



REGULATORY SERVICES COMMITTEE

14 November 2013

REPORT

Subject Heading:

**P1094.13 Frances Bardsley School for
Girls, Brentwood Road**

**8x13m high floodlight columns and
floodlighting fittings to an existing
artificial pitch**

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The application is brought to committee as the proposal relates to a School. The application is for the installation of 8x 13m high floodlight columns and floodlighting fittings to an existing artificial pitch. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

RECOMMENDATIONS

It is recommended that planning permission be granted, subject to the following conditions:

1. Time Limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. Accordance with plans - The floodlights hereby permitted shall be installed in complete accordance with the approved plans and specifications detailed in the plans 13/111/SD1, 13/111/SD2, 13/111/SD3, 13/111/SD4 and the Planning (Design and Access) Statement dated September 2013. No subsequent changes to the floodlights shall be made without the prior written approval of the Local Planning Authority.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Hours of illumination - The floodlighting hereby approved shall not be illuminated outside the hours of 09.00 to 21.30 hours Mondays to Fridays and 09.00 to 18.30 hours on Saturdays and Sundays and not at all on Bank or Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control in the interests of amenity

4. Hours of Construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of Frances Bardsley Academy School.
- 1.2 The school consist of tennis courts and netball courts to the north of the site, the main school building to the centre of the site and all weather artificial hockey pitch and playing field to the south of the site.
- 1.3 To the south of the artificial pitch is very dense group of trees that falls within the school grounds.
- 1.4 The school grounds are surrounded by residential properties to the north on Brentwood Road, to the east on Osborne Road and to the south along Rossall Close.
- 1.5 To the west of the site is Hylands Primary School.

2. Description of Proposal

- 2.1 The application seeks permission for the installation of eight 13m high flood light columns around the perimeter of the artificial pitch.
- 2.2 The two most northern and southern flood light columns proposed would be installed with two flood lights each. The four flood light columns to the centre of the site would each be installed with three flood lights.
- 2.3 The proposed Philips MVP 507 'Optivision' flood lights at 2kw each would provide a maintained horizontal illuminance level of 366 LUX across the whole pitch.
- 2.4 The level of illumination has been designed to achieve a FIFA One Star FA requirements and England Hockey minimum requirements as detailed in the Sport England Guide.
- 2.5 The artificial pitch and associated lighting would be used by the school, community groups and sports clubs during the week and available for sports clubs and private hire during the weekends. The facility would not be open on bank holidays.
- 2.6 The proposed hours of use are as follows:
- Weekdays: 9.00am – 9.30pm
Weekends: 9.00am – 6.00pm

3. Relevant History

- 3.1 **P0599.12** Installation of floodlights on all-weather pitch at school
Withdrawn - 05-09-02
- 3.2 **P1451.02** Amendment to P0525.98 for minor alterations to position of artificial playing surfaces
Approved – 03/10/02
- 3.3 **P0525.98** Extensions to existing school building, parking and artificial playing surfaces to combine Upper and Lower School onto one site
OUTLINE
Approved - 08-12-99

4. Consultations/Representations

- 4.1 The application was publicised by the direct notification of adjoining properties. Two letters of objection were received as summarised below:
- The floodlights would be an eye sore with a constant glow. Retractable floodlights would be more appropriate.
 - In 1999 it was considered that flood lights would be intrusive and detrimental to local residents

- Planning permission results in a change of use of the facility
- No other artificial pitch is subject to such saturated lighting
- Invasive nature of the lights on residents in Rossall Close is unacceptable
- Lights would extend use and increase noise and disturbance beyond school times
- Increased use would bring about more traffic movements on congested roads and increase the dangers particularly to the young and elderly
- The increased use of the facility would require increase in security and policing

4.2 Officers response: Please see relevant sections of the report

5. Relevant Policies

5.1 London Plan Policies: 3.18 (Education Facilities) 3.19 (Sports Facilities) 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character).

5.2 Policies CP7, DC20, DC28, DC29, DC33, DC56 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6.1 Staff Comments

6.1.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of the area, impact on neighbours living conditions and parking and highway matters.

6.2 Principle of Development

6.2.1 The NNPF states that planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
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6.2.2 Development Plan Planning Policy DC18 - Protection of Public Open Space, Recreation, Sports and leisure facilities' states the Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership.

6.2.3 London Plan Policy 3.19 (Sports Facilities) states development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Temporary facilities may provide the means of mitigating any loss as part of proposals for permanent re-provision. Wherever possible, multi-use public facilities for sport and recreational activity should be encouraged. The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.

