of some occupiers in the area particularly those located off Lillehammer Drive which is located in close proximity to the MUGA. The issues which have been cited by some local residents, the local police and the North West Leicestershire Joint Action Group (JAG) include noise, disturbance, trespass, vandalism, litter, substance misuse and anti-social behaviour. It is also clear from letter of representation that other residents in the area consider the existing MUGA

as an important facility in the locality and provides a dedicated area for their children to play.

The removal of the MUGA and resultant open space area that would be turfed with landscaping to the site boundaries should help to reduce noise disturbance in the area as the sound of balls bouncing on the hard surface, the surrounding fencing and the basketball backboard would not occur on the site. However, some letters of representation consider that the design of the proposal should be amended to include for further landscaping and for level changes to prevent the area being used for ball games and to limit anti-social behaviour emanating from the site. This has to be weighed up against the need for local children to have adequate open space in the locality. Officers are of the view that the proposed scheme strikes an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. However, officers are of the view that further landscaping (including the retention of existing landscaping) could be achieved along the south-eastern boundary that would help to screen the development and reduce residential amenity issues with surrounding residents. This could be secured through an amended landscaping condition.

If Members of the Planning Committee deemed it necessary, it would be possible to attach conditions requiring further landscaping to be secured centrally within the site in order to limit the potential for ball games to take place on the site.

Having regard to all of the issues above and on balance, it is deemed that the design of the development would help to reduce some of the issues that have been experienced in the surrounding area and is considered to be acceptable in relation to Policy E3 and E4 of the Local Plan.

Other

Concerns have been expressed regarding parking issues on the wider estate. This application seeks alterations only to the MUGA and would not impact upon the existing levels of car parking on the estate. It is also noted that the County Highway Authority raises no objection to the proposal.

The District Council's Leisure Services Team consider that the proposed pedestrian gate should be lockable both in an open and closed position. This could be achieved through a suitably worded planning condition.

Conclusion

Providing that the MUGA is relocated, the requirements for open space are still considered to be met by the scheme and there is no objection in principle to the proposed development. The proposed scheme is considered to strike an acceptable balance between providing a suitable level of open space in the locality and helping to limit impacts on surrounding residential amenity. Taking all of this into account, the proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3 and E4 and the advice in the NPPF. It is therefore recommended that the application be permitted subject to a legal agreement requiring the MUGA to be relocated to a more appropriate location in Coalville.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to a legal agreement requiring the MUGA to be relocated;

- 1 The development shall be begun before the expiration of six months from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 579/02/A Rev A deposited with the Local Planning Authority on 8 July 2014;
Drawing No. GL0257 02 deposited with the Local Planning Authority on 8 July 2014;
Drawing No. GL0257 01F deposited with the Local Planning Authority on 8 July 2014.

Reason - To determine the scope of this permission.

- 3 Before development commences on the site an amended landscaping scheme shall first be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

Reason - To ensure satisfactory landscaping is provided within a reasonable period and to agree an amended scheme with additional landscaping along the south-eastern boundary.

- 4 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To provide a reasonable period for the replacement of any trees.

- 5 The boundary treatment on the site shall be carried out in accordance with the details shown on drawing no. GL0257 02, shall be implemented within 6 months of the date of this planning permission and shall thereafter be maintained in perpetuity.

Reason - To preserve the amenities of the locality.

- 6 The pedestrian gate shall be lockable both in an open and closed position.

Reason - In the interests of amenity.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 Severn Trent Water advise that there is a public sewer located within the application site.

PLANNING APPLICATIONS- SECTION A

Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.