

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

A report by Head of Planning Applications Group to Planning Applications Committee on 4 November 2008.

Application by the Governors of Birchington Church of England Primary School and Kent County Council Children, Families & Education for a multi use games area (MUGA) with floodlighting and access path at Birchington C of E Primary School, Park Lane, Birchington - TH/08/788.

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mr. C. Hibberd

Classification: Unrestricted

Site

1. Birchington C of E Primary School is located to the south of the centre of Birchington-on-Sea and is accessed by both vehicles and pedestrians from its main entrance on Park Lane. There is also a pedestrian access to the site from Sewell Close. The proposed multi use games area (MUGA) would be sited in the northern part of the school playing field and would be around 36m from the rear façade of the nearest residential property in Sewell Close. The proposed MUGA would be obscured from properties to the east by the school buildings and would be around 75m away from the nearest properties to the south and around 60 metres to the west. The school is not situated within any environmental or historically designated/protected areas. *A location plan is attached.*

Proposal

2. The application seeks planning permission for a MUGA with associated floodlighting and access paths. The MUGA would be used by school children during school hours 08:00 to 16:30; it would be used to support PE within the curriculum for traditional sports such as football and netball. It would also increase opportunities for a wider range of sports to be played at the school including basketball, hockey and tennis, which are not currently available. It is also proposed for the MUGA to be open for use to the wider community outside of school hours. Free and unsupervised access would not be permitted with only approved and organised groups permitted to use the facility. The hours of use proposed for the MUGA would be 08:00 – 21:00 on weekdays and 10:00 – 17:00 at weekends and on Bank Holidays with the floodlighting proposed to be used between 16:00 and 21:00 on weekdays and upto 17:00 on weekends and Bank Holidays.

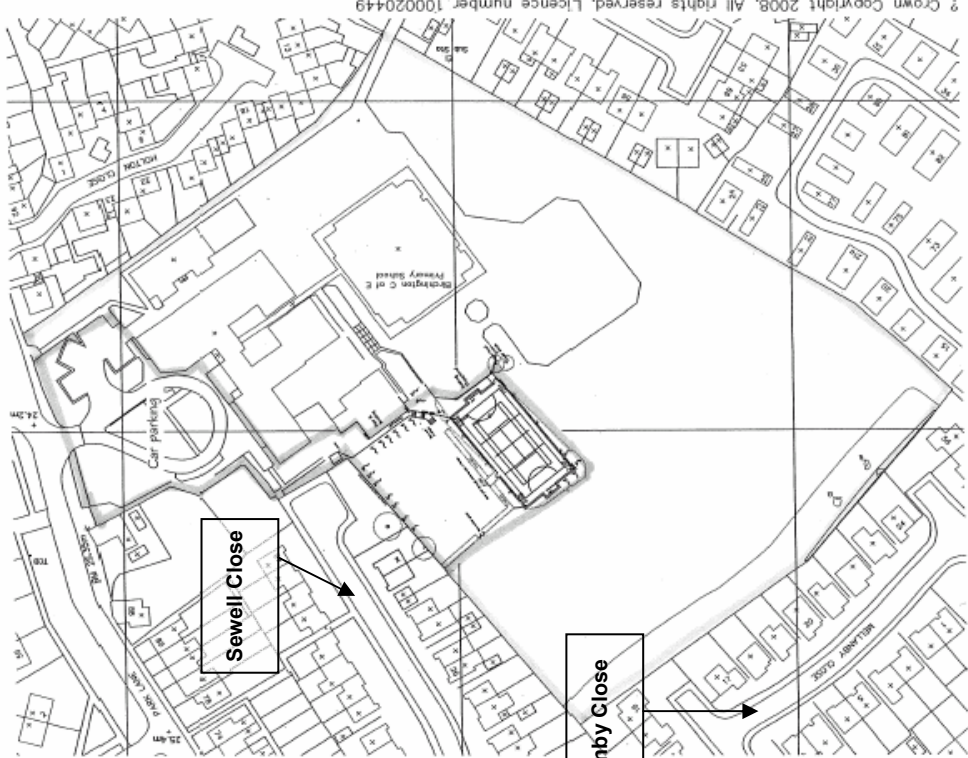
Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788

