

**Multi-use games area, St. Mark's CE Primary School, Eccles, Aylesford – TM/08/1896**

A report by Head of Planning Applications Group to Planning Applications Committee on 7 October 2008.

Application by the Governors of St. Mark's Church of England Primary School for the provision of a multi-use games area and erection of pergolas for sitting and shade at St. Mark's CE Primary School, Eccles Row, Eccles, Aylesford (TM/08/1896)

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. G. Rowe

Classification: Unrestricted

**Site**

1. St. Mark's Church of England Primary School is a newly built eco-school on the fringes of Eccles. The school building embraces renewable technologies, through the use of a green roof, solar photovoltaic cells and rainwater harvesting techniques. The school is located on the northern boundary of the village of Eccles, north-west of Aylesford and the County Town of Maidstone. The site is accessed through a residential cul-de-sac (Eccles Row), and is bordered on the south and eastern sides by residential properties that overlook the school's grassed fields. *A site location plan is attached on page D1.2*

**Background & Proposal**

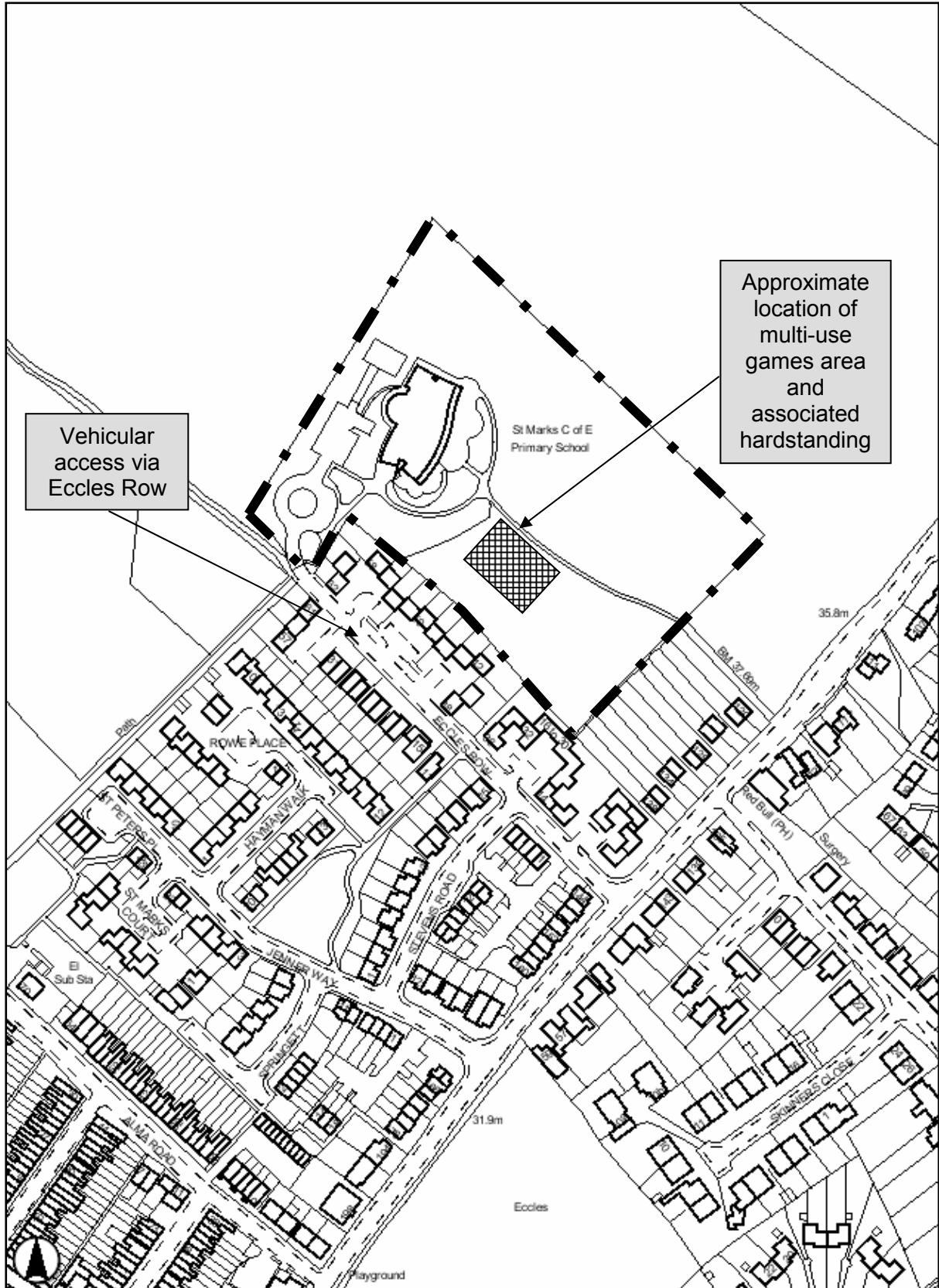
2. The proposal involves the creation of a multi-use outdoor sports court for the sole use of the pupils of the school. The proposal is to transform an area of approximately 1000 sq. metres of grass space, currently not used by the school as playing fields, into a tarmac-finished sports court with a surrounding seating area. The actual court would consist of an area of 450 sq. metres, and would provide the school with additional required outdoor play space.
3. As part of the proposal, the application seeks permission to erect seating areas surrounding the court, which would consist of two timber pergolas to provide areas for pupils to sit in shade when not taking part in sports activities. It is important to note that the application does not propose any means of fencing to surround the games area, or any form of external lighting.
4. The proposed multi-use games court would be finished in black tarmac. The School intend to use the multi-use games court during normal school hours, and do not proposed to hire out the court for out-of-school hours use.

