

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**13 February 2020**

Application No:	SMD/2019/0150	
Location	Middle School, Greenhills, Dog Lane, Ipstones Edge, Ipstones, ST10 2LP	
Proposal	Provision of sports surface and play equipment	
Applicant	Care Today Children's Services	
Agent	None	
Parish/ward	Ipstones	Date registered: 4 <sup>th</sup> November 2019
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

**REFERRAL**

The application is presented at the request of the Ward Councillor so that members can consider how, and the extent to which, the development might impact on amenity.

**1. SUMMARY OF RECOMMENDATION**

**APPROVE** subject to conditions

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 Planning permission was granted last year to occupy and use the old farmstead at Greenhills as a residential middle school for 8 pupils between the ages of 6 and 13 years old. The old farm property is one of a number that are scattered along the ridge of Ipstones Edge. It consists of a large stone farm house that is attached at the rear to a range of three portal frame farm sheds that open onto a hardstanding forming the old farmyard. On the other side of the house the character is that of a secluded residential property with a large patio area that overlooks open countryside.

2.2 The site it is set back from the roadside and accessed from an unmade track. The track has a fork to the east approximately 20 metres from the site entrance where it provides the access to the adjacent neighbouring farm property 'Little Green Hills Farm'. This neighbour's dwellinghouse is approximately 70metres to the south east of the proposed development site on the other side of some large farm sheds.

2.3 The site is located in an 'other rural area', outside any designated settlement boundary, to the north of the villages of Ipstones and Foxt. The surroundings are

distinctly rural and attractive open pasture and heath land. A shelter belt of mature deciduous and coniferous woodland screens and 'hides' the site from the roadside and the closest public footpath which shares part of the unmade access track before crossing open field.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 To provide within the curtilage and planning unit of the school a log climbing frame and multi use games arena (MUGA). The log climbing frame would be a bolted structure providing a low to the ground (1.46m high) play obstacle with cargo netting, similar in size and scale to other domestic garden play equipment. The climbing frame would be located on an area of existing garden patio to the rear of the old farmhouse, in an alcove enclosed by the grouping of buildings to the northwest.

3.2 The MUGA would consist of a marked sports surface 25 metres by 12metres in dimension, enclosed by a 2 metre high green wire mesh fence, with goals and basket ball nets at each end. The facility would be located on an open area of old farm yard that is largely laid to concrete to the east of the farm house and buildings. The short side of the MUGA closest to the neighbour's property would come within 2.5metres of the boundary in one corner, whilst at the other corner, where the boundary angles away, the separation distance increases to a maximum of 6.5metres.

3.3 The provision, within the grounds of a school, of a 'school building or structure', such as a climbing frame; and, a hardsurface, such as the sports pitch, would be normally permitted at Part 7, Class M and N of the General Permitted Development Order 2015 and not require planning permission. However, in this case, the planning permission to use the premises as a school was subject to a condition that effectively removed these rights and prevented such development from occurring without express consent. At 2metres high, the perimeter fencing to enclose the MUGA, would on its own, still be permitted development by Part 2, Class A of the General Permitted Development Order.

3.4 The applicant submits the following statement in support of the application:

*"The MUGA would not be in view of the neighbouring property. Children need play amenities for their physical and emotional well being and it will be a fantastic opportunity for them to play and expend energy with their peers. If our children are encouraged to play all in one multi purpose built pitch it will be the least disruptive way of allowing them to flourish in the fresh air and make the most of the beautiful surrounding landscape in a supervised and appropriate manner. School grounds can play a significant role in achieving this by providing safe, stimulating environments where children can learn, explore, play and grow, regardless of their educational needs. As a society, we recognise that our young people are offered ever fewer opportunities for safe, challenging, active and collaborative play and this is why our MUGA is so important to us".*

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

#### **4. RELEVANT PLANNING HISTORY**

SM.601-86 Change of Use to a Road Transport and Lorry Repair Base. Approved 1989.

04/01478/OUT Replacement Agricultural Dwelling (neighbour's property). Outline Permission Approved 2004.

