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<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 7 July 2021	<b>Meeting Name:</b> Planning Sub Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 21/AP/1065 for: Full Planning Application  <b>Address:</b> Alleyn's School, Townley Road, London, SE22 8SU  <b>Proposal:</b> Installation of 6x floodlights at multi-use games area (MUGA).		
<b>Ward(s) or groups affected:</b>	Goose Green		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b>	30.03.2021	<b>PPA Expiry Date</b>	10.07.2021
<b>Earliest Decision Date</b>	17.05.2021		

## Recommendation

1. That planning permission be granted subject to conditions.

## Executive Summary

2. Planning permission is sought for the installation of six (6) floodlights on the existing multi-use games area (MUGA) located in the north of Alleyn's School near to Playfield Crescent.
3. The proposal is appropriate development on Metropolitan Open Land and would not have a significant impact on local residential amenity while improving the sporting facilities on the site.

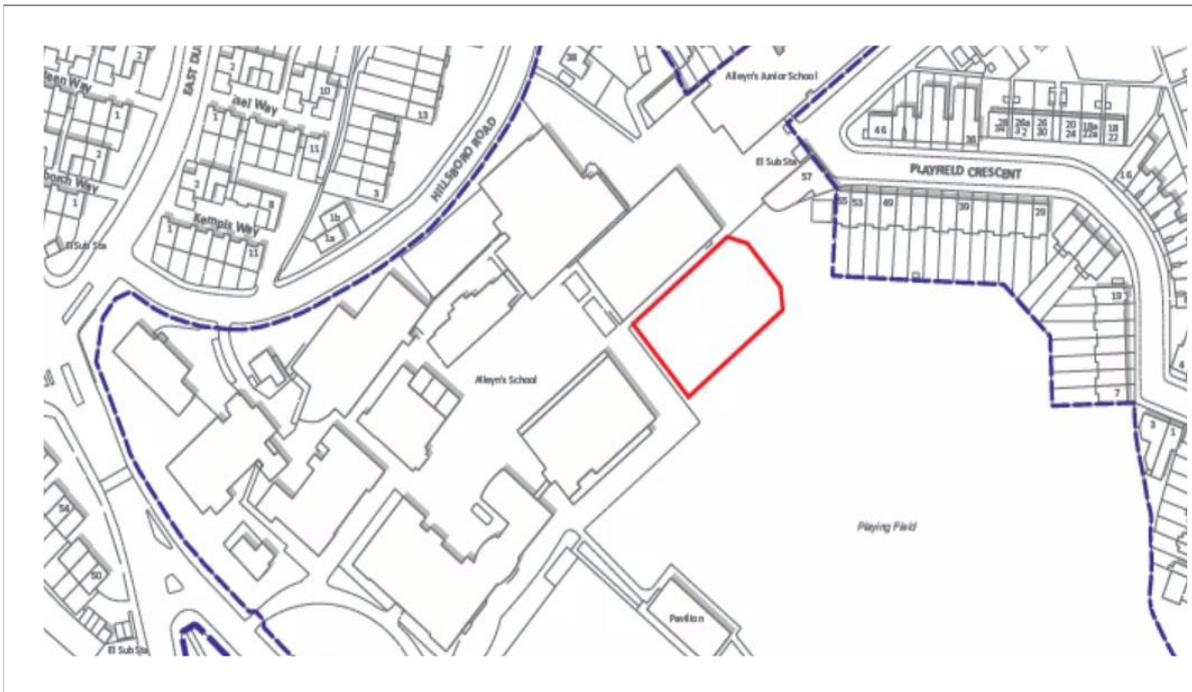
## Background Information

### Site location and description

4. The site is a Multi-use Games Area (MUGA) located within a plot of Metropolitan Open Land (MOL) on the grounds of Alleyn's School. The surrounding area is largely defined by the surrounding play areas of Alleyn's School and low density residential properties along Townley Road.
5. The MUGA was approved in 2019 (LBS Ref: 19/AP/1933) and has markings out for football, netball and hockey and is surrounded by 3-5m fencing. Condition 3 of this consent required a Community Use Condition (LBS Ref: 20/AP/3225) which outlined opening hours:
  - Mon - Fri : 18:00 - 21:00 or sunset, whichever is earlier

- Sat : 14:00 – 18.00 or sunset, whichever is earlier
  - Sun : 09:00 - 18.00 or sunset, whichever is earlier
6. The applicant has advised that the MUGA was designed to meet existing curricular and extra-curricular needs within the school but have since been advised by Sport England that they should maximise community use and therefore required a community use agreement with extended hours (see Para 5). Following this permission, the school had significant demand from community-based sports organisations which could only be met with the installation of floodlights.