Site Location Plan

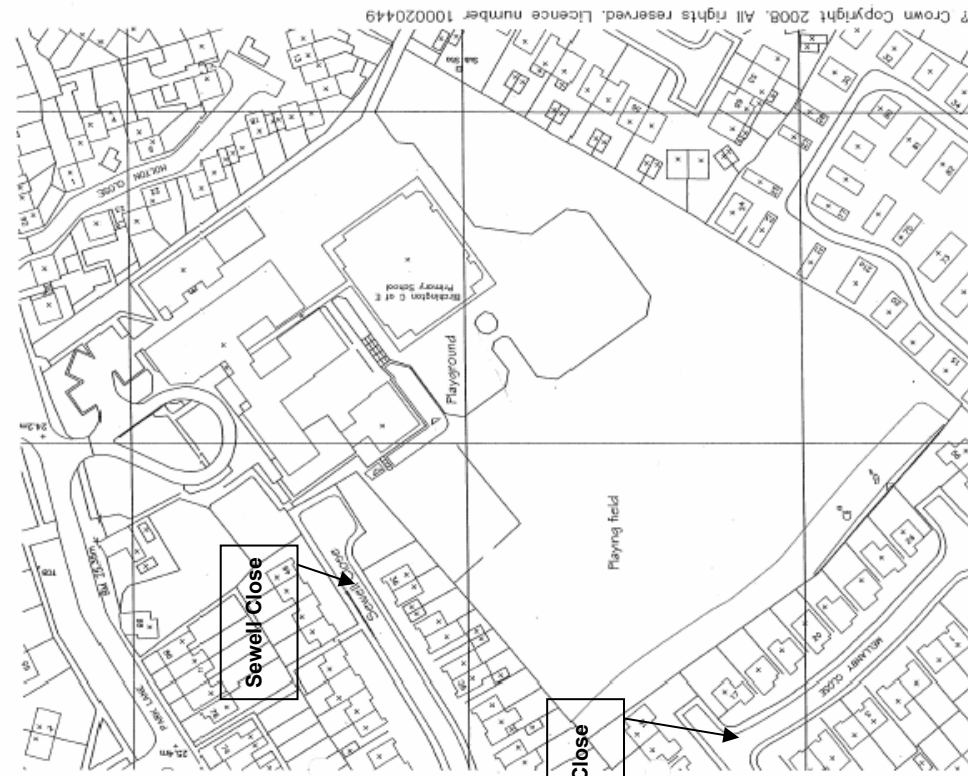
Drwg. no. TMC O1A

Proposed MUGA at Birchington Primary School
Park Lane, Birchington, Kent CT7 0AS

North
↙



SITE PLAN As proposed
1:1250

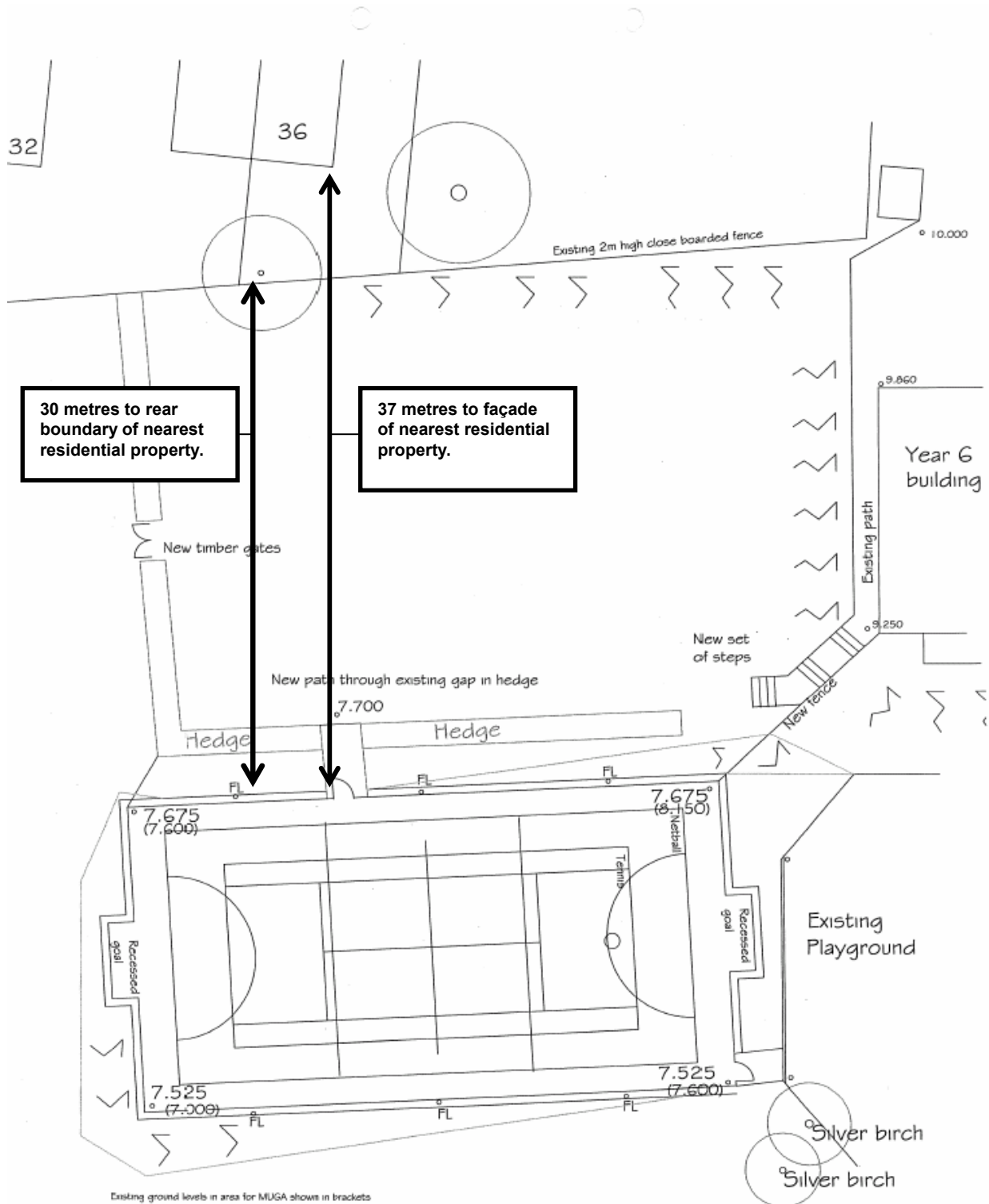


SITE PLAN As existing
1:1250

Item D2

Multi use games area with floodlighting and access path, Birchington C of E Primary School, Birchington – TH/08/788

Proposed Plan