05/01480/FUL Replacement Agricultural Dwelling. (neighbour's property). Reserved Matters. Approved 2005.

SMD/2018/0108 Change of use from dwellinghouse to a residential school (Class C2). Approved.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SS6C Rural area strategy
- DC1 Design Considerations to protect residential amenity
- DC3 Landscape and Settlement Setting
- R1 Rural Diversification
- SD4 Noise Pollution and Amenity Impacts

5.4 In respect of the Council's development plan the 'Rural Strategy' policy SS6c applies to the Countryside outside of the development boundaries of the towns and villages, including those small settlements not identified in the Core Strategy. As part of the strategy for these areas provision is made for development which meets an essential local need, supports rural diversification and sustainability

of the rural area. Specifically, the strategy allows for the conversion of existing rural buildings for commercial use.

### Emerging Local Plan

5.5 The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4<sup>th</sup> and 5<sup>th</sup> February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

5.6 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

5.7 Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

### Emerging Policies

5.8 The following policies are considered to be relevant to this application:

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS10 Other Rural Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- SD4 Noise Pollution and Amenity Impacts

## Supplementary Planning Guidance

5.9 The following documents supplement and provide an evidence base to the development plan:

Staffordshire Moorlands Design Guide (2018)  
Landscape Character Assessment (2008)

National Planning Policy Framework (NPPF) revised.

5.10 The following sections of the NPPF are particularly relevant to this application:

2: Achieving sustainable development  
6: Building a strong, competitive economy  
12: Achieving well-designed places.

## **6. CONSULTATIONS**

Site Notice posted: 16<sup>th</sup> December 2019. Expiry date: 6<sup>th</sup> January 2020.  
Local residents have been notified by letter.

### **Letters of objection**

6.1 Two comments have been received from the adjacent property. The following concern is raised:

*The sports pitch would be in close proximity of their farm buildings and would become a health and safety problem because noise and disturbance from the sports pitch could frighten the livestock and cause a stampede that injures the stocks man.*

### **Parish Council**

6.2 *Ipstones Parish Council object to the development:*

- *Overdevelopment of the site and inappropriate to the location.*
- *Unneighbourly, the sports pitch would be located very close to the neighbouring property.*

### **Staffordshire Police**

6.3 *No Objection. The local PCSO who has had regular engagement with the applicant, is of the opinion that the MUGA is in a reasonable position, sufficient to reduce the likelihood of it being a noise nuisance to the neighbours. The fact that the children who live at the location are younger than teenagers should reduce the noise levels of ball activity within the MUGA. Presumably, the MUGA design is such that rebound noise is dampened in some way. To reduce the likelihood of noise nuisance, staff supervision of activity will no doubt be required and there may be a need to restrict the amount of usage or times of day it is used. The onus will be on the staff to take wise decisions and appropriate steps to minimise the potential for conflict to arise from such play provision.*

## Environmental Health

6.4 *No Objection. Primary considerations relate to the potential for facilities to be used at unsocial times and sports lighting to be used. Suggest conditions below to address these matters. Sport England's design guidance recommends for larger pitches, the use of neoprene isolators to separate panels from posts and dampening material in posts.*

## 7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relevant to the consideration of this application are:

- (a) Would there be any conflict with the 'Other Rural Areas Strategy' set out at SS6c?
- (b) Would there be any harm to the character and appearance of the surrounding area?
- (c) Would there be adverse impacts on residential amenity?

Would there be any conflict with the 'Other Rural Areas Strategy' set out at SS6c?

7.2 The site is in the countryside beyond the villages of Foxt and Ipstones. The strategy policy for this type of rural area provides for development that meets local needs and supports rural diversification but does not cause undue detriment to the quality and character of the area or amenity of residents. The emerging local plan does not introduce any material change to this approach. The main issue for consideration, therefore, is whether the development's impact on the character and appearance of the area or the amenity of the nearby resident would lead to a degree of harm that would outweigh considerations in favour and the benefits of meeting an identified local need.

