

**Provision of Floodlighting to Hard Surface External Sports Area, St Edmunds School, Dover – DO/05/1183.**

A report by Head of Planning Applications Unit to Planning Applications Committee on 21 March 2006.

DO/05/1183 - Application by St Edmund's Catholic School and KCC Education and Libraries for the provision of floodlighting to hard surface external sports area. St Edmunds School, Old Charlton Road, Dover

Recommendation: Permission be refused.

**Local Member:** Mr Newman and Mr Sansum

**Classification:** Unrestricted

**Site**

1. St Edmund's School is located off of Old Charlton Road. Residential properties are located to the west and north and to part of the south of the site. Charlton Primary School is also located to the south and St Mary's Cemetery to the east (see site location plan). The proposed development is located in an area designated in the Adopted Dover Local Plan as an Area of Open Space.

**Background**

2. A planning application was submitted in September 2003 for the provision of a hard surface external sports area and floodlighting (reference: DO/03/1509). Following the receipt of a number of letters of objection to the proposed development from local residents and consultees, and following discussions with the County Planning Authority, the applicant amended the proposal, withdrawing the floodlighting from the application. The application as amended, was reported to Members at the July 2004 Planning Applications Committee Meeting where it was resolved to grant planning permission for the development (without floodlighting) subject to conditions.
3. The decision notice was subsequently issued and this contained nine conditions. Condition (6) of the permission limited the use of the external sports area to between 0900 and 2200 hours on Mondays to Saturdays and between 0900 and 1800 hours on Sundays and Bank Holidays. Condition (8) prevented any external lighting, including temporary lighting, being constructed or used in association with the hard surface sports area.

**Proposal**

4. Planning permission is now sought for the installation of floodlighting to the hard surface external sports area permitted under application reference DO/03/1509. The sports area is located to the west of the school site adjacent to an existing high level playground and behind an existing school building. It is proposed to light the sports area using eight, 8 metre high lighting columns with 1kW luminaires and this would provide a 250-lux lighting level.
5. It is proposed that the School would use the sports area during the day in term time, and that community use of the facilities would take place after school hours and during the holidays. It is proposed that the lights would not be on after 2100 hours and that the lights would not be used on Saturdays or Sundays.

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**Development Plan Policies**

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

(i) The adopted 1996 **Kent Structure Plan**:

Policy S1	Seeks sustainable patterns and forms of development.
Policy S2	Seeks to conserve and enhance the quality of Kent's environment.
Policy S9	Has regard for the need for community facilities and services, including education.
Policy ENV15	New development should be well designed and respect its setting.
Policy ENV18	In the control of development, important archaeological sites will be protected. Preservation in situ of archaeological remains will normally be sought.
Policy ENV20	Requires development to be planned and designed so as to avoid or minimise pollution impacts.
Policy SR2	Development of an appropriate range and standard of facilities for sports and formal recreation will be provided for.

(ii) The Deposit 2003 **Kent Structure Plan**:

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy QL1	Development should be well designed and respect its setting.
Policy QL8	Seeks to protect and enhance the archaeological and historic integrity of important archaeological sites and requires archaeological assessment and/or field evaluation of potentially important sites along with the preservation of remains or by record.
Policy QL12	Seeks to protect existing community services. Flexibility in the use of buildings for mixed community uses and the concentration of sports facilities at schools, will be encouraged.
Policy NR4	Requires development to be planned and designed so as to avoid or minimise pollution impacts.

(iii) The adopted 2002 **Dover District Local Plan**:

Policy WE1	Seeks protection of groundwater Source Protection Zones
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Policy DD1	Requires development to be well designed and respect its setting.
Policy CF1	Proposals for the establishment or expansion of community facilities will be permitted provided that they are well related to the community, which they serve.
Policy ER5	Proposals for, amongst other things, noise creating development, which by itself or in association with other noise sensitive sources is likely to cause degradation to the amenity of noise sensitive uses in the vicinity will not be permitted unless suitable mitigation measures can be carried out to ameliorate problems associated with noise.
Policy OS1	Proposed developments which would result in the loss of open space will not be permitted unless (amongst other things) in the case of a school site, the development is for educational purposes and the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

