

PLANNING APPLICATION NUMBER:P07/2350

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Mr Tim Nicol, NJL Consultants
Location:	NETHERBROOK PRIMARY SCHOOL, CHESTER ROAD, NETHERTON, DUDLEY, DY2 9RZ
Proposal	CREATION OF A MULTI USE GAMES AREA, PLAY AREA AND ACCESS PATH
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site forms part of the curtilage of Netherbrook Primary School. Unlike the rest of the school, the site is currently unfenced. It is an area of open, maintained grassland. The site occupies an elevated location with respect to housing to the south and west.

PROPOSAL

2. The application is for the erection of a multi use games area (MUGA), play area and access path. The MUGA would be 15m wide and almost 28m long. It would be marked out for 5-a-side football and basketball and surfaced with permeable tarmac. It would be used both by the school and be open for use by the general public. It is anticipated however, that it would be particularly attractive to teenagers and young adults. The MUGA would be fenced up to 3m high by silver grey posts with blue infill panels. In order to allow the school to use the facility a new gate would be provided in the existing fencing to the school playground.
3. The application also includes an area of multiplay equipment. It would be silver, dark blue, light blue and orange in colour making it easy to see and attractive to children, with porous safety carpet underneath.
4. A new surfaced access path across the grass is also indicated in order that the new facility can be reached by the disabled.

HISTORY

5. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
DY/53/70	Erection of new junior school and caretakers house	Approved	12/03/53
P01/0100	Erection of 2m high powder coated blue paladine fencing	Approved	09/03/01

PUBLIC CONSULTATION

6. Three letters of objection have been received by local residents which make the following points:

- It will increase anti-social behaviour in the area especially as there is an off-licence nearby;
- Youths will hang around the area causing a disturbance;
- It was thought that there would be a warden who may or may not lock the site;
- Increased litter;
- The open view across the green area is preferred to the fencing and muliplay equipment, no screening is provided;
- There is a similar facility close by which has fallen into disrepair, monies would be better spent upgrading that;
- The design and access statement states that the site is close enough to be overlooked – are residents expected to police the site?
- People from outside the local area will misuse the facility;
- If a mechanical sweeper can enter the site so can motor cycles and bicycles etc;
- It will become an eyesore if it becomes rundown;
- Concern that the site will actually be used, erected and policed as would be necessary to allow access by all local residents and children as stated in the application

OTHER CONSULTATION

7. Group Engineer - Development – The access to the proposed facility is located opposite the junction of Norwich Road/Durham Road, which would raise concerns due to the potential for the dropping off and picking up of players from this point. The path could be moved however to overcome this difficulty. Initial concerns that 5 No off-street parking spaces should be provided. However, given the usage of the site

by the school and that it would be used by local people it is reasonable that no additional parking spaces are made available.

8. Head of Public Protection – initially concerned that the facility could cause noise nuisance to local residents and therefore suggested that the hours of use should be controlled. However, the matter has been re-considered and it has been concluded that the most appropriate way forward is to rely on natural light to limit the use of the MUGA. Locking the facility may entice people to damage the fencing to enable access resulting in maintenance implications. Approval can be supported provided that there is no artificial lighting of the MUGA. If complaints are received these would be monitored and then the matter of securing the site would need to be revisited.
9. Sport England - the site does not support any marked pitches for sport. As such, Sport England's statutory role in the protection of playing fields is not applicable in this case. In addition, they are generally supportive of schemes such as this which are likely to increase participation in sports to the benefit of the health and well-being of the community.

RELEVANT PLANNING POLICY

10. The adopted Dudley Unitary Development Plan:
Policy DD4 - Development in Residential Areas
Policy LR1 – Open Space
Policy LR2 – Access to Public Open Space
Policy LR3 – Children's Play Areas
Policy LR4 – Young person's Informal Recreation

ASSESSMENT

Key Issues

- Principle
- Design and Appearance
- Impact upon the amenities of the occupants of adjacent dwellings
- Access and parking

Principle

11. Policy LR4 of the adopted Dudley Unitary Development Plan states that:

'Provision of outdoor recreational facilities for young persons will be supported in areas of recognized need and where there is no significant loss of amenity. Sites will be selected in consultation with the affected community'

12. It is understood that the submission of this application follows an extensive local consultation exercise and the original idea for the project came from the Bowling Green Tenants and Residents Group. The facility would be for use by the school and

local people. This was an important factor in securing a successful bid to the Big Lottery Fund for financing the scheme.