7.3 The premises are an established residential school with a planning permission that was granted last year. It provides residential care and on site education for 8 pupils between the ages of 6 and 13 years old. The health and wellbeing of the community is an overarching objective of the planning system (NPPF para.8). Clearly there is reasonable need at the premises, as with any other school, for recreational and play facility to be provided on site so that the children can enjoy constructive and structured exercise opportunity at their place of residence and education. In principle, there is not considered to be conflict with the 'Rural Strategy' policy in the Core Strategy.

Character and appearance of the area

7.4 From the footpaths and road to the south, the premises as a whole is essentially hidden from view behind tree belts and coppices. The timber climbing frame would be screened from the south and enclosed by the existing farm buildings. The facility would be located with an obvious and appropriate sense of place on the pre existing residential patio. During the property's former life as a dwellinghouse all types of garden structures and play equipment might have been located in the area of patio without planning permission. The climbing frame would use natural timber

materials and have a low height profile, it would not, in any event, be incongruous within the landscape.

7.5 It is worth noting that the most prominent element of the MUGA pitch would be its green steel perimeter mesh fencing that would give the otherwise flat surface a side profile. However, at just 2metres high, the fence as a means of enclosure would on its own be permitted development by Part 2, Class A of the Order. In any event, the MUGA pitch would be concealed from the neighbour behind a tall conifer hedge and large farm sheds that hide it from their dwellinghouse. Set down on a stepped lower level some 25 metres away, the edge of the MUGA would not be apparent to users of footpath 78 that crosses alongside the site's southern hedgerow boundary.

7.6 The northern long side edge of the MUGA would have some exposure to the open moorland landscape that lies beyond the site boundary. The MUGA would be set into the yard about 10metres from the plateau edge of the farmyard and its boundary and would be set between two large pre existing farm sheds. Within that context the edge of the MUGA would not be immediately or obviously apparent when viewed from the middle and long distance. In any event, the side of the MUGA would be no more than a two metre high mesh fence, not dissimilar to that already used along the boundary attached to a concrete dwarf wall. The perimeter side fence would not appear significant within the landscape or harmful to the countryside character and appearance of the area.

#### The amenity of the adjacent neighbour

7.7 The obstacle climbing frame would be some 90metres from the adjacent neighbour's dwelling at New Green Hills Farm to the west. It would be located to the other side of trees and the applicant's substantial farm buildings in an area of residential patio enclosure. It would be a modestly sized piece of equipment, perhaps not large enough for all pupils to be using at once, and similar in size and design to the type of garden structure that might be provided at any family residence. Hickham Farm lies to the east across open countryside but the house is over 150m away, again, located the other side of their farm sheds. The climbing frame would present no harm to residential amenity.

7.8 The MUGA would be located within an open yard area within the school grounds. Such an area could be used by the pupils (or during the site's former use as a farm dwellinghouse, the children of a resident family) to play structured or unstructured games without planning permission, a football kick around or basket ball game using moveable goals or hoops for example. The MUGA would provide structure to these games making it easier to control the times at which pupils play and how they are supervised. If the MUGA is in use the exuberance of play or the rebounding of balls from the fence could create some noise. However this noise should be naturally moderated by the limits already in place on the age and number of pupils (no more than 8 aged between 6 and 13 years old). Younger children, as opposed to teenagers, are likely to not shout as loudly or kick the ball as hard.

7.9 In any event the location of the MUGA has been selected because it provides open space away from their parking area and the more exposed edge of the yard. It would be at a lower ground level to the neighbour's dwelling that would be

approximately 60 metres away on the other side of a substantial grouping of farm sheds and a mature row of conifer trees. With this separation distance and on site conditions, sound from the children at play, if audible at all, should not cause nuisance and disturbance or harm amenity within reasonable expectations.

7.10 The context against which the proposal should be judged is that of a large dwellinghouse that was available and sold on the open market. It could be occupied at any time by a large family with a large number of children who might want to play, explore and roam their countryside surroundings. At some point prior to the current applicant's purchase the site was a working farm with, presumably, noise associated with tractors, animals and farm machinery. Moreover, in 1989 a large part of the yard area together with the land now belonging to the adjacent neighbour at 'Little Green Hills Farm' was granted planning permission to be used as a 'Road Transport and Lorry Repair Base'. The proposal therefore, and its amenity impacts, should be judged against the context of these pre existing uses, which may in themselves have been considered to be 'noisy activity' and not necessarily a backdrop of considerable quiet and tranquility.

