

Committee	PLANNING COMMITTEE A	
Report Title	SYDENHAM SCHOOL, DARTMOUTH ROAD SE26 4RD	
Ward	Forest Hill	
Contributors	Suzanne White	
Class	PART 1	31 JULY 2014

<u>Reg. Nos.</u>	DC/14/87189
<u>Application dated</u>	08.04.2014
<u>Applicant</u>	Savills on behalf of Lewisham Schools for the Future LEP/Costain
<u>Proposal</u>	Erection of 4 external lighting columns of 8 metres in height to provide additional lighting to the Multi Use Games Area.
<u>Applicant's Plan Nos.</u>	SG-BWL-E-S-E0-L-90004, KL3695, D22012, Light fitting 'Scorpius' and 'Sport 7' specification, Kingfisher lighting column specification, External Lighting Assessment and Planning Statement Covering Letter.
<u>Background Papers</u>	(1) Case File LE/458/A/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Undesignated. Existing school site, Use Class D1.
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.0 This application relates to part of Sydenham School, which is located on the north-western side of Dartmouth Road, at its junction with Cheseman Street. The main school building is a three-storey Edwardian building which fronts Dartmouth Road. There is also a five-storey building fronting Dartmouth Road and Cheseman Street. The site is presently the subject of extensive construction works, which will in time involve the demolition of the 5 storey building.
- 1.1 The part of the school site to which the application relates is to the rear of the main school building, in the western portion of the site. The site is located within the construction compound and is presently used for the storage of materials relating to the construction, though will become a Multi-use Games Area (MUGA) as part of the current works.

- 1.2 Directly north of the application site is an existing sports court in use by the school. Beyond the school boundary to the northeast are the rear gardens of properties of residential properties in Radlet Avenue and Round Hill.
- 1.3 The site is not located in a conservation area and there are no listed buildings either on site or in the immediate vicinity.

2.0 Planning History

- 2.1 1992: p.p. for the erection of a single storey prefabricated building at Sydenham Girls School Dartmouth Road SE26 for use as a drama classroom.
- 2.2 1994: p.p. for the provision of 5 additional car parking spaces at Sydenham Girls School Street of a 1.8m high close boarded timber fence along part of the Dartmouth Road frontage link fence on top of the existing dwarf brick wall along the Cheseaman Street frontage and the formation of a new path.
- 2.3 2009: p.p. for the provision of a covered cycle stand for 40 cycles adjacent to the front entrance gates of Sydenham School, Dartmouth Road SE26.
- 2.4 Aug 2012: p.p. for the construction of a temporary two storey building to provide teaching and administration facilities, associated offices, storage accommodation and toilets.
- 2.5 Oct 2012: p.p. for demolition of existing buildings with the exception of the original c1917 main school building (Block G) which will undergo reconfiguration and refurbishment works, together with the construction of up to four storey plus lower ground floor buildings, comprising (9042 sq m) D1 floor space with internal linkages, new pedestrian entrance, alterations to the existing vehicle entrance and exit routes, new car park to provide 60 car parking spaces, cycle spaces, associated landscaping to include hard play area, ball courts and associated facilities including 2 external amphitheatres, installation of external lighting, solar panels and the construction of green and brown roofs.
- 2.6 May 2013: non-material amendment approved for changes to the elevations including panel detailing, movement and alterations to windows and doors and inclusion of a pond as approved under the p.p. dated Oct 2012.

3.0 Current Planning Application

The Proposals

- 3.1 The current application seeks full planning permission for the erection of 4 no. external lighting columns of 8metres in height to provide additional lighting of the Multi Use Games Area.
- 3.2 The Multi Use Games Area (MUGA) was approved as part of the planning permission (DC/12/80654/X) dated October 2012 and which is now under construction. The Officer's Report to Committee for that application stated that floodlighting was proposed to the MUGA, however this was subsequently amended by an Addendum Report which stated that no floodlighting was proposed to the MUGA. The installation of floodlighting to the MUGA has not therefore been considered previously.

- 3.3 The application scheme consists of the erection of 4 x 8m lighting columns, placed in each corner of the approved MUGA. There would be 2 light fittings at the top of each column.
- 3.4 It is understood that the floodlit MUGA will be available for use by the school and public during the evenings and at weekends.
- 3.5 No changes are proposed to the amenity and security lighting across the wider site, which are shown on the proposed plans and already have approval under the 2012 permission.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.
- 4.3 The Council's Environmental Health and Highways Departments were also consulted.
- 4.4 Objections have been received from 4 local residents. The points raised can be summarised as follows:
- Concern over height of columns. Request shorter alternatives.
 - Concern over impact on amenity caused by lighting left on late at night, which is in addition to a car park and lighting nearby on the school site
 - Concern over strength of floodlights and possibility of light pollution to properties on Round Hill to the north which are elevated in relation to the MUGA, particularly during the winter when trees are bare.
 - Previous use of the site for netball and tennis courts did not include floodlighting and therefore was not used late in the evenings
 - Concern that floodlights will impact on amenity, privacy, possessions and quality of life
 - Object to inclusion of floodlighting in this area, which was not proposed in the original application. Concern that it is a 'Fait Accompli'
 - Misleading pre-application consultation by applicant
 - Lighting survey needs to be updated to include this area
 - Increased noise and air pollution arising from additional use of area and traffic accessing the site
 - Proposal would be contrary to Article 8 of the Human Rights Act in relation to peaceful enjoyment of the home
 - Should the application be approved, request a restriction on the operation of the floodlights to between 10am and 9pm only Monday- Saturday and not at all on Sunday.
 - Suggest additional landscaping to the boundary to screen the floodlighting from residential properties.

