

Item D4

Provision of floodlights to existing new multi activity games area (MUGA), Madginford Park Junior School, Bearsted - KCC/MA/0064/2013 (MA/13/0582)

A report by Head of Planning Applications Group to Planning Applications Committee on 17th July 2013.

Application by Madginford Park Junior School for floodlights to existing MUGA at Madginford Park Junior School, Egremont Road, Bearsted, Maidstone, Kent, ME15 8LH – KCC/MA/0064/2013.

Recommendation: Permission be granted subject to conditions

Local Member: Mr P Carter

Classification: Unrestricted

Site

1. Madginford Park Junior School is located in a residential area south of the A20 and to the west of Bearsted. It is approximately 175m to the north of the River Len. The Junior School is located to the south of the Egremont Road shopping parade. Madginford Park Infant School is located to the south west of the school site, and the library and community hall to the west. The nearest housing to the west and north east is between 60m (in Merton Road and Egremont Road) and to the east 90m away (in Ragstone Road).
2. The multi use games area (MUGA) is located in an elevated position to the south west of the school site. A map showing the location of the site in relation to its surroundings is included below.
3. This application seeks to increase the opportunities for play and sport using the existing MUGA by the provision of floodlighting to an existing multi activity games area (MUGA).

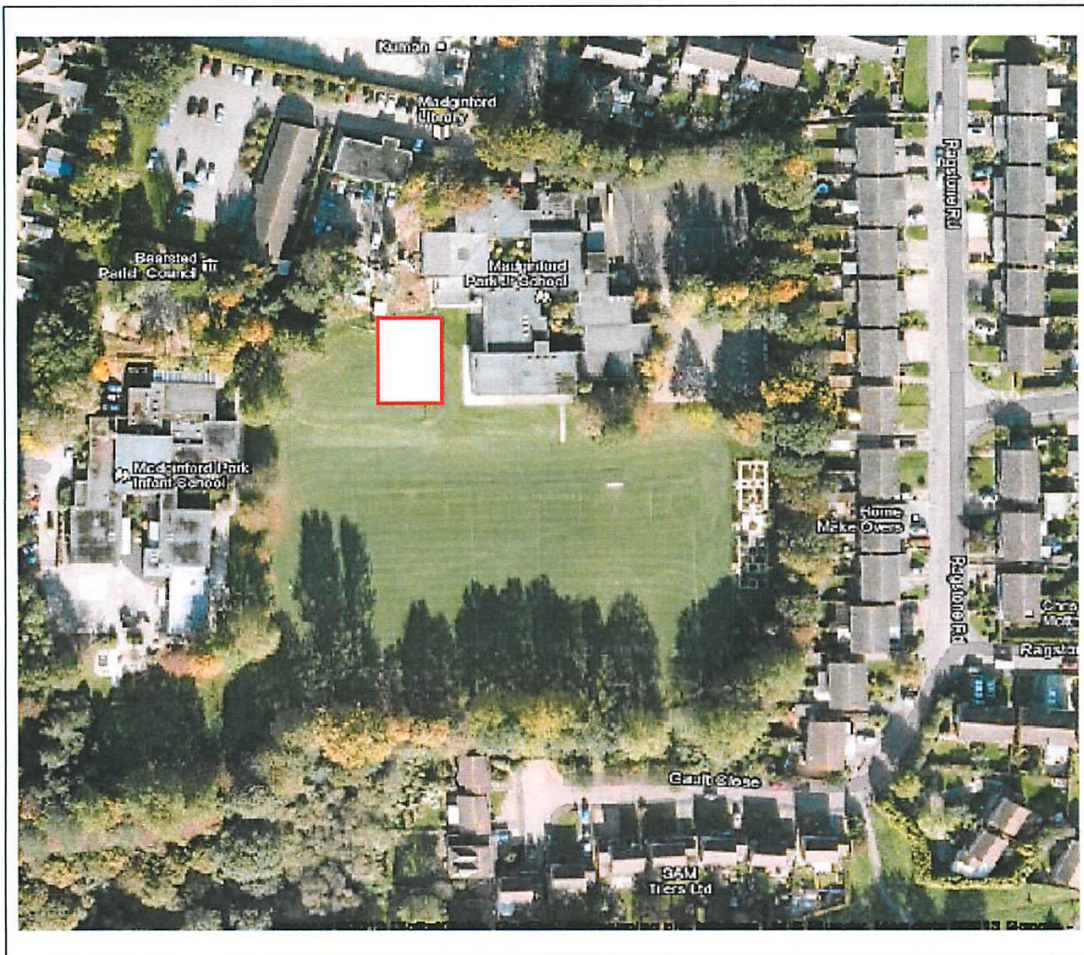
Background

4. Permission was granted in June 2012 (with a minor amendment to the fencing detail in July 2012) for a new playground with access and perimeter fencing (which is 3m high) at the school. That development is now in use at the school and is referred to in this report as a multi use games area (MUGA). It is used for mini tennis (two courts) basket ball (two courts) and five a side football.