**Amended Proposal**

5. The application has been amended to take into account the views received in the residential objection petition, as outlined in paragraph (11) below. The games court has since been rotated through 90 degrees from its original orientation, resulting in a separation distance from the corner of the ancillary seating/drainage area surrounding the court to the nearest residential boundary being just over 15 metres. A copy of the amended plan can be seen on page D3.3, and as such the discussions contained within this report focus on the amended proposal.

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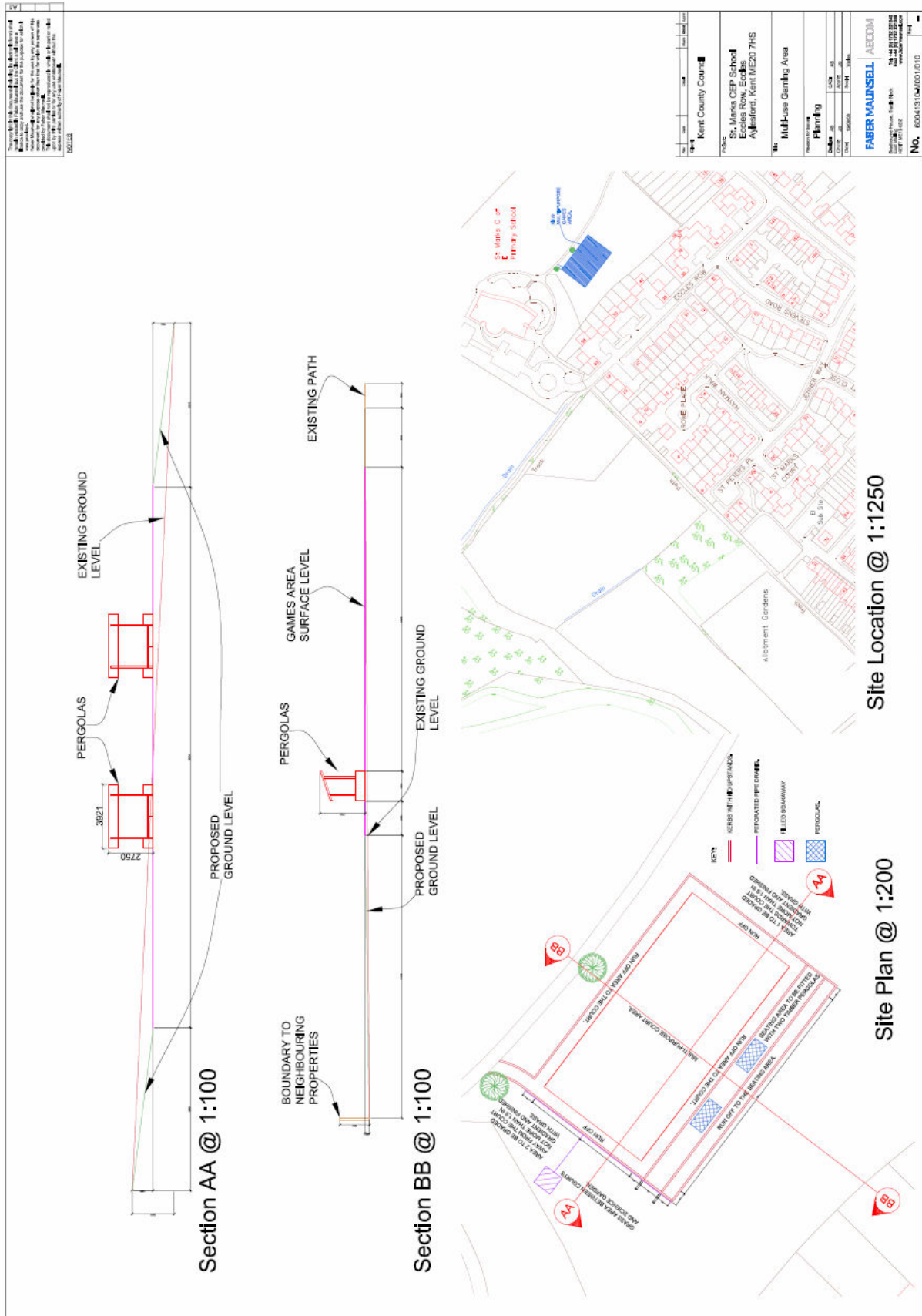
**Site Location Plan**