(Letters are available to Members)

4.5 The Council's Environmental Health Officer has advised that the proposed lighting meets the necessary guidance levels with regards the lighting effects on nearby residential premises and therefore has not raised any objections to the lighting.

4.6 The Council's Highways Department and Ecological Regeneration Manager have also been consulted and any response will be provided at Committee.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.5 The other relevant national guidance is:

Light pollution

Noise

Open space, sports and recreation facilities, public rights of way and local green space

Use of Planning Conditions

London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.9 Inner London

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Unitary Development Plan (UDP) 2004

- 5.8 The saved policies of the UDP relevant to this application are:

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

HSG 4 Residential Amenity

LCE 1 Location of New and Improved Leisure, Community and Education Facilities

LCE 3 Educational Sites and Playing Fields

Emerging Plans

- 5.9 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.10 The following emerging plans are relevant to this application.

Development Management

5.11 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.12 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.13 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.14 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

- | | |
|--------------|---|
| DM Policy 26 | Noise and vibration |
| DM Policy 41 | Innovative community facility provision |

5.15 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 23 | Air quality |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 27 | Lighting |
| DM Policy 30 | Urban design and local character |

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Education and Sports Provision

- c) Impact on Adjoining Properties
- d) Design
- e) Biodiversity
- f) Highways and Traffic Issues

Principle of Development

- 6.2 The site is not subject to any constraints that would preclude this form of development. It is an established school site, with existing sports facilities. The addition of lights associated with those sports facilities is considered acceptable in principle, subject to an assessment of their impact on residential amenity and biodiversity and the specification of appropriate mitigation if required.

Education and Sports Provision

- 6.3 The provision of new and enhanced sports facilities is supported at all levels of planning policy. London Plan Policy 3.18 Education supports the provision of new and enhanced education facilities and encourages development proposals which maximise the extended or multiple use of education facilities.
- 6.4 The corresponding Core Strategy Policy 20 supports the Local Education Authority's programmes to improve all schools within the Borough.
- 6.5 Policy 3.19 of the London Plan relates to sports facilities and aims to increase participation in, and tackle inequality of access to, sport and physical activity in London. The policy advises that development proposals that increase or enhance the provision of sports and recreation facilities should be supported. Moreover, multi-use public facilities should be encouraged. Specifically in relation to floodlighting of sports facilities, the Policy states that:

"The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity".

- 6.6 Core Strategy Policy 19 states that the Council will work with its partners to ensure that a range of education, sports and leisure facilities are provided, protected and enhanced across the borough. The policy goes on to state that the preferred location for such facilities will be in areas that are easily accessible by public transport and close to town centres. Multi-use facilities will be encouraged.

Impact on Adjoining Properties

- i) Light spill
- 6.7 Development Management Plan Policy 27 deals specifically with lighting and requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation.

- 6.8 Furthermore, Local Plan Policy HSG4 seeks to improve and safeguard the character and amenities of residential areas throughout the Borough by, amongst other things, resisting the siting of incompatible development in or close to residential areas.
- 6.9 The distance from the nearest floodlight to the rear elevation of the closest residential property (No. 19 Radlet Avenue) would be 30metres.
- 6.10 The proposed floodlighting is supported by an External Lighting Assessment and a light spill diagram. The Assessment concludes that the lighting proposed has been designed to follow the Guidance notes for the reduction of obtrusive light (GN01) produced by The Institution of Lighting Engineers.
- 6.11 The Report identifies that the light fittings proposed have been specified to minimise the upward spread of light and to reduce light spill and glare to neighbouring properties.
- 6.12 The light spill diagram shows that a degree of light spill will extend into a small part of the rear gardens of No. 13-17 Radlet Avenue. The diagram shows that this could be up to 50LUX in the garden of No.15, however the diagram does not take account of the planting on this boundary. To put this in context, the LUX levels on the MUGA itself will range between 460-782LUX.
- 6.13 In respect of the floodlighting to the MUGA, the report concludes that the lighting specification complies with that guidance. It finds that the light emission from the floodlights would satisfy the levels deemed appropriate in urban locations and, in fact, would also meet the more stringent standards specified for rural/dark locations. The report further notes that this assessment has not taken into account the existing planting on the boundary and therefore constitutes a worst case scenario.
- 6.14 The Council's Environmental Health Officer has reviewed the report and specifications submitted for the lighting and confirmed that it meets the required standards.
- ii) Hours of operation
- 6.15 The amenity and security lighting will have an automatic shut off time of 11pm, which is the closing time of the school buildings. The applicant has sought the same time limit for the floodlights, however it is considered that an earlier time would be appropriate. This is on account of the height of these particular lights, their position close to residential boundaries and the appropriateness of managing activity levels in the interests of neighbouring amenity.
- 6.16 It is worth noting that the MUGA and other facilities at the school site can be used up to 11pm at night irrespective of whether this application is approved. This application will enable the MUGA to be used in the evenings outside of the summer months. Officers consider that a time limit of 10pm on operation of the floodlights would be appropriate in order to protect the amenity of neighbouring occupiers. This has been discussed with the applicant, who have agreed, though they have advised than any further reduction could jeopardise the viability of public use of the facilities.
- 6.17 The lighting will have an automated curfew override so it will not be able to remain lit beyond the agreed hours of operation.

