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| <b>Agenda Item</b><br>A6                                                                          | <b>Committee Date</b><br>3 May 2016                                                                                                  | <b>Application Number</b><br>16/00297/FUL |
| <b>Application Site</b><br>Silverdale Village Institute<br>Spring Bank<br>Silverdale<br>Carnforth | <b>Proposal</b><br>Construction of a multi-use skating/biking/scootering bowl and tennis court with associated fencing and footpaths |                                           |
| <b>Name of Applicant</b><br>Silverdale Village Institute                                          | <b>Name of Agent</b><br>Mr Tim Stothert                                                                                              |                                           |
| <b>Decision Target Date</b><br>Extension of time agreed until 6 May 2016                          | <b>Reason For Delay</b><br>Committee Cycle                                                                                           |                                           |
| <b>Case Officer</b>                                                                               | Mrs Eleanor Fawcett                                                                                                                  |                                           |
| <b>Departure</b>                                                                                  | No                                                                                                                                   |                                           |
| <b>Summary of Recommendation</b>                                                                  | Refusal                                                                                                                              |                                           |

## **1.0 The Site and its Surroundings**

- 1.1 This application relates to the recreational field located to the south of the village Institute in the centre of Silverdale. The site is accessed off Spring Bank which is a privately maintained, unadopted road, in addition to a public footpath, and also serves several residential properties. The field is located on the eastern side of the road, approximately 200 metres from the junction with Stankelt Road. The site comprises a relatively large grassed area with some movable goal posts. There is also a relatively small hard surfaced area close to the north western boundary. The boundary with the highway comprises a stone wall, approximately 1.2 metres high, a metal access gate and a small section of timber and wire fence. Adjacent to this, along the highway verge, is a row of mature trees which are covered by a Tree Preservation Order.
- 1.2 To the south and east of the field are a number of residential properties which share boundaries with the site. The two to the south are accessed from Spring Bank and comprise bungalows located in close proximity to the site boundary. The boundary treatments consist of a beech hedge and a low blockwork wall. Close to the south east corner of the field are two detached bungalows which front onto Levels Way and are at a higher level than the site. One of these shares a boundary with the site which comprises a stone retaining wall and a timber fence. To the north of these properties, also sharing boundaries with the site are two detached dwellings, one of which is accessed off Levens Way and a pair of semi-detached properties. The remainder of the eastern boundary comprises a continuation of the stone wall and fence and a stone wall, behind which is a row of mature trees,
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the construction of a concrete bowl, to be used by skateboarders, skaters, scooters and BMX cycles and for a tennis court. The concrete bowl would be sited towards the southeast corner of the site and would be approximately 25.5 metres long and 11.8 metres wide. The tennis court would be sited adjacent to this, to the west, and would be marked out and have facilities built in to allow it to be used for other sports such as netball and football. This is proposed to

be approximately 35 metres long and 17 metres wide and be enclosed by a three-metre high green metal welded mesh fencing. Some hard surfacing is proposed around the concrete bowl and the tennis court and would include the siting of cycle stands and picnic tables. Pedestrian and cycle access would be from the existing gated access into the field from Spring Bank. Some work is also proposed on the hardstanding adjacent to the Institute with the surfacing refurbished and spaces marked out with setts. Five additional parking spaces are proposed within the field, adjacent to the existing hardstanding, and would be reinforced grass. Some tree planting is proposed, predominantly close to the south and east boundaries adjacent to the proposed development. A grass running track is also proposed to be marked out to the north of the tennis court.