**Consultations**

7. **Dover District Council:** states that as the lux levels have been reduced to a level in accordance with the guidelines provided by the Institute of Lighting Engineers (Zone 2, <1 lux), the District Council does not wish to raise objection on the grounds of light nuisance. The District Council continues:

“However, the likely shouting generated by both team members and supporters would have a significant, detrimental impact on the residential amenity of the neighbouring dwellings, particularly given the close proximity of the rear facades of properties in Stanhope Road backing on to the court area. Concern is raised over the applicant’s intention to hire the area out to the public for use in the evenings and weekends. I note that it is the intention to utilise the facility until 21:00 hours. In view of this, I have to inform you that this Council wishes to raise an OBJECTION on the grounds of loss of residential amenity due to noise”.

**Dover Town Council:** no objections provided there was full consultation with local residents and the lights are shrouded in order that they do not impinge on the adjacent residential area.

**The Area Transportation Manager:** raises no objections.

**Environment Agency:** raises no objections. The site lies within Source Protection Zone I of a public water supply abstraction. Potable supplies are at risk from activities at the site and all precautions should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation. The site is located near an area that is known to be at risk from flooding however; no objection is raised on flood grounds.

**Jacobs (Noise):** points out that the hard surface sports area is only 10 metres from the boundary of the nearest noise sensitive receptor and only 20 metres from dwellings

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themselves. Assumes that the area is currently used in the evenings for approximately half the year when light conditions are such that floodlighting is not required.

The proposed floodlighting has the potential to intensify the use of the sports area, perhaps into periods of the evening that currently do not experience activity, but more likely periods that do currently experience activity. Conditions can be attached to any permission specifying operating hours of any lighting.

The lighting would generally be used during winter periods, in evening periods when people are unlikely to be outside enjoying their gardens. The supporting information states that the floodlighting would not be used on Saturdays and Sundays when people may be more likely to be using their outside space.

Does not think that the proposed floodlighting would have a detrimental effect on residential amenity, in terms of noise at the nearest noise sensitive receivers.

**Jacobs (Streetlighting):** The proposed lighting has been reduced to 250 lux through a reduction of the column height from 10 metres to 8 metres and a reduction in the light input from the lamp by just over 50%. The scheme would fall within the Institution of Lighting Engineer's Guidance for the reduction of obtrusive light.

There would be high levels of horizontal illuminance occurring in the ends of the gardens of the properties backing onto the floodlit area. The gardens at the bottom of the slope near property 26 are affected to a greater extent. The levels drop away substantially toward the houses. The brightness of the illumination may be of some concern for residents living in such properties, as may the brightness of the light sources in the floodlights. If available back shield may be of some benefit in reducing obtrusive light.

**County Archaeologist:** Proposed groundworks are minimal and little, if any, archaeological impact is likely. No further archaeological assessment is necessary in this case.

#### **Local Member(s)**

8. The local County Members for Dover Town, Mr Newman and Mr Sansum were notified of the application on 10 October 2005.

#### **Publicity**

9. The application was publicised by an advertisement in a local newspaper, the posting of one site notice and the notification of 48 neighbouring properties.

#### **Representations**

10. 4 letters of representation have been received to date. The main points raised can be summarised as follows:
  - Concerned floodlighting is being proposed again - it was previously withdrawn and a condition was imposed on a sports area application restricting the erection of any lighting.
  - Concerned about the proposed hours of use. There is also inconsistency in the application regarding the proposed use of the facility on Saturdays and Sundays.

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- Concerned about light pollution - the height of the columns, light overspill into gardens and properties and the lights glowing in the sky. Existing security lighting already cause residents problems.
- Concerned about a loss of amenity from noise and light pollution particularly in the summer, in the evenings and at unsociable hours.
- Concerned about the proximity of the facility to residential properties.
- Concerned about community use of the facility.
- Wishes for previous letters of objection that had been written in connection with application DO/03/1509 to be taken into account. (refer to Appendix)
- Residents' objections should not be set aside because they knew of the school when they purchased their houses. The school did not exist when some residents moved into their homes and the land used to be a nursery garden. Residents could not reasonably be expected to have anticipated the installation of floodlights so close to their properties or the degree of community use.
- Concerned about property devaluation and an existing mobile classroom at the site.
- One respondent has no objection in principle to the proposal providing safeguards are put in to protect residents. The lighting would need to be positioned to minimise glare and intrusion, noise would need to be taken into account and hours of use of the facility up until 2200 hours are suggested. The lighting would mainly be used in the autumn/winter when residents have their own lights on and their curtains closed so only if residents consciously looked towards the sports area or entered their back gardens would their attention be drawn to the floodlighting.

