2022/1196
Applicant: Mr Peter Carter

Removal of conditions 7 (acoustic fence) and 8 (tree protection around acoustic fence) of planning permission 2021/1678 - New multi-use games area (MUGA) sports pitch and associated works including 3m high perimeter fencing

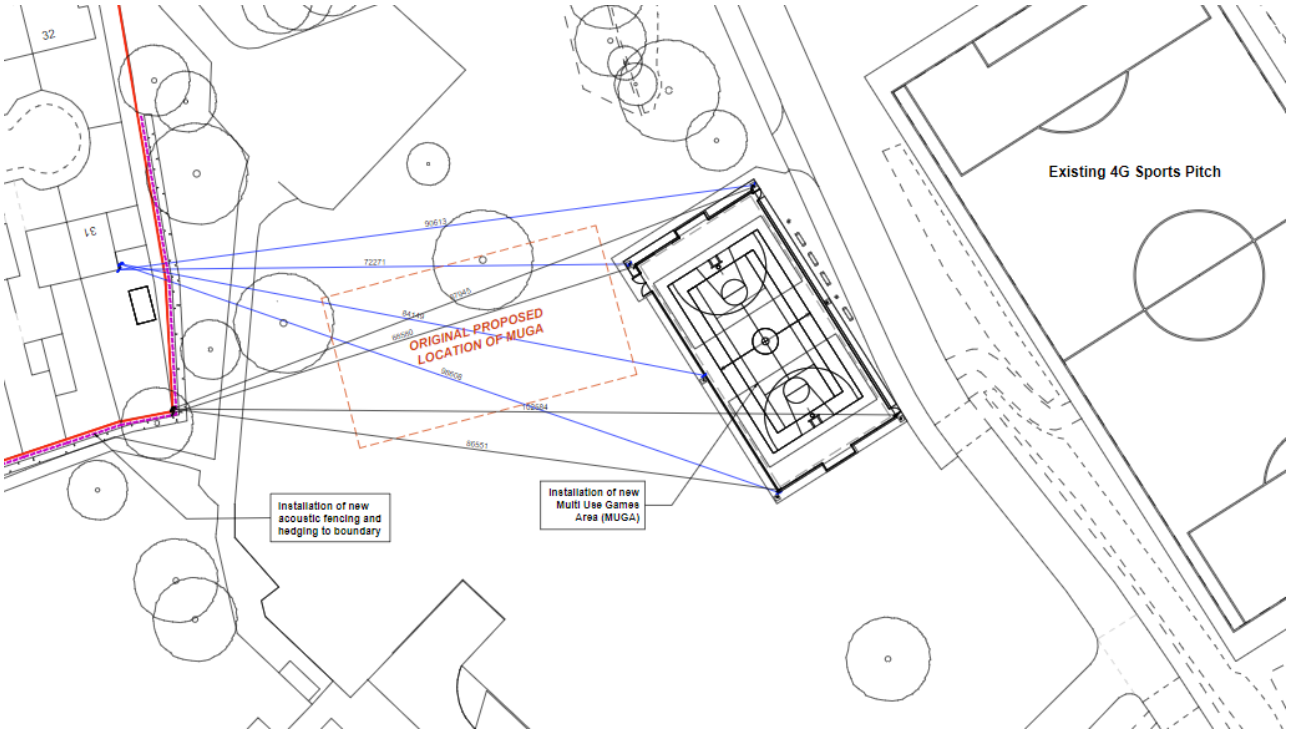
Barnsley College, Honeywell lane, Barnsley, S75 1BP

Site Description

The application site refers to the Honeywell Lane educational campus owned and operated by Barnsley College. Specifically, the application site refers to a grassed area to the North-East of the existing Sports Academy and 25m to the West of the existing 5G football pitch, across from the access road. The red line boundary for the application includes the access road from Honeywell Lane, to the North which runs North to South, passed the application site to the West. The campus as a whole contains numerous educational buildings, parking spaces and car parks. The Honeywell campus is located on the outskirts of Barnsley Town Centre – c 400m to the North of the Town Hall, but falls just outside of the Town Centre Boundary. The site is allocated as both the Urban Fabric and 'College Grounds' within the adopted plan, with the campus nestled in between various pockets of residential dwellings. The nearest residential dwellings to the application site are located to the North-West on Cockerham Avenue, with residential properties on Honeywell Lane itself to the North. Within the site itself is a series of traffic-calmed roads with speed bumps and restrictions. There are various car parks scattered across the campus in various locations including a small car parking area to the West, to the front of the Sports Academy building.

