

MC/17/1949

Date Received: 2 June 2017

Location: Chatham Grammar School For Boys Holcombe 103 Maidstone Road Chatham

Proposal: Refurbishment of derelict tennis courts into a 3G Artificial Turf Pitch (ATP) with new fencing, floodlighting, associated access pathways and storage container.

Applicant Mr Forward

Agent Mr Bugg 1A Perth House
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Corby
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Ward: Chatham Central Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9th May 2018.

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:

Drawing numbers 04 Rev 5 received on 5 December 2017; and 06 Rev 2 and 07 Rev 2 received on 22 January 2018.

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

- 3 The use hereby permitted shall only operate between the hours of 09:00 to 21:00 Mondays to Fridays inclusive and between the hours of 09:00 to 18:00 on Saturdays, Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 The outdoor floodlights shall not be used after 21:00 Mondays to Fridays (inclusive) and 18:00 on Saturdays, Sundays and Public Holidays. There shall be no changes to these times or the type, design or lux levels of the outdoor floodlights.

Reason: To protect neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Notwithstanding tree works stated within the report for T1, T2, G2 and G1 - T18 for clearance for fences which would require a separate application in its own right, the development shall be implemented in accordance with the Tree Report reference SA/1357/17A undertaken by Tree Ventures, dated 7 December 2017, received on 22 January 2018 including the Tree Protection Plan, Tree removal plan and the mitigation measures.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

d) The proposed trees within the Tree Protection Plan should be planted prior to the use of the approved development.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 The approved container shall only be used for storage purposes ancillary to the sports pitches and not for any other use.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The pitch herein approved shall not be brought into use until the acoustic fencing to be located along the eastern boundary has been installed in the location shown on drawing number 04 Rev 5 and accordance with the details set out in the Noise Impact Assessment reference 6832/DO dated March 2018.

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

Proposal

Refurbishment of tennis courts into a 3G Artificial Turf Pitch (ATP) with new fencing, floodlighting, associated access pathways and storage container.

The proposed 3G surface would be laid over the existing surface and would replace the existing tennis court area, but of a smaller size measuring approx. 43m in width and approx. 84m in length. A new approx. 4.5m high fencing would surround the pitch and an additional approx. 3m height acoustic fence would be erected in place of the original fencing along the south west section of the pitch (facing Park Crescent). Six approx. 10m high LED flood lights are also proposed.

A storage container measuring approx. 2.4m in width, approx. 6m in depth and approx. 2.4m in height would be located to west of the pitch for storage, adjacent to an existing shipping container.

The facilities will be used for community use outside of school hours. As originally proposed the hours of use were 09:00 to 22:00 Monday to Friday and 09:00 – 18:00 on Saturday and Sundays. However, the hours have since been reduced to 09:00 to 21:00 Monday to Friday during the life of the application.

Representations

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

30 letters of objection have been received by 20 people different people from 17 addresses. The objections raised include:-

- Pitches close proximity to residential properties and the associated impacts of light pollution from the flood lights, noise from the users of the pitch, spectators and car parking. Other pitches in the area are set away from residential properties.
- Use of the facility in evenings, weekends and non term times and impact on residents this would cause.
- Pitch with flood lights not in keeping with character of the area and a storage container would be an eyesore.
- Increased traffic generation and parking concerns of users parking on neighbouring residential roads.
- Impact on trees which are covered by a Tree Preservation Order.

16 letters of support have been received from 13 addresses.

These issues will be considered within the report below, issues not listed above (such as right to light and de-valuation of properties) are not material planning considerations.

Development Plan

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

Principle

The application site is with an urban area and covered by Policy L3 of the Local Plan and paragraph 74 of the NPPF which requires the retention of open space, sports and recreational buildings and land. The proposed new pitch would result in the redevelopment of an existing sports pitch and would provide community use of sports facilities. The container to be located on a hardstanding area not used for playgrounds would provide ancillary storage. The proposal is therefore in accordance with Policy L3 of the Local Plan and paragraph 74 of the NPPF and there is no objection to the proposal in principle subject to the consideration of the matters below.

Design

Policy BNE1 of the Local Plan and paragraph 56 of the NPPF seek high quality design. Concerns have been raised regarding the impact of the flood lights and container to the character of the area.

The proposed 3G pitch would be located where there is an existing surfaced play area to the boundary of the site with Park Crescent and also in close proximity to illuminated car parking areas. No objection is made for the new surface or the size and scale of the pitch and whilst the proposal introduces taller ball stop green fencing and floodlights, it would not be detrimental to the character of the school or the area due to the screening provided by the retained TPO trees on the boundary.