Figure 1: Existing Site Plan



7. The site is located within:
- Site of Importance of Nature Conservation
  - Metropolitan Open Land
  - Sub-Urban Density Zone
  - Air Quality Management Area
8. The site is not listed, nor is it within a conservation area. The Dulwich Village conservation area is located approximately 88 metres to the south-west of the site. Another plot of MOL is located to the south-east of the site.

### Details of proposal

9. Planning permission is sought for the installation of floodlighting consisting of 6 x 8 metre lighting columns. The columns have a base diameter of 168mm and a top diameter of 89mm. The proposed finish is a natural grey colour. The lighting is low-energy LED floodlighting and meets the requirements set out in the

“Netball Design Guidance for Outdoor Club Courts”.

10. The proposed hours of use of the lights would be:

- Mondays - Friday: 07.30 – 21:00
- Weekends: 09.00-18.00

### **Planning history**

11. 20/EQ/0278: Pre application advice for the use of land adjoining tennis and netball courts for staff car parking. Closed on 18 January 2021.

19/AP/1933: Creation of a multi-use games area (MUGA) and associated fencing. Granted 20 January 2020.

20/AP/3225: Details of Condition 3 - a community use agreement required by planning permission dated 31/10/2019 [LBS Ref 19/AP/1933] for 'Creation of a multi-use games area (MUGA) and associated fencing'.  
Granted 18 February 2021.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

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

- Principle of the proposed development in terms of land use
- Design impacts
- Impact of proposed development on amenity of adjoining occupiers and surrounding area
- Ecology and biodiversity

13. These matters are discussed in detail in the ‘Assessment’ section of this report.

### **Legal context**

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007.

15. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

### **Planning policy**

16. The statutory development plans for the Borough comprise the London Plan 2016, Southwark Core Strategy 2011, and saved policies from The Southwark Plan (2007 - July). The National Planning Policy Framework (2019) and emerging policies constitute material considerations but are not

part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **Comments from members of the public and local groups**

17. The council received five objections to this proposal. Issues raised in these objections will be addressed throughout the report but are summarised as:

- Noise
- Light pollution
- Not in keeping with local area (too high)

Detrimental to the environment and ecological space and

- Proximity to adjacent houses.

## **Assessment**

### **Principle of the proposed development in terms of land use**

18. Policy G3 of the London Plan (2021) states that *Metropolitan Open Land is afforded the same status and level of protection as Green Belt land. Any proposed changes to existing MOL boundaries must be accompanied by thorough evidence which demonstrates that there are exceptional circumstances consistent with the requirements of national policy.*

19. Policy G3 also establishes that MOL protects and enhances the open environment whilst improving the quality of life of Londoners through leisure uses and other physical activities. Paragraph 8.3.4 states that the enhancements to MOL such as for recreation facilities is encouraged provided the enhancement provides benefits to Londoners.

20. Saved Policy 3.25 of the Southwark Plan (2007) states that development within MOL is permitted only for the following purposes:

- i. Agriculture and forestry; or
- ii. Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL; or
- iii. Extension of or alteration to an existing dwelling, providing that it does not result in disproportionate additions over and above the size of the original building; or
- iv. Replacement of an existing dwelling, providing that the new dwelling is not materially larger than the dwelling that it replaces.

21. The proposed floodlights would enhance the use of this site as a sports court by facilitating later usage particularly during winter months where it is darker earlier. As well as meeting Part (ii) of Saved Policy 3.25, the proposal would also meet the requirements set out in Paragraph 8.3.4 of the London Plan (2021) as it would provide benefits to users of this sports court.

22. As stated, Metropolitan Open Land is afforded the same level of protection as Green Belt. The National Planning Policy Framework (2019) Policy 145 Part B states that exceptions to new developments in the Green Belt include *"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"*.
23. The provision of floodlighting would preserve the openness of this land and would improve accessibility. The proposal would enhance the existing MUGA land on the MOL by providing later hours of use during darker months. The form of the floodlights are slender and lightweight and would not detract from the surrounding character. Furthermore, the use of floodlights is a common feature within MOL serving an important function and would therefore not be an incongruous feature on MOL and therefore is acceptable in principle.

### **Design impacts**

24. The proposed floodlights would be situated on the outskirts of the Multi Use Games Area with 3 on the north-western side and 3 on the south-eastern side. The floodlights would be equidistant on each side to provide adequate coverage.
25. The proposed floodlights are lightweight in nature and would not be visually obtrusive despite a height of 8 metres. The design of the proposal is considered acceptable in the context of a sports ground and would not harm the surrounding area's character.

### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

26. The main issues associated with the construction of floodlights are noise and light pollution. These are assessed below.

#### Noise

27. The Community use Agreement (CUA) (LBS Ref: 20/AP/3225) sets out hours of use for the MUGA to be used by the community as between 18:00 – 21:00. The proposed floodlights would allow for this use whilst complying with the hours of use set out in the CUA. The primary time in which these lights would facilitate greater use is in the months where it gets darker earlier and would enable later playing times of no later than 21:00.
28. The nearest dwelling is 55 Playfield Crescent. The garden for this property is situated 20 metres away from the application site, whilst the house itself is situated 30 metres away. The MUGA is used during summer months and currently has a time restriction until 21:00 in accordance with the Community Use for Condition 3 established in consent 20/AP/3225. The council's noise and nuisance team have advised that no complaints have been received about noise from the MUGA. This is materially relevant due to the fact that during winter, residents are likely to use their outdoor amenity space less as well as keep windows closed thereby reducing the potential for noise to cause disturbance. Accordingly, it is reasonable to expect that the use of these floodlights until 21:00

would significantly harm surrounding occupiers.

29. It is recognised that the increased use of the MUGA may small increase in noise and light impacts. However, a condition will be instated to ensure that the floodlights are not used prior to 8:00 and are switched off at 21:00 on weekdays and 18:00 on weekends. A similar condition will be included to ensure lighting is not used beyond this time.

### Light

30. As previously mentioned, the nearest dwellinghouse is 55 Playfield Crescent and is 20 metres from the MUGA. The applicant has submitted an obtrusive light report which is guided by the Guidance Note for the Reduction of Obtrusive Light, GN01, 2020 and is compliant with the Institute of Lighting Professionals (ILP).
31. The floodlights consist of 6x 530 Watt LEDs. The applicant has provided drawings showing the horizontal light spill towards houses on Playfield Crescent. This model demonstrates the light spill from various points and shows that the illuminance for these houses complies with maximum levels of luminance pre and post curfew. Pre-curfew refers to hours between 7:00 and 23:00 and has a maximum luminance of 10 lux whilst post-curfew is from 23:00 to 07:00 and has a maximum luminance level of 2 lux.
32. The floodlights consist of 6x 530 Watt LEDs. The applicant has provided drawings showing the horizontal light spill towards houses on Playfield Crescent. This model demonstrates the light spill from various points and shows that the illuminance for these houses complies with maximum levels of luminance pre and post curfew. Pre-curfew refers to hours between 7:00 and 23:00 and has a maximum luminance of 10 lux whilst post-curfew is from 23:00 to 07:00 and has a maximum luminance level of 2 lux.
33. The concentric circles in the lighting model show 2 lux at the nearest residential property. This is therefore in accordance with guidance by the ILP guidance and would be well below the required 10 lux during pre-curfew hours. The lighting is therefore acceptable.

### **Ecology and biodiversity**

34. Southwark council's ecology officer has confirmed that the proposal is acceptable from an ecological perspective. The proposal for lighting complies with bat conservation guidance and the light spill does not encroach onto tree lines.

### **Consultation responses from internal and divisional consultees**

35. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response.
36. Ecology Team:
  - No concerns from an ecological perspective.

### **Community impact and equalities assessment**

37. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
38. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
39. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
  1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
  2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
    - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
    - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
    - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
40. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

## **Human rights implications**

41. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
42. This application has the legitimate aim of providing facilities for sports and recreation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **Positive and proactive statement**

43. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
44. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.
45. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
Was the application validated promptly?	YES
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	NO
To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date?	NO

**Other matters**

46. None relevant to this application.

**Conclusion**

47. The proposed 6 floodlights would not harm the amenity of surrounding residents to an unacceptable degree. With regard to ecological and design impacts, the harm is negligible.
48. It is therefore recommended that planning permission be granted.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Site history file: 2300-A Application file: 21/AP/1065 Southwark Local Development Framework	Chief Executive's Department 160 Tooley Street London	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk

and Development Plan Documents	SE1 2QH	Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk
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## APPENDICES

No.	Title
Appendix 1	Publicity undertaken
Appendix 2	Comments received
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Planning Policies
Appendix 5	Recommendation (draft decision notice)

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Daniel Cooklin-Smith, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	22 June 2021	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		24 June 2021

