

<b>APPLICATION NO.</b>	<a href="#">P15/S3767/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	10.11.2015
<b>PARISH</b>	SOUTH STOKE
<b>WARD MEMBER(S)</b>	Kevin Bulmer
<b>APPLICANT</b>	South Stoke Primary School
<b>SITE</b>	South Stoke Primary School, The Street, South Stoke, RG8 0JS
<b>PROPOSAL</b>	The retention of an existing Multi Use Games Area in the school playground with proposed modifications (part retrospective) (As amended by plans submitted on 23 May 2016 and by information contained in a letter dated 9 July 2016)
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	459895/183556
<b>OFFICER</b>	Rob Cramp

**1.0 INTRODUCTION**

- 1.1 The current application follows an enforcement investigation (SE15/41) into the erection of Multi Use Games Area (MUGA) in the playground of the South Stoke Primary School without planning permission.
- 1.2 The application seeks part retrospective planning permission for the installation of the MUGA with a number of proposed alterations to render the development more acceptable in terms of both highway safety and its visual impact on the site and its surroundings. This modified proposal follows an earlier application (P15/S1316/FUL) which sought the retention of the MUGA as constructed. The previous application was withdrawn prior to determination to allow the school an opportunity to consult with the local community and other parties regarding alternative options. There was also an issue regarding the notification of the owner of the land, which has now been resolved.
- 1.3 The application is referred to the Planning Committee for determination because the officer's recommendation differs from that of the Parish Council.

**2.0 PROPOSAL**

- 2.1 The South Stoke Primary School is situated in the heart of the village of South Stoke in the Chilterns Area of Outstanding Natural Beauty (AONB). Access to the school site is off the eastern side of 'The Street'. Fronting onto the highway is the school's playground, which is enclosed by a 1.2m high tubular metal fence and gates. The school buildings are setback approximately 28m from the highway behind the playground area, which features a number of low level items of children's play equipment. Although it is not situated in a conservation area, there are a number of listed buildings in close proximity to the school site, most notably St Andrew's church (Grade II\*) which adjoins the school site to the north (see location plan at **Attachment 1**).
- 2.2 In February 2015 the school installed a Multi-Use Games Area (MUGA) in the playground to the front of the school without the benefit of planning permission. The MUGA is comprised of a soft fall surface over the existing tarmac covering an area of approximately 120m<sup>2</sup>. This is partially enclosed on opposite ends by wire mesh fence

panels approximately 2.45m high. These panels are mounted with a number of colourful boards, including basketball backboards approximately 3.58m high supported on poles approximately 3.84m high. The structure also features goals used in football games (see photographs of the MUGA as constructed at **Attachment 2**). The MUGA has been installed by the school on the basis of a Sports England grant, however, the payment of the grant moneys is now contingent upon the school obtaining planning permission for the retention of the MUGA.

2.3 The current application seeks part retrospective planning permission for the retention of the MUGA with a number of proposed alterations aimed at rendering the development more acceptable in terms of both highway safety and its visual impact on the site and its surroundings. These modification include:

- the removal of the basketball hoop from that part of the structure closest to the highway to lessen the occurrence of balls being thrown in the direction of the highway;
- the removal of the all of the solid panels from that part of the structure closest to the highway to be replaces with open mesh panels where necessary;
- the removal of all but four solid panels from that part of the structure nearest the school building with only two panels, which form the backboard to a basketball hoop, being orientated towards the highway;
- the four remaining solid panels to be coloured green and blue, being the more recessive colours; and
- the remaining metal post and mesh structure to be also painted dark green.

The overall intention of these amendments is to increase the intervisibility of the playground and the public realm and to help the remaining structure to visually recede into the setting (see block plan at **Attachments 3** and an artist's impression of the modified development at **Attachment 4**).

2.4 The original description of the development included the installation of road markings on the public highway outside the school boundary, which was recommended by the local highway authority. However, these works, which have already been undertaken by separate agreement with the highway authority do not form part of those matters for which planning permission is required. It has therefore been removed from the description of the development and does not form part of the Planning Committee's deliberations.

