

MC/19/3008

Date Received: 15 November 2019

Location: Holcombe Grammar School Holcombe 103 Maidstone Road
Chatham

Proposal: Variation of condition 3 (Hours of use) and 4 (Floodlight times) on
planning permission MC/17/1949 for the use of pitch and
floodlights on Sundays between 09:00 and 18:00.

Applicant The Thinking Schools Trust,
Mr Nick Forward

Agent Surfacing Standards
Mr Nick McLaren 1A Perth House
Corbygate Business Park
Corby
NN17 5JG

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 15th January 2020.

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 For a period of 12 months from the date of this decision notice, 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. Thereafter, 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 and Public holidays and shall not operate on Sundays.

Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003, and to allow the Council sufficient time to monitor the effect the later closing hours would have on nearby residents.

- 4 For a period of 12 months from the date of this decision notice, the outdoor floodlights shall not be used after 21:00 Mondays to Fridays (inclusive) and 18:00 on Saturdays, Sundays and Public holidays. Thereafter, outdoor floodlights shall not be used after 21:00 Mondays to Fridays (inclusive) and 18:00 on Saturdays and Public holidays and shall not be used on Sundays. There shall be no changes to these times or the type, design or lux levels of the outdoor floodlights. The flood lights should be installed and thereafter retained in accordance with LED ATP Lighting document reference SSL2122 (dated 05-12-2017) and drawing number 07 Rev 02 received on 5 December 2017 and Phillips Lighting information received on 6 December 2017.

Reason: In the interests of protecting neighbouring amenities in accordance with Policy BNE2 of the Medway Local Plan 2003, and to allow the Council sufficient time to monitor the effect the later closing hours would have on nearby residents.

- 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 acoustic fencing located along the eastern boundary as shown on drawing number 04 Rev 5 and in accordance with the details set out in the Noise Impact Assessment reference 6832/DO dated March 2018 shall be retained.

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

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

Proposal

This application seeks the variation of conditions 3 and 4 of planning permission MC/17/1949 for the use of pitch and floodlights on Sundays between 09:00 and 18:00.

Condition 3 currently states:-

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 and bank holidays and shall not operate on Sundays.

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.

Condition 4 currently states:-

The outdoor floodlights shall not be used after 21:00 Mondays to Fridays (inclusive) and 18:00 on Saturdays and bank holidays and shall not be used on Sundays. There shall be no changes to these times or the type, design or lux levels of the outdoor floodlights. The flood lights should be installed and thereafter retained in accordance with LED ATP Lighting document reference SSL2122 (dated 05-12-2017) and drawing number 07 Rev 02 received on 5 December 2017 and Phillips Lighting information received on 6 December 2017.

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

The application seeks to operate between 09:00 and 18:00 on Sundays and to add these opening hours and hours of floodlight use only and do not propose any changes to the approved floodlights design.

Relevant Planning History

MC/18/2098	Variation of condition 4 on planning permission MC/17/4187 to change the opening times of the club to 07:00 to 23:00 Mondays to Thursdays (excluding bank holidays which would be 00:00); 07:00 to 01:00 on Friday and Saturdays and 07:00 to 22:30 on Sundays (excluding bank holiday weekends which would be 00:00) Decision Approval With Conditions Decided 28/09/2018
------------	--

Representation

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

Eighteen letters of objection from fifteen different addresses including the Park Crescent Residents Society have been received raising the following concerns:-

- Disturbance to residents has been significant and excessive at certain times.

- Sunday is the only day of non-disturbance from shouting of participants and noise of football.
- Sunday was originally conditioned to not be open to protect residents amenity.
- Anti-social behaviour of players and car horns of visitors.
- Disturbance from flood lights to be extend a further day.

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 2019 and are considered to conform.

Planning Appraisal

Principle and Design

The principle of the development has been established. There are no design considerations for this application.

As this application only seeks amendment to the opening hours, the primary consideration for this application relates to amenity.

Amenity

The application seeks permission to operate the pitch and floodlights on Sundays between 09:00 and 18:00. The approved upgraded sports pitch is in close proximity to residential properties within Park Crescent. The original application was supported by a noise assessment which concluded 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 was recommended within the report to restrict the use to 21:00. With the use of the acoustic fencing and the restriction on opening hours it was considered that the proposal would not be detrimental to neighbour amenities.

There have been no official noise complaints. However from the school and residents meeting it is clear that there have been noise and anti-social behaviour matters since the use commenced in May 2018. There is concern that the proposed Sunday opening could result in a detrimental impact on the amenity of residential occupiers within the area with the use taking place seven days a week. Consequently, it is considered that in order to assess the acceptability of the proposed hours, permission to vary the condition for a temporary period of 12 months should be considered. The applicant can continue to hold quarterly meetings with residents and log any complaints made. This would allow the Council sufficient time to assess and monitor the effect the proposed variation of the

hours could have on the amenity of nearby residential occupiers in particular to noise and disturbance from the use and extended hours.

The applicant has been informed of this approach and has agreed for a temporary permission for the proposed opening hours and have also indicated that they can subsequently provide acoustic information in this period of temporary use. As such, it is recommended that the hours proposed be allowed for a period of 12 months. Subject to temporary condition, it is considered that the application would be acceptable with regards to Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF.

Highways

The proposal would not reduce existing parking 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.

Other matters

A variation of condition application is such that when granted approval, in effect, a new planning permission is granted. It is therefore necessary to re-impose the conditions set out in the previous decision notice (MC/17/1949).

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

It is considered allowing the extended opening hours for a temporary period of 12 months, to monitor the impact on neighbouring amenity the application would be in accordance with Policy BNE2, T1 and T13 of the Local Plan and paragraphs 102 and 127 NPPF.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to the number of representations received expressing a view contrary to officer's 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/>