**Site Location Plan – St. Mark's CE Primary School**  
Scale 1:2500

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**Proposed Location of Multi-Use Games Court**



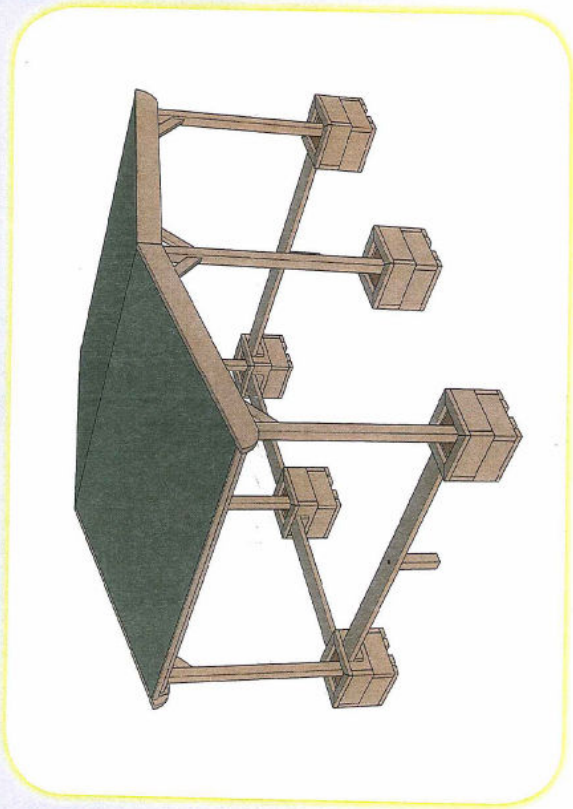
**Proposed Pergola Details**

Shelter

21st Century Playgrounds Supporting 21st Century Learning

Breakdown

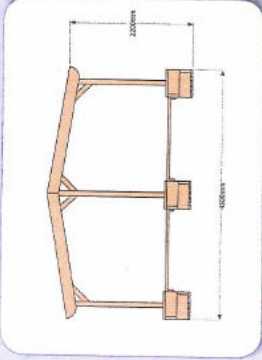
Product Item	Qty	Price
<b>QF087</b> Shelter - Large - Roofed	1/1	£0
<b>QF075</b> Seating Option (6-planters) - Large	1/1	£0

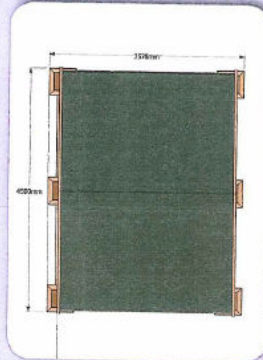


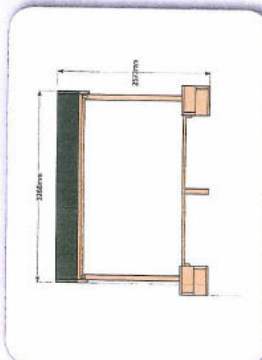
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Quote Ref	Date	Designer	Drawing
-	28/04/08	KF	3

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**Planning History**

6. Planning permission was granted for the construction of the new St. Mark's Church of England Primary School at the meeting of the county planning committee in May 2001, under reference TM/01/646.

**Planning Policy**

7. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) The adopted 2006 **Kent & Medway Structure Plan:**

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy TP3** – Local planning authorities should ensure that development sites are well served by public transport, walking and cycling, or will be made to do so as a result of the development. Travel Plans should be encouraged for larger developments that generate significant demand for travel, to promote the use of these means of transport.