### 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 South Stoke Parish Council – **Recommends refusal** on the basis that the development is contrary to development plan policies CSQ3 (design), CSEN1 (protection of the AONB) and CSEN3 (conservation of the historic environment). The parish council would remove its objection if the following requirements were met:

- the structure adjacent to the highway was removed in its entirety;
- no remaining boards to include advertising (Sports England);
- paint specification to provide for a minimum 5 years to the first maintenance;
- the facility be made available for use by the wider community.

[Note: - The school is agreeable to a condition requiring paint samples and specifications to be submitted and approved; it also intends to hold events using the MUGA for the benefit of the wider community, but cannot agree to any further alterations to the structure not agreed to by Sport England.]

3.2 County Archaeological Services (SODC) - **No strong views.**

3.3 Countryside Access - **No strong views.**

- 3.4 Highways Liaison Officer (Oxfordshire County Council) - **No strong views**. After reviewing the supplied plans and documentation, the Highway Authority has No Objection to the proposal on the basis of Highway Safety.
- 3.5 Leisure & Economic Development - **No strong views**
- 3.6 Conservation Officer - **No strong views**. The contribution that this building makes to South Stoke village is that it adds to the variety of local amenities which make South Stoke a village. I am within reason, supportive of development which will support these uses so that they can continue to make a positive contribution to local character.

In terms of the impact upon the character of the school building, it has an attractive but typical Victorian frontage which would remain in the most part visible through the MUGA. No alterations amounting to significant harm are proposed to the building itself and it would remain in use as a school.

The proposed MUGA would be visible in views of listed buildings however I do not consider that this in itself directly reduces the significance of the heritage assets which are set away from the school. Development within the setting of listed buildings does not amount to direct harm to the building itself and is therefore rarely able to amount to anything greater than 'less than substantial harm' in planning terms. Less than substantial harm, should be weighed against the public benefits of the proposal in accordance with the requirements of paragraph 135 of the NPPF.

- 3.7 Oxfordshire Fire and Rescue Service - **No objections** for the following reasons:
- The new structure does not affect the evacuation of the school in an emergency. All exit routes from the school building are available and occupants can subsequently move unhindered from the relative safety of the playground to the designated school assembly point in the adjacent church grounds.
  - The situation has been assessed using Building Regulations guidance for new buildings and found to be compliant.
- 3.8 St Andrew's Church (owners of the land) – **support subject to** the following modifications:
- the height of the panels and support posts nearest the highway related to the basketball hoop (now removed) be reduced to the same height as the other panels; and
  - the cage like appearance of the structure would be softened by planting as shown on a drawing used by the school in community consultations.
- 3.9 Neighbour Approve (28) – **Support** for the following reasons:
- the visual impacts has been adequately addressed in the proposed modifications and the development is in keeping with a school playground setting (15); and
  - the MUGA is a valuable community facility that should not be lost (27)
- 3.10 Neighbour Object (46) – **Object** for the following reasons:
- adverse visual impact is contrary to character of the site, surroundings and the street scene (43);
  - contrary to the amenity of Ridgeway National Trail (8);
  - contrary to the the Chilterns AONB (17);
  - harmful to the historic environment (16);
  - lack of consultation by school and retrospectivity of the application (16);
  - highway safety (10);

- hinders access by emergency vehicles (3);
- of no educational or community value (9); and
- inadequacy of submission and plans (5);

#### 4.0 RELEVANT PLANNING HISTORY

4.1 On 27 February 2015 the council commenced an enforcement investigation ([SE15/41](#)) into the erection of playground equipment without planning permission.