7.11 Consequently, colleagues from the Environmental Health team have not objected to the proposal. However, with that being said, to assist and avoid potential nuisance, they do suggest and recommend appropriate controls over the times at which the facility is used (no later than 8pm or earlier than 8am), the prohibition of pitch side lighting, and the use of 'dampening' fastenings in the construction of the fence enclosure.

#### Other Considerations

7.12 The letter and email from the neighbours, setting out their objection to the proposal, complain generally about disturbance and nuisance that they say has been an experience of the past. However, very specifically they draw attention to a perceived risk of noise frightening their livestock and causing a stampede that could injure the herdsman. They point to the proximity of their nearest shed on the other side of the boundary. They say that their buildings are used to house livestock all year round. The rear of their nearest shed, which is the only building that could possibly be affected, would be approximately 12metres from the MUGA, the other side of a mature row of conifers and the neighbour's farm track. However, the building in question is not obviously designed for livestock housing as it has cemented concrete block walls to considerable height that approach that of the building's eaves. This form of construction would normally limit ventilation inside the building and make it unsuitable for livestock housing. However, if animals are kept in the building, its substantial block rear wall should form good noise barrier to prevent sudden or loud sounds from say the neighbour's passing tractor or children at nearby play from causing alarm or distress. In the absence of any other evidence, on site observations relevant to the context of the whole site, its previous and existing other uses, and the arrangement and proximity of buildings, the conclusion here can only be that the concern expressed by the neighbour is not a matter that would outweigh the benefits of the development and those considerations in favour.

## **Planning Balance & Conclusions**

7.13 The benefits that would ensue from a 'Development Plan' compliant proposal to provide new play and sport facility meeting the educational and recreational needs of young children within the local area would not be outweighed by any other considerations. Specifically, there would not be any undue harm to the character and appearance of the area; or the amenity of residential neighbours. Accordingly the application is recommended for approval.

### **8. RECOMMENDATION**

**A. That planning permission be granted for the provision of the sports pitch (MUGA) and play equipment subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development permitted and described above shall only be carried out in complete accordance with the drawn and written details that are shown on the drawing numbered 'site plan v.2.0' that was submitted with the application. The timber obstacle climbing frame shall only be provided and located on the area shown on this drawing with blue diagonal lines and labelled as 'play equipment'; and, the sports pitch (MUGA) shall only be provided and located on the area shown on this drawing with green cross hatching and labelled as 'sports pitch'.**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

**3. The timber obstacle climbing frame referred to on the site plan as 'play equipment' and the 'sports pitch' (MUGA) shall only be provided in accordance with the elevation and plan drawings that were submitted with the application. The perimeter fence enclosing the 'sports pitch' shall only be constructed using dampening material in the posts and neoprene/dampening isolaters to fasten the fence to the posts, these measures shall thereafter be retained and maintained throughout the life of the development.**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework and to ensure that the development is constructed in a way that would minimise noise.**

**4. The sports pitch (MUGA) and play equipment shall once provided only be used by resident pupils living at and educated at the premises under the terms of the previously granted planning permission ref. 2018/00108 between 08:00 hours and 20:00 hours. The facilities shall not be made available or used by any other persons or for any other purpose or at any other times.**

**Reason:- To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.**

**5. The 'sports pitch' shall not be illuminated by any source of artificial lighting that is installed either on the ground, on poles or other structure, or attached to any part of the perimeter fencing.**

**Reason: To protect the local amenities of the local residents by reason of excess of luminance.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

### **Informative**

**1. The application is for a sustainable form of development which complies with the development plan and the provisions of the National Planning Policy Framework. In the spirit of paragraph 38 of the NPPF amendments were secured to reduce the impact of the scheme.**