**Policy NR5** – The quality of Kent's environment will be conserved and enhanced. Development should be planned and designed to avoid, or adequately mitigate, pollution impacts, including noise and levels of light intrusion.

- (ii) The adopted 1998 **Tonbridge & Malling Borough Council Local Plan Saved Policies:**

**Policy P3/17** – In considering proposals for noise-generating development, the proposal should not have a significant adverse impact on any nearby noise-sensitive uses. As far as practically possible, noise generating

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developments should be located in areas where noise will not be an important consideration and where its impact can be minimised. Areas where the background noise levels are very low and which are important for their recreational and amenity value will not be considered suitable for noisy development.

**Policy P4/11** – Development proposals must not harm the particular character and quality of the local environment, and wherever possible should make a positive contribution towards the enhancement of the area. Proposals will only be permitted where the development, amongst others, is appropriate in terms of scale, siting, mass, form, and in terms of the impact on adjacent buildings; is of a high quality of design, detailing and the use of appropriate materials; has regard to 'Kent Design' principles; and includes landscaping proposals

(iii) The adopted **Tonbridge & Malling Borough Council Local Development Framework - Core Strategy (2007)**:

**Policy CP1** – All proposals for new development must result in a high quality sustainable environment. The need for the development will be balanced against the need to protect and enhance the natural and built environment.

**Policy CP2** – Seeks development that is well related to public transport, cycling and pedestrian routes and is compatible with the character and capacity of the highway network in terms of volume and nature of traffic generated.

**Policy CP5** – Unless justified by special circumstances, development will not be permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of built up areas

**Policy CP24** – Seeks all development to be well designed, of a high quality, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Development that would be detrimental to the built environment, amenity or function and character will not be permitted.

**Consultations**

8. **Tonbridge & Malling Borough Council:** has raised no objection to the original application. The views received regarding the amended layout will be reported verbally at the Committee meeting.

**Aylesford Parish Council:** were notified of the original application on 13 June 2008, and the amended proposal on 16 September 2008. Any views received will be reported verbally at the Committee meeting.

**Divisional Transportation Manager:** has raised no objection.

**Environment Agency:** has raised no objection.

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**Sport England:** notes that the original location of the Multi-Use Games Area (MUGA) will not impinge on the use of any playing field or any other sport and recreational facilities at the school. In addition, notes that the MUGA will improve the sporting provision at the school enabling greater opportunities to increase participation in sport and recreation. Consequently, Sport England does not raise an objection to the proposed development and supports the development of the MUGA.

Any additional views on the amended proposal will be reported verbally at the Committee meeting.

**KCC Noise Advisor (Jacobs):** notes that the new proposed orientation of the multi-use games area does not result in the boundary being closer to the nearest residential property than the previous proposed location. Would therefore reiterate previous comments that the proposed location is within an area that currently has the potential to be used for games. Given that, considers that the proposed multi-use games area is unlikely to cause a detriment to the nearest residential properties provided that as stated by the applicant, the games area is only used on weekdays between the hours of 09:00 and 16:00.

**KCC Landscape Advisor (Jacobs):** The alternative positioning of the proposed multi-use games area leaves a greater distance between the proposal and the neighbouring properties. The visual impact experienced by receptors in neighbouring properties would however, be slightly increased as a result of the alteration, largely due to the position of the pergolas. Although the distances would be increased, the positioning of the pergolas would partly obscure the view of the North Downs from neighbouring properties, due to the orientation of the pergolas. However, as the pergola construction is fairly open, the visual impact would be slightly adverse.

They question the accuracy of the positioning of the two existing trees in relation to the proposed MUGA. Their position should be accurately verified to ensure they are not adversely affected by the proposal. Tree protection measures should be used to ensure their protection during construction works.

In summary, the amended positioning of the proposal would increase the adverse visual impact experience by receptors in nearby properties. Some mitigation tree planting may be beneficial. Although the original proposal would be slightly less intrusive in terms of visual impact, they are in principle satisfied with the proposal, should this scheme be preferential to local residents.

**Local Member**

9. The local County Member, Mr. G. Rowe was notified of the original application on 13 June 2008, and notified of the amended proposal on 16 September 2008.

**Publicity**

10. The application was publicised by the posting of a site notice on the main entrance of the school, and the individual notification of 39 neighbouring residential properties.