30 metres to rear boundary of nearest residential property.

37 metres to façade of nearest residential property.

Existing ground levels in area for MUGA shows in brackets

Proposed MUGA at Birchington Primary School
Park Lane, Birchington, Kent CT7 OAS

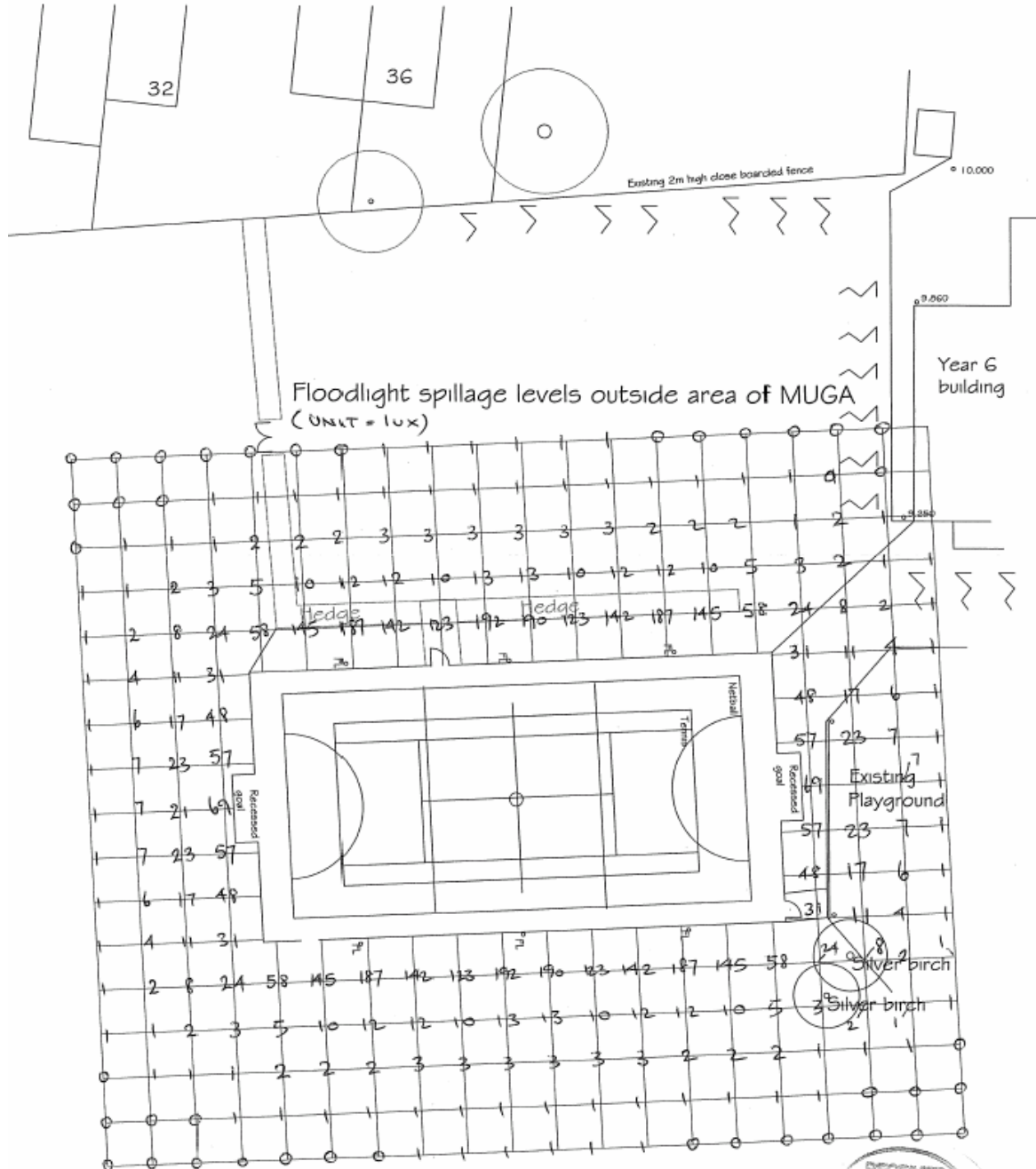
PROPOSED PLAN 1:200 Drwg. no. TMC 02A



Item D2

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

Light Overspill Plan (lux)



