

## **Planning Committee**

**17 July 2018**

### **Regulation 3 Application**

**Application No: WSCC/026/18/HU**

**Installation of a Multi-Use Games Area (MUGA) on existing car park with associated fencing**

**Kingslea Primary School, Kingslea, Horsham, West Sussex, RH13 5PS**

**Report by Head of Planning Services**

**Local Member: Andrew Baldwin**

**District: Horsham**

#### **Executive Summary**

Planning permission is sought for the installation of a Multi-Use Games Area (MUGA) on an existing 16-space car park, with associated fencing and artificial turf on the north-west of the Kingslea Primary School campus.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level, along with other material considerations.

The main policies of relevance to this application are policies 1, 3, 33, 41 and 43 of the Horsham District Planning Framework (2015), paragraphs 14, 17, 29, 60-61, 74, 109, 123, 186, 196, 197 and 203-206 of the National Planning Policy Framework (NPPF).

There were no objections from statutory consultees. However, there were 18 objections from third parties with a further five representations raising concern, and one representation in support. The main concerns raised relate to: the loss of on-road parking for residents; congestion; poor/illegal parking of parents/caregivers; loss of the existing car park; impact on residents; and highway safety.

#### **Consideration of Key Issues**

The main material considerations in relation to this application are whether the development:

- meets an identified need; and
- is acceptable in terms of highway capacity and road safety.

#### ***Need for the Development***

The school is required to provide a given level of play space based on pupil numbers, including 'hard surfaced outdoor PE' areas. The MUGA is required to meet this need, with the school wishing to expand the ability of pupils to participate in outdoor formal play, regardless of weather conditions during the school year.

## ***Impact on the Highway Capacity and Road Safety***

Although the proposed development would not result in increased vehicle movements, it would result in the loss of an existing 16-space car park. Therefore, it could result in an increase in car parking on surrounding roads, which could exacerbate congestion on surrounding roads during school drop-off and pick-up periods. In addition and regardless of the current application, the main school 50-space car park will not be available for parent/caregiver parking from September 2018 onwards. There may be some inconvenience for residents but this would be for relatively short, known periods of time, during the typical working day and WSCC Highways do not consider the development would result in a significant impact on highway capacity or road safety. Therefore, the development is considered to be acceptable in this regard.

### **Conclusion**

Planning permission is sought for the installation of a MUGA on an existing 16-space car park, with associated fencing and artificial turf on the north-west of the Kingslea Primary School campus. The MUGA is required to meet statutory standards relating to the provision of 'hard surfaced outdoor PE' areas. The scheme would enable children to engage in outdoor physical activity regardless of weather conditions during the school year.

Local residents have raised concerns about the removal of 16 car parking spaces and the impact this could have on highway safety. In addition and regardless of the outcome of this application, the main 50-space car park would not be available from September 2018 for drop off/pick up. Outside of existing waiting restrictions, it is not an offence to park on the residential roads and although there may be some inconvenience for residents during drop-off/pick-up, this would be for relatively short, known periods of time, during the typical working day.

Overall, it is concluded that the MUGA is needed, that there would not be a significant impact on highway capacity safety and road safety, and that it is acceptable in all other regards, including the impact on residential amenity.

### **Recommendation**

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

## **1. Introduction**

- 1.1 This report relates to an application for planning permission at Kingslea Primary School in Horsham for the installation of a Multi-Use Games Area (MUGA), with associated fencing and artificial grass on an existing 16-space car park.
- 1.2 The proposed development would provide additional space for outdoor play ancillary to the existing hard play area (HPA), which is currently considered undersized.

## **2. Site and Description**

- 2.1 Kingslea Primary School is located in a residential area in central Horsham (see **Appendix 2 – Site and Location Plan**). It is located within the built-up area boundary on a site of approximately three hectares. The northern boundary of the site is bounded by the residential road Kingslea, with some rear gardens abutting the north-east and eastern boundary. To the west of the site is King’s Road and to the south Harwood Road, the boundaries of which are screened by mature vegetation.
- 2.2 The main school buildings are located to north-east of the school site, with playing fields located to the west and south. To the east of the site is Horsham Nursery School, owned and operated by the County Council. The existing school car park to the north of the site is comprised of 50 spaces, and is open for parents/caregivers during drop-off/pick-up times, as well as for staff and visitors. However, from September 2018, the car park will be reserved for staff and visitors to the school only, as such parents/caregivers will not be able to use the car park for school drop-off/pick-up; this will happen regardless of the decision made about the current planning application. Vehicular and pedestrian access to the school and its car park is taken from Kingslea to the north.
- 2.3 The application site comprises the western car parking area, currently containing 16 car parking spaces.
- 2.4 The school is not within an area subject to any ecological, landscape or historic designations, and is not within in area at increased risk of flooding.