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**Representations**

11. I have received a petition containing 24 signatures of local resident who object to the application for the following reasons:
- The current noise levels from the school during playtime and other external activities are barely tolerable now;
  - Some residents who work varied shift patterns who have their present sleep patterns disturbed will find their sleep disturbed even more;
  - The location of the proposed area will directly overlook the rear of all the tenants concerned and this will seriously compromise their individual privacies.

The signatories of the residential petition were re-notified of the amended proposal on 18 September 2008 via the author of the original petition letter. Any additional views received on the amended proposal will be reported directly at the Committee meeting.

**Discussion**Introduction

12. The application seeks planning permission for the provision of a multi-use games area to be solely used by St. Mark's Church of England Primary School for educational related purposes. The application proposes a single games court of approximately 450 sq. metres, of which a footprint of 1000 sq. metres would be hard-paved to provide space for associated drainage and seating areas surrounding the main court. The location of the proposed MUGA is within an area of unused grass, which I believe has remained as such since the school was first constructed. The application proposes no net increase in either staff or pupil numbers at the school, proposes that the games court would be used for educational purposes during normal school operation hours only, and proposes no means of floodlighting. The application is being reported for determination as a result of the objection received in the form of a resident's petition from neighbouring properties, as summarised in paragraph (11) above.
13. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (7) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the location and design of the proposed development, the potential impact of the proposed development on the surrounding residential amenity, in particular through the potential for increased noise and visual intrusion and the potential impact of the proposal in landscape terms. The above should be balanced against the benefits of these improvements to the sports facilities for the school.

Location and visual impacts

14. St. Mark's Primary School is located on the edge of the built confines of the village of Eccles. The site, as previously noted, is bordered on the south-eastern and south-western side by residential properties. The location of the proposed multi-use games area would be located approximately 15 metres from the nearest residential property boundary, and approximately 25 metres to the nearest noise receptor [elevation of



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residential property fronting Eccles Row]. The boundary between the nearest residential properties are separated by a chain link fence planted with various shrubs / low level trees which formed part of the original landscaping scheme implemented when the school was built. It is noted that the existing boundary treatment can be described as relatively 'open' in its nature, and as such allows residents of the properties in Eccles Row to enjoy wider views through the school fields and out across the Kent Downs. As noted above by the KCC Landscape Advisor (paragraph 8), that the amended location of the MUGA, in particular the revised location of the two pergola structures, would cause a slight visual intrusion from properties in Eccles Road across the Kent Downs. However, in my opinion I consider that the pergola structures as proposed are relatively 'open' in their nature (see details on page D3.4), and therefore would not cause an unacceptable amount of visual intrusion, or significantly block wider views across the Kent Downs. I further note that the individual right to a view is not strictly a material planning consideration.

15. I note that the location of the proposed court is in an area which does not appear to be widely used at present by the School. The location consists of an area of infrequently mown grassland, currently not used as school playing field. However, I note that to the immediate north-west of the proposed games court is a wildlife/nature garden. This area is largely used by the School and consists of an environmental garden with a nature pond and various play structures. The proposal is to cluster the 'built-development' together adjacent to this existing nature area in an attempt to reduce visual impacts on wider landscape. In terms of the intensifying of the use of this particular location, I recognise that noise generation (as discussed below) has the potential to increase above-and-beyond existing levels on the basis that the area is not currently used for children during school playtimes at present. However, in my opinion I see no reason why the area is not capable of being formed into an additional playing field, and used intensively as such, through the regular mowing of this grassland.
16. I note that the KCC Landscape Advisor has highlighted the potential impact upon two adjacent trees as part of the construction works. In my opinion, I consider that these trees should be retained as part of the proposed scheme and as such would recommend that they be afforded protection during construction works with tree protection measures in accordance with the latest British Standards. In terms of additional landscaping, I am of the opinion that additional tree planting would not bring any benefit to the scheme and would in any case reduce wider views from residential properties across the Kent Downs.
17. I note that concern has been raised by local residents [regarding the original proposal] with regards to potential overlooking. I note that the applicants have attempted to address this issue through the rotation of the MUGA by 90 degrees, moving the proposal further away from the nearest residential boundary. I note that at the closest point, the corner of the hard-paved surface surrounding the proposed multi-use games area would be approximately 15 metres from a residential boundary. Across this distance, a grass surface would be maintained (as currently exists) with low level vegetation/shrubs growing along the boundary fence between the school and the properties fronting Eccles Row. Given the distances involved, I do not consider overlooking to be an issue in this particular instance, and note that although this area is not at present extensively used by the School for sporting activities, I see no reason why this area could not be further utilised by the School, should they choose to do so.
18. In summary, I consider that the proposal is acceptable in landscape and visual terms and would seek to ensure that existing trees are protected on site during construction. In this instance, I would not seek to provide additional landscaping measures as part of

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this scheme, and consider that the proposal is in general accordance with the Development Plan, most notably Policy EN9 of the Kent and Medway Structure Plan and Policy P4/11 of the Tonbridge & Malling Borough Council Local Plan.

