

Section '1' - Applications submitted by the London Borough of Bromley

Application No : 19/03192/FULL1

Ward:
Copers Cope

Address : Clare House Primary School Overbury
Avenue Beckenham BR3 6PY

Objections: Yes

OS Grid Ref: E: 538253 N: 169105

Applicant : Jane Holland (Head Teacher)

Description of Development:

Erection of changing room and floodlights.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 9
Smoke Control SCA 21
Urban Open Space

Proposal

Planning permission is sought for the erection of a changing room and floodlights.

This comprises a changing room space with 1 internal WC and 1 WC accessed externally within a single storey block measuring 7.61m by 3.36m at 3.5m height with two open timber access stairs flanking either side. This is indicated to be located to the north east side of the existing MUGA pitch adjacent to the existing car parking area.

Floodlighting to the artificial pitch is indicated with 6 no. 8m columns with lighting elements fixed to the top. Three columns are shown to each side of the pitch on the all corners and centrally at the half way line location.

It has been stated in submission documents:

- The facility would be available to after school clubs negating the need to access the main school building as well as for visiting school teams. The provision of WCs would enable access to toilets for pupils during PE lessons without having to walk unattended to the main building assisting with supervision and staffing requirements.
- The proposed building would also provide a place for members of the community renting out the pitch outside of school hours to change avoiding the need to use the main school building and assist in protecting and securing the main school outside of school hours.

- Floodlighting would enable safe use of the pitch during winter months for both pupils and the community in accordance with the hours of use agreed under the planning approval reference 14/02367/FULL1.
- During winter months the community would continue to have use of the existing 14 space school car park adjacent to the pitch as is currently available during the summer months

The application was supported by the following documents:

- Design and Access Statement
- External Lighting Report

Location and Key Constraints

Clare House School is located on the north west side of Overbury Avenue, adjacent to the junction with Oakwood Avenue. The site is currently accessed from Oakwood Avenue just off of Bromley Road (A222). Surrounding the site are residential properties with Kelsey Park a short distance away to the in the west. To the north west of the site is St Barnabas Church.

The recently redeveloped school building is located to the south east of the site with a MUGA pitch with 4m ball stop fence that was built as part of the redevelopment, located to the north east of the site.

The site is split level with the new main school building being sited on a higher level with frontage to Overbury Avenue. Retaining walls and a planted bank run along the frontage to Overbury Avenue. A retaining wall and external ramps are located between the new main school building and the lower MUGA pitch area.

Vehicular access into a car parking area for 14 spaces is available from Oakwood Avenue. Pedestrian access is from Overbury Avenue via the main school gates.

The site is designated as Urban Open Space.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received. Many representations have repeated similar issues which can be summarised as follows:

Objections

- Concerns that floodlights will shine into rooms at the front of house opposite causing light pollution.
- Trees are not sufficient to shield the impacts of the lights and glare
- Concerns that external use of the pitch will increase noise and disturbance.

- Concerns regarding previous assurances by the school that the pitch would not be used externally and floodlighting would never be installed have now been broken.
- Concerns regarding traffic impacts of extra usage of the pitch extending pick/up drop off problem outside of school hours.
- Already enough sports facility in the area.
- Concerns regarding any increase in the hours of usage of the pitch.
- Concerns that a facility being rented out to the local community in the evenings and outside term time will have a detrimental effect on the quality of life of local residents.
- There is no tree screening to residents on Oakwood Avenue.
- General comments regarding the level of noise from the school.
- Not enough parking for the use.
- Proposal is not suitable for a residential area.

Support

- Sensible proposals which will allow the pitch to be used more extensively in the winter months when it gets dark mid-afternoon, and in school holidays by the wider community.
- Will enhance the education of hundreds of our young people by giving them access to outside facilities after school.
- Trees are well established the lighting should be well contained.
- Increase in cars should be negligible.
- Should be used more widely as a community resource.
- Much needed additional local facility for school and community use, with minimal disruption caused to the surrounding area.

