

MC/14/3186

Date Received: 30 October, 2014

Location: St Benedicts RC Primary School, Lambourn Way, Lordswood, Chatham, ME5 8PU

Proposal: Installation of additional play equipment area and boundary fencing

Applicant: St Benedicts RC Primary School

Agent: Mr S Mitchell Calford Seaden LLP St Johns House 1A Knoll Rise Orpington Kent BR6 0JX

Ward Lordswood & Capstone

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 April, 2015.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Project No K140854 Drawing No. 001 Revision 'E', 002 Revision 'E' and 003, received on the 27 March 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No lighting shall be provided as part of or to specifically illuminate the development hereby approved.

Reason: In the interests of the amenities of neighbours and with regard to Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 4 The play equipment hereby approved shall not be used outside of the hours of 0800 until 1800 on Mondays to Fridays.

Reason: In the interests of the amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until details/scheme for the positioning of

the acoustic fence to be installed along the shared common boundary of 19 and 21 Lamborn Way, as shown on Drawing 003, has been submitted to and approved in writing by the Local Planning Authority. The positioning of steel spur fence posts shall have due regard for the positioning of Tree T5 (Silver Birch), Tree T4 (Cherry), Tree T7 (Sweet Chestnut) and Tree T9 (Maple) and their respective root protection areas (RPAs) as shown on Tree Protection drawing AR0214/03-15/TP, provided in the arboricultural report. The approved acoustic fence shall be constructed and installed prior to the commencement of the development and thereafter maintained in that position.

Reason: To protect the amenity of neighbouring residents in the first instance, but also, the health and stability of those "retained trees" documented, to accord with Development Plan Policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 6 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. The erection of the acoustic fence and/or the true extent of groundworks to be carried out, without damaging the roots/health of the trees.
- ii. Means of storage of materials and equipment to be used, during construction.
- iii. Means of fixings for play equipment, benches and activity boards.
- iv. Means of erecting 1.8m high close-boarded fence inside the existing metal fence line (eastern boundary)
- v. Means of securing the area, during construction

Reason: It is necessary to protect important trees during all parts of the construction process

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The applicants seeks full planning permission to effectively enlarge the existing external play area (east of the main school building) and provide a further smaller sensory play area.

The scheme comprises the installation of additional fixed play and activity equipment; comprising 4 activity boards, a 'wobble mirror', a jump post, tyre hop scotch, planters, a dry wipe board and a clatter bridge. In addition to that, further seating areas, areas of timber decking, absorbent surfaces (expansion of rubber crumb) will be provided alongside the provision of a 'Quiet Area' will be provided; that will be enclosed by 0.9m high picket fence and gate.

Furthermore, a 1.8m high close-boarded fence will be placed inside the existing pallsade fence line, abutting the main access to the school. A 0.9m picket fence will then follow the footpath to the edge of the main playground.

A 2.5m high acoustic barrier, has been sought and is now shown on the amended plans.

Relevant Planning History

A number of applications have been made on this school site, the most recent being:

MC/15/0150	Variation of condition 3 on planning permission MC/14/2872 (retrospective application for siting of a shipping container for use as storage and installation of floodlights) to change the timing of the floodlights to 7.30 to 8.00 and 16.00 to 18.30 weekdays during winter months Approval With Conditions 17, March 2015
MC/13/1965	Retrospective application for installation of timber decking and low level climbing apparatus within a rubber crumb surface Approval With Conditions 16 October, 2013
MC/08/1223	Construction of a canopy Approval With Conditions 12 September 2008
MC/05/1077	Application under Regulation 3 of The Town and Country General Planning Regulations 1992 for construction of new canopy over inner courtyard Approval With Conditions 18 July 2005
MC/02/1273	Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the construction of a single storey extension to form store room, soft play area and canopy. Approval With Conditions 6 September 2002

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

4 letters have been received (from 3 addresses) objecting on the following grounds:-

- The development results in an unacceptable intensification of existing educational play equipment and outside facilities;
- Noise nuisance as a result of the development;
- Loss of privacy, with children/adults being able to see over into the garden and the house;

- Loss of soft landscaped barrier between residential and school;
- No offer of acoustic fencing set within the perimeter of the site has been made;
- Associated damage to the residential perimeter fence.