4.2 On 23 April 2015 the council received a retrospective planning application ([P15/S1316/FUL](#)) for the retention of the MUGA as constructed. A total of 82 submissions were received in response to consultations, including 56 objections, 17 submissions in support and 7 submissions expressing no strong view. The council's conservation officer was one of those to express no strong views regarding the impact of the MUGA on the historic environment. Among the objectors to the proposal were the parish council and OCC as local highway authority. The Highway Authority objected on the basis that the MUGA's orientation encouraged the throwing of balls towards the highway. The application was withdrawn on 13 July 2015 to allow the school an opportunity to consult with the local community regarding alternative options.

4.3 The current application ([P15/S1316/FUL](#)) now seek part retrospective planning permission for the retention of the MUGA with a number of proposed alterations aimed at rendering the development more acceptable in terms of highway safety and its visual impact on the site and its surroundings.

#### 5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies  
CS1 - Presumption in favour of sustainable development  
CSEN1 - Landscape protection  
CSEN3 - Historic Environment  
CSQ3 - Design

5.2 South Oxfordshire Local Plan 2011 policies;  
D1 - Principles of good design  
G2 - Protect district from adverse development  
CON5 - Settings of Listed Buildings  
R1 - Outdoor sport or play areas

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework (NPPF) & Practice Guidance

#### 6.0 PLANNING CONSIDERATIONS

6.1 The main issues to be considered in the assessment of the current proposal are:

- fallback options;
- the visual impacts;
- impact on AONB;
- conservation impacts;
- highway safety issues;
- neighbour amenity; and
- Other material considerations.

#### Fallback Options

6.2 In assessing the relative merits of the proposed development consideration must be given the school's various 'fallback' options (i.e. the extent to which the school is

lawfully entitled to develop the site without the need for express planning permission from the council). This is a material consideration.

- 6.3 For example, Under Class C, Part 2, Schedule 2 of the General Permitted Development Order (GPDO) the express planning permission of the council would not have been required had the school simply painted the existing tarmac in a similar manner and using the same colours as the soft fall, which forms the base for the MUGA. In this instance the visual impact of the soft fall is therefore clearly no greater than the school's fallback option.
- 6.4 Similarly, Under Class A, Part 2, Schedule 2 of the GPDO the school would be lawfully entitled to erect an open mesh fence enclosing the same play area and using materials similar to those used in construction of the MUGA to a maximum height of 2m without the need for express planning permission from the council. The mesh fence panels used in the construction of the MUGA are approximately 2.45m high, with the exception of the basketball backboards, which are 3.58m high. So when assessing the current proposal the planning committee must consider the extent to which the relative impacts of the proposed development compare to that of the above described fallback position.
- 6.5 Under Class A, Part 32 of the GPDO the school could erect a building up to 5m tall and having a gross floor area up to 25% of the original school building within parts of the playground area 5m or more away from the boundaries of the site. In the circumstances of the present case the development as constructed does not benefit from the above permitted development rights, because it is erected within 5m of the boundary and is not constructed in materials similar to those used in the original school building. Nevertheless, the above permitted development rights provided a possible alternative fallback option for the development of the playground. [Note: - For the purposes of Part 32 of the GPDO a 'building' include "any structure or erection".]
- 6.6 The proposed development will not, in your officer's opinion, result in any materially greater impacts on the site and its surroundings than a development that might otherwise result from the above permitted development rights (the fallback position).

#### **Visual Impact**

- 6.7 Policy G2 of the local plan seeks to protect the district's settlements from adverse development; policy D1 requires all new development to incorporate good design and protect local distinctiveness, including respect for the existing pattern and character of settlements. Policy CSQ3 of the core strategy similarly requires new development to be of a high quality design, that protects the character of the site and its surroundings and incorporates materials appropriate to the area.
- 6.8 The MUGA is constructed primarily of wire mesh panels mounted on steel poles, but also incorporates a number of solid panels, which are colourfully painted and incorporate activities aimed at stimulating sport and recreational activities in children. Some of the panels also include an acknowledgement of the contribution made by Sports England in funding the facility. The MUGA is constructed on a colourfully painted soft fall base that also incorporates activities for the children
- 6.9 Common to nearly all of the objections received was concern that the use of modern materials and bright colours was contrary to the established character of the settlement. Concern was also raised that the solid panels obscured views of the Victorian façade of the school building which has been a long established feature of the street scene.
- 6.10 In response to these concerns it should firstly be acknowledge that under the fallback options described in paragraphs 6.3 – 6.5 above, the school enjoys permitted

