

The Application seeks to vary condition 1 of County Council planning permission N.14/06 for new school buildings and associated infrastructure. Condition 1 listed the approved plans and the application is now to substitute the approved plans with new plans for a proposed extension to the approved sports hall (from a 3 court layout to a 4 court layout).

The site is an established school located within the Newcastle and Kidsgrove Urban Neighbourhood and is adjacent to the Hardingswood (Trent & Mersey Canal) Conservation Area, as identified on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expires on 16<sup>th</sup> October 2015.**

### **RECOMMENDATION**

- 1) Subject to either confirmation being obtained that the terms of the Memorandum of Understanding of the 19<sup>th</sup> December 2014 continue to apply , or in the event of it being confirmed that they do not, subject to the prior completion by the 15<sup>th</sup> October 2015 of a Section 106 agreement securing substantially the same terms,**

**Permit the variation of condition 1 to include plans of the proposed extension and subject to suitably worded conditions similar to those attached to planning permission N.14/06, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.**

- 2) Should the Section 106 agreement referred to in recommendation 1) be required, and it not be completed by the 15<sup>th</sup> October 2015, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an agreement, appropriate assurances as to the exploration of means to sustain Kidsgrove Sports Centre will not have been secured; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured**

### **Reason for Recommendation**

The proposed extension is considered to represent a minor extension to the buildings previously approved under Staffordshire County Council planning permission ref N.14/06 for the wider redevelopment works and the development would represent a sustainable form of development in accordance with the National Planning Policy Framework 2012.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The applicant's representatives have engaged with both borough and county council planning officers and the development represents a sustainable scheme which complies with the provisions of the National Planning Policy Framework.

### **Key Issues**

Full planning permission is sought to vary condition 1 of County Council planning permission reference N.14/06, which was permitted for the demolition of the existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure.

The Borough Council were consulted on the original application and a report came before the Planning Committee of the 18<sup>th</sup> November 2014, ref 14/00770/CPO. Members resolved to object to the application on the grounds that the redevelopment proposals would have an adverse impact on

Kidsgrove Sports Centre and the scheme would not represent a comprehensive and sustainable solution that would provide the school and community with access to fit for purpose recreation facilities, and was thus contrary to the objective of the National Planning Policy Framework.

That application was permitted by the County as Planning Authority. The grant of that permission followed the entering into of a Memorandum of Understanding between the County Council as the Local Education Authority and the County Council as the planning authority (to be observed as if it were a Section 106 obligation). Further reference will be made to this below.

Since the granting of that permission the school has become a Voluntary aided academy and further funding has now been secured to further improve sports facilities.

Insofar as the planning position is concerned the Borough Council is now the determining authority. Normally the effect of the grant of an application for a variation of conditions is to create a further planning permission that sits alongside the original one. However in this case because the County Council no longer have any 'interest' in the school land the original permission will no longer be able to be enjoyed.

In essence this application is to enlarge the approved sports hall from a 3 court layout to a 4 court layout, with consequential changes to the site layout and landscaping to reflect the footprint of the extended sports hall. The key issues in the determination of this application are the principle of the additional sports facilities and its design and appearance. The effect of the grant of this application would be to create a new alternative standalone planning permission

#### The principle of the additional sports facility

Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools. It further states in para 73 that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The principle of the new sports hall has been accepted by the County Council previously as part of the wider redevelopment works but further funding has been secured and the application now seeks to enlarge the sports hall from a 3 court layout to a 4 court layout.

As already indicated prior to granting the permission the County Council as the Planning Authority required the entering into of a Memorandum of Understanding (MoU). That required the County Council to work in good faith to agree with the Borough Council and the school an extension to the current Joint Use Agreement (JUA) relating to Kidsgrove Sports Centre, or if those parties were unable to agree to such an extension, to in good faith to either consider offers from either the Borough Council or other parties to take over the ownership and running of the sports centre or work with others to develop a Business plan to determine the future provision of sustainable sports and leisure facilities for the benefit of Kidsgrove. The JUA extension as defined in the MoU covers the use of Kidsgrove Sports Centre (including the swimming pool) and the use of the school facilities including the Astroturf pitch, grass playing field, sports hall, car parking, (toilets/changing facilities if appropriate).

The LPA in the circumstances of this case, the planning policy considerations and the comments received from key stakeholders, considered it reasonable to conclude these undertakings within the Memorandum of Understanding were necessary, related to the development and fair and reasonably related in scale and kind to the development. Your officers are of the same view, but it is yet to be established whether the terms of the Memorandum of Understanding continue to apply.

The existing permission includes a planning condition requiring the details of the extension to the existing JUA to be submitted to and approved by the Local Planning Authority. It also requires the details of the provision and layout of a grass playingfield and Astroturf pitch referred to in the proposal to inter alia meet the requirements of the same JUA.

Sport England when consulted on the previous proposal expressed the view that the construction of a new 3 court hall on the school site would have a negative effect on the future of the Sports Centre, for example because it would reduce throughput by taking out school usage.