Proposal

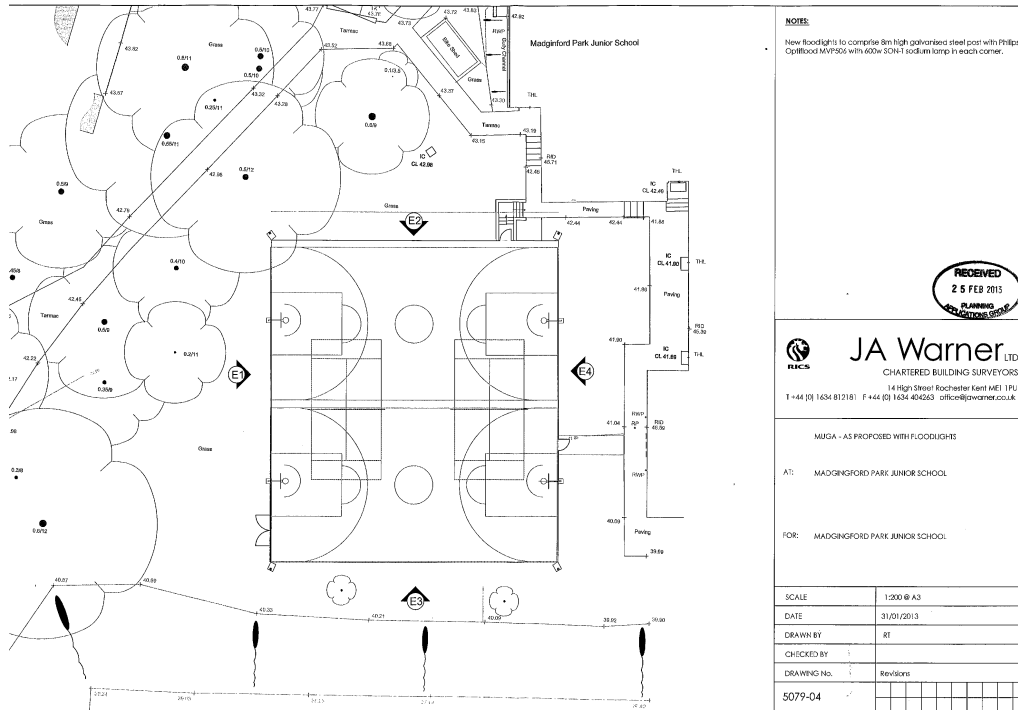
5. This application is for the addition of floodlighting to extend the hours of use of the MUGA, particularly for the winter months. The proposal is for the schools own use.