development rights allowing it to: 1) paint the tarmac in the playground in the same brightly coloured design as the soft fall of the MUGA; 2) erect a fence around this area using the same wire mesh panels and steel pole materials albeit to a maximum height of 2m; and 3) erect an alternative structure in materials to match the existing school building to a maximum height of 5 metres that might otherwise completely obscure the façade of the existing school building. All of this without the need for express planning permission from the council. The visual impacts of the proposed development should be considered in the light of these permitted development rights.

- 6.11 In response to the concerns expressed by some in the local community, the school has agreed to modify the development as constructed by removing all of the solid panels from that part of the structure closest to the highway and leaving only four solid panels on the structure closest to the school building, only two of which would be orientated towards the highway (serving as a backboard to a basketball hoop). The remaining panels would all be in more recessive green and blue colours, and the remaining wire panels and supporting poles would similarly be painted in a recessive green.
- 6.12 The proposed modifications would, in your officer's opinion, offer sufficient transparency to adequately restore those views of the existing school building, which has been a long standing feature of the street scene. This is well illustrated in the artist's impression submitted in support of the application (**Attachment 4**). These modifications, as agreed to by the school, are at the expense of numerous brightly coloured boards that were designed to stimulate children's play activities.
- 6.13 It should also be noted that the playground and MUGA are largely obscured by vegetation and boundary treatments on the highway approaches to the northwest and southeast of the school. It is only when standing on the highway in front of the school that the structure is fully apparent.
- 6.14 The MUGA is a piece of play equipment, which is not out of character with its setting in a school playground. The proposed modifications to the MUGA, in your officer's opinion, strike a fair balance between the recreational and educational benefits of the development to the school and the concerns expressed by some in the local community regarding its visual impacts. It should also be noted that a significant number of residents have also written in support of the development.
- 6.15 The development, including the proposed modifications, is therefore compliant with policies G2, D1 and CSQ3; and government guidance relating to good design and the protection of local distinctiveness.

**AONB**

- 6.16 Policy CSEN1 of the core strategy seeks to protect the district's landscape character against inappropriate development with high priority given to the conservation and enhancement of Areas of Outstanding Natural Beauty. This is compliant with government guidance contained in the NPPF which states that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty,
- 6.17 The thrust of the above policy guidance is aimed at the protecting the scenic beauty of the AONB landscape, which includes both open countryside and urban settlements.
- 6.18 In the circumstances of the present case the MUGA has not resulted in the loss of any landscape features from this urban environment. The proposed development incorporates modifications to the MUGA, which are aimed at reducing the visual impact of the facility by removing solid panels to increase transparency and painting the

remaining structure in visually recessive colours. The resulting development will not, in your officer's opinion, detract from the landscape quality or scenic beauty of the AONB and is therefore compliant with policy CSEN1 and government guidance aimed at protecting the AONB.