iii) Noise

- 6.18 Concern has been raised with regard to noise generated by the operation of the facilities into the evening. The MUGA comprises a relatively small area of the school site. Although the sports hall and other buildings may be in use during the evening also, their operation up to 11pm has been set by a previous permission.
- 6.19 The car park adjoining the properties on Round Hill is the subject of a condition on the 2012 permission which restricts its hours of use so that no vehicles shall enter or leave between the hours of 23.00 hours and 06.00 hours on any day of the week.
- 6.20 The level of additional activity generated by the MUGA is considered low. Were noise levels to be unacceptable, the Council's Environmental Health Team has powers to serve notices on the school or operator to control this.
- 6.21 It is considered that the potential for noise of a level to cause a material loss of amenity to residential occupiers is low and therefore outweighed by the benefits of providing another community facility available to local residents which could benefit the local community as a whole.

Design

- 6.22 Concern has been raised regarding the number and height of the floodlighting columns. The application proposes 4 columns of 8metres in height.
- 6.23 The applicant has stated that this is the minimum number of columns that are required to adequately light the pitch and that their location has been carefully considered to provide adequate light levels to the pitch that are required to meet Sport England's standards. Similarly, they state that shorter columns would result in darker areas at the centre of the pitch which would render it unsuitable for use.
- 6.24 The columns are wider at the base (420mm) and taper (to 60.3mm) as they increase in height. They will each hold 2 No. light fittings.
- 6.25 It is accepted that 4 columns is the minimum required to light the MUGA. Although the columns would be 8metres in height, they will taper off as they increase in height, serving to minimise their bulk. In the context of the fencing to the MUGA, the boundary planting and scale of the adjacent sports hall, it is considered that the design of the columns will not appear out of character with the context.

Biodiversity

- 6.26 London Plan Policy 3.19 and DM Policy 27 seek to ensure that new lighting proposals will not give rise to adverse impacts on biodiversity. The application site is not located near any designated wildlife sites, though there are trees on the boundary and in Baxter Park which could provide habitat. A bat survey was submitted in support of the 2012 application for redevelopment of the school site. It concluded that there was negligible potential for bats on the site, though was focused on the existing buildings rather than planting.
- 6.27 The proposed design does however include various measures to control the level of illuminance and light spillage beyond the boundaries of the MUGA, as described above. It is also proposed to limit the use of the floodlights so that they cannot be used between the hours of 10pm-8am. Furthermore the floodlighting will be applied to a relatively small area, comprising the MUGA.

- 6.28 For these reasons, it is considered unlikely that the floodlighting would have a significant impact on local biodiversity. Any update to this position will be reported at Committee.

Highways and Traffic Issues

- 6.29 The application relates only to the MUGA floodlighting and therefore only traffic impacts associated with their use, which is likely to be greatest in the winter months, with some use in spring and autumn also. During the summer, the MUGA could be used up to 11pm under an existing permission. The highways and traffic impact was assessed at that time and deemed acceptable.
- 6.30 As the facilities are associated with evening and weekend use and the school's cycle and vehicular parking will be available to users, it is considered unlikely that the proposals would give rise to highways or traffic impacts.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 Officers consider that the proposed scheme will deliver community benefits by virtue of increasing access to sporting facilities, in accordance with London Plan Policies 3.18 and 3.19 and Core Strategy Policies 19 & 20. The facilities proposed are of a high standard, meeting Sport England specifications. The proposed lighting has been designed to limit light spillage, thereby minimising potential harm to neighbouring occupiers and biodiversity. This will be further secured by limiting the hours of operation of the floodlights.

9.3 For these reasons, the scheme is therefore considered acceptable and it is therefore recommended that planning permission be granted.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

SG-BWL-E-S-E0-L-90004, KL3695, D22012, Light fitting 'Scorpius' and 'Sport 7' specification, Kingfisher lighting column specification, External Lighting Assessment and Planning Statement Covering Letter.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) The floodlighting hereby approved shall not be operated between the hours of 10pm and 8am on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (4) The Lux levels generated by the floodlighting hereby approved shall not exceed those shown on submitted plans D22012 and SG-BWL-E-S-E0-L-90004.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVE

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in an amended form of development being agreed.