### 3. **Relevant Planning History**

- 3.1 Planning permission was granted in 2005 for the extension and alteration of then-named Chesworth Junior School to create Kingslea Primary School (application ref. DC/1122/05(HU)). This included associated landscaping and an additional car parking area to the east of the existing site. A condition for a Traffic Regulation Order (TRO) to restrict parking on Kingslea was included as part of this permission. This has been fully implemented and the TRO enforced from May 2007, restricting parking from the school entrance east along the first approximately 100 metres of Kingslea.
- 3.2 In 2006, permission was granted for the construction of a new nursery and children’s centre, with associated play areas, vehicle entrance and car parking, which has been fully implemented (ref no. DC/690/06(HU)). The access for this facility and parking is from Harwood Road to the south, and incorporates a 24-space car park separate to the main primary school car park.
- 3.3 Also in 2006, planning permission was granted to remove a planning condition on DC/1122/05(HU) to allow the retention of a pedestrian footbridge on Harwood Road, which remains in place (ref. DC/877/06/HU).
- 3.4 Other relevant planning history as follows;
- DC/1114/05(HU) – Outline application for a family centre and portage accommodation. Withdrawn July 2005 due to drainage issues.
  - DC/1591/06(HU) – Amendment of conditions 19 regarding the traffic signals and 20 regarding Traffic Regulation Order on DC/1122/06(HU).

Granted September 2006 to allow the school to open before the implementation of the traffic signals and TRO.

#### 4. **The Proposal**

- 4.1 Planning permission is sought for the conversion of an existing 16-space car park to a MUGA, with associated fencing, and an artificial grassed area to the south (see **Appendix 3: Proposed MUGA Plan**). The total area of the development covers approximately 300 square metres.
- 4.2 The proposed MUGA would be enclosed by 3 metre high, green, powder coated fencing, with incorporated football and basketball goals at the eastern and western ends. The existing tarmac area would be extended 3 metres to the south. New artificial turf would be installed to the south of the HPA, covering approximately 20m x 3m, to adjoin with the existing artificial turf. Two fixed traffic bollards and two removable traffic bollards would be installed on the entrance to the MUGA to enable temporary vehicular access to the site when required.
- 4.3 The use of the proposed HPA would be limited to break and lunch times during term time only, consistent with the use of the existing HPA adjacent to the proposal.
- 4.4 There will be no additional pupils attending the school as a result of this development.

#### 5 **Environmental Impact Assessment (EIA)**

- 5.1 The need for EIA has been considered in relation to this application in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').
- 5.2 The development does not fall within either Schedule 1 or 2 of the EIA Regulations and is not considered likely to have the potential for significant environmental effects within the meaning of the regulations. Therefore, an EIA is not required.

#### 6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework (NPPF)). For the purposes of the application, the statutory development plan comprises the Horsham District Planning Framework 2015 – 2031.
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

### ***Horsham District Planning Framework 2015 - 2031***

6.3 The key policies in the Planning Framework, which are material to the determination of the application, are summarised below:

- Policy 1 - Sustainable Development
- Policy 3 – Development Hierarchy
- Policy 33 – Development Principles
- Policy 41 – Parking
- Policy 43 – Community Facilities, Leisure and Recreation

### ***National Planning Policy Framework (2012)***

6.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The Framework does not form part of the development plan but is a material consideration in determining planning applications, and helps guide decision-makers as to what matters are material to the decision-making process.

6.5 For this application, the key relevant paragraphs in the NPPF are considered to be as follows:

14 (presumption in favour of sustainable development, and approving development that accords with the development plan); 17 (core planning principles); 29 (sustainable transportation); 60 – 61 (appearance); 74 (protecting existing open space, sports and recreational buildings and land, including playing fields); 109 (protection and enhancement of the natural and local environment); 123 (planning decisions should avoid impacts on health and quality of life); 186 (positive decision making); 196 (determining applications in accordance with the development plan); 197 (presumption in favour of sustainable development); and 203-206 (use of planning conditions).