6.2.4 Core Policy CP7 – Recreation and Leisure states that the Council will, in partnership with other bodies, seek to retain and increase access to recreation and leisure opportunities by:

- retaining existing facilities where a need exists addressing quantitative and qualitative deficiencies in open space and recreation facilities
- improving opportunities for creative play and physical activity in parks and open spaces
- improving opportunities for informal recreation in the countryside, particularly through the implementation of the Thames Chase Plan and London Riverside Conservation Park, and also by improving footpaths and bridleways and the links between open spaces, the urban areas, the open countryside and the Thames including a continuous Thames Path
- supporting implementation of the following complementary initiatives
 - o Thames Chase
 - o Green Grid
 - o Green Arc
 - o London Outer Orbital Path
 - o Blue Ribbon Network
 - o Thames Chase Forest Circle
- seeking developer contributions towards improvements to the quality and quantity of open space, recreation and leisure facilities

- 6.2.5 Development Control Policy DC28 – Dual use of School Facilities states that Opportunities to make existing schools and their facilities (including playing fields) available to wider community use will be encouraged where such use results in no unacceptable amenity, environmental, safety or traffic problems. In addition, conditions may be imposed to minimise disturbance including time restrictions.
- 6.2.6 Development Control Policy DC20 – Access to recreation and leisure including open space states that the Council will seek to ensure that there is adequate provision of a varied range of accessible leisure and recreation facilities throughout the borough.
- 6.2.7 The proposed works would increase the flexibility and usability of the artificial pitch for the school and a local community outside of school hours. The proposal allowing for more members of the community to participate in recreational activity is therefore considered to be in accordance with the intentions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.
- 6.2.8 Subject to the impact of the proposal on neighbours living conditions, the appearance of the surrounding area and highway and parking issues. The proposal is considered acceptable in principle.

6.3 Design / Impact on Streetscene

- 6.3.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.3.2 The proposed floodlights positioned around the perimeter of the existing artificial pitch and within the grounds of the school characterised by a number of sporting facilities and provisions would not be out of keeping with the appearance and character of the application site.
- 6.3.3 The 13m high floodlights by reason of their positioning adjacent to a line of mature and dense trees, a three storey in height school building and separation distance of 54m from the nearest highway would not appear visually intrusive or unduly prominent in the street scene.
- 6.3.4 It is therefore considered that the proposed flood lights by reason of their nature, positioning, design and scale would safeguard the character and appearance of the surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF.

6.4 Impact on Amenity

- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

- 6.4.2 Policy DC56 considers that in order to minimise the intrusion of artificial lighting, planning permission will only be granted for development, including artificial lighting, where it does not have a negative impact on the amenity of residents or public safety. Planning conditions may be used to control the level of luminance, glare, spillage, angle, type of lighting and hours of operation.
- 6.4.3 The flood lights would not overlook or lead to the loss of light to any surrounding property.
- 6.4.4 However, two neighbours objected on the basis that the proposal would change the use of the school, result in an increase in noise and disturbance and harm the living conditions of the occupants of Rossall Close.
- 6.4.5 The supporting information submitted with the application confirms that part of the rear gardens of Rossall Close would be subject to light spillage of 5 lux at 1.5m high which would meet the requirements of the Institution of Lighting Professionals (IPL) guidance notes for the reduction of obtrusive light for an E2 – ‘low district brightness area’ (Village or relatively dark outer suburban locations). The IPL is the UKs largest and leading professional lighting association that’s key purpose is to promote excellence in all forms of lighting.
- 6.4.6 It is of note that the submitted calculations are also of a worst case scenario and do not make any allowances for trees, hedgerow or obstructions on site. It is considered that given there is substantive screening in the form of large mature trees directly between the proposed floodlights and properties along Rossall Close. The actual level of light spillage to the rear gardens of neighbouring properties would therefore be significantly reduced than previously stated and no greater than typical of a road light which has an illumination of 5 to 20 LUX.
- 6.4.7 The proposed floodlights would increase the level of activity on the artificial pitch particularly in the winter months. However, it is considered that the proposal would result in no more additional levels of noise and disturbance than already existing within the summer months and previously deemed as acceptable in original planning application for the sports facility.
- 6.4.8 The proposed operational hours of the flood lights would also be restricted by way of condition to ensure no light spillage occurs at unsociable hours and further safeguard neighbours living conditions.
- 6.4.9 The combination of limited light spill, screening in the form of mature trees and separation distance of over 45m between the flood lights and nearest facing habitable room windows along Rossall Close would ensure that the proposal would not harm neighbours living conditions to such an extent to warrant a reason for refusal.

6.4.10 On balance, it is therefore considered that the proposal would not harm neighbours living conditions and is therefore considered acceptable in accordance to Policies DC61 and DC56.

6.5 Highway/Parking

- 6.5.1 The proposed flood lights would not be highly visible from the public highway and any light spillage to the highway would be limited. The proposal would not result in any distraction, significant influence to the present traffic situation or pedestrian conflict.
- 6.5.2 One of the neighbours objection raised concerns that the increase the level of activity of the school would result in congestion issues and prejudice highway safety.
- 6.5.3 It is considered that the existing parking provisions to the north of the site and access arrangements from Brentwood Road which accommodate the needs of the school would sufficiently accommodate the use of the artificial pitch by community groups in the evenings and weekends in the winter months.
- 6.5.4 It is considered that the proposal would not affect highway safety or result in parking or congestion issues to such an extent to warrant a refusal.

7. Conclusion

- 7.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed flood lights would be acceptable in principle, safeguard the character and appearance of the area and neighbours living conditions, and not result in any parking and highway matters.
- 7.2 The proposed development would comply with the intensions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

None

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 9 September 2013.