

<p>Reference: 21/01357/FUL</p>	<p>Site: Dilkes Academy Garron Lane South Ockendon RM15 5JQ</p>
<p>Ward: Belhus</p>	<p>Proposal: Proposed installation of 6no. 8m Hinged columns with 12no. Amins Match 450W LED Flood lights around existing MUGA pitch.</p>

Plan Number(s):		
Reference	Name	Received
H863/01	Site and Location Plan	02 August 2021
H863/02	Proposed Block Plan	02 August 2021
H863/03	Proposed Elevations	18 January 2022

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Lux Levels Plan - Kingfisher Sport Datasheet - School Traffic Management Plan 	
<p>Applicant: Mr Rhys Latham (Dilkes Academy).</p>	<p>Validated: 3 August 2021 Date of expiry: 14th February 2022 (Extension of Time Agreed)</p>
<p>Recommendation: Approve, subject to conditions.</p>	

This application is scheduled for determination by the Council's Planning Committee because it has been Called In by Councillors Polley and Jeffries with the agreement of Councillor Kelly (in accordance with Part 3 (b) 2.1 (d) of the Council's constitution) because of local interest.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 Planning permission was granted at the site for the erection of a Multi-Use Games Area (MUGA) under the terms of planning application 18/01061/FUL. That development was subsequently undertaken and, as such, the MUGA already exists at the south west corner of the grounds of Dilkes Academy.

- 1.2 This application seeks planning permission for the installation of 6 columns, each of which would measure 8 metres tall and feature two lights.
- 1.3 The proposed lights would be fitted to face towards the ground with trim fitted around the edges of the lights to limit the spread of light beyond the MUGA.

2.0 SITE DESCRIPTION

- 2.1 As set out above, planning permission was granted for the provision of the MUGA under application 18/01061/FUL.
- 2.2 Condition 6 of 18/01061/FUL limits the hours of use of the MUGA to between the following times:

08.00 a.m. and 08.30 p.m. Monday to Friday;
08.00 a.m. and 08.30 p.m. on Saturday; and
08.00 a.m. and 06.30 p.m. on Sunday and public holidays.
- 2.3 Condition 5 of 18/01061/FUL required a Community Use Agreement to be submitted and agreed prior to the first use of MUGA. A Community Use Agreement was subsequently approved under the terms of discharge of condition application 19/00706/CONDC. This sets out that the MUGA shall be made available for community use during the following times:

Term Time – Monday to Friday 16:00 to 20:30, Saturday 08:00 to 20:30 and Sunday 08:00 to 18:30

School Holidays - Monday to Friday 08:00 to 20:30, Saturday 08:00 to 20:30 and Sunday 08:00 to 18:30
- 2.4 The Community Use Agreement also sets out a pricing policy, details of booking arrangements and ensures the provision of 50 car parking spaces for community users outside of school hours.
- 2.5 Condition 8 of 18/01061/FUL prevents the installation of floodlighting around the MUGA without planning permission first being granted.
- 2.6 The site is located within the Green Belt.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Reference	Description	Decision
84/00237/FUL	Part Of School For Grays Occupation Centre	Approved
86/00137/FUL	Alterations to provide nursery unit	Approved
87/00539/FUL	Erection of an outbuilding for storage of equipment and materials	Approved
92/00636/CC	Temporary classroom with toilets (Full reference THU/636/92-CC/THU/16/92)	Approved
93/00192/FUL	Recycling centre	Withdrawn
93/00714/CC	Relocatable classroom	No Objection
94/00011/CC	Office/kitchen and pram store	Approved
94/00015/CC	Rear single storey extension	No Objection
94/00662/CC	Rear single storey extension	No Objection
95/00013/CC	Continued use of relocatable classrooms	No Objection
98/00609/FUL	Replacement of chainlink fencing with traditional metal railings 2.0m to Humber Avenue 1.8m to Garron Lane.	Approved
99/00716/TBC	Extension to entrance, office and staff room	Approved
00/00848/TBC	Single storey extension to side of school	Approved
07/00616/FUL	New single storey infill extension to front of school.	Approved
13/00605/FUL	Single storey class base extension	Approved
13/00650/FUL	Car Park Extension	Approved
16/00312/FUL	Proposed front entrance extension, canopy and internal remodeling.	Approved
18/00566/FUL	Infill extension to main school building	Approved
18/01061/FUL	MUGA pitch with perimeter fencing and hardstanding	Approved
19/00245/CONDC	Application for the approval of details reserved by condition no 3 (Landscaping), no 4 (MUGA Design), no 9 (Parking Management Strategy) , no 10 (CEMP) and no 11 (Tree Protection) of planning permission ref. 18/01061/FUL (MUGA pitch with perimeter fencing and hardstanding)	Approved
19/00706/CONDC	Application for the approval of details reserved by Condition 5 - (Community	Approved

	Use Agreement, Business Plan) of planning application 18/01061/FUL (MUGA pitch with perimeter fencing and hardstanding)	
19/00781/FUL	Single storey extension to provide two classrooms and break out space following the demolition of two existing demountable classroom	Approved

4.0 CONSULTATION AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters. Eight objections have been received which raise objections on the following grounds:

- Light pollution;
- Noise pollution;
- The hours of use are outside school hours, including at weekends and it is unclear if the use would be for commercial purposes;
- Proposal would cause disruption;
- Site should only be used during daylight hours;
- Previous decision disregarded the opinion of local residents;
- The school has not resolved objections that have been raised to them.