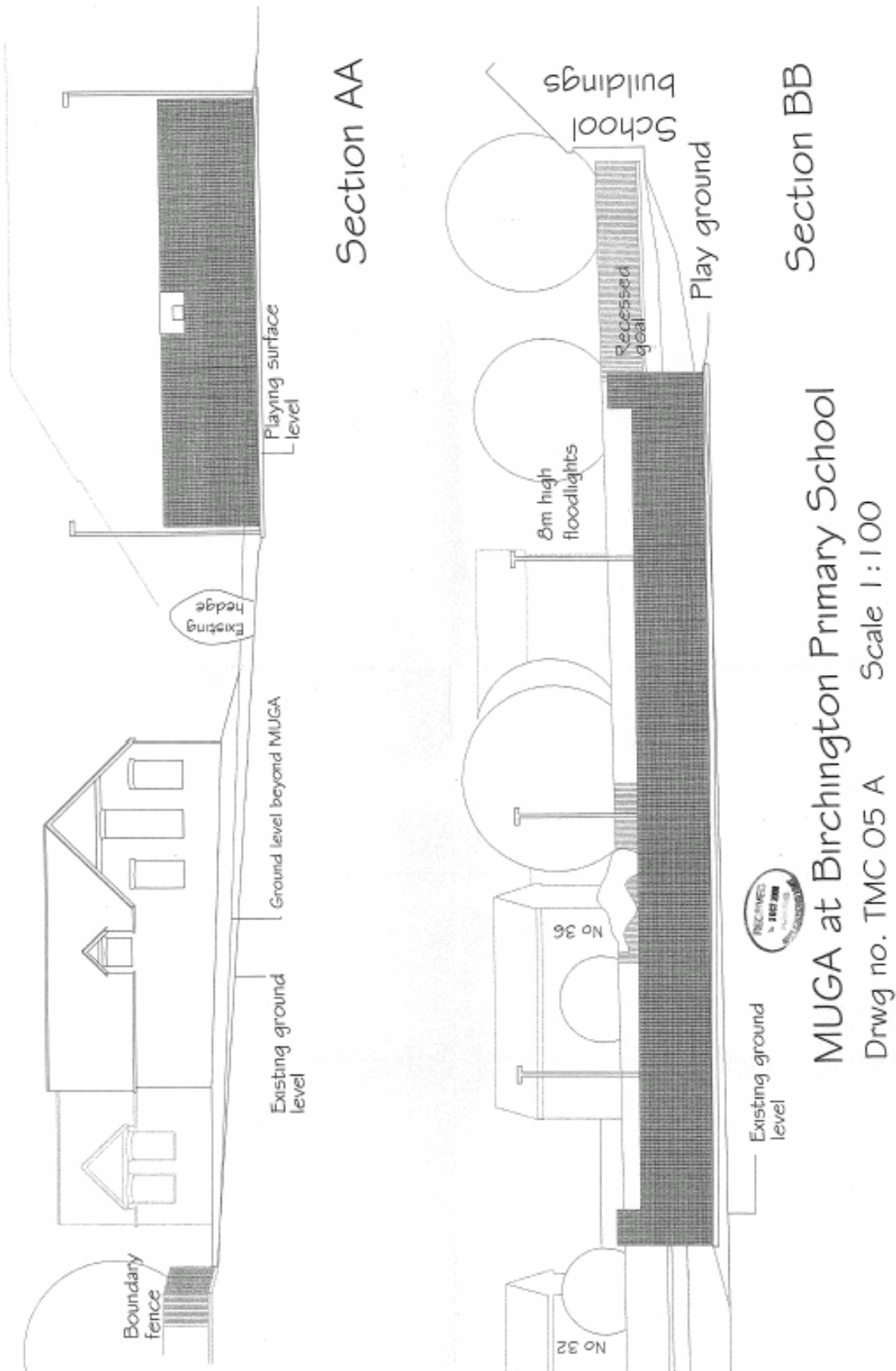
Proposed MUGA at Birchington Primary School
Park Lane, Birchington, Kent CT7 0AS