### ***DCLG Policy Statement – planning for schools development (2011)***

6.6 This national planning policy on schools does not form part of the development plan but helps guide decision-makers and should be read alongside the National Planning Policy Framework. In general terms it seeks to allow schools to expand, adapt and improve their facilities. It states "*Local authorities should give full weight and thorough consideration to the importance of enabling the development of state-funded school in their planning decisions*" and "*Local authorities should make full use of their planning powers to support state-funded schools applications.*"

## **7. Consultations**

7.1 ***Horsham District Council:*** No objection given the existing use of the site and the nature of the proposed works; considers that no significant adverse impact on neighbouring amenity would be likely as a result of the scheme.

7.2 ***WSCC Highways:*** No objection; does not consider the development would have a 'severe' impact on the operation of the highway network.

- 7.3 **WSCC Trees and Woodlands Officer:** No objection subject to condition regarding tree protection, tree work and a method statement.
- 7.4 **Horsham Forest Neighbourhood Council:** No objection.
- 7.5 **Local Member Andrew Baldwin:** In support of application.

## 8. **Representations**

- 8.1 The application was publicised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8.2 Publicity consisted of the erection of site notices located around the application site and neighbour notification letters.
- 8.3 In total, representations were received from 24 people consisting of 18 objections, 5 people raising concern and 1 person in support. The main concerns raised relate to: the loss of on-road parking for residents; unacceptable congestion resulting in highway safety issues during peak drop-off/pick-up times; poor/illegal parking of parents/caregivers during drop-off/pick-up periods; that the school should use the playing fields for the scheme rather than the existing car park; suggestion of residents' parking permits as mitigation; risk of damage to property by locating the MUGA on the car park instead of the field; highway safety issues relating to ball games near the road; suggestion that parking should be replaced elsewhere on the site and access issues for emergency services. Support was raised relating to the area allowing more children to exercise throughout the year and a reduction in parking will encourage more people to walk and cycle.

## 9. **Consideration of Key Issues**

- 9.1 The main material considerations in relation to this application are whether the development:
- meets an identified need; and
  - is acceptable in terms of highway capacity and road safety

### ***Need for the Development***

- 9.2 All schools are required by the Department for Education to provide given areas of play space (and other facilities), based on the age of pupils and the number on the school role. Building Bulletin 103 from the Department for Education states that existing schools should provide a multi-use games area with approximate dimensions of 22m x 33m plus margins for primary pupils.
- 9.3 The existing HPA is considered undersized for the number of pupils on role (namely 427) and the playing field is unavailable for use for most of the year due to weather conditions. An additional HPA would allow for more pupils to engage in outdoor play for longer periods of the year.
- 9.4 The NPPF gives 'great weight' to the need to expand schools. The supporting Policy Statement notes the importance of enabling the development of state-funded schools. This is reflected in the Horsham District Planning Framework,

which supports the provision of community facilities within neighbourhood centres to meet local demand.

- 9.5 It is therefore concluded that there is an identified need for an additional area of hard play area to accommodate increased outdoor play at the school.
- 9.6 *The school is required to provide a given level of play space based on pupil numbers, including 'hard surfaced outdoor PE' areas. The MUGA is required to meet this need, with the school wishing to expand the ability of pupils to participate in outdoor formal play, regardless of weather conditions during the school year.*