### **3.0 Site History**

3.1 The only relevant history relates to a similar proposal on the site in 2015 which was withdrawn. The previous proposal included facilities for boules and croquet, in addition to a multi-use games area (MUGA), skate bowl and grass running track. The MUGA was proposed to be sited in a similar position to the concrete bowl currently proposed, and the skate bowl was proposed closer to the Institute building, adjacent to the eastern boundary.

| <b>Application Number</b> | <b>Proposal</b>                                                      | <b>Decision</b> |
|---------------------------|----------------------------------------------------------------------|-----------------|
| <b>15/00739/FUL</b>       | Construction of a skate park, multi-use games area and running track | Withdrawn       |

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

| <b>Consultee</b>                    | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parish Council</b>               | <b>Object</b> due to the following concerns: <ul style="list-style-type: none"> <li>• Significant impact on the amenity of surrounding properties due to noise and visual impact. No noise or visual impact analysis has been submitted.</li> <li>• Does not include any trial-hole information to inform of either the topography of the subsurface limestone rock or the drainage/permeability situation.</li> <li>• The limestone bedrock may prevent the Skate Bowl being significantly sunk into the ground and no specific finished surface level has been stated.</li> <li>• Access to the site is via a single track private road and there is also restricted visibility where the private road joins onto the public highway at Stankelt Road.</li> <li>• There is no plan included for control and supervision of the facilities.</li> </ul> |
| <b>County Highways</b>              | <b>No objection</b> subject to conditions requiring: assessment of the surface of the Spring Bank public right of way before development and within three months of completion and for the highway authority to make good any damage and agree a routine maintenance regime of the footpath during construction; display adequate signage on public rights of way during construction; layout to include provisions for vehicles to enter and leave the Institute in a forward gear; Traffic Regulation Order to control parking within the view line envelope of Stankelt Road at its junction with Spring Bank; details of secure cycle storage facilities; reduction in height of boundary wall with Spring Bank to 1 metre for a distance of 20 metres.                                                                                             |
| <b>Public Rights of Way Officer</b> | <b>No objections</b> , subject to the public footpath being open and available for safe use by the public at all times.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Environmental Health</b>         | <b>Object.</b> There is strong evidence available to suggest that within a quiet rural location as this, with a perceptibly low noise climate and both low daytime and night-time background noise levels, that noise associated with, and generated by the above recreational activities will have unacceptable impacts on local residents and that is a high likelihood of complaints. In view of the above, development of this nature in conjunction with its location and proximity to existing residents should be avoided.                                                                                                                                                                                                                                                                                                                       |
| <b>Tree Protection Officer</b>      | <b>No objection</b> in principle, subject to the satisfactory submission and agreement in writing of a detailed Tree Protection Plan, Tree Constraints Plan, and detailed Arboriculture Method Statement where works are proposed within root protection areas. This information is required pre-determination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Public Realm Officer</b>              | <b>No objection</b> subject to: the removal of the green space for parking, as a maximum amount of green space should be retained; permitted hours of usage are from dawn to dusk; the inclusion of cycle stands.                                                                                                                                                                                                                                                                                                                                    |
| <b>Lancashire Constabulary</b>           | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Arnsdale and Silverdale AONB Unit</b> | <b>Comments</b> - The provision of new sports and recreation facilities is, on overall terms, consistent with the AONB's Units objectives to support social and economic wellbeing of local communities within the AONB. While the new proposal in itself is not likely to result in a significant detrimental impact to the character of the AONB as a whole, there is likely to be an impact on the character of the immediate locality. The layout retains significantly less of the openness of the recreational field than the previous layout. |
| <b>Sport England</b>                     | <b>Holding objection</b> until further information is submitted to demonstrate:<br>1. The playing field is not required to meet a local pitch sport need; and<br>2. The sporting benefits that outweigh the loss of playing field<br>Without this information the proposal does not meet the requirements of paragraph 74 of NPPF or Sport England's Playing Fields Policy.                                                                                                                                                                          |

## **5.0 Neighbour Representations**

5.1 59 pieces of correspondence have been received raising objections to the proposal. These raise the following concerns:

- Major development out of character with the AONB
- Inappropriate/unsuitable access and egress along a narrow private access road with limited parking and limited access by public transport. The Institute has no vehicular access rights
- Impact on pedestrian safety of users of the public right of way
- Visual impact on the character of the area as a result of the high fencing, use of concrete, major earthworks, extensive hard landscaping
- Impact on residential amenity as a result of noise, which would not be mitigated by additional tree planting particularly where properties are on higher land, and disturbance from paths and lighting
- Disruption to wildlife
- No requirement for this type of facility from local residents, will only benefit a small proportion and there are other activities available
- Loss of green space (village green), reduces the area of the playing field limiting its use for other purposes, overdevelopment
- Damage to road, verges, trees and habitats during construction
- No supervision proposed, concerns regarding anti-social behaviour, health and safety implications, litter, hours of use and maintenance
- Close proximity to a substation which poses risk to life
- The land should be solely for the use of Silverdale residents
- Will contaminate the site
- Other appropriate sites in Silverdale and nearby urban areas
- Limited public consultation
- Loss of land for use by Air Ambulance in emergencies

