

<b>Item 1</b>	<b>09/00024/FUL</b>
<b>Case Officer</b>	<b>Mr Andy Wiggett</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Erection of multi use games area including provision of 3m steel fencing, tarmac playing surface and access footpaths.</b>
<b>Location</b>	<b>Land 80m East Of Buckshaw Primary School Chancery Road Astley Village Lancashire</b>
<b>Applicant</b>	<b>Astley Village Parish Council</b>

**RESOLVED: that the Council meeting refers the planning application (09/00024/FUL) back to the Development Control Committee for further consideration, with a recommendation that the Committee undertakes a site visit to which all other Members of the Council are invited.**

**Proposal** The application concerns a proposal to construct a Multi – Use Games Area on a section of public open space adjacent to Chancery Road in Astley Village. The site is a piece of flat grass between a footpath leading into the Primary School and to Millcroft and a wooded hollow with the flats of Brown’s Hey beyond. The MUGA would be of standard dimensions of 24m by 12m with a 3m high fence around the four sides. The fence would be of dark green metal mesh with curved corners and there would also be basket ball hoops at each end. Two lean back benches would be set 2m in from the footway on the side of Chancery Road.

**Policy** **North West Regional Spatial Strategy:**  
Policy L1: Health, Sport, Recreation, Cultural and Educational Services Provision  
**Chorley Borough Local Plan Review:**  
LT14 – Public, Private, Educational and Institutional Playing Fields, Parks and Other Recreational Open Space  
EP20 - Noise  
**Planning Policy Guidance 17** – Planning for Open Space, Sport and Recreation  
**Planning Policy Guidance 24** – Planning and Noise

**Planning History** None relevant

**Consultations** **Coal Authority** – standard comments  
**Architectural liaison and Crime Prevention Adviser** – During the past 12 months of 2008 there were 13 recorded crimes and 53 reported incidents on Chancery Road. The reported incidents are almost one per week, given the location in my opinion this is to be expected. The Youth

Involvement Officer is content with the proposed site. To counter the potential for criminal damage, consideration should be given to 'Secured by Design' fencing around the perimeter of the MUGA.

**Greenspace Co-ordinator** – Astley Village has a severe shortage of quality play opportunities for children and young people that live there. Given the lack of appropriate locations for a MUGA and the genuine need for a centralised attraction that the young people can identify with, the Chancery Lane site has been offered as a contribution to the scheme.

**Astley Village Parish Council** – wish to register their support for the proposal.

**Councillor Mark Perks** – would like to record his support for the application.

**Lindsay Hoyle MP** – raises the concerns of a constituent who lives in Brown Hey closest to the MUGA and overlooks the site and concerns about the old person's accommodation opposite.

## **Representations**

The application has been the subject of considerable public reaction both for and against the proposal. 83 individual letters of objection have been received expressing the following concerns:

- (a) Concern that the proposal will be an eyesore and adversely affect the environment
- (b) The proposal will affect public safety with balls going over the fence and into the road
- (c) The site will become a target for vandalism and public nuisance
- (d) The facility should be sited elsewhere as it will give rise to noise and disturbance to residents close by
- (e) Will encourage trespass and damage to the Primary School
- (f) There is an unused play area on the car park
- (g) Request conditions regarding removal in the event of the closure of the facility, landscaping and sound proofing to protect the amenity of adjacent properties
- (h) Loss of local beauty spot

Three petitions have been received objecting to the proposal, one of 14 signatures raises the above issues, one of 10 signatures express concern as to its location next to the School and one of 310 signatures expresses concern about it being an eyesore and traffic hazard.

51 individual letters of support have been received raising the following points:

- Will be of great benefit to Astley Village by getting children out of their homes playing sport
- It is situated in an ideal part of the village in a central position accessible to all children

- It is next to a main road in full view of all passers by and can be monitored by local community support officers
- The initiative of the originators of the proposal should be supported, as the facility is needed.

Three petitions have been received in support of the project, one of 140 signatures raises the following points:

There are no sports facilities for children and young people in Astley Village, it will be a fantastic asset for young people who live in the Village as it will provide a safe and secure dedicated area for sport away from shops, community centre and Hall Gate car park. The second petition is of 36 signatures from the Astley Village Juniors FC and the third petition raises similar points to the first.

### **Applicant's Case**

In support of the application the Parish Council have submitted a series of documents namely, a survey carried out by Places for People of their tenants to support a bid for Big Lottery "Green Spaces" funding. Many of the responses highlighted the need for a play area. A petition signed by 62 individuals seeking support of young people to a partnership project to get an outdoor ball games area in Astley Village. Copies of the Parish Council Newsletter in September and December 2008 suggesting the application site as a suitable location for the facility and confirming that a planning application would be submitted if funding were to be approved. The Parish Council have also stressed that a group of young people were the originators of the project and sought their support in a bid for funding from the Youth Capital Fund. This was successful and £64000 has been allocated for this project. The young people's group has been closely involved in the design of the facility.

### **Assessment**

The main issues to consider are: impact on the existing open space, impact on amenity of adjacent properties, impact on the Primary School and potential for public nuisance and vandalism. These are each dealt with in turn.

#### *Impact on Existing Open Space*

The MUGA would be sited on a flat area of grass as part of a wider area designated as public open space in the Local Plan under the provisions of Policy LT14. This is concerned to protect existing recreational open space from unsympathetic development. The construction of an all weather play surface is not in conflict with this policy which will merely enable a more concentrated form of activity that can take

place on the land currently, namely the playing of ball games. PPG 17 advises that local authorities should seek to improve existing facilities and encourage greater usage. Other locations for the facility have been looked at but discounted due to the lack of high visibility such as to the rear of the primary school which would not have a high degree of openness and good potential for public surveillance.