**Discussion**

11. The application has to be considered in relation to its location set against the impact of the proposal and the need for the development in the context of the Development Plan. Therefore, this proposal will need to be considered in the light of the Kent Structure Plan and Dover Local Plan policies.

**Location**

12. The proposed development would be located to the west of the school site adjacent to an existing high level playground and behind an existing school building. Residential properties are located in close proximity to the west, north and to part of the south of the proposed development (see attached plans). Due to the hard surface sports area already being located in this area, the key issue to consider is the potential impact of the floodlighting and this is discussed below.

**Lighting**

13. The sports area would be lit using 250-lux luminaires, which would be located on 8, eight metre high columns. It is necessary to consider the effect of the lighting on nearby residential properties and on the local area. Details submitted with the application show that when lighting the sports area, much of the surface illuminance would be restricted to within the school site. However, the gardens of the nearest residential properties would experience a surface illuminance of between 0 and 50 lux and five residential properties would have surface illuminance of over 50 lux in parts of their gardens (see attached plans). Following a request and receipt of a plan showing illuminance levels of 5 and 1 lux overlaid onto a site plan, it is now possible to ascertain whether what (if any) the illuminance levels would be at the façade of the nearest residential properties. I would consider the lux levels to be unacceptable in terms of the light spill effects on neighbouring properties.



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14. At a meeting held at the school between the applicant, agent and Planning Officers, suggestions of landscaping and fencing were raised in order to improve the situation. Having examined the scope for each mitigation, I consider that any fencing or landscaping that can be achieved here would be unlikely to reduce the impacts of the proposed lamps. The erection of a fence between the pitch and neighbouring properties may help reduce noise levels and visual intrusion, but may block sunlight out of the neighbours' South East facing gardens. Under the circumstances, any substantial fencing or planting is likely to be an intrusion or overriding feature itself.
15. Jacobs (Streetlighting) have advised that the lighting proposals fall within the Institution of Lighting Engineer's (ILE) guidance notes for the reduction of obtrusive light. The area would appear to fall within a Category E3 area, described as small towns or urban locations, which allows for lux levels of 10 before curfew and 2 after curfew. Given these guidelines, the lux level shown in this proposal is 1 lux at the façade of neighbouring properties. Despite this, Jacobs have also advised that there does appear to be high levels of illuminance occurring at the ends of the properties backing onto the floodlit pitch, particularly at the bottom of the slope near property 26. Lux levels reach up to 50 lux in part of the gardens of some properties. They also advise that the brightness of the illuminance may be of some concern for residents living in such properties, as may the brightness of the light sources in the floodlights.
16. However, whilst the light spill levels on the ground might be acceptable, I consider that due to the location of the floodlights and their very close proximity to residential properties, the installation of floodlighting in this area would result in a visually intrusive form of development, which would be harmful and detract from the character and appearance of the surrounding area. Therefore, in terms of both light spill and light glare, I consider that it would have an unacceptable impact on neighbouring properties and would be contrary to adopted Kent Structure Plan Policies S2, & ENV15, Deposit Kent Structure Plan Policies SP1 and QL1 and Dover District Local Plan Policies QL12 and NR4. I therefore raise an objection to this element of the proposed development.
17. Consideration also has to be given to the daytime impact of this proposal within the landscape setting. The proposed installation of 8 metre high lighting columns on a localised ridge, which is visible in the surrounding residential area is likely to have an impact particularly as the boundary screening between the sports area and the residential properties is low level. Currently there are views of the sports area from the surrounding residential properties, which would be exacerbated by the introduction of the floodlighting. This would also be exacerbated by the fact that the residential properties and the school site are terraced and therefore whilst some residential properties are at the same level as the sports pitch that it is proposed to floodlight, others are at a higher or lower level. I acknowledge that the floodlighting would be viewed in part against the backdrop of the existing school buildings and the columns could be painted to blend in with their surrounds. However, I am not satisfied that what is proposed would not have a detrimental impact on the surrounding residential properties. The daytime impact of the proposal would therefore be contrary to adopted Kent Structure Plan Policies S2 and ENV15, Deposit Kent Structure Plan Policies SP1 and QL1 and Dover District Local Plan Policy DD1. I therefore also raise objection to this element of the proposed development.