13. The MUGA and play equipment would be situated on an area of publicly accessible open space. The new facility would serve to enhance the range of informal recreational activities on the site both for the school and local residents and would therefore be acceptable, in principle.

Design and Appearance

14. The MUGA and play equipment would be sited adjacent to the school playground set against the backdrop of the school building which is at a slightly higher level. These factors would assist in reducing the visual impact of the development. The fencing around the site is intended to be 3.0m high which is necessary to prevent balls continually leaving the site. Two residents in Bristol Road have objected to having their open view replaced by the enclosed fenced area. However, the front windows of houses to the south in Bristol Road would be in excess of 40m from the fencing and the existing grassed area between them and the new facility would remain. On balance, given the setting, it is considered that the fencing would not be unduly prominent.

Impact upon the amenities of the occupants of adjacent dwellings

15. There have been three letters of objection received from local residents which raise a number of concerns regarding anti-social behaviour and the possibility that the new facility may result in increased noise, disturbance and litter. Obviously the MUGA and play equipment are designed to provide a safe area to play ball games for the adjacent school and local community. Teenagers and young adults would be expected to be attracted to such an attraction and would hopefully use it in a responsible manner. Indeed other such facilities recently constructed in the Borough do not appear to be giving rise to anti-social behaviour. Whilst the Head of Public Protection has given consideration to restricting the hours of use of the MUGA, on balance he has decided that as the facility would not have any artificial lighting, its use would be restricted to the hours of daylight. It is also worth bearing in mind the existing situation on the site whereby the grassed unfenced area could be currently used for ball games at unrestricted times of the day.
16. Should any future difficulties arise however, the responsibility for managing and maintaining the site would fall to the adjacent school. It could, if necessary, consider securing the site thereby restricting its hours of use.

Access and parking

17. The new footpath providing pedestrian access to the MUGA and play equipment would be off Norwich Road and would enter the site opposite the junction of Norwich Road and Durham Road. The Group Engineer, Development however is concerned that, due to the potential for dropping-off and picking-up players from this point there is the potential to cause an obstruction. The location of the footpath

could however be subject to future discussion and as such can be controlled by a condition.

18. The Group Engineer, Development, was also initially concerned about the lack of new parking provision for the facility. However, based on the fact that it is intended for the school and local people who are likely to travel to the site on foot, he has concluded that it would be unreasonable to expect the provision of additional off-road parking spaces.

CONCLUSION

19. In principle, the provision of a multi games play area (MUGA) and play equipment on the site are considered to be acceptable, as they would provide a secure area for ball games and introduce a new play area for use by the adjacent school and local community. They would be sited within the grounds of the school on an area of grassland which is not formally marked for sports pitches. The new facilities would be sited at a lower level than the school, adjacent to the fenced playground. In visual terms therefore they are considered to be acceptable. The facilities would be provided as far away from housing as possible and, as they would not be artificially lit, would be restricted to use during the hours of daylight. On balance, the application is considered to be acceptable being in accordance with Policies DD4, LR1, LR2, LR3 and LR4 of the adopted Dudley Unitary Development Plan.

RECOMMENDATION

20. It is recommended that the application is approved subject to the following conditions:

Reason for Approval

In principle, the provision of a multi games play area (MUGA) and play equipment on the site are considered to be acceptable, as they would provide a secure area for ball games and introduce a new play area for use by the adjacent school and local community. They would be sited within the grounds of the school on an area of grassland which is not formally marked for sports pitches. The new facilities would be sited at a lower level than the school, adjacent to the fenced playground. In visual terms therefore they are considered to be acceptable. The facilities would be provided as far away from housing as possible and, as they would not be artificially lit, would be restricted to use during the hours of daylight. On balance, the application is considered to be acceptable being in accordance with Policies DD4, LR1, LR2, LR3 and LR4 of the adopted Dudley Unitary Development Plan.