5.2 9 pieces of correspondence have been received in support of the proposal and raise the following comments:

- Represents an opportunity for people of all ages to partake in sport and recreation
- There is a need for sports facilities in the village for young people in particular and there is no similar facility in the nearby area
- The land is already a designated recreational field
- Health benefits
- Will provide a safe area of children to play rather than on roads

## **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles

Paragraph 32 – Access and Transport

Paragraphs 56, 58 and 60 – Requiring Good Design and access to recreational facilities

Paragraphs 69, 70 and 73 – Promoting Healthy Communities

Paragraph 74 – Protecting Existing Open Space

Paragraph 115 and 116 – Conserving Landscape and Scenic Beauty in Areas of Outstanding Natural Beauty

Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008) (LDCS)

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

SC6 – Crime and Community Safety

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E3 – Areas of Outstanding Natural Beauty

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM25 – Green Infrastructure

DM26 – Open Space, Sports and Recreational Facilities

DM27 – The Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-Off and Sustainable Drainage

6.5 Other Material Considerations

A Sporting Future for the Playing Fields of England – Sport England

**7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Impact on the AONB
- Siting, scale, design and visual impact
- Residential Amenity
- Access and highway impacts
- Impact on Trees and Ecology
- Other Issues

7.2 Principle of Development

7.2.1 The application proposes two main sports facilities on an existing area of amenity green space, adjacent to the Village Institute. The Council supports the development of appropriate and accessible outdoor facilities for the benefit of local communities. The field does not appear to have been used extensively for formal recreation, with no formal pitches marked out, but has been previously used by the cricket club before the creation of their facilities off Cove Road. Paragraph 74 of the NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the development would be replaced by equivalent or better provision

in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

7.2.2 Sport England have been consulted on the proposal and have currently raised an objection. They have considered the application in light of the NPPF and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'. The new sports facilities will result in the loss of a grass playing field with only a significantly reduced area being provided, which is not big enough for formal sports pitch but could be used as a kick-about area. Sport England's statutory remit is to protect natural turf playing field which is capable of being used for pitch sports even though it may not currently be used as such. Whilst they do not wish to discourage participation in other sports they set out that they require clear evidence that the playing field is not required to meet a need from another pitch sport and that the proposed non-pitch sports facilities will provide sporting benefits that outweigh the loss of playing field. For that reason the proposal must then meet paragraph 74 (iii) of NPPF and the following exception to Sport England policy: '*E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields*'.

7.2.3 Although the England and Wales Cricket Board has confirmed the site is no longer required to meet a cricket need no evidence has been provided that shows local sports clubs from football and rugby have been consulted to see if this site could meet an identified need. This evidence would normally be presented in a Playing Pitch Strategy. Lancaster City Council is in the process of preparing a Playing Pitch Strategy but Sport England have confirmed that this is not sufficiently advanced to help in this instance. The applicant has provided information that sets out consultation with local residents via a Village Survey which, although helpful, is not sufficient as local sports teams have not been consulted. In particular reference has been made to the tennis court being compliant with Lawn Tennis Association (LTA) standards but there is no information to suggest that the LTA has been consulted and are supportive. It would also be helpful if there was some indication of support from British Cycling who also cover BMX and the British Roller Sports Federation who cover skating. Unfortunately, there is no recognised body for Skateboarding.

7.2.4 Whilst the Local Authority is generally supportive of proposals which encourage different sports, it is considered that more information is required to justify the loss of part of the playing field. It has also been suggested by the Public Realm Officer that the proposed parking spaces are removed from the scheme as these encroach into the field, further reducing the usable area.