PROPOSED PLAN 1:250 Drwg. no. TMC 04A



**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

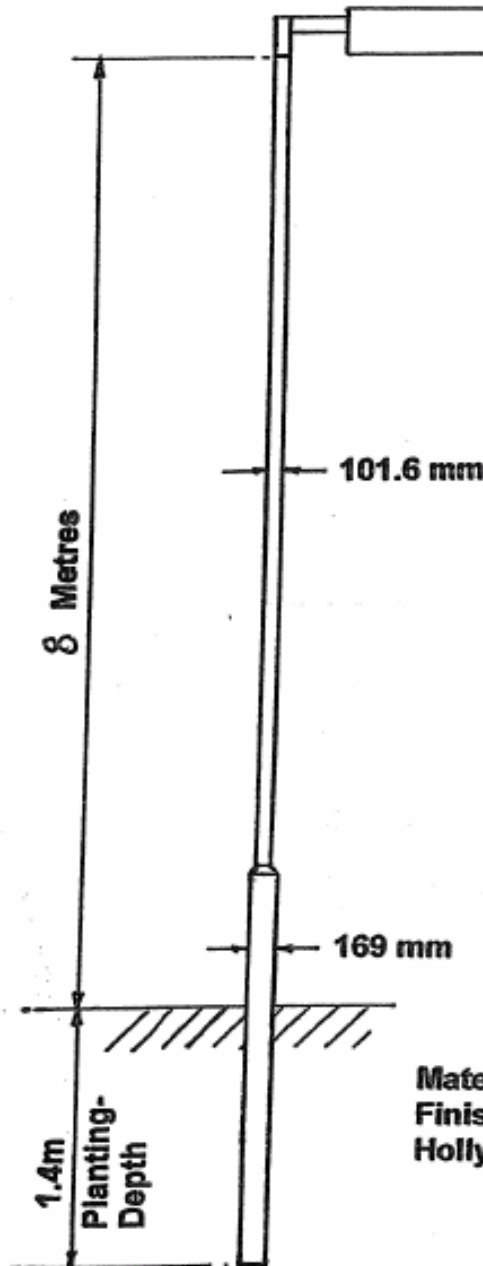
Elevations



Item D2

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'LO-LINE EC' LIGHTING COLUMN



**Materials: Tubular M.S.
Finish: Galvanised, Painted
Holly-bush green to BS 14C39**



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Birchington C of E Primary School, Birchington – TH/08/788**

Planning Policy

3. 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 NR5 - The quality of Kent’s environment will be conserved and enhanced. This will include the visual, ecological, geological, historic, noise and levels of tranquillity.

(ii) The adopted 2006 **Thanet District Council Local Plan**

Policy D1 - all new development is required to provide high quality and inclusive design, sustainability, layout and materials.

A new development proposal will only be permitted if it:

- respects or enhances the character or appearance of the surrounding area, particularly in scale, massing, rhythm, and use of materials appropriate to the locality;
- is compatible with neighbouring buildings and spaces and does not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure;

Multi use games area with floodlighting and access path, Birchington C of E Primary School, Birchington – TH/08/788

- incorporates where practicable a high degree of permeability for pedestrians and cyclists and also considers access for public transport;
- incorporates provision for disabled access;
- incorporates new landscaping as an integral part of the proposal;
- provide safe and satisfactory means of pedestrian and, where provided, vehicle access.

Policy CF1 - Planning permission will be granted for new community facilities if the proposals are not contrary to other local plan policies and the community use and location are demonstrated as appropriate.

Policy SR1 - Proposals for the provision of new recreation and sports facilities including those provided by clubs or schools, particularly where these proposals are available to the public (including people with limited energy/movement), and which remedy identified deficiencies in existing facilities will be permitted provided:

- the location of the proposal is within or adjoining the urban areas;
- the intended use is compatible with surrounding land uses and with current planning policy;
- the facilities are well related to the major transportation network, and that the use is in close proximity to public transport;
- any built development is ancillary to the outdoor use, and the scale, design, siting and materials are sympathetic to the character of the area;
- and
- satisfactory arrangements are made for vehicular access and parking, and access by pedestrians and the disabled.

Policy EP1 - development with potential to pollute will be permitted only where:

- applicable statutory pollution controls and siting will effectively and adequately minimise impact upon land use and environment including the effects on health, the natural environment or general amenity resulting from release of pollutants to water, land or air, or from noise, dust, vibration, light or heat; and

In determining individual proposals, regard will be paid to:

- the economic and wider social need for the development; and
- the visual impact of measures needed to comply with any statutory environmental quality standards or objectives.

Policy EP6 - Development proposals that generate significant levels of noise must be accompanied by a scheme to mitigate such effects, bearing in mind the nature of surrounding uses. Proposals that would have an unacceptable impact on noise-sensitive uses will not be permitted.