4.3 THURROCK COUNCIL ENVIRONMENTAL HEALTH OFFICER:

No objection.

4.4 THURROCK COUNCIL HIGHWAYS DEVELOPMENT CONTROL TEAM:

No Objection

4.5 SPORT ENGLAND:

No objection.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land;
12. Achieving well-designed places;
14. Meeting the challenge of climate change, flooding and coastal change;

5.2 National Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Effective use of land
- Light pollution
- Making an application
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

- OSDP1: (Promotion of Sustainable Growth and Regeneration in Thurrock).

Spatial Policies

- Sustainable Green Belt

Thematic Policies:

- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP15: Transport in Greater Thurrock
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Green Belt
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Design and Layout and Impact upon the Area
- III. Traffic Impact, Access and Car Parking
- IV. Effect on Neighbouring Properties
- V. Other Matters

- I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

6.2 As the site is located within the Green Belt policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and policy PMD6 states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.

6.3 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the '*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.

6.4 In terms of Green Belt policy it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the 'Very Special Circumstances' necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt;

6.5 Paragraph 143 of the NPPF defines 'inappropriate development' as definitional harm to the Green Belt and should not be approved except in very special circumstances.

6.6 Paragraph 147 of the NPPF states that local planning authority's should regard the construction of new buildings as inappropriate development but paragraphs 149 and 150 identify 'exceptions' where development in the Green Belt is not inappropriate, subject to certain key considerations. One of those exceptions is *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*" The proposal would be an appropriate facility used for the purposes of outdoor sport and therefore, subject to the following assessment, there is grounds to find that the development is not inappropriate development in the Green Belt.

6.7 In terms of openness, the proposed lighting columns would sit within the area that is already enclosed as part of the MUGA and used for those purposes. Whilst the lighting columns would be taller than the existing fencing at the site, the effect on the openness of the Green Belt would be negligible and it can be found that the overall openness of the Green Belt, at the site and within the wider locality, would be preserved. For similar reasons, the proposal would not conflict with the purposes of including land within the Green Belt as the proposal would not bring about the unrestricted sprawl of a large built-up area, would not cause neighbouring towns to merge, would not cause encroachment into the countryside, would not affect the setting and special character of historic towns; and would not prevent urban regeneration.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

6.8 These matters have been considered above but, for reasons of procedural soundness, it is prudent to consider them further and expand on why the proposal is considered acceptable in these respects.

The Five Purposes of the Green Belt

6.9 Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.10 In response to each of these five purposes:

a. to check the unrestricted sprawl of large built-up areas

6.11 The proposed lighting columns would be located at the edge of the existing MUGA. The proposal would not extend the MUGA and, as the part of the Green Belt that the application site is a part of is surrounded by the urban area of South Ockendon, the proposal would not cause urban sprawl.

b. to prevent neighbouring towns from merging into one another

6.12 For the same reasons as set out at 6.11 above, the lighting columns would be contained to the area of the existing MUGA and would be surrounded by existing parts of the settlement of South Ockendon on three sides. Therefore, the proposal would not extend towards any other town.

c. to assist in safeguarding the countryside from encroachment

6.13 Again, the containment of the facilities to the area of the existing MUGA ensures that the proposal does not encroach into the countryside.

d. to preserve the setting and special character of historic towns

6.14 The site is not within the vicinity of any towns that have a historic setting or character that would justify this being a reason to refuse the application.

e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.15 Given the association with the existing MUGA, the proposed lighting columns could only occur at this site to be functionally effective and would have no impact on urban regeneration objectives.

- 6.16 In light of the above analysis, it is considered that the proposals would not conflict with the five purposes of including land in the Green Belt.

Impact upon the Openness of the Green Belt

- 6.17 The proposed lighting columns would sit within the area that is already enclosed as part of the MUGA and used for those purposes. Whilst the lighting columns would be taller than the existing fencing at the site, the effect on the openness of the Green Belt would be negligible and it can be found that the overall openness of the Green Belt, at the site and within the wider locality, would be preserved.