The decision to grant planning permission has been taken with regard to
Policy DD4 - Development in Residential Areas

Policy LR1 – Open Space

Policy LR2 – Access to Public Open Space

Policy LR3 – Children’s Play Areas

Policy LR4 – Young person’s Informal Recreation

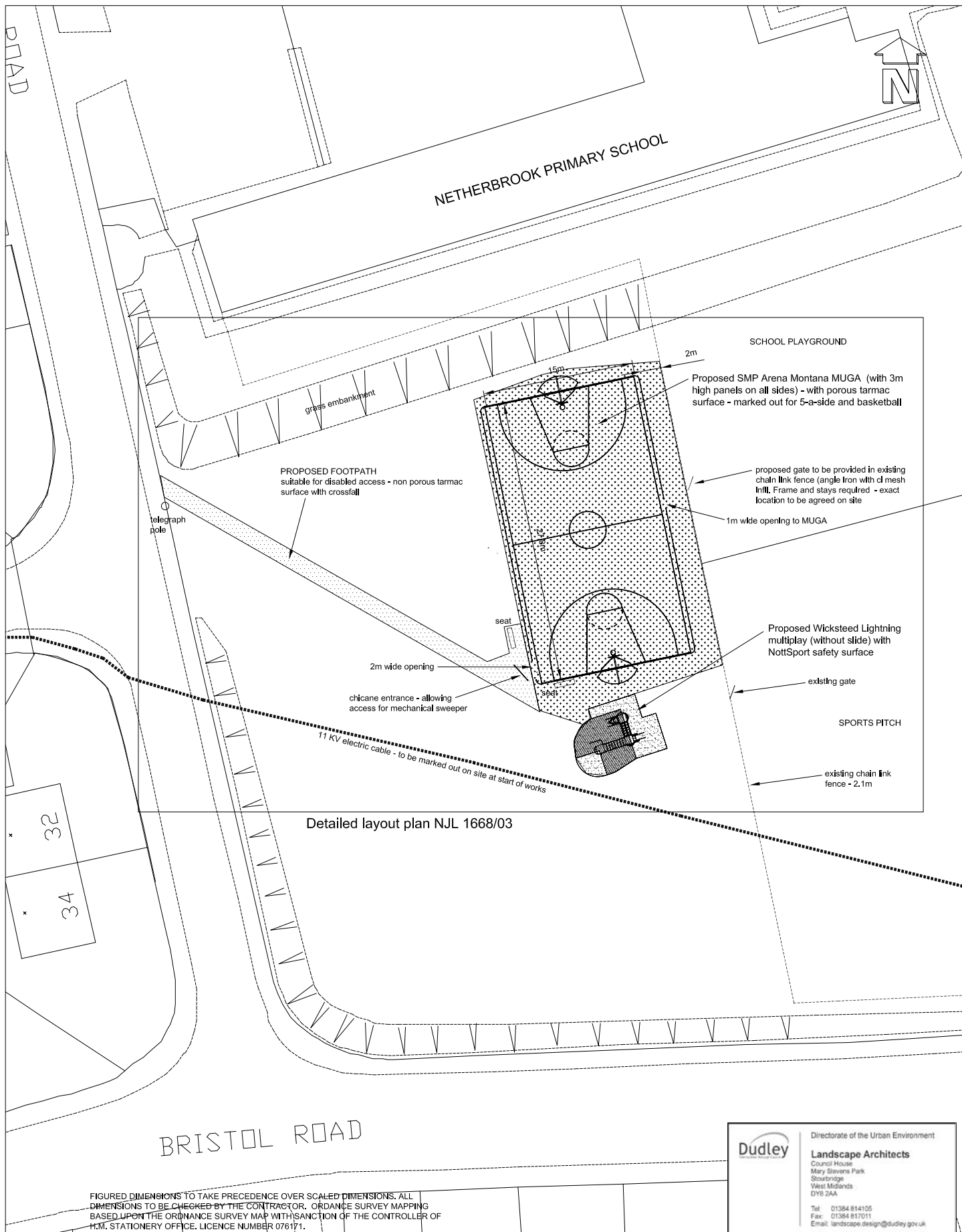
in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations. The detailed reasons for the granting of approval are contained within the application report.

Note for Applicant

The development hereby permitted shall be built in accordance with the approved plan, numbered NJL/1668/02 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development a revised scheme indicating a repositioned route for the pedestrian access path across the grassed area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the facility comes into use and shall be retained for the life of the development.
3. Prior to the commencement of the development a revised scheme indicating a repositioned route for the pedestrian access path across the grassed area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the facility comes into use and shall be retained for the life of the development.