**Noise**

18. The proposed development would be in close proximity to a number of residential properties and the noise emanating from the play area has the potential to be experienced at the closest of these properties. I would advise that the area is currently

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used as a formal sports area and that due to its size, the number of people that can use the area at any one time is restricted. That therefore reduces the potential for noise to be generated from the proposed development. Currently it would already be possible for the sports area to be used during the day and during the evenings in the summer months. By the introduction of floodlighting it would make it possible for the facility to also be used in the evenings during the winter. It is considered that on winter evenings it is unlikely that people would be outside enjoying their gardens and *it is also not proposed to used the floodlighting on Saturdays and Sundays* when people are more likely to be using their outside space. Given the above I would advise that any noise increase as a result of the proposed development would be minimal and that this on its own would not warrant refusal of the application.

**Hours of Use**

19. This development proposes community use of the facility after school hours and during the holidays and concerns have been raised about this. The applicant has stated, following these concerns, that during the summer months, when lights are not required, the facilities would be used as set out in the previous planning permission DO/03/1509 – between 0900 and 1000 hours Mondays to Saturdays. During the months when lights are required, the lights would not be used after 2100 hours Mondays to Fridays and the lights would not be used at all on Saturdays. Use of the lighting can be controlled by condition should Members be minded to permit, and therefore I do not raise concern over this aspect of the proposal.

**Traffic**

20. The hard play area that it is proposed to floodlight is already constructed and in use at the school. Therefore by floodlighting the play area the greatest potential for an increase in traffic to occur would be during winter evenings when the floodlights would be in use. Given that community use of the play area occurs outside of normal school hours, the school's car parking could be used and given the size of the play area I would advise that the number of people that can use the facility at any one time is limited. I therefore consider that there would be the potential for an increase in traffic at the site as a result of the development. However, I consider that this increase would be minimal and that it should not cause an overriding detrimental impact on residential amenity that would warrant refusal of the application on that ground alone.

**Water Resources**

21. The site lies within a Source Protection Zone 1 of a public water supply abstraction. As a result of the above, the Environment Agency has advised that potable supplies are at risk from activities at the site and all precautions should be taken to avoid discharges and spillage's to the ground both during construction and subsequent operation. The applicant should be advised of this by a suitably worded informative on any grant of planning permission.

**Need**

22. Due to the material planning objections, which have been raised, need becomes a balancing factor. It is my understanding that the School has been encouraged to include community provision of sports facilities on site, which had been supported by Dover District Council as Leisure Authority. The floodlighting is needed in order to

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accommodate this request and aid extra curricula activities, although the lighting is not generally needed for the school use.

**Conclusion**

23. The application has to be considered in the context of the Development Plan and in relation to the impacts of the proposed development on the location. Whilst I consider issues regarding noise and hours of use to be generally acceptable and could be controlled by condition, I am not satisfied with issues relating to potential light spill and light glare and I do not, therefore, consider this type of development to be acceptable. Due to the location of the pitch and the proposed floodlighting in relation to neighbouring properties and the extent to which light pollution spills into the back gardens and facades of neighbouring properties, I am not satisfied that the proposed development would not have an unacceptable impact on the surrounding area and residential amenity. It would represent a visually intrusive form of development, which would detract from and be harmful to the character of the surrounding area. I therefore recommend accordingly.

**Recommendation**

24. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

- (i) The proposed development by virtue of the location of the lighting columns would result in an unacceptable form of development, which would be visually intrusive, affect the amenity of neighbouring properties and be harmful to the character and appearance of the surrounding area contrary to Kent Structure Plan Policies S2, and EN15 and the Dover Local Plan Policies DD1 and NR4.

Case officer – Helena Woodcock	01622 221063
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Background documents - See section heading
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