15 Letters of Support have been received, raising the following points:

- The St.Benedicts Association (Parent, Teacher & Friends Association of the school concerned) have worked hard to seek lottery grants but mainly organise their own fundraising events.
- The proposal included some outside musical instruments, but these have already been relocated so that they do not give any inconvenience to our neighbours.
- The area in question has been selected as the site for this project because in recent years it had become muddy, overgrown and underutilised.
- The school children cannot enjoy this space as it is dangerous, can get very slippery and wet.
- The playground area has been specially designed to provide the needs of the school.
- The additional equipment will not only provide pupils with enhanced enjoyment during their break periods, but also with many additional physical and educational benefits.
- Children's participation in physical activity is vital for their health, growth and development and can reduce the risk of chronic conditions
- In order to encourage children to be more physically active, it is important to offer them a variety of enjoyable activities to participate in.
- The children are not in the play area all day.
- At the moment, the children are split into groups to play on the equipment during play times, the whole school does not play at the same time.
- If residents get what they want and [we] have to erect an acoustic fence as stated, this will almost deplete [our] entire funds.
- Extending the play area will not increase the number of children and noise near to the neighbour's fences, indeed it will disperse the children so the noise should lessen.
- If you buy a house that backs onto a playground of a school, you will expect to have sound of children playing
- There are no evening events, and there is certainly not a constant noise all day, or any regular outside school time activities to disturb the neighbours.
- With the exception of school fayres, which are held on a Saturday, the use of the playground is restricted to term time.
- The school often gets requests from outside organisations to use the field and playground outside school times but these are always refused, one of the reasons being consideration for neighbours.
- Objections refer to damage to the perimeter fencing. It became apparent that the fencing had become damaged for various reasons, mainly due to the trees planted along the boundary. This is why some of the trees have had to be removed, and the affected fencing has been replaced by the school.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The

policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

In 2013, the current playground area was subject to an enforcement investigation. To regularise the situation, the applicant subsequently submitted a retrospective planning application, which was then approved.

At the time, the Council Tree Officer visited the site and confirmed that a geotextile layer with rubber crumb on top had been laid on top of the ground, with no sign of any major excavation. Some minor excavation may have taken place, but there is no sign of tree root damage. Neighbours did raise concern regarding the loss of soft landscaping between them and the school, including the impact of this on their views and from existing floodlighting, however the removal of shrubs and undergrowth which did take place did not require permission. An informative was placed on the Decision Notice, suggesting that the applicant engages with a suitably qualified arboriculturist to monitor the health of the trees within the vicinity.

Street Scene and Design

In principle, there is no objection to development to provide additional facilities for the school in this urban location.

From a visual perspective the development is considered acceptable. The provision of additional play equipment, wooden decking and new wooden raised planters would be visually in keeping with the treed setting. In the context of a primary school, this is not considered out of place and would have limited visual impact external to the site.

There are no objections to the design and appearance of the development including with regard to Policy BNE1 of the Local Plan.

Amenity Considerations

All school sites result in some degree of disturbance to local residents due to noise, general activity and arrivals and departures and this is generally recognised by those moving close to schools. By their very nature and use, it is likely that the school children will gravitate to the enhanced play area and equipment that would be on offer.

Concern has been raised regarding the impact of the development on the amenities of those living close to the site. In particular, the site immediately adjoins the rear of the back garden of 19 Lambourn Way, with a close-boarded fence approximately 1.8m high along the boundary between the two. However, the scope of the existing play area is proposed to advance both towards the main access road into the site, as well as to the rear of No.21 Lambourn Way.