Noise pollution

19. In terms of the potential for the proposal to give rise to adverse noise implications for nearby residents, in particular those residential properties fronting Eccles Row, I note the comments of the County Council's Noise Consultants in paragraph (8) above. They recognise that the amended orientation of the proposed MUGA is in such a location that it could already be used for existing sporting activities (albeit currently not done so). Given this, the KCC Noise Advisor has advised that the proposal is unlikely to cause a detriment to the nearest residential properties provided that as stated by the applicant, the games area is only used on weekdays between the hours of 09:00 and 16:00.
20. I consider that on the basis of the games court being used on a low-frequency basis (compared to similar multi-use games courts on different school sites across the County, which are typically larger in nature and shared with the wider community), the potential impact of increased noise levels would be minimal in this particular case. In terms of potential noise attenuation features which could be insisted upon as part of this proposal, I do not consider such measures to be warranted due to the scale and nature of the proposal, and would, in my opinion, cause a significant visual screen between the residential properties, the school site and wider views enjoyed across the Kent Downs.
21. In terms of the scope for an alternative location of the games pitch elsewhere within the school grounds, I note the location has been chosen by the applicants on an area of unused grassland adjacent to the existing School's 'wildlife' area. In my opinion, having visited the site there would seem to be no alternative location which could be considered more favourably along the south-western boundary of the school site on the basis that residential properties adjoin the boundary at all locations along this boundary.
22. Whilst I recognise that the location of the proposed multi use games area is located on an area which is visible from nearby noise receptors, on the basis of the separation distances concerned, the advice received from the County Council's Noise Advisor and the current potential for the site to be used as playing space at present (albeit currently not used as such), I am of the opinion that the proposal is in general conformity with the Development Plan. Most notably, I consider the proposal to be in accordance with Policy NR5 of the Kent and Medway Structure Plan and Policy P3/17 of the Tonbridge & Malling Local Plan. In addition, whilst I note that noise attenuation features could be insisted upon, I consider that these would in fact cause additional visual intrusion on neighbouring properties, further reducing their views across the school to the Kent Downs. Accordingly, I would not seek to raise an objection to the proposed development on noise grounds.

Light pollution

23. I note that the application proposes no lighting as part of the development of the multi-use games area. In order to retain control over this aspect of the proposal, I recommend that a condition be placed on any decision to ensure that no external lighting can be installed at the multi-use games area without the prior written permission of the County Planning Authority.

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Hours of use

24. In terms of the hours of use of the court, I note this aspect has the potential to generate detrimental noise nuisance to the local amenity during typically quieter periods. However, based on the limited nature and scope of the games court proposed, and the low-intensity use by the school pupils only, I see no reason to depart from the hours of use suggested by the applicant in this case. On this basis, I recommend that the hours of use of the court be limited to the following:

Monday to Friday (term time only): 09.00 – 16.00  
No use on Saturdays, Sundays, or Bank Holidays

**Conclusion**

25. Having regard to the Development Plan Policies, and the material planning considerations received from both consultees and a local resident, I consider the proposal to be an acceptable solution in terms of its design, scale and visual appearance. I consider that the proposal would not cause a significant detrimental impact on nearby noise receptors, nor would it be unacceptable in landscape or visual terms. On this basis, I consider the proposal to be in general accordance with the Development Plan for those reasons indicated above. Accordingly, I recommend that planning permission should be granted, subject to the following conditions as set out in paragraph (25) below:

**Recommendation**

26. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- Standard time limit;
- The development to be carried out in accordance with the permitted details;
- No trees, shrubs and hedges shall be removed, and trees in close proximity shall be afforded protection during construction works in accordance with British Standard 5837:2005 – Trees in Relation to Construction;
- Hours of use limited to those applied for: -
  - Monday to Friday (term time only): 09.00 – 16.00
  - No use on Saturdays, Sundays, or Bank Holidays
- No external lighting to be installed on or around the MUGA without the prior written permission of the County Planning Authority;

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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