Local Groups

- West Beckenham Residents' Association have expressed concerns that not enough residents have been individually notified and reiterating issues expressed in respect of previous school assurances in respect of the MUGA pitch use; light pollution; operating hours; and increase in traffic related issues around the site.
- A cumulative objection and petition signed by 10 residents in Holmdene Close has been received raising objections in respect of light and noise pollution; traffic impact, security and environmental impact.

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health Pollution Officer:

No objections to permission being granted.

Highways:

Potential impacts about the parking outside the school and on neighbouring roads were originally raised. However, on the basis that applicant has now confirmed that the hours of use during winter months when the floodlights are required will not exceed the current permitted hours of use and as such there is no change or intensification of use of the facility no objection is raised to the application.

Tree Officer:

It is presumed from this being a "standard porta cabin design"/"modular building" that it does not require foundations, in which case there should be very little immediate impact on the tree. There may well be some small increase in future pressure to prune but this should not be a great cause for concern for this particular tree, so no objection.

Sport England:

In summary, having assessed the application against our (Sport England) playing fields policy, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application and would support the additional community use of this site.

Policy Context

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 must 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.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.21 Trees and woodlands

Bromley Local Plan

- 20 Community facilities
- 27 Education
- 28 Education facilities
- 30 Parking
- 32 Road Safety
- 33 Access for All
- 34 Highway Infrastructure Provision
- 37 General design of development
- 55 Urban Open Space
- 58 Outdoor Sport, Recreation and Leisure
- 73 Development and Trees
- 77 Landscape Quality and Character
- 112 Planning for Sustainable Waste management
- 113 Waste Management in New Development
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 117 Water and Wastewater Infrastructure Capacity
- 118 Contaminated Land
- 119 Noise Pollution
- 120 Air Quality
- 122 Light Pollution
- 123 Sustainable Design and Construction
- 124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Planning History

The relevant planning history relating to the application site is summarised as follows:

14/02367/FULL1: Demolition of existing school building and erection of a two storey school building with associated landscaping including an artificial multi use sports pitch. Approved 16.09.2014.

- Condition 29 stated that the artificial multi use sports pitch shall not be used before 0900 hours and after 1900 hours on any day between Monday-Friday inclusive, before 1000 hours and after 1900 hours on any Saturday and shall not operate on any Sunday.
- Condition 30 stated no floodlighting shall be installed to the artificial multi use sports pitch hereby permitted without prior approval in writing by the Local Planning Authority.

Planning conditions have been discharged under refs 14/02367/CONDIT; 14/02367/CONDT1; 14/02367/CONDT2; and 14/02367/CONDT3.

14/02367/AMD: Non-material amendment - elevational alterations. Approved 07.04.2015

14/02367/AMD2 Non- material amendment - Elevational alterations. Refused 11.06.2015

Considerations

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

- Principle
- Design
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL

Principle

The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be

approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Policy 28 states that Proposals involving the sharing of facilities, including open spaces, between educational facilities, and / or the dual use of educational facilities by the wider community will be encouraged.

Para 3.3.19 of the Bromley Local Plan details that educational land and buildings have considerable potential to contribute to the provision of community facilities. Many schools already allow outside organisations to make use of their sports facilities and grounds. The Council wishes to encourage schools and other educational establishments to maximise the contribution their buildings and grounds can make to the local community.

Para 3.104 justification in relation to Policy 3.18 of the London Plan states School facilities can provide venues for a range of community activities, including children's centres, and cultural and sports activities, where children and parents feel comfortable to access them. School facilities such as sports, training and meeting facilities should be capable of use by the wider community outside school hours. Maximum use of schools in the evenings and at weekends will reduce the land requirement for other uses.

It is noted that the use of the MUGA by external users outside students and users directly associated with the school is already possible under the existing planning permission 14/02367/FULL1.