### 7.3 Impact on the Arnside and Silverdale AONB

7.3.1 The site is located within the AONB but is contained by existing development, which is predominantly residential. It is therefore only visible from limited public viewpoints. Paragraph 115 sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

7.3.2 The development proposed does not fall within the statutory definition of major development. However, the National Planning Practice Guidance sets out that it is a matter for the relevant decision taker, taking into account the proposal in question and the local context, to determine whether a development should be treated as major development (i.e. it is not simply based on land area/development footprint, but the impacts of the proposal). Given the nature and scale of the proposals and the relatively enclosed nature of the site, it is not considered that the proposal represents major development. It is likely that most of the impacts, as a result of the development, would be relatively localised. For these reasons it is also not considered that the proposal would have a significant adverse impact on the character and appearance of the AONB as a whole, a view which is shared by the Arnside and Silverdale AONB Unit.

### 7.4 Siting, scale, design and visual impact

7.4.1 The site is adjacent to a relatively narrow, privately maintained road, Spring Bank, which is also a public right of way. It is mainly surrounded by residential properties, with the exception of the Institute Building which lies to the north. Given this, the main public viewpoints are from Spring Bank and from within the field itself. There are a number of mature trees along the highway verge which

break up views of the land. This type of development is also not uncommon on areas of green open space within villages.

- 7.4.2 The part of the scheme closest to the road is the tennis court, which is also proposed to be used for other sports. This would be located 4.5 metres from the boundary wall with Spring Bank, at its closest, and 11 metres from the southern boundary. The concrete bowl is proposed to the east of this so would be partly screened from the highway by the tennis court. The court would be approximately 17 metres by 35 metres, surrounded by 3 metre high green metal welded mesh fencing. It would be surrounded by a path, finished in limestone chipping, with a small area paved in sets adjacent to the pedestrian access point. Clarification has been sought with regards to the position above ground level of the court and it has been confirmed that it would be on level ground. This is something that could be controlled by condition to ensure that the playing court level was not significantly raised from the existing ground level. Given its location towards one end of the field and the relatively enclosed nature of the site, it is not considered that this part of the proposal would have a detrimental impact on the character and appearance of the locality.
- 7.4.3 The concrete bowl would be approximately 25.5 metres long and 11.8 metres wide and would extend further to the north than the tennis court. It would be surrounded by a strip of hardstanding surfaced in bitmac. The bowl is proposed to be generally 1.4 metres deep, with a lower section at 1.8 metres, and would have three areas that extend above the rim of the bowl. The highest of these would project 0.45 metres. Clarification has been sought regarding the height of the bowl above ground level and sections were requested. The agent has set out that they would hope to sink the bowl into the ground so that it finishes at ground level and is 1.4 metres below the surface. However, much of the bedrock is limestone. They have not been able to carry out trial bore holes at this stage but have pushed rods into the ground and think that there would be a possibility of digging down to 60–100cms. The agent has set out that digging through limestone is possible, but expensive and they would need to find extra money to do this. It has also been stated that they would try to bury this as much as possible, whilst allowing for the drainage, and however much is above the surface could be built around with bunds.
- 7.4.4 From the information provided, there is a lot of uncertainty about how far the concrete bowl will project above the ground level and the visual impact of this. The land could be built up to provide a landscaped mound in which it would be set, to help soften its appearance. Given its location it is unlikely that it would have a significant adverse visual impact, but it needs to be clear what this impact would be before the application could be positively determined. A sketch has been provided of how a bund could be used, but it is not clear how high this would need to be and the site plans currently show the bowl surrounded by bitmac. Therefore, it is not considered that there is sufficient information to be able to fully assess, with confidence, the visual impact of this part of the proposal. This is clearly to the detriment of the current submission.