- ### Location of MUGA at Madginford park Junior School

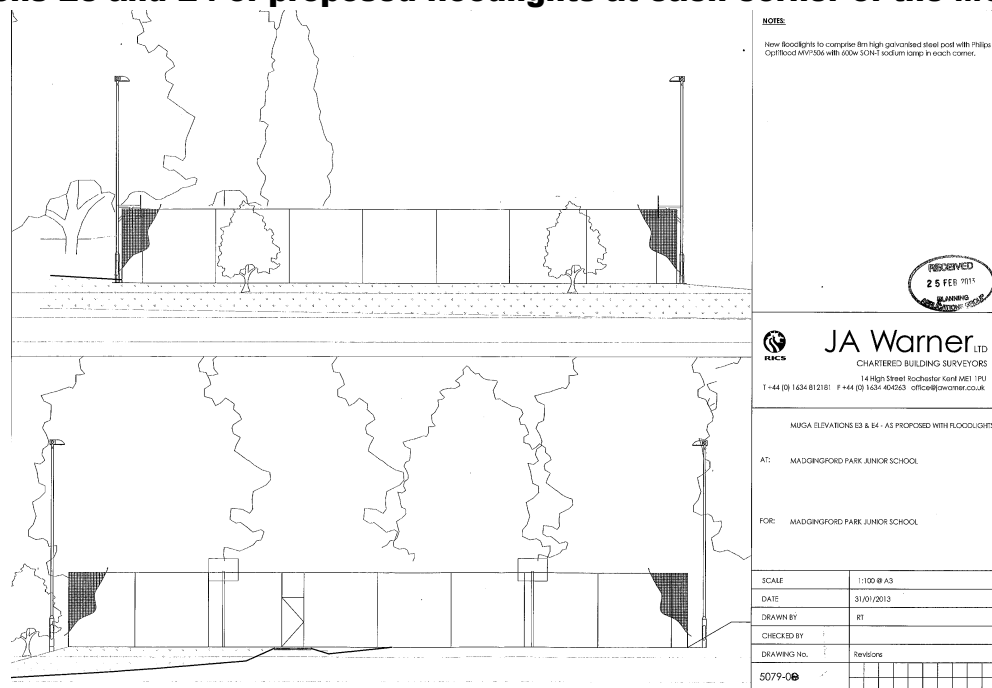


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Location of proposed floodlights at each corner of the MUGA



Elevations E3 and E4 of proposed floodlights at each corner of the MUGA



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View of existing MUGA to the west of the Junior School building taken from the south east of the school field

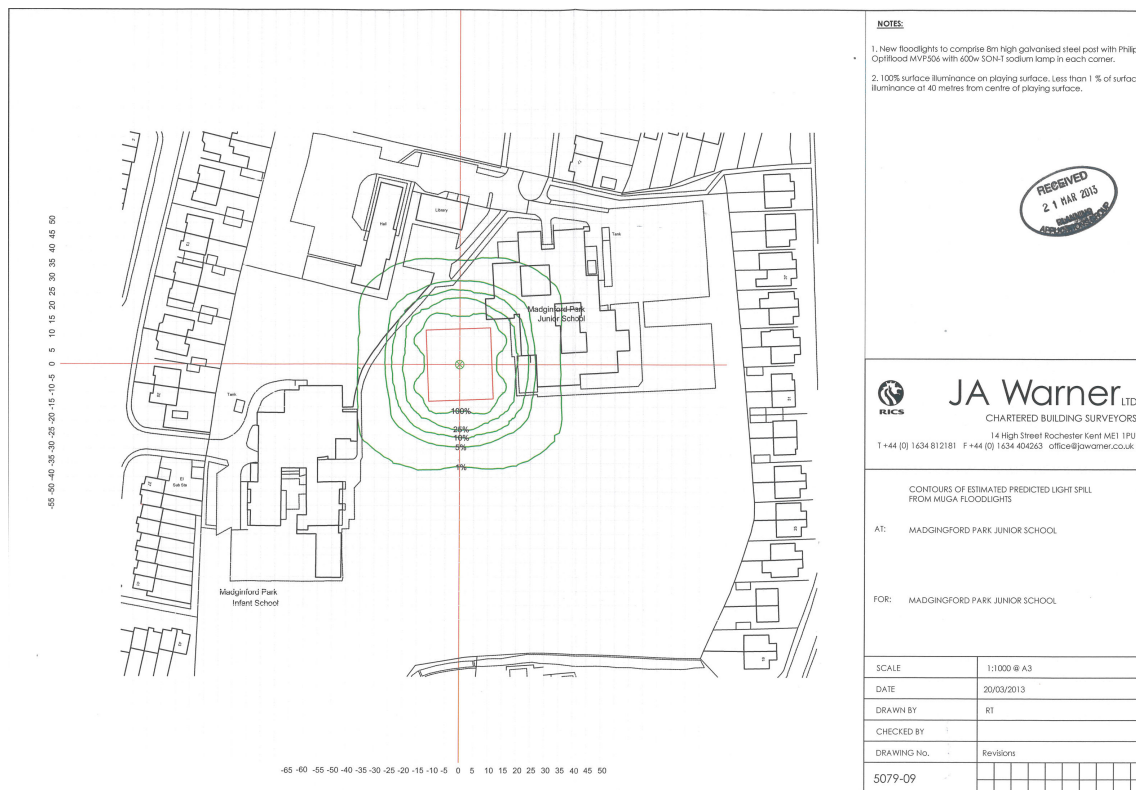


View of south east corner of MUGA and school field looking toward Ragstone Road



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Contours of estimated predicted light spill



Planning Policy

10. The most relevant Government Guidance and Development Plan Policies are summarised below and are pertinent to the consideration of this application:

National Planning Policy Framework (NPPF) March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

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In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

achieving the requirement for high quality design and a good standard of amenity

that great weight should be given to the need to create, expand or alter schools;

the promotion of healthy communities; and

conserving and enhancing the natural environment.