Concern has also been raised to the loss of privacy and overlooking due to the assembly of parents (dropping off/collecting) and schoolchildren (up to Year 6). There is a close-boarded fence on the boundary between the school and no. 19 and the use of the school grounds is generally limited such that the facilities are not usually used after 15:30 in the afternoon or at weekends. To overcome concerns regarding hours of operation/use, the imposition of a condition is recommended.

The site is part of a primary school and the play equipment, although providing some elevation off the ground, remains low level such that even when in use it would afford very limited if any views over the boundary fence into the neighbours garden. The majority of apparatus is not to be positioned immediately adjacent to the boundary fence (although, the rubber crumb surfacing and tyre hop scotch would virtually abut the fence line).

The top section of the ground floor openings and the first floor windows on the rear of 19 Lambourn Way can be seen from the site, as well as from the main playground beyond, it is not considered that this relationship results in an unacceptable loss of privacy (the rear garden depth of no. 19 is approximately 14m). Whilst an unfortunate situation, the gathering of people closer to the boundaries of neighbours and clearing of undergrowth in this area has not helped in this respect, although this does not require planning permission.

In terms of noise, it is not considered that any additional noise and disturbance resulting from the development currently under consideration would be at such a level as to justify the refusal of permission. By virtue of the type of equipment that would be sited near the common boundary (i.e. jump post, tyre hop scotch, wobble mirror and activity boards) by their very nature, these apparatus would not in themselves create noise. The 'clatter-bridge', along with elements of new decking (0.5m above ground level) is proposed to be erected some 4m of the common boundary with No.19 Lambourn Way. At this point, no manufacturers details have been provided and therefore it is difficult to establish the true extent of the noise that would be created (i.e. types of components, the extent of slack etc). However, according to the submitted plans, the bridge would be some 1.35m high and 2.5m in length; with the foot slats set at around 0.4m from ground level. Notwithstanding the absence of detail, given the apparent small scale nature of this piece of apparatus and the fact that the bridge is orientated away from residents, no objection has been raised from the Council Environmental Protection Team Leader in relation to this aspect.

In contrast, musical instruments (which included post-mounted chimes, chimes and cymbals) were originally proposed, but following concerns from Environmental Health, this aspect of the scheme was removed from the scheme completely.

Continuing with this matter, local residents did ask that if the Council were minded to approve the application, the installation of an acoustic barrier would be desirable to reduce any additional noise creation. An officer from Environmental Protection was asked to attend the site during a normal school day, to view the play area from the adjacent properties and to see whether it would be unreasonable to request an acoustic barrier. The officer noted that given the topography of the site and location

of the play area, it was felt that the installation of an acoustic fence would reduce the impact of the noise associated with the play area and also, would screen the play area from adjacent properties. Thus, overcoming the aforementioned concerns. A set of plans showing a 2.5m high acoustic fence have been submitted (Drawing No.003) alongside the submission of the arboricultural report. There are no objections to the choice of acoustic barrier, subject to the positioning of the posts and their impact upon the root protection areas (RPAs) of the trees.

Concerns have also been raised regarding odour and litter created by the 'rubber crumb' surfacing which appears to consist of chopped tyres. Although residents have noted that there is some smell when close-by, it is not overpowering and is likely to diminish over time.

Having secured the acoustic barrier through condition, it is felt that concerns in relation to any additional noise and disturbance has been overcome and for that reason, the proposal is considered to comply with the provisions of Policy BNE2 of the Medway Local Plan.

Trees and Landscaping

There are a number of large trees on the site and the facilities have been provided around them. Whilst none of the trees are protected by a Tree Preservation Order (TPO), they collectively make a significant contribution to the character of the area.

The main issues to consider are related to the (i) tree protection during construction, (ii) the installation of a new fence on the eastern boundary, (iii) the installation of an acoustic barrier on the western boundary and (iv) the installation of the safety surfacing.

Appropriate conditions are recommended to address these issues and subject to that, no objection is raised in relation to impact on trees.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Recommendation

The play equipment will enhance the facilities for the children and subject to the recommended conditions will not impact on residential amenity or protected trees. The application therefore accords with the above mentioned Development Plan policies and is recommended for approval

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>