### **Impacts on the Highway Capacity and Road Safety**

- 9.7 As already noted, the primary school is accessed from Kingslea to the north via a one-way in/out system. Within the immediate vicinity of the school, there are a number of parking restrictions including both single and double yellow lines, and zig zag 'School Keep Clear' markings on Kingslea.
- 9.8 It is important to note that regardless of the outcome of this application, from September 2018 the existing 50-space car park will only be available for staff and visitors to the school, and not drop-off/pick-up.
- 9.9 In common with most other school sites, surrounding residential streets experience varying degrees of congestion during peak set-down and pick-up times. A key concern raised by third parties is the impact of the reduction in parking on the road network surrounding the school, particularly in terms of congestion, highway safety (double-parking, illegal parking etc.) and impact on on-street parking during pick-up/drop-off as a result of additional cars parking on Kingslea.
- 9.10 However, the area is subject to enforceable waiting restrictions along the carriageway to prevent dangerous parking during school drop-off/pick-up. Although concerns about illegal parking are noted, in planning terms it must be assumed that highway legislation will be adhered to, and effectively enforced.
- 9.11 Outside of the waiting restrictions, it is not an offence to park on Kingslea, and there is no residents' parking provided. Although there may be some inconvenience for residents if a parking space near their home is not available, the parking is publicly available. Further, although there would be pressure on parking during drop-off/pick-up, this would be for relatively short, known periods of time, during the typical working day.
- 9.12 Overall, although the reduction in parking on site may result in increased vehicle numbers parking on surrounding roads, the impact would be short-lived, during drop-off and pick-up periods, and the Highway Authority has confirmed that they do not consider the impact would be 'severe'. Further, in this case, the car parking would not be available for parent/caregiver parking even if the development does not come forward, and the development itself would not result in increased vehicle movements. It is therefore considered that the proposal is acceptable in highway capacity and road safety terms.

9.13 *Although the proposed development would not result in increased vehicle movements, it would result in the loss of an existing 16-space car park. Therefore, it could result in an increase in car parking on surrounding roads, which could exacerbate congestion on surrounding roads during school drop-off and pick-up periods. In addition and regardless of the current application, the main school 50-space car park will not be available for parent/caregiver parking from September 2018 onwards. There may be some inconvenience for residents but this would be for relatively short, known periods of time, during the typical working day and WSCC Highways do not consider the development would result in a significant impact on highway capacity or road safety. Therefore, the development is considered to be acceptable in this regard.*

### **Other Material Considerations**

9.14 A number of representations have mentioned the consideration of locating the MUGA to a different area of the school site, namely on the school field. However, in planning terms it is the acceptability of the application that must be considered. Further, the siting of the MUGA on the school field would result in a loss of part of the playing field and would be contrary to Sport England's Playing Field Policy and Guidance March 2018.

9.15 The development has the potential to impact on residential amenity. The siting of the MUGA would be opposite residential properties on Kingslea, but as there is an existing HPA abutting the proposed MUGA, the noise from the development is likely to be indiscernible from the noise of the existing HPA. The noise disturbance would be during the day, on weekdays only so the impact is considered to be acceptable.

9.16 The development has the potential to impact on trees surrounding the application site through the installation of fencing and artificial grass. Post holes for the fencing would be positioned within the tarmac area and not soft ground where damage to roots is less likely. The WSCC Tree Officer has no objection subject to a condition to protect the retained trees.

## **10. Overall Conclusion and Recommendation**

10.1 Planning permission is sought for the installation of a MUGA on an existing 16-space car park, with associated fencing and artificial turf on the north-west of the Kingslea Primary School campus. The MUGA is required to meet statutory standards relating to the provision of 'hard surfaced outdoor PE' areas. The scheme would enable children to engage in outdoor physical activity regardless of weather conditions during the school year.

10.3 Local residents have raised concerns about the removal of 16 car parking spaces and the impact this could have on highway safety. In addition and regardless of the outcome of this application, the main 50-space car park would not be available from September 2018 for drop off/pick up. Outside of existing waiting restrictions, it is not an offence to park on the residential roads and although there may be some inconvenience for residents during drop-off/pick-up, this would be for relatively short, known periods of time, during the typical working day.

10.6 Overall, it is concluded that the MUGA is needed, that there would not be a significant impact on highway capacity and road safety, and that it is acceptable in all other regards, including the impact on residential amenity.

10.7 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out at Appendix 1.

## 11. **Crime and Disorder Act Implications**

11.1 There are no implications. The Sussex Police Crime Prevention Design Advisor has provided detailed crime prevention advice which has been communicated to the applicant.

## 12. **Equality Act Implications**

12.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and the representations made by third parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## 13. **Human Rights Act Implications**

13.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

13.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

13.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington  
Head of Planning Services

**Background Papers:** As set out in Section 6.

**List of Appendices**

Appendix 1 – Conditions

Appendix 2 – Site & Location Plan

Appendix 3 – Proposed MUGA Plan

Contact: Eloise Short, ext. 27805