Planning Statement on Planning for Schools Development - where there is commitment for planning to work in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools and that there should be a presumption in favour of the sustainable development of state-funded schools as expressed in the NPPF.

Borough/ District Local Plan / Local Development Framework policies are contained in the Maidstone Borough Local Plan (2000) as saved policies.

Policy ENV6	encourages the provision of a landscaping scheme as part of development proposals where appropriate.
Policy ENV22	seeks to address visual impact and the need to conserve wildlife habitats within proposals to develop existing open areas.
Policy ENV49	seeks to ensure that lighting is necessary and that the scheme proposed is the minimum required to undertake the task successfully and that light spillage is minimised and that the lighting scheme does not adversely impact on residential amenity and is not visually detrimental to the immediate or wider landscape setting and does not adversely impact highway users.

Consultations

11. Maidstone Borough Council: Raises no objections to the proposals.

Bearsted Parish Council: In principle has no objection, but requests amendment to the hours of use to no later than 8pm.

Kent Highways and Transportation: Raises no objection to the proposal.

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Kent County Council Biodiversity: Comment that the proposed development site may be used by roosting bats, so there is a need to ensure that light spill around the MUGA is minimised.

Environment Agency: Have no comments to make on the proposal.

Amey Technical Advice (Lighting): Advise that the luminaires comply with the technical guidance, that there would be some unavoidable light reflection off the court surface and that the proposal complies with the Institute of Lighting Professionals light spill requirements (*Guidance for the Reduction of Obtrusive Light*). They advise that the proposal makes every effort to reduce the effects of sky glow and spill.

Local Member

12. The local County Member, Mr Paul Carter was notified of the original application on 2nd April 2013. No comments have been received to date.

Publicity

13. The original application was publicised by the posting of a site notice, and the individual notification of 38 neighbouring properties. It has also been advertised on our website.

Representations to the proposal

14. In response to the neighbour publicity, one neighbour letter of representation has been received commenting on the height of the lighting columns which would be visible above the roofline of the main school building and therefore visible from residential property especially when alight. There was concern that the School would be intending to use the games area later in the day and also concern about the possibility of hiring the facility out which might then impact on traffic and parking. Further information was also being sought about when the work would be carried out if the application was successful, as there was a concern that building work would be carried out at a time when the school playground would otherwise be quiet. Following clarification from the applicant, the neighbour was consulted again and additional comments were received relating to the need for lighting for the duration of the hours proposed throughout the year.

Discussion

15. This application is being reported to the Planning Application Committee as a result of the Bearsted Parish Council response requesting that the proposed lights be turned off at 8pm, and also because of the neighbour representation received. These issues were not able to be resolved by negotiation or amendment during the course of the application. In considering this proposal, regard must be had to the Development Plan Policies outlined in **paragraph 10** above. 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.

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16. 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. In my opinion, the key planning considerations in this particular case can be summarised in terms of whether there is a need for lighting and then whether the lighting proposed to address the need is in the right place, of the right type, and at the right time. These issues are considered below within the headings of need, location and potential for impacts.

Need

17. The purpose of this application is to extend the opportunity for sports and play for the pupils at the school. The provision of lighting would enable the facility to be used later in the afternoon and evening and would be used particularly in the winter months. The applicant requests that the proposed lighting be used up to 8.30pm on weekdays and also on Saturdays. However, the hours of use proposed appear to be more than what is currently required to meet the School's current need. The Parish Council requested that the proposed use be reduced to 8pm rather than 9.30pm. As a result the applicant revised their proposal to request hours of use to 8.30pm. Neighbour representation also queried whether the hours proposed are necessary for the School's own use. Clarification on the frequency of use within these hours has not been provided by the applicant. Whilst not stated in the application, I am however aware that the applicant seeks these hours so as not to limit the potential for opportunities for after school use for clubs, occasional matches and after school sports teaching clubs for the junior school children. In my view the hours proposed would accommodate an increased flexibility and therefore maximise the potential for opportunity for sports use by the School.
18. Planning policy seeks to promote healthy communities giving access to high quality open spaces and opportunities for sport and recreation as these make important contributions to health and well being. There is strong planning policy support for the improvement of school facilities and for local planning authorities to take a positive approach when dealing with such proposals. That includes the adaption and improvement of existing school facilities. I am persuaded that the School has a general need for increased opportunities for sports provision and that the lighting proposal would support this need. I am therefore satisfied that there is a need for this type of proposal although that needs to be balanced against the likely impacts, including those resulting from the hours proposed when the lights would be in use. This is considered further below.