Policy EP9 - Development that includes the provision of new outdoor lighting should be designed to minimise light glare, light trespass, spillage and sky glow so as to preserve residential amenity, the character of the surroundings

Multi use games area with floodlighting and access path, Birchington C of E Primary School, Birchington – TH/08/788

and prevent disturbance to identified wildlife areas. Proposals that are unacceptable in these respects, or which exceed the following maximum limits, will not be permitted.

Consultations

Thanet District Council: Raises no objections subject to the imposition of conditions.

Birchington on Sea Parish Council: was notified of the application on 9 June 2008 to date no comments have been received.

Divisional Transportation Manager: has no highway objection to this proposal but recommends that some cycle storing facilities be provided as part of the application.

Environment Agency: Raises no objection.

Jacobs Noise: Raises no objection subject to the imposition of conditions.

Jacobs Lighting: Raises no objection subject to the imposition of conditions.

Sport England: Raises no objection.

Local Member

4. The local County Member, Mr. C. Hibberd was notified of the application on the 9 June 2008.

Publicity

5. The application was publicised by posting of site notices at the school entrance on Park Lane and at the pedestrian entrance on Sewell Close, and the individual notification of 45 neighbouring residential properties.

Representations

6. I have received seven letters of representation in respect of this application, six of which were received from residents of Mellanby Close and one from a resident of Sewell Close (see site plan on page D2.2). The main planning reasons for objection to the current proposals can be summarised as follows:
 - We strongly oppose this proposal due to the development being only 75 metres from our rear garden perimeter.
 - The development would be outdoors and open to the public up to 21:00, which raises issues of noise and security.
 - My house is only protected by the school's boundary wire mesh fence, which has been damaged by previous attempts to gain access to my garden.
 - There have been no assurances of additional security.
 - The development is inappropriate for the school given its size and location.
 - The noise levels would be unacceptable to residents, particularly whilst having outdoor activities in their gardens.

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

- We are concerned about undesirable people who might hang around in this area after the facility closes.
- Detrimental noise and light impacts on surrounding residential properties.
- The proposed site is an unsuitable location as it is in a residential area – we really cannot understand why anyone would find it acceptable to allow it to be used late into the evening.
- The fact that the area would be open until 9pm does not mean that the noise would stop then, and there are likely to be people that ‘hang around’ until much later than that who will have the potential to cause a nuisance.
- People shouting or laughing may wake up children who should be sleeping.
- Noise may cause dogs to bark – again waking up children and residents.
- Elderly residents may feel more at risk or insecure.
- There is an existing parking problem in Sewell Close and this development would make the situation worse.
- It appears to us that no consideration has been given to the quality of life of those people/rate payers who live near the school, only those people who do not.
- We moved to this quiet cul-de-sac on retirement and do not want noise from multi games until 9pm at night.

DiscussionIntroduction

7. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst the provision for educational and community needs are acknowledged by Structure Plan Policy QL11 and Local Plan Policy CF1 the proposal must also be considered against the other relevant Development Plan Policies and policy guidance including PPG17 Planning for Open Space, Sport & Recreation, PPG24 Planning & Noise and any other material planning considerations arising from consultation and publicity.
8. When the application was originally submitted it sought to construct the MUGA in the north eastern corner of the school playing field adjacent to the Year 6 building, the end of the proposed MUGA would have been 15m from the rear façade of the nearest residential property and 7m from the boundary. The original positioning prompted objections from Jacobs Noise, who considered that in terms of reducing noise impact on the nearest residential receptor the proposed MUGA would have to be at least 25m from the rear façade. The applicant took the decision to alter the position of the proposed MUGA to that which is currently before the Planning Applications Committee.
9. The proposed MUGA would be around 36m away from the rear façade of the nearest residential property (as shown on page D2.3), whilst the nearest residential properties along the western and southern boundaries are between 60m and 80m away. The proposed MUGA would measure 36m by 18.3m and would be finished in a green colour sprayed porous macadam with play lines for netball, five-a-side football and tennis. It is proposed for the MUGA to be surrounded by green weldmesh ballstop fencing, measuring on the sides 3.08m and at the ends 4.08m.
10. There is an existing gradient over the playing field, falling away from the boundary along Sewell Close, which would be reduced over the area of the MUGA. The eastern end of the MUGA would be set into the ground by between 75mm and 475mm and the western end would be raised by between 75mm and 525mm above the level of the existing

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

playing field. The applicant has advised that there is an existing change in level between the garden of the nearest residential property and the playing field. Combined with the proposed reduction in level it would create an approximate level difference of 2m. The top of the existing 1.8m high boundary fence would therefore be approximately 3.8m above the level of the proposed playing surface, which would help to visually screen activity on the MUGA.