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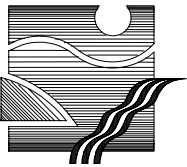
Revision A - minor changes to play area layout, fence omitted 13.12.07

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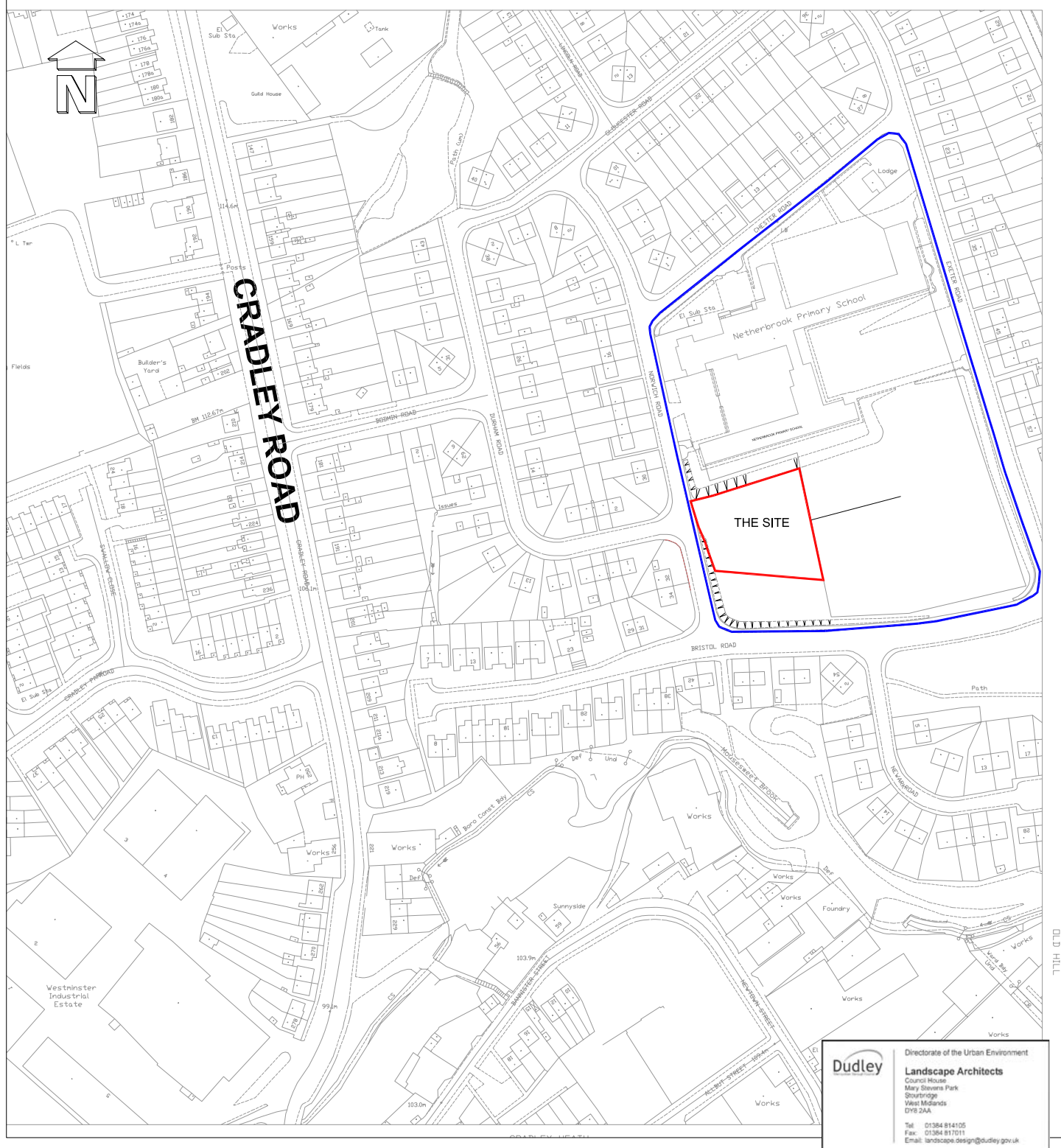
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client				Dudley Metropolitan Borough Council		drawn by		TN		date		Nov. 07			
project title				Netherbrook School MUGA - L925								scale 1.500		print size A4	
drawing title				General layout								project no.		drawing no.	
												NJL 1668 / 02			
				revision		A									



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client

Dudley Metropolitan Borough Council

project title

Netherbrook School proposed MUGA and play area

drawing title

Site 120

drawn by
 TN

date
 Dec. 07

scale 1:2500

print size A4

project no.

drawing no.

NJL 1668 - 04

revision