As the MUGA will be located only a few metres behind the pathway and verge on Chancery Road its visual impact is of concern both in relation to the amenity of the open space and on the streetscene at this point. It is proposed that the 3m high fence be of a dark green colour which should assist in helping it to blend in with the grassed area with mature trees and shrubs behind. This part of Chancery Road does not have a consistent design as there is the school frontage with its fence then the open space gap with its copse of mature trees and then the residential properties of Brown's Hey. It is considered that the open mesh fence will not conflict with this as there will still be views through it into the open space to the properties on Millcroft. The proposal to lay a hard play surface would come within the category of permitted development if it had been submitted by the Borough Council but the fencing, as it is 3m in height would still have required planning permission.

#### *Impact on Amenity of Adjacent Properties*

The MUGA will be located at its closest point 40m from the Primary School building to the south west and 25m from the flats in Brown's Hey to the north east. Between the flats and the MUGA is a hollow with several mature trees, however, the flats have large windows that face directly onto the games area. In terms of affect on outlook it is not considered that the open mesh fence will obstruct views but of more concern will be the potential for noise and disturbance from ball games being played there. Guidance in PPG24 is that for a recreational use it is necessary for local authorities to balance the enjoyment of the participants against any nuisance to other people. There are no noise standards for play areas but it is unlikely that noise from games being played will be continuous and as the facility will not be floodlit, unlikely to be late into the night. The facility is designed with sound damping built into the rebound walls and other parts of the structure to help minimise noise. Because the area is currently used for recreational activities which have some impact on these properties in terms of noise and disturbance, the resultant impact is not considered to be sufficiently adverse to justify a refusal. In addition, if the proposal were to go ahead, in order to protect the amenity of the adjacent flats, it is recommended that a substantial tree screen should be conditioned along the north eastern perimeter.

Across the other side of Chancery Road is the residential development of Harewood. There is a

concentration of elderly people on this side of the road but at its nearest point the MUGA would be 40m from the properties and these are at 45 degrees to the facility and with a brick wall in front of them. It is not considered that the MUGA will adversely impact on the amenity of these properties because of the distance and the presence of the road in between it and the dwellings.

### *Impact on the Primary School and the Potential for Public Nuisance and Vandalism*

Many objections express concern that as The MUGA is to be located next to the Buckshaw Primary School it will result in an increase in trespass and vandalism. The School have supplied information regarding incidents of damage and vandalism at the school and how, through time and effort the building, grounds and outdoor facilities have been brought up to a high standard. Over the last two years there have only been minor incidents. Fear of crime can be a material consideration in planning, however, it has been established that there will need to be some reasonable evidential basis for that fear. The School have shown that problems have occurred without there being a play area next to the school. One of the reasons for the MUGA and its location on Chancery Road is that it can be seen and be visually supervised. The Youth Involvement Officer supports the location on this basis as does the Council' Greenspace Co-ordinator.

The Government's aim is to create safe and accessible environments where crime and disorder, or fear of crime does not undermine the quality of life or community cohesion (PPS1: Delivering Sustainable Communities). Having a safe and highly visible place for children and young people to play supports this Government initiative and there is no evidence to suggest that its presence will give rise to crime. The experience of the Council with the MUGAs completed in recent years is that they benefit the areas around them and reduce incidences of disturbance and vandalism particularly where, as in this case, the local young people were involved in their evolution.

### *Other Issues*

Concern has been expressed at the MUGAs positioning adjacent to Chancery Road and the danger of balls going over the perimeter fencing into the road and so dangerous. Experience with such facilities is that a 3m height is satisfactory to minimise this risk .

Some objectors have raised of bluebells growing on the site and although listed as protected species, the protection only extends as far as banning the sale of the bulbs. However if the project were to be approved it is recommended that the bulbs be transplanted elsewhere in the openspace.

## **Conclusion**

Any recommendation for this proposal has to be a balanced judgement, particularly in view of the sharply divided public response. Many objectors have qualified their objections by stating that they support the provision of a ball games facility but do not agree with the proposed site but this application must be judged on its merits with regard to the chosen site. The location chosen is not ideal in that there are flats looking out onto the MUGA that are only 25m away. However, there are some mature trees between it and the flats and it is recommended that this be reinforced by planting of additional trees. PPG24 advises that a balance needs to be struck between the enjoyment of the users of the facility and the nuisance to neighbours but the wider community benefits of securing community cohesion in terms of providing young people with a safe and visible play area adds weight to a recommendation to approve. This same argument applies to the fear of increased vandalism and disturbance likely to arise. Members need to weigh up any potential unquantifiable risk with the positive benefits of allowing the MUGA.

**Recommendation** RESOLVED: that the Council meeting refers the planning application (09/00024/FUL) back to the Development Control Committee for further consideration, with a recommendation that the Committee undertakes a site visit to which all other Members of the Council are invited.

## **Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall not commence until full details of the colour, form and texture of the perimeter fencing of the MUGA (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

4. At the commencement of ground excavations the site shall be inspected for the presence of bluebells and if found the bulbs shall be translocated to

an alternative location within the open space as agreed in writing by the Local Planning Authority.

*Reason: To secure the preservation of a protected plant species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

5. Notwithstanding the submitted plans no development shall take place until a scheme of landscaping for the area of land to the north east of the perimeter fence of the Multi- Use Games Area between it and the flats at Brown's Hey has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate all existing trees on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*