The report to the County Council's Planning Committee advised that the applicant's position at the time was

- 1) that the proposed 3 court hall would not be in direct competition with the Kidsgrove Sports Centre, being smaller in size and designed to meet the specification set out by the EFA for curriculum use only and below the minimum specification for community use; and
- 2) That the Kidsgrove Sports Centre would also continue to be used by the pupils for sports which require a larger hall than the proposed 3 court size hall

The County Planners themselves concluded that the school sports hall however would not be in direct competition with the Kidsgrove Sports Centre, being a smaller sized sports hall, and below the minimum specification for community use. Sport England had also stated that the school changing rooms would be unsuitable for community use.

The proposal both provides a larger sports hall and improved changing room facilities within the school building

Sport England (SE) in response to the new application observe that "the future of the KSC still appears to be uncertain".... "but given there is an opportunity to extend the sports hall and changing rooms on this site Sport England considers this should be taken as a larger hall and better changing rooms will offer benefits to the school as well as potentially the community".

In term of availability for community sport SE now states that "a benefit of this development is that the application proposes community use. Given the development increases the size of the sports hall/changing rooms this becomes a more realistic option and would be important should Kidsgrove Sports Centre close."

SE now supports the application subject to the satisfactory establishment of a Community Use Agreement through the imposition of a condition.

Whilst concerns about the potential impact of this larger sports hall on the future of Kidsgrove Sports centre may exist, the proposal does have the support of SE and in planning terms, having regard to the guidance within the NPPF there is not considered to be a sound basis for its refusal on such grounds, provided community use is achieved.

The further views of Sport England on the wording of conditions referring to joint and community use are being sought.

#### The design and appearance

The Borough Council accepted that the wider redevelopment works would be an improvement on the visual amenity of the area. The proposed extension to the sports hall would measure approximately 6.5 metres by 31 metres and would be two storey in height. Your officers consider that this represents a modest extension in the context of the wider redevelopment works already approved.

The location and manner of the extension would not result in the loss of valuable outdoor areas or landscaping and would not be detrimental to the wider redevelopment works proposed.

The permission which the school are seeking to vary has a number of conditions requiring approval of details, including the external materials, and the required approval for some of these has been obtained, following consultation including with the Borough Council. Materials have been agreed which would ensure that the building has a modern appearance with a mixture of materials including a dark charcoal facing brick with colour matched (black) mortar; white render, grey render Aluminium window frames with coloured render panels between (Light Green).

In summary the design and appearance is acceptable in accordance with the requirements of the NPPF.

**Policies and proposals in the approved development plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/ Sport/ Recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy B14: Development In or Adjoining the Boundary of Conservations Areas  
Policy B15: Trees and Landscape in Conservation Areas  
Policy C22: Protection of Community Facilities

**Other Material Considerations include:**

National Planning Policy

National Planning Policy Framework (2012)  
Planning Practice Guidance (2014)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

Planning permission was granted by the County Council ref N.14/06 with conditions for the demolition of existing school buildings and construction of new three storey Secondary School building, sports hall, playing field, hard play area, hardstanding and associated infrastructure in December 2014. (NulBC reference 14/00770/CPO)

Views of Consultees

**Sport England** supports the application subject to the satisfactory establishment of a Community Use Agreement through imposition of the condition.

**Kidsgrove Town Council** have been consulted but no comments have been received. Any comments received will be reported.

The **Environmental Health Division** raises no objections with no conditions.

Sports and Active Lifestyles Manager (Leisure and Cultural Services NulBC) – comments awaited

## Representations

None received

## Applicant's/Agent's submission

The application has been supported by a planning statement which makes the following key points;

- At the time of submitting the original planning application funding was only available to enable the construction of a three badminton court sports hall approximately 28 x 18 metres. The size of the proposed changing rooms was also limited based on the funding available from the EFA to 56msq for males and 56msq for females,
- The school has recently been able to secure a loan in principle from the 'Church of England' which subject to planning approval will be used to enlarge the proposed sports hall from a three (badminton) court sports hall to a four court sports hall,
- The proposed extension to the building would also enable the changing rooms to be enlarged more in line with Sports England guidance and the formation of another classroom above the changing rooms,
- Sport England guidance recommends 4 court sports hall to be min 34.5 x 20 metres this provides sufficient space to accommodate up to 4 badminton courts with run off space and a 2 metre wide spectator / officials area running along one side of the sports hall,
- Due to the late stage at which this additional funding has come available it has been decided that it would be unfeasible to widen the existing sports hall design to the full 20 metres recommended by Sports England incorporating a 2 metre spectator area,
- However, it is possible to increase the length of the sports hall to 34.5 metres incorporating a full 4 court layout with run off spaces as Sport England Guidance,
- In summary the proposed extension to the existing scheme will provide a facility which better suits the needs of the school and will also provide valuably additional recreational facilities to the community.

## Background papers

Planning files referred to  
Planning Documents referred to

## Date report prepared

28 August 2015