11. There are 6 floodlight columns proposed which would each measure 8m in height and are designed in a manner to minimise light spillage outside the play area, I will comment in greater detail on the technical specification of the proposed floodlighting in due course. The proposed and recommend hours of use for the MUGA are outlined in paragraph(s) 2 & 3 above.
12. During normal school hours the MUGA would only be used by school pupils and staff, which would not result in an increase in traffic, out of school hours the main entrance and 39-space car park would be available for users of the MUGA. There would be no requirement for additional car parking spaces or access improvements. Pedestrian access out of school hours would be from the existing car park only, via a new path designed for pedestrian and wheelchair access adjacent to the main school buildings. There would be no pedestrian access to the site from Sewell Close, which would prevent car parking in these surrounding residential roads with a view to further reducing disturbance to local residents.
13. Prior to the application being formally submitted, I met with representatives of the School and contractors on site. The original concept was for the MUGA to be oriented with its sides adjacent to the boundary with Sewell Close. I advised that it would be preferable to orientate the MUGA so that the shorter end would be closest to residential properties and to move the MUGA in a south easterly direction so that it would be adjacent to the school buildings, but be sited in a more central area of the field, and for it to be approximately equidistant from the north, south and western boundaries.
14. The original submission was not in my view acceptable; this was supported by the views of Jacobs Noise consultants. Following consultation, the applicant took the decision to alter the position of the MUGA to that which is currently proposed.

Location and Orientation

15. The proposed MUGA would be sited in a position similar to that were discussed in the initial pre-application site visit, adjacent to an existing hedge line that extends at right angles from the school buildings to the rear of 34 Sewell Close (see drawing on page D2.3). I would have preferred to see the MUGA located further south-east in order for it to be as centrally located in the playing field and approximately equidistant from the surrounding residential properties. However, this needs to be balanced against siting the MUGA further to the south east which would require more extensive paths to be constructed to facilitate disabled access and would prevent the rest of the playing field from being used for other sporting activities.
16. Members will note that the majority of the objections were received from residents of Mellanby Close (see site plans on page D2.2), the nearest properties that back on to the School's playing field are in excess of 70m away. The boundary treatment along the rear gardens of these properties comprises a mix of hedging, shrubs and trees, some of which are mature. In my view, given the distance that properties in Mellanby Close would be from the proposed development, there would be little benefit gained by

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

increasing the amount of boundary screening. Therefore, I do not consider that the amenity of residents in this area would be unacceptably compromised.

17. Since the proposed location of the MUGA would be adjacent to an existing hedge, which would provide additional visual screening to the nearest residential properties in Sewell Close and that the MUGA would be excess of 30m from that boundary, I do not consider the proposal to be contrary to Development Plan Policies and would not raise objection to the proposal on the grounds of its location and orientation.

Residential Amenity – Noise & Lighting Impacts

Noise

18. Following consultation on the original positioning of the MUGA, concerns were received from Jacobs Noise consultants on the grounds that the construction of the MUGA would formalise and concentrate the use in that particular area of the sports field, around 7m from the boundary. It was recommended that a noise assessment be undertaken to determine the potential noise impact and to recommend suitable mitigation measures to ensure no adverse impacts occur. A noise assessment was subsequently carried out and submitted. Recommendations were made in the noise assessment to erect a 2m high acoustic barrier fence along the boundary with Sewell Close to attenuate intrusive noise impacts. It was acknowledged in the report that it was unlikely that the proposed fence would offer any noise attenuation to the upper elevations of the nearest properties.
19. Following the submission of the noise assessment, Jacobs continued to have concerns and advised that even with the introduction of an acoustic barrier, noise emanating from the MUGA would be likely to result in adverse impacts at the nearest residential properties. Clarification was sought from Jacobs Noise as to what the minimum distance from neighbouring residential properties that the MUGA could be located that would not result in unacceptable noise impacts. This distance was adjudged to be 25m from the rear façade of the nearest property, 36 Sewell Close.
20. The applicant took the decision to relocate the MUGA to the position shown on page D2.3. Members will note that the location of the proposed MUGA is 36m from the rear façade of 36 Sewell Close, some 11m further away than minimum distance recommended by Jacobs. Based on the advice given by Jacobs, and the noise attenuation measures proposed by the applicant, I would not raise objection to the proposal in terms of noise impact and consider the application to be in accordance with Structure Plan Policies QL1 and NR5 and Local Plan Policies EP1 and EP6.

Lighting

21. The MUGA would be lit using 400-lux luminaires, which would be located on six 8m high columns finished in 'Holly Bush Green'. 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 the MUGA is lit, all of the surface illuminance would be restricted to within the school site (see lux spill drawing on page D2.4). The submitted plans demonstrate that there would be no surface illuminance at the closest residential gardens and on the façades of the nearest residential properties. Of the properties in Sewell Close, only 47 & 49 would get a full view from the front of their properties of the site from a distance of some 65 metres, but there would be no light spill on either their front gardens or the façade of their properties.