The proposed shipping container reflects the size and scale of the existing container on site and would serve a functional purpose. Due to its siting and relationship to the school and distance from the boundary it would not be highly visible and is therefore considered to be acceptable subject to a condition for it to be used ancillary to the proposed pitch only.

Consequently, the application is considered to be in accordance with paragraph 56 of the NPPF and Policies L3 and BNE1 of the Local Plan.

Amenity

Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF seek to protect neighbouring properties particularly with regard to privacy protection, potential loss of outlook, loss of daylight, shadow cast/loss of sunlight, activity levels and noise. Policy BNE5 of the Local Plan seeks to minimise the loss of amenity from light glare and spillage. Paragraph 125 of NPPF states that by encouraging good design, planning policies and designs should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscape and nature conservation. Concerns have been raised during consultation regarding light pollution and noise as a result of the proposed use with extended hours.

There is already an existing sports pitch at the location. Taking this into account and the retained tree screening, size and scale of the proposed fencing and flood lights and the distance to neighbouring properties it is considered there would be no detrimental harm to neighbouring residential amenity in terms of loss of outlook, privacy, sunlight or daylight.

With regards to noise the application has been supported by noise assessment. The assessment concludes that the noise from the ATG pitch would be noticeable to neighbouring residents, however with the provision of an enlarged acoustic fence would mean that the noise at the front gardens and through open windows would fall below the level considered detrimental by the world health organisation at 49dB LAeq and 34 dB LAeq. A condition is recommended to restrict the use to 21:00. With the use of the

acoustic fencing and the restriction on opening hours it is considered that the proposal would not be detrimental to neighbour amenities.

With regards to light spillage, the application has been supported with light assessment. The Institution of Lighting Engineers Guidance Notes identify four Environmental Zones for assessing obtrusive light. The application site and its surrounding fall into zone E2 (low district brightness area, rural, small village or relatively dark urban location). To limit harm the proposed flood lights are designed to ensure that the lights are concentrated in the appropriate areas to the requirements for sporting activities but also limiting the effects of upward lighting, spillage into surrounding area. The reports show light spill onto Park Crescent and the residential properties measuring between 0-2 Lux which is considered to be acceptable subject to a condition to ensure the flood lights are installed in accordance with the submitted information. The condition should also include the use of timers to control the hours of use of the flood lights and prevent disturbance later than the approved hours of the site and preventing direct sightlines of the illumination from the adjoining properties within Park Crescent.

Consequently, subject to the suggested conditions the application is considered to be in accordance with paragraphs 17 and 125 of the NPPF and Policies L3, BNE2 and BNE5 of the Local Plan.

Highways

Policy T13 of the Local Plan sets out maximum standards for sports facilities and requires assessment on an individual basis. Concerns have been raised regarding the level of traffic generation and impact on surrounding roads. The pitch would utilise the schools existing car parking which has a provision of 63 car parking spaces, 6 disabled spaces, 20 cycling spaces and a mini bus space. The proposal would not reduce this provision and it is considered the parking would be sufficient for the use outside of school hours. Due to the sustainable location it is unlikely that any additional traffic generation would result in any issues of highway safety. Consequently the application is considered to be in accordance with Policies T1 and T13 of the Local Plan.

Trees

The trees along Park Crescent are protected by a Tree Preservation Order and concerns have been raised during the consultation regarding the impact of proposal on trees. The application has been supported with a Tree Report and an associated Tree Protection Plan and Tree Removal Plan. The proposed court has been reduced from the original size so that the approx. 4.5m high fence can be installed with minimal impact on the TPO trees. The report provides various mitigation measures which would ensure that the impact of the development on these trees would be limited. Confirmation has been provided that the site compound and access would utilise existing hard standing areas. The application does indicate the removal of trees to the western boundary. These trees are not covered by a TPO. Their removal is considered acceptable subject to the planting of replacement trees as proposed within the submitted information. Subject to a condition

for the compliance with the mitigation measures put forward in the tree report and protection plan, the development would not result in any detrimental impact or harm to the trees or the character and appearance of the site, in accordance with Policies BNE41 and BNE43 of the Local Plan.

It should be noted that the tree works stated within the report for T1, T2, G2 and G1 – T18 for clearance for fences would require Tree Preservation Order applications in their own right and this would be included within a informative if the application were considered for approval.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposed development is considered to be acceptable in terms of principle, design, amenity and highways. Subject to the suggested conditions, the application complies with paragraph 17, 56, 74 and 125 of the NPPF and Policies L3, BNE1, BNE2, BNE5, T1 and T13 of the Local Plan.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received 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://publicaccess1.medway.gov.uk/online-applications/>