Given that planning policy is supportive in principle of the use of the existing facility in the proposed manner for school and wider community use, it is considered that the additional infrastructure in respect of the floodlighting that will enable wider use in terms of time (within the current limitations imposed by planning condition 29 of planning permission 14/02367/FULL1 in respect of hours of use) during the winter months in the same manner as is currently possible in the summer months is acceptable in principle.

However this is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of nearby residential property, car parking and traffic implications, sustainable design and energy, community safety and any service/refuse arrangements.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 37 of the Bromley Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.

Policy 55 of the Bromley Local Plan details that proposals for built development in Urban Open Space (UOS) will be permitted where the development is related to educational use on site, the development is small scale and supports the outdoor recreational uses or children's play facilities on the site and where built development is involved; the Council will weigh any benefits being offered to the community, such as new recreational or employment opportunities, against a proposed loss of open space. Where there is a demonstrable need for additional educational buildings sensitive design and siting will be sought to ensure that the impact on the open nature of the site is limited as far as is possible without compromising the educational requirements. In all other cases the scale, siting, and size of the proposal should not unduly impair the open nature of the site.

Changing room.

It is considered that the scale and siting of the proposed detached changing room building will not harmfully impact the quality and visual amenity of the UOS that the school site is situated on. The proposed building will be small in terms of its height and footprint parameters, would not occupy a centralised position and is sited towards the edge and tree screened area of the site. There are no residential buildings near enough which would be adversely affected by the changing room building.

Floodlighting

The proposed lighting would be positioned directly around the existing MUGA pitch and their design would be appropriate to the site and its function. The lighting would not be excessive in number, height or mass, it would resemble lighting at any such facility and would not detract from the character and appearance of the site and its surroundings.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

Policy 58 of the Bromley Local Plan details that the Council will support the enhancement of outdoor sport and recreation facilities provided that the activity and associated car parking do not adversely affect the amenities of adjoining occupiers in ways which cannot be mitigated through planning conditions or obligations.

The Highways Officer has raised no objections and considers that the proposal will not increase the trip generation or parking demand in the local road network given the use of the MUGA pitch will remain as per the current permitted hours of use and as such there is no change or intensification of use of the facility.

It is therefore considered that there will not be a significant impact on the available on street parking in the vicinity and the proposal is considered generally acceptable from a highways perspective only.

Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The closest residential property to the site is approximately 65m away to the south east to properties on the opposite side of Overbury Avenue and 55m to properties on the opposite side of Oakwood Avenue. The floodlighting is specifically designed to emit light downwards rather than outwards which will limit glare. As such the lighting would be directed on to the playing surface. No objections have been raised from the Council's Environmental Health Officer in this regard. For these reasons there would be not be a significantly greater impact from the floodlighting that would warrant refusal of the application on this basis. However, in order to continue to preserve the amenities of the neighbouring occupants and in the interest of completeness it would be prudent to continue to impose a similar condition to that attached to the 2014 permission (Application Ref: 14/02367/FULL1) which can control the floodlights hours of operation in accordance with the hours of operation allowed for use of the MUGA pitch.

Trees

Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.

The Councils tree officer has reviewed the impact of the changing room building to an adjacent tree and not raised any objection due to the lightweight style of construction of the building.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above, it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area or quality of visual amenity of the UOS and would be an enhancement of a community facility.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

As amended by documents received on 11.11.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interests of visual and residential amenity.

- 3 The materials to be used for the external surfaces of the changing room building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 The floodlights for the artificial multi use sports pitch shall not be used before 09:00 hours or after 19:00 hours on any day between Monday-Friday inclusive, before 10:00 hours and after 19:00 hours on any Saturday and shall not operate on any Sunday.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of the area.

- 5 Prior to the use of the works, a scheme which details the automatic turn off of floodlighting at the end of the permitted hours of use shall be submitted to and approved in writing by the local planning authority and thereafter the development shall remain in accordance with this detail.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the amenities of the area.