

PART 1 - PUBLIC

Decision Maker: Plans Sub Committee No. 4

Date: 18th February 2010

Decision Type: Non-Urgent Non-Executive Key

Title: THE RAVENSBOURNE SCHOOL, HAYES LANE, HAYES,
BROMLEY, KENT BR2 9EH

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Chief Officer: Chief Planner

Ward: Hayes

1. Reason for report

Planning permission was granted in 1991 for an all weather sports pitch with floodlights subject to conditions to restrict the use of the lights. Further complaints have been received alleging that the relevant conditions are regularly being breached.

2. **RECOMMENDATION(S)**

2.1 A Breach of Condition Notice be issued to secure compliance with Condition 8 of planning permission ref. 91/01549.

3. COMMENTARY

3.1 There is considerable enforcement history on this site concerning the use of floodlights for the all weather pitch and numerous complaints have been received from local residents.

3.2 Under planning ref. 91.1549, planning permission was granted for the construction of an all-weather pitch and the use of flood lighting.

3.3 This permission was subject to various conditions.

Condition 7 states: -

“The floodlights shall not operate other than between 09.00 and 18.00 hours Monday to Saturday except three days between Monday and Friday inclusive when the floodlights shall not operate other than between 09.00 and 21.30 hours”

The condition was imposed to safeguard the amenities of local residents.

Condition 8 states:-

“The lighting levels of the floodlights shall not exceed the following:

Mon- Fri 100 lux

Saturday 250 lux “

The condition was imposed to protect the residential amenities of the occupants of nearby properties.

3.4 Since the granting of this permission numerous complaints have been received alleging that Conditions 7 and 8 were not being complied with.

3.5 Formal action was not considered to be necessary until 2006 when it appeared that condition 7 was regularly being breached and the floodlights were operating after 18-00 hours on more than 3 days per week.

3.6 On the 27th February 2007 a Breach of Condition Notice was issued to secure compliance with the condition which was complied with.

3.7 Although further complaints were received in 2008 concerning alleged breaches of the condition it was not considered expedient to commence legal proceedings.

3.8 Members will be aware that during summer months any breaches of the conditions are not readily identifiable but are more apparent during the autumn and winter months when the use of the lights is more intensive.

3.9 Numerous complaints have been received since the start of the current school year alleging that the floodlights are operating up to five days a week and beyond the times stipulated, in breach of the relevant condition.

3.10 Under planning reference 09/01193 permission was sought to vary condition 7 but was refused. An appeal has recently been lodged.

3.11 More recently, it appears that the floodlights are being used on weekdays using all 24 lights. There should only be 16 lights in use on Mondays to Fridays. The school has been advised of this and any response will be reported verbally.

4. CONCLUSION

- 4.1 The School has been advised of the restrictions imposed by the conditions concerning the use of the floodlights. The unauthorised use of the floodlights in excess of the luminance restrictions is considered to result in material harm to the amenities of neighbouring properties. It is therefore recommended that a Breach of Condition Notice be issued regarding failure to comply with the relevant conditions.

Non-Applicable Sections:	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: H(DC)/CW/09/725