Item D2

Multi use games area with floodlighting and access path, Birchington C of E Primary School, Birchington – TH/08/788

22. Although there would be no light spill on to the closest residential properties, the question of light glare from the six columns should also be considered. The luminaires are a box shape design with the top and four sides encasing the lamp so that light is directed in a downwards direction only. I consider that the opportunity for light glare to be minimised due to the luminaire design and the distance, in excess of 36 metre away, that the closest residential property would be located. I would not therefore consider there to be any discernible loss of amenity in terms of lighting impacts on these properties and the surrounding area. I consider the lux levels to be acceptable in terms of the light spill effects on neighbouring properties and judge the application to be in accordance with Structure Plan Policies NR5 and Local Plan Policy EP9.
23. Whilst the glare light and spill levels on the ground appear acceptable, it is necessary to also consider the impact of the location of the floodlights and whether their relatively close proximity to residential properties would result in a visually intrusive form of development, which would be harmful to the character and appearance of the surrounding area. The diagram on page D2.6 shows what the floodlight columns would look like. These columns are similar to ones used at other Kent school sites. The column widths are relatively narrow measuring 101.6mm and when viewed from the south and west would have minimal impact on the landscape. Coupled with the proposed colour treatment and the fact that when viewed from these directions the columns would be lower than the existing school buildings behind and residential properties in Sewell Close, I do not consider the development to be overly visually intrusive. Therefore I do not consider the development to have an unacceptable impact on the character and appearance of the surrounding area, and consider it to be generally in accordance with Development Plan Policies.

Hours of Use

24. This development proposes community use of the facility after school hours and during the holidays and concerns have been raised about this. Members will note from the hours of use below that the hours of use proposed are not overly excessive. Outside of normal school use, the MUGA would only be permitted for use by organised community groups until 2100 on weekdays and until 1700 at weekends. During winter months when lights are required, the lights would not be used after 2100 Monday to Friday and after 1700 on weekends and Bank Holidays. Given the details discussed above with regards to noise and lighting impacts, and coupled with the proposed hours of use, I do not raise concern over this aspect of the proposal and recommend that should Members be minded to permit, a condition restricting the hours of use of the floodlighting be included on the planning permission.

Day	Hours Being Sought	Number	Hours Recommended	Number
Monday	08:00 – 21:00	13	08:00 – 21:00	13
Tuesday	08:00 – 21:00	13	08:00 – 21:00	13
Wednesday	08:00 – 21:00	13	08:00 – 21:00	13
Thursday	08:00 – 21:00	13	08:00 – 21:00	13
Friday	08:00 – 21:00	13	08:00 – 21:00	13
Saturday	10:00 – 17:00	7	10:00 – 17:00	7
Sunday	10:00 – 17:00	7	10:00 – 17:00	7
Total Hours		79		79

**Multi use games area with floodlighting and access path,
Birchington C of E Primary School, Birchington – TH/08/788**

Need

25. Due to the nature of the objections received, the question of need becomes a factor. It is my understanding that the School has been encouraged to include community provision of sports facilities on site, which has been supported by Thanet District Council. The MUGA would only be available for use by organised groups from within the community, in accordance with a new lettings policy, which would be approved by the School's Governing Body. The Thanet School Sport Partnership has identified local sports clubs through its school-club links programme and Sport4NRG have indicated that they would bring their social inclusion and active pursuits programmes to Birchington should the MUGA be approved. It is considered therefore, that there is good potential for the proposed facility to provide new activities for children and young people in Birchington. The floodlighting aspect of the proposal is required to accommodate this and to aid extra-curricular activities, although the lighting is not generally required for the school use.

Conclusion

26. Overall, I believe that the School would benefit from having the facility, which would provide better access to a wider range of sporting activities. The site currently forms part of the playing field and could therefore be used for recreational purposes without the need for any further planning consent. The provision of this outdoor facility would outweigh the detriment caused by the loss of the grass playing field. Furthermore in my view it is unlikely that by installing the MUGA and floodlighting on the proposed site that the amenity of local residents would be unacceptably compromised. Any potential noise and lighting impacts would be minimised by the existing boundary treatment, the lowering in ground levels and the erection of a 2m acoustic fence. Should Members be minded to permit, I would recommend that conditions controlling the hours of use of the MUGA and floodlighting be imposed. Consequently, I consider that the proposed development would be in accordance with the aims and objectives of the relevant Development Plan Policies.

Recommendation

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

- The standard time limit;
- The development to be carried out in accordance with the permitted details.
- Hours of use for the MUGA to be restricted to between the hours of 0800 and 2100 Monday to Friday and 1000 and 1700 at weekends and Bank Holidays.
- Erection of a 2m acoustic fence to the rear of properties in Sewell Close.
- Details of the design and materials of the 2m acoustic fence.
- Floodlighting shall only be used outside of daylight hours and between the hours of 1500 and 2100 Monday to Friday and 15:00 and 17:00 at weekends and Bank Holidays.
- The floodlighting shall be completely extinguished when the MUGA is not in use.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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