## Publicity undertaken

**Site notice date:** n/a.

**Press notice date:** 01/04/2021

**Case officer site visit date:** n/a

**Neighbour letters sent:** 08/04/2021

### Internal services consulted

Ecology

Environmental Protection

### Statutory and non-statutory organisations

#### Neighbour and local groups notified:

31 Playfield Crescent London Southwark  
17 Playfield Crescent London Southwark  
45 Playfield Crescent London Southwark  
7 Playfield Crescent London Southwark  
55 Playfield Crescent London Southwark  
49 Playfield Crescent London Southwark  
43 Playfield Crescent London Southwark  
37 Playfield Crescent London Southwark  
27 Playfield Crescent London Southwark  
11 Playfield Crescent London Southwark  
21 Playfield Crescent London Southwark  
19 Playfield Crescent London Southwark  
15 Playfield Crescent London Southwark  
13 Playfield Crescent London Southwark  
9 Playfield Crescent London Southwark  
57 Playfield Crescent London Southwark  
53 Playfield Crescent London Southwark  
51 Playfield Crescent London Southwark  
47 Playfield Crescent London Southwark  
41 Playfield Crescent London Southwark  
39 Playfield Crescent London Southwark  
35 Playfield Crescent London Southwark  
33 Playfield Crescent London Southwark  
29 Playfield Crescent London Southwark  
School House Hillsboro Lodge Hillsboro Road  
25 Playfield Crescent London Southwark  
23 Playfield Crescent London Southwark

#### Re-consultation:

**Comments received**

**Internal services**

Ecology

**Statutory and non-statutory organisations**

**Neighbour and local groups:**

Comments received from five residents of Playfield Crescent

**Relevant planning history**

Reference and Proposal	Status
<p>19/AP/1933 Creation of a multi-use games area (MUGA) and associated fencing</p>	<p>GRANTED- Minor Application 20/01/2020</p>
<p>20/AP/3225 Details of Condition 3 - a community use agreement required by planning permission dated 31/10/2019 [LBS Ref 19/AP/1933] for 'Creation of a multi-use games area (MUGA) and associated fencing'.</p>	<p>GRANTED- Approval of Details Application 18/02/2021</p>

## Relevant planning policy

### 1. National Planning Policy Framework (the Framework)

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 13 Protecting green belt land
- Chapter 15 Conserving and enhancing the natural environment

### 2. London Plan (2021)

- Policy D4 Delivering good design
- Policy D14 Noise
- Policy G3 Metropolitan Open Land
- Policy G6 Biodiversity and access to nature

### 3. Core Strategy 2011

- Strategic Policy 1 (Sustainable development)
- Strategic Policy 4 (Places for learning, enjoyment and healthy lifestyles)
- Strategic Policy 11 (Open spaces and wildlife)
- Strategic Policy 12 (Design and conservation)
- Strategic Policy 13 (High environmental standards)

### 4. Southwark Plan 2007 (saved policies)

- Policy 2.3 - Enhancement Of Educational Establishments
- Policy 3.2 - Protection of amenity
- Policy 3.12 - Quality in design
- Policy 3.13 - Urban design
- Policy 3.16 - Conservation Areas
- Policy 3.25 - Metropolitan open land
- Policy 3.28 – Biodiversity
- Policy 5.6 - Car parking

### 5. Area based AAPs or SPDs

Of relevance in the consideration of this application are:

- Dulwich SPD 2013

## Recommendation

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

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<b>Applicant</b>	Mr Stephen Born Alleyns School	<b>Reg. Number</b>	21/AP/1065
<b>Application Type</b>	Minor application		
<b>Recommendation</b>	Grant planning permission	<b>Case Number</b>	2300-A

### Draft of Decision Notice

#### Planning Permission was granted for the following development:

Installation of 6x floodlights at multi-use games area (MUGA).

Alleyns School Townley Road London Southwark

**In accordance with application received on 29 March 2021**

#### Condition 1

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

4477-219 PROPOSED ELEVATIONS  
223 PROPOSED LIGHTING COLUMNS  
LAYOUT PLAN  
4477-216 PROPOSED LIGHTING COLUMN LOCATIONS

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

#### Condition 2

The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

#### Condition 3

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has

been obtained for any proposed change or variation.

Reason:

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with: the National Planning Policy Framework 2019; Strategic Policy 12 (Design and Conservation) of the Core Strategy 2011, and; Saved Policies 3.12 (Quality in Design) and 3.13 (Urban Design) of the Southwark Plan 2007.

#### Condition 4

The floodlights hereby approved shall not be used outside of the hours 08:00 to 21:00 on Monday to Friday or 08.00 to 18.00 on weekends. The lighting spill from them shall comply with the lighting strategy set out in the Obtrusive Lighting Report (prepared by Midlands Lighting Solutions) from December 2020.

Reason:

To protect the amenity of neighbours in accordance with the National Planning Policy Framework 2019, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.