## 7.5 Residential Amenity

- 7.5.1 There are a number of residential properties in close proximity to the application site. The multi-use court is proposed to be sited approximately 11 metres from the boundary with the nearest residential properties to the south, The Chestnuts and The Ashes, and approximately 15 metres from the nearest wall of the dwellings. These are both bungalows and The Ashes has a number of windows in the north elevation, facing towards the site, and the boundary wall comprises a relatively low blockwork wall. It would also be approximately 20 metres from the nearest properties to the west, 25 and 27 Spring Bank. The concrete bowl is proposed to be sited approximately 10 metres from the boundary with the dwellings to the east on Levens Way, 18 and 21, although the hard surfaced area would bring this approximately 2.5 metres closer. The bungalow at 21 Levens Way is set back from the boundary by approximately 6.5 metres and has its main garden area at this side of the building. The dwelling at 18 Levens Way is two storey and is set back from the boundary by approximately 21 metres. There is another detached dwelling to the north of this that would be approximately 22 metres from the concrete bowl but the boundary would be within approximately 5 metres.
- 7.5.2 It is clear from the above that the site is heavily constrained by existing residential properties, with the closest generally having relatively short gardens separating them from the field. Although there are no set separation distances for this type of development and residential properties, there are several guidance documents which have been referred to by residents. Sport England's publication '*A Guide to the Design Specification & Construction of Multi Use Games Areas*' sets out that it is normally advisable to locate a Multi-Use Games Area (MUGA) (especially floodlit ones) at least 12m,

and ideally at least 30m from other residences. The Fields In Trust Guidance for Outdoor Sport and Play recommends a minimum separation distance of 30 metres between MUGAs and skateboard parks and the boundary of dwellings. These are a useful guide, but every application must be determined on its own merits with the site circumstances taken into consideration.

7.5.3 The site is in a particularly quiet location, set away from the main road, with very little background noise. The Environmental Health Officer has advised that there is strong evidence available to suggest that within a quiet rural location as this, with a perceptibly low noise climate and both low daytime and night-time background noise levels, that noise associated with, and generated by the proposed recreational activities will have unacceptable impacts on local residents and that is a high likelihood of complaints. There would be limited scope for designing out the noise characteristics associated with this development and, post development, little or no scope for noise mitigation. Given the constraints of the site, it is unlikely that there would be anywhere on the field where the proposed development would not result in a significant detrimental impact on residential amenity. The agent has suggested that 2 metre high acoustic fencing could be erected. It is not considered that this would overcome the concerns, given the close proximity of the residential properties, and the higher level of those on Levens Way. Added to this is the uncertainty about the height of the concrete bowl above ground level which would likely increase any noise nuisance and potentially result in overlooking given the raised level.

## 7.6 Access and highway impacts

7.6.1 The site is accessed from Spring Bank which is a privately-maintained road but also a public footpath. County Highways have raised no objections but have requested that a Traffic Regulation Order (TRO) be pursued to restrict parking on Stankelt Road close to the junction with Spring Bank to provide better visibility for vehicles leaving Spring Bank. It has also been recommended that a survey of the road is carried out before and after construction and that any damage caused as a result of the development is made good, given that it is a public right of way.

7.6.2 Five parking spaces, in addition to the existing hard surfaced area at the Institute, have been proposed which would encroach onto the field. There are concerns regarding this, as set out above and it would be preferable if these were removed. It is not clear if these are essential to make the development acceptable, and this can be clarified with the Highways Officer. One of the neighbouring residents has set out that the Institute does not have vehicular access rights on Spring Bank, however the agent has set out that they do. The facility is proposed to serve the local community and it would be expected that users would be accessing the site either on foot or by bike. However, it is inevitable that some people will drive. Cycle stands have been indicated on the plan which would encourage their use.

## 7.7 Impact on Trees and Ecology

7.7.1 The trees established adjacent to the western boundary and Spring Bank are subject to Tree Preservation Order and as such, they are protected in law. There are no trees within the site proposed for development. There are however, a relatively large number of early-mature and mature off-site trees established to the north-east, east, and western boundaries. These make a significant contribution to the character and appearance of the site and the wider locality. Collectively, they provide important greening and screening between the village institute grounds and that of the immediately adjacent private residential properties.