Whether the harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the Very Special Circumstances necessary to justify the development

- 6.18 For the reasons set out above, the proposal is not considered to be inappropriate development in the Green Belt and, as such, it is not necessary to weigh any benefits of the proposal against other considerations.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.19 Despite their height, the lighting columns would be thin and of an appearance that would be expected of such installations. They would be of functional appearance that would have a generally neutral effect on the character and appearance of the site and the surrounding area. Although visible from neighbouring properties, it is not considered that the lighting columns would be visually unacceptable. Furthermore, as the structures would sit independently of most other structures and built form, it is considered that their introduction would not materially affect the pattern of development or the established character of the wider area.
- 6.20 For these reasons set out above, it is considered that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would, therefore, accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.21 The MUGA is already in place, the persons able to use the facility would not change and the authorised hours of use would not change. As such, the only

difference to the existing situation would be that there would be an increase likelihood of the MUGA being used in winter or at times when the lack of natural light would have prevented the use of the facility.

- 6.22 The level of parking available at the site would be no different and the number of trips generated by the use of the site would only be different in winter terms. In this regard it is noted that the Community Use Agreement secures the provision of 50 parking spaces outside of school hours for use by the community users of the site. Furthermore, a School Traffic Management Plan was agreed under the terms of condition 9 of the previous planning permission relation to the MUGA and the same documentation has been submitted with this application.
- 6.23 In this case, there is known no reason to assume that the use of the facility at winter times in the same way that could already occur when natural light does allow, would bring about additional movements or traffic in a manner that would justify the refusal of the application.
- 6.24 For these reasons, it is considered that the highways, access and parking arrangements in respect of the proposed development are acceptable and, therefore, the proposal accords with Policies CSTP15, PMD8, PMD9 and PMD10 of Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.25 As set out above, the proposal would facilitate the use of the MUGA during winter times and, as such, there would be parts of the year when the development would enable an intensified use of the site. However, this would only bring the use of the facility in line with what can already occur at other times of the year. From this basis, whilst comments made in respect of noise and disturbance by objecting parties are noted, it is not considered that it would be reasonable to refuse the application for that reason, particularly given that at the times when the floodlights would be required, gardens within surrounding properties are likely to be used less and windows within neighbouring properties are more likely to be closed, meaning that any effects are likely to be less than in the summer.
- 6.26 The main impact of the proposal would arise from the effect of illuminating the pitch, whereby it is inevitable that this illumination would be visible from the wider area. However, the proposed lighting would be fitted to ensure that the light spillage from the site would be limited. This is demonstrated by the applicant's Lux Levels Plan which demonstrates that the lighting of the

surrounding area would be minimal. A condition could also imposed to ensure that this is for a short period of the day, reflecting the hours of use that are not being altered. The lighting submissions have been found acceptable by the Council's Environmental Health Officer.

V. OTHER MATTERS

- 6.27 The use of the facility by community groups was a requirement of the previous permission and therefore, whilst the comments of neighbours relating to the use of the site outside of school times are noted, it is not considered that this is a factor that could be given any weight in the assessment of the proposal.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL/REFUSAL

- 7.1 The proposal is not inappropriate development in the Green Belt, would not be unacceptable in terms of its effect on the character and appearance of the area and would not cause an uplift of traffic or parking demand that would justify the refusal of the application. Furthermore, the submissions of the applicant demonstrate that the proposal would not cause unacceptable light pollution and the continued use of the MUGA and the use at times when darkness would have otherwise prevent it would not detract from residential amenity to a greater degree than the existing situation in a manner that would justify the refusal of the application.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

Standard Time Limit

- 1 The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):

Reference	Name	Received
H863/01	Site and Location Plan	02 August 2021
H863/02	Proposed Block Plan	02 August 2021
H863/03	Proposed Elevations	18 January 2022

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Installation of Lighting

- 3 Only the 450w LED Amnis Match lights shown with the details submitted with this application are approved. All lighting shall be installed to ensure that the level illumination does not exceed the level shown on the submitted Lux Levels Plan when measured at any boundary of the Multi use Games Area. No other lighting at the site is approved and may not be installed without planning permission.

Reason: To ensure that the effect of the development on neighbouring residents is acceptable and in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Hours of Use

- 4 The lighting hereby approved shall only be switched on at the times when the use of the MUGA can occur in accordance with the terms of any other permission granted at the site and for a 15 minute period before or after such times.

Reason: For the avoidance of doubt and to ensure that the effect of the development on neighbouring residents, surrounding roads and the area in general is acceptable and in accordance with Policies PMD1, PMD2, PMD8 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Terms of Permission

- 5 The permission hereby granted relates solely to the installation of floodlighting and does not alter the conditions imposed under the terms of application 18/01061/FUL or remove the requirement to comply with those conditions and the details approved in relation to those conditions.

Reason: For the avoidance of doubt and to ensure that the effect of the development on neighbouring residents, surrounding roads and the area in general is acceptable and in accordance with Policies PMD1, PMD2, PMD8 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



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Application No: 21/01357/FUL

Dilkes Academy
Garron Lane South Ockendon

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