Location

19. A lighting column supporting each luminaire would be positioned one at each corner of the existing MUGA. The applicant has provided a lighting impact assessment which demonstrates that the lighting would be sufficient to illuminate the games area surface for each of the sports activities that the court is marked out for, ie. basketball, mini tennis and the overall games area for five a side football activity.

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20. Therefore, in my view the proposal demonstrates functionality in relation to the MUGA location and the level of sports activity likely to be taking place and as such the external lighting proposed would support increased and flexible use of the MUGA facility into the evening until 8.30pm Monday – Saturday in this location.
21. The proposal is located within the Maidstone Urban Area. The proposal is to the south of the community hall and library and also the Egremont Road Local Shopping Centre. However, there is also residential property nearby and there are views toward the site from residential property in Merton Road, Ragstone Road and also longer views over the River Len toward the site from elevated positions from the Downswood area which is south of the site.
22. The existing lighting environment in the locality could be described as of “medium brightness” (under the Institute of Lighting Professionals, 2012 Environment Zoning System). In my opinion, external lighting within the built up area in this location would not be inappropriate subject to consideration of whether the lighting is in the right place (ie. directed toward the MUGA); at the right time (ie. when light is needed) and that the potential for undue adverse impact has been minimised. This is discussed further below.

Potential for impacts as a result of the proposal

23. Maidstone Local Plan policy EN49 seeks to ensure that external lighting is necessary and the scheme proposed is the minimum required to undertake the task satisfactorily with minimum spillage. Failure to achieve this is likely to result in avoidable impacts. The policy also seeks to ensure that the lighting scheme does not adversely affect amenities of adjoining or surrounding occupiers and that it is not visually detrimental to the immediate or wider landscape setting.
24. In my opinion, the key determining issues in relation to this application are the potential for visual impact as a result of the lighting structures during daylight hours (“daytime impacts”) and the potential for visual impact arising from use of the lights in the evening when the lights are turned on (“evening impacts”).

Daytime Visual Impacts

25. Four lighting structures are proposed one at each corner of the MUGA. Each structure would comprise an 8m high galvanised steel post, with a grey steel lighting unit (“luminaire”) mounted at the top. The column height is necessary to ensure that the light spill is minimised.
26. The two lighting columns to the west of the MUGA would sit amongst a backdrop of tall trees and would be generally well screened. The two columns to the east of the MUGA nearest to the school building would be set amongst the backdrop of the school building. However, as the MUGA is in an elevated position, in places the lighting columns may be visible above the height of the school building which is a mix of single and two storey buildings.

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27. At this time of year, the boundaries of the school field are generally well screened with mature trees and hedges. In daylight hours the lighting structures would all generally be well screened by the existing school field boundary treatment. Views towards the proposal from the nearest residential properties in Merton Road and Ragstone Road and from further away would be broken up by the varying heights of buildings, fencing, and vegetation.
28. However, in the winter months, the screening effect as a result of from vegetation would be less. In my opinion, the scheme could be enhanced by further planting to the south and south east of the MUGA. However, the applicant has not proposed any additional boundary treatment or landscape planting as part of the proposal.
29. In my opinion, when considering the site context and the grouping of the proposed lighting structure in relation to the surrounding school buildings on the school site, I do not consider that the visual impact of the proposed lighting columns in the daylight would be unduly detrimental in this location within the built up area.