### **Conservation Impact**

- 6.19 Common to a number of objections was concern over the impact of the development on the historic environment, including the historic character of the village, the settings of surrounding listed buildings and the character of the Victorian façade of the school building itself.
- 6.20 In this regard Policy CSEN3 of the core strategy seeks to protect the district's designated heritage assets consistent with government guidance contained within the NPPF. The thrust of this guidance is also carried forward in a range of policies contained in the local plan, including policy CON5 which seeks to protect the setting of listed buildings.
- 6.21 The school is not a listed building and is not situated in a conservation area. However, there are a number of listed buildings on nearby and adjoining sites, including most notably St Andrew's Church to the north (see **Attachment 1**).
- 6.22 The council's conservation officer in supporting the current application notes that the development makes a positive contribution to the variety of local amenities which make South Stoke a village. In terms of the impact upon the character of the school building itself, the conservation officer notes that the building has an attractive but typical Victorian frontage which would remain in the most part visible through the MUGA. No alterations amounting to significant harm are proposed to the building itself.
- 6.23 Although the MUGA would be visible in views of listed buildings on nearby sites, the conservation officer is of the opinion that this would not in itself directly reduce the significance of the heritage assets which are set away from the school. Development within the setting of listed buildings does not amount to direct harm to the building itself and is therefore rarely able to amount to anything greater than 'less than substantial harm' in planning terms. This should be weighed against the public benefits of the proposal.
- 6.24 For the reasons stated above the proposed development is compliant with policies CSEN3 and CON5; and government guidance contained in the NPPF aimed at conserving historic environments.

### **Highway Safety**

- 6.25 The local highway authority objected to the previous application (P15/S1316/FUL) for the retention of the MUGA on the basis that the basketball hoop closest to the highway encouraged balls to be thrown in the direction of the highway contrary to highway safety.
- 6.26 The current application now proposes to modify the MUGA by removing the basketball hoop from that part of the structure nearest the highway, as a result of which the local highway authority has removed its previous highway safety objection.
- 6.27 A number of objectors have expressed concern that the MUGA obstructs access by emergency vehicles to the school site. In response to this concern the site has been visited by the Oxfordshire Fire and Rescue Service which has confirmed that the development is compliant with their requirements for emergency evacuation and access arrangements.

### **Neighbour Amenity**

- 6.28 The MUGA is situated in an existing school playground, which is not directly overlooked by any neighbouring property; nor does the MUGA result in any loss of privacy or overlooking of any neighbouring property. It does not result in any greater loss of amenity to neighbouring properties by reason of noise. No objection were received regard issues of amenity.

### **Other Material Considerations**

- 6.29 Paragraph 73 of the NPPF recognises that, access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local planning authorities are also advised that they should take a proactive, positive and collaborative approach to development that will widen choice in education. The thrust of this guidance is carried forward in policy R1 of the local plan, which states that proposals for new or improved facilities for outdoor sport or children's play to serve local needs will be permitted in or adjacent to settlements provided that there are no overriding amenity, environmental, Green Belt, transport or agricultural objections. As the development does not trigger any of the planning objections referred to in policy R1 the positive presumption of this policy is in favour of the grant of planning permission.
- 6.30 A number of objectors refer to the impact of the development on the Ridgeway National Trail. The Ridgeway is an ancient walking route which covers a distance of some 87 miles through the landscapes of the North Wessex Downs and Chilterns Areas of Outstanding Natural Beauty. There are no particular planning policies relating to the Ridgeway. Rather the scenic qualities of the landscape through which the National Trail runs are protected by those policies relating to the countryside and AONB, which have already been considered above. The countryside access officer has also raised no objection to the proposed development.

## **7.0 CONCLUSION**

- 7.1 The current application which seeks to retain an existing Multi Use Games Area, with proposed alterations to improve the development in terms of both highway safety and visual impacts, is compliant with relevant policies and government guidance relating to the protection of the character of the site and its surroundings, the Chilterns Area of Outstanding Natural Beauty, the historic environment, highway safety and neighbour amenity. The development also contributes in a positive way to the range of recreational facilities that enhance the character, health and wellbeing of a sustainable community.

## **8.0 RECOMMENDATION**

### **8.1 That planning permission be granted subject to the following conditions:**

- 1. Development to be undertaken in accordance with approved plans.**
- 2. Proposed modifications to the MUGA be completed within 4 months.**
- 3. Approval of paint samples and specifications by the local planning authority prior to work commencing.**

Author: Robert Cramp  
Telephone: 01235 422600  
Email: robert.cramp@southandvale.gov.uk