The site previously had a MUGA on the South-East of the campus, where a separate application (2021/1689) has been determined which removed the previous MUGA to be replaced by an automotive technology centre.

The proposed MUGA (2022/1196) has already been installed on site.



Planning History

2005/1507: Mixed use development of residential, offices and relocation of college sports hall and tennis courts (Outline) – Approved with Conditions

2006/0900: Construction of new sports hall, with related and additional teaching spaces and outdoor all-weather surfaces – Approved with Conditions

2009/0609: Mixed use development of residential, offices and relocation of college sports hall and tennis courts (Reserved Matters) – Approved subject to legal agreement

2010/1464: Erection of two storey extension to Sports Centre Learning Facility to create additional storage with classrooms and ancillary facilities above – Approved with conditions

2022/1678 - New multi-use games area (MUGA) sports pitch and associated works including 3m high perimeter fencing (Approved with conditions)

2022/1689 - Erection of Automotive Technology Centre building on the site of the existing multi-use games area (MUGA) which is proposed to be re-located (separate planning application 2021/1678) and associated provisions including roller shutter doors, classrooms, changing rooms, staff room and WC provision (Approved with Conditions)

Proposed Development

The applicant is seeking approval to remove conditions 7 (Acoustic fencing details) and 8 (Tree protection measures) from application reference 2021/1678. An updated Noise Impact Assessment and Supporting Planning letter has been submitted.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

SD1: Presumption in favour of Sustainable Development – When considering development proposals, The Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

LG2: The Location of Growth – Priority will be given the development in the following locations:

- Urban Barnsley
- Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
- Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

D1: High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

I2: Educational and Community Facilities – The Local Planning Authority will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship, should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility.

GS1: Green Space – The Council will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

SPDs/SPGs

SPD 'Parking' provides parking requirements for all types of development.

SPD 'Open Space provision and New Housing Development' provides guidance to developers submitting a planning application for residential development and what will be expected in terms of open space provision.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Forestry Officer – No formal written response but a verbal conversation indicated that the MUGA's position fell outside of the tree's rooting areas and the impact on the trees would be minimal.

Pollution Control – Given that the original or updated Noise Impact Assessment did not suggest that an acoustic fence would be required, and the original application did not generate an objection from Pollution Control, it is suggested that we can remove condition 7 from 2021/1678. The hours of restricted and if there are any noise complaints once the MUGA is in operation, then Pollution Control can deal with this under the Environmental Protection Act.

Highways DC – No highways implications; no objections raised.

Ward Councillors – Cllr. Lofts raised concern with the potential granting of retrospective permission as the project has not been completed as per the previous application. Residents have a right to expect that applications will be fulfilled as per originally granted.

Representations

Neighbouring properties were consulted on the proposed development, one comment was received objecting to the proposal raising the following concerns:

1. The removal of the acoustic fence and tree protection measures would impact on the enjoyment of the resident's house and garden.
2. Sport England have been consulted who do not necessarily have the resident's amenity as their main consideration.

Other points were raised from the development which are in relation to the previous application and other non-material planning matters, such as:

1. The MUGA has been approved to have changed location without the consultation with the community. Concerns would have been expressed at the amended/approved location should the resident have been consulted at this time.
2. The college not keeping up with the agreed upkeep of a previous development on site relating to the maintenance of a hedgerow.