Evening Visual Impacts

30. The applicant proposes lighting up to 8.30pm Monday to Saturday with no use on a Sunday or Bank Holiday. The applicant has stated that the scheme is for the School's own use, although has not specified whether or not the lights would only be used only in the school term time. The proposal does however state that the lights would only be turned on when the facility is in use and the proposal includes a timeswitch to ensure that the lights would not be left on accidentally beyond the proposed hours. Clearly, the evening impacts would only arise when the lights are in use, and the lights would not be required to be in use all year round. Given the level and type of use proposed, it is also unlikely that the hours of use being applied for would be needed every day. I am satisfied that controls over proposed hours and the use of the lights only when required can be controlled with the use of conditions.
31. The application has proposed a lighting level (measured in lux) which is less than that currently suggested by Sport England for the level of sports activity for basketball and mini tennis but sufficient for five a side football. In my opinion, the level of use proposed within this application is minimal and the lighting proposed has been well matched to that level of use.
32. The proposed lighting unit is a double asymmetric floodlight which restricts the upward light output above the horizontal to 0%. The sky glow impact (ie the brightening of the night-sky) arising from the proposal in this suburban location where the lighting environment is regarded as "medium district brightness" is therefore restricted to the most stringent environmental level.
33. The applicant has provided information to demonstrate that when in use, there would be minimal light spill beyond the playing surfaces. At 40m from the centre of the MUGA court less than 1% of the surface would be illuminated. Those surfaces are generally school playing field (grass); trees within the school field and buildings predominantly

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within the school site. There would be no surface illuminance onto residential property. The light arising from the proposal when in use would not therefore intrude into residential windows.

34. The luminaire intensity relates to the area beyond the MUGA surface being lit which may result in unwanted obtrusive light. The applicant has provided information to demonstrate that the light is sufficient to illuminate the sports activities, spill is limited to 40m from the centre of the MUGA, and upward light above the horizontal is limited.
35. Neighbour representation received indicates concern about the visual impact of the proposal when the lights are in use. However, given the advice from our lighting consultant (Amey) which advises that the proposal includes sufficient measures to reduce the effects of sky glow and light spill the proposal accords with the determining principles for external lighting within the Maidstone area as set out in Local Plan policy EN49.
36. Given the hours of use proposed, and the likely use by the School within those hours, and taking into account the views of our lighting advisor, I therefore conclude that the proposal uses the minimum lighting required to undertake the task, minimises light spillage and by the positioning and choice of the lighting proposed seeks to ensure that the lighting scheme would not adversely impact residential amenity or visual impact to the immediate and wider landscape setting.

Other Impacts (biodiversity, highways)

37. There are a number of trees near to the proposed lighting columns, particularly those to the west of the site. Our biodiversity advice is that the trees have limited potential to be suitable for roosting bats, although it is possible that bats may use the site for foraging and commuting. Our biodiversity advice is that lighting should be designed to ensure that the light spill to the surrounding area should be minimised. I am satisfied that together with lighting only being used when required, and reduced hours of use to 8.30pm, that the lighting scheme proposed has been designed with minimal light spill. I therefore consider that the potential for any disturbance has been minimised.
38. Neighbour representation indicated concern about the potential for highways impacts with longer hours and the potential for hiring out the facility. The School have confirmed that the proposal is for the School's own use. Taking into account our Kent Highways and Transportation advice, I am therefore satisfied that there would be no adverse highways impacts as a result of the proposal as it is for the School's own use.

Conclusion

39. This proposal seeks to increase the opportunity for children for sports within the school site and to make effective and efficient use of the existing MUGA facility. Planning policy seeks to achieve development which is of high quality design and with a good standard of amenity. In my opinion this lighting scheme proposes efficient and effective lighting which is directed so that it is in the right place at the right time and that the

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potential for serious detrimental impacts arising from excess lighting has been minimised. The applicant has been encouraged to amend the original proposal to take account of the Parish Council request for reduced hours and as a result, the applicant has put forward an amended proposal, with reduced hours to 8.30pm.

40. Taking account of the comments arising from statutory consultation, including no objection from Maidstone Borough Council, I consider that the proposal accords with the general aims and objectives of national and local planning policy requiring good design, promoting healthy communities, encouraging a positive manner towards schools development and sustainable development.
41. The proposal in my view also respects the site context in so far as it is possible in this location and, in planning terms I consider that the day and evening visual impact would not be significantly detrimental to the built environment, or to residential and visual amenity. I consider that this proposal accords with the Development Plan and that there are no material planning considerations that indicate that planning permission should be withheld. I would however recommend the inclusion of various planning conditions and informatives.

Recommendation

42. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

- The standard 5 year time limit
- That the development be carried out in accordance with submitted details
- Restriction of construction hours
- Details of temporary construction compound and storage areas
- Restriction to School's own use
- Requirement for lights to be turned off when not in use
- Restriction on hours of use until 8.30pm Monday to Saturday with no use on Sunday or Bank Holidays.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:

- General advice concerning biodiversity and development
- General advice regarding tree protection measures during construction.

Case Officer: H Mallett	Tel. no: 01622 221075
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Background Documents: see section heading