7.7.2 A Tree Report has been submitted with the application which does not recommend the removal of any trees. A total of 24 individual trees and 1 hedge have been identified within the submitted information. Generally trees and hedge are in good overall condition with long periods of useful remaining life potential. Development of the existing landscape buffer zone to the east and western boundaries would inevitably make a positive contribution to the improved amenity and wildlife benefit. The submitted tree report includes a Tree Protection Plan (TPP). However, trees established immediately adjacent to the existing public highway have been plotted as the radius of a circle. Root from these trees will inevitably be constrained by the close proximity of the highway. As such, root protection areas must be plotted as an area equivalent to the calculated root protection area. The TPP requires amendment to comply with BS 5837 (2012). Inevitably, there will be a requirement to reconsider the encroachment of the development into the revised root protection areas of affected trees. Where works are proposed within root protection areas, only "no dig" and "root friendly" methods and materials will be accepted, for example a three dimensional load bearing

material where increased traffic, pedestrian or otherwise is likely to adversely affect the solid structure over root systems, i.e. running track, car parking facility, hard surfaces. Subject to the satisfactory submission and agreement in writing of a detailed TPP, Tree Constraints Plan, and detailed Arboriculture Method Statement where works are proposed within root protection areas, it is not considered that the development will have a detrimental impact on trees. However, this information should be provided before the application is determined.

7.7.3 With regards to ecology, the trees around the site boundaries provide the most important habitat. Trees within the site have the potential to provide habitat and foraging opportunities for wildlife. Certain habitats and species, including nesting birds and bats are subject to protection as laid out in the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. There are no works proposed to any of these trees. The site relates to an open field used for recreation and the proposal would result in the loss of some of the grassed area. However, given the existing use of the site, it is not considered that the development would have a significant adverse impact on biodiversity.

## 7.8 Other Issues

7.8.1 A number of other issues have been raised in response to the application. Drainage has been raised as a concern, however information has been provided to demonstrate how this could be dealt with and this could be controlled by condition. Health and safety issues and lack of supervision have also been raised. It is quite common with this type of facility that supervision would not be provided, similar to other types of play equipment. An increase in anti-social behavior has been raised, however the Lancashire Constabulary raised no objections to the first application and set out that the proposal would benefit from natural surveillance. They did advise that a number of litter bins should be installed, and this could be controlled by condition. Hours of usage for such a facility would usually be from dawn to dusk and with no additional lighting to light access paths, the Public Realm Officer has advised that this should be implemented. The applicant could also consider applying for a by-law to legally implement this if it becomes a problem, providing the police with enforcement powers.

## 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

## 9.0 Conclusions

9.1 The local authority is generally supportive of new proposals for sport and recreational facilities where they are located within existing settlements and of an appropriate scale. Unfortunately, in this instance, there are a number of residential properties in close proximity to the site. As such, it is considered that there would be an unacceptable adverse impact on the amenity of residents as a result of noise associated with the use of the proposed facilities, and it is not considered that this could be adequately mitigated. There are a number of other concerns with regards to the loss of the use of part of the playing field, and the uncertainty over the height of the concrete bowl. However, it is more likely that these could be overcome, whereas it is unlikely that any position within the field would be appropriate given the particularly quiet and constrained nature of the site. It is not therefore considered that the proposal can be supported.

## Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. As a result of the close proximity to a number of residential properties and the particularly low background noise levels at the site, the development would have an unacceptable adverse impact on the amenity of residents as a result of noise associated with the use of the proposed facilities, and it is not considered that this could be adequately mitigated. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and policies DM26, DM35 of the Lancaster District Development Management Development Plan Document.
2. Insufficient information has been provided in relation to the position of the concrete bowl in relation to the ground level and it is therefore not possible to fully assess the visual impacts of this and consider



appropriate mitigation or whether this would lead to overlooking of the nearest residential properties. Therefore, the proposal fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and policies DM26, DM35 of the Lancaster District Development Management Development Plan Document.

3. Insufficient information has been provided to demonstrate that the benefits of the proposed facilities outweigh the loss of a proportion of the existing playing field. As a consequence, the proposal is contrary to the National Planning Policy Framework, in particular Section 8, and Policy DM26 of the Lancaster District Development Management Development Plan Document.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None