Assessment

Principle of Development/Open Space provision

The application seeks to remove conditions 7 (Acoustic fencing details) and 8 (tree protection measures) from application ref. 2021/1678. Local Plan Policy GD1 will be the overriding consideration as part of this particular application which seeks to protect the amenity of existing and future residents. This impact will be assessed in much greater detail in the below section. To be clear, the proposed development does not seek to make alterations to the MUGA's scale, location, operating hours or who it will be used by. As such, the following paragraph from the principle of development section of application reference 2021/1678 is therefore still considered to be relevant:

> 'The application site is located firmly within the Barnsley College Honeywell Campus and is to support the ongoing development of the College within the region and the Design and Access Statement indicates that the MUGA will primarily be utilised for the Curriculum lessons, academic development and College team's training. Local Plan Policy I2 states that the Local Planning Authority will support the provision of schools, educational facilities and other community facilities, which should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. The MUGA will also be used for commercial purposes between the hours of 6pm and 9pm weekdays and between 9am and 3pm on weekends, but it is nonetheless considered that the primary use of the proposed MUGA is to support the educational purposes of the College. The proposed development is therefore considered to be in line with Local Plan Policy I2.'

Residential Amenity

The application seeks to remove condition 7 from the application which referred to an acoustic fence being placed on site which was intended as a mitigation measure to reduce noise reaching the neighbouring residential properties. The acoustic fence was included as part of the mitigation strategy on the approved plans (Dwg. no. 1000 Rev. D) and the Design & Access Statement but were not formally recommended in the Noise Impact Assessment or requested by colleagues in Regulatory Services. An updated Noise Impact Assessment (NIA/10165/22/10298/v2/Honeywell MUGA) has been submitted which has assessed the impact of noise on neighbouring properties. The study shows that the projected noise output from the MUGA when in use will be 35-40dB at the neighbouring properties. Noise associated with the MUGA use is at least 12dB below the target criteria of 50dB. Coinciding with the fact that the MUGA has reduced operational hours (up until 9pm), this noise output is considered acceptable and would render the acoustic fencing unnecessary.

Regulatory Services did not object to the initial positioning of the MUGA which was 22m from the nearest property (no. 31 Cockerham Avenue), with the position of the MUGA being significantly amended on the site to 72m away from no. 31, at its nearest. This represents more than triple the separation distance than was initially proposed and the distance alone will significantly reduce the impact on neighbouring properties. Regulatory services have been consulted on this application and have not objected, indicating that condition 7 can be removed. Any forthcoming complaints about noise on the site can be dealt with under the Environmental Protection Act.

It is also noted from the submitted planning letter than the introduction of an acoustic fence in the position shown on the block plan may represent further issues to the on-site/adjacent trees by digging down into the root protection areas. This in the long term would potentially detrimentally impact the trees.

The proposed removal of condition 7 (acoustic fencing details) from application 2021/1678 is therefore considered to be acceptable.

Visual Amenity/Impact on Trees

The MUGA is in close proximity to trees on the site but the amended position (previously approved under 2021/1678) does not fall within the root protection areas. Condition 8 of 2021/1678 required the developer to submit tree protection details prior to the MUGA being built/installed on site and it is untypical for these details to not be submitted and agreed in writing by the LPA. However, the tree officer has indicated that the harm to the trees is very minimal given that the MUGA itself does not fall within the root protection areas of the trees and has suggested removal of condition 8.

The acoustic fencing was to be located in an area within the site which contained trees and hedgerows and protection was required for the rooting system. Clearly the removal of the condition requiring acoustic fencing will render the protection of these trees/hedgerows unnecessary.

No other alterations to the MUGA are proposed through this particular application.

Highways Safety

No impact on highways safety.

Conclusion

The application seeks to remove condition 7 (acoustic fencing details) and 8 (tree protection measures). Neither of these conditions was specifically requested by colleagues in Regulatory Services when assessing 2021/1678 or by the Forestry Officer and additional information has been submitted in the form of an amended noise impact assessment. The amended NIA indicates that the proposed noise output of the MUGA at the nearest residential properties is 12dB below the target criteria. The MUGA has already been significantly moved away from the nearest neighbouring property (no. 31 Cockerham Avenue) through the previous application, more than tripling to distance from 22m to 72m. The hours of operation are still restrained with the last use finishing at 9pm and given the acoustic fence was not specifically requested, its removal is considered to be acceptable.

The MUGA was re-positioned on site to avoid the trees on site and now does not fall within the root protection areas of any trees. The Forestry Officer has been verbally consulted on the proposal and has not objected to the amended position of the MUGA stating that its impact on the adjacent trees will be very minimal, if any.

The proposed removal of condition 7 and 8 from 2021/1678 is considered to be acceptable.

Recommendation

Approve with conditions