

**A01**

**F/TH/24/0414**

PROPOSAL: Variation of condition 10 of planning permission F/TH/21/0817

LOCATION: for the "Erection of new sports hall following demolition of existing sports hall" to allow use of lights when school not in use

Upton County Primary School Edge End Road BROADSTAIRS  
Kent CT10 2AH

WARD: Viking

AGENT: Mr Stephen Pester

APPLICANT: Mrs M Lewis

RECOMMENDATION: Approve

Subject to the following conditions:

- 1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 2005-MEB-XX-00-DR-A-3-100 Rev B, 2005-MEB-XX-00-DR-A-3-102 Rev G, 2005-MEB-XX-00-DR-A-3-103 Rev B, 2005-MEB-XX-00-DR-A-3-302 Rev D, 2005-MEB-XX-00-DR-A-3-303 Rev A (notwithstanding the incorrect annotation RAL5003), 2005-MEB-XX-00-DR-A-3-305 Rev B received 28 July 2021; the air conditioning specification documents received 2nd August 2021; and the new pitch layout details, received 23rd August 2021; and the lighting analysis received on 7th June 2024 and the Agent's email confirming fitting of the light shields received on 21st August 2024

**GROUND:**

To secure the proper development of the area.

- 2 Ecological enhancements shall be provided within the site in accordance with the following details, and prior to the first use of the development:
  - Plan Number 2005-MEB-XX-00-DR-A-3-100 Rev B, Titled Existing Location Plan and Block Plan, Dated July 2021, together with the associated photographs, Received 26th January 2022
  - Plan Number MEB-XX-00-DR-A-3-600 Rev A, Titled Wild Area, Dated 3rd April 2022 and Received 28th March 2022.

**GROUND:**

In accordance with the requirements of the National Planning Policy Framework and policies SP30 and QD02 of the Thanet Local Plan.

- 3 Prior to the first use of the building hereby approved, a sound limiting device shall be installed. All live and recorded music must be played through the sound limiter. The overall Music Noise Level (Leq 5mins) must not exceed 10dB below the Background Noise Level (LA90) without the Music Noise Level present, in each octave band at the nearest noise sensitive location. This shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

- 4 Prior to the first use of the sports hall hereby permitted, the affected football pitch shall be re-provided on a west/east axis, with a minimum 3m clear safety run off area from all perimeter lines, in accordance with the submitted pitch run-off plan received 23rd August 2021.

**GROUND:**

To ensure that there is no loss of playing pitches as a result of the development in accordance with Policy GI05 of the Thanet Local Plan.

- 5 All external lighting including the bollard lighting (with shields), and the bulk head lights (with integral shields) on the sports hall hereby approved, shall not be used outside of the hours of: Term time Monday to Friday 8am to 10pm; during school holidays, Saturdays and bank holidays 8am to 10pm; and Sundays 9am to 8pm, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policies QD03 and SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

- 6 The building hereby approved shall not be used other than between the hours of 08:00AM and 16:15PM by the School Monday to Friday during term time; 16:30pm and 22:00PM by the community Monday to Friday during term time; 09:00AM and 22:00PM Monday to Friday during school holidays; 08:00AM and 22:00PM Saturdays and bank holidays; and 09:00AM and 20:00PM on Sundays.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

- 7 During periods of hire, the existing school car park shall be made available for all attendees and parties using the hall hereby approved and shall be available for the duration of the use.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan, and to ensure no additional parking pressure in the surrounding area.

- 8 The shields as attached to all bollards, and as shown in the submitted applicant's photos, shall be kept and maintained at all times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

Upton School is an established primary school site on the western side of Edge End Road. It is bounded by fencing and much of the site is obscured by a large degree of tree cover and natural vegetation particularly to the front boundary. Other parts of the school site are largely obscured from the roads surrounding it by significant tree coverage to the north and west. A street light style light is situated within the car park and a public footpath runs behind the site.

### PROPOSED DEVELOPMENT

The proposed application seeks a variation of condition 10 of planning permission F/TH/21/0817 for the "Erection of new sports hall following demolition of existing sports hall" to allow use of lights when the school is not in use.

It seeks to alter the condition to read:

"All external lighting, including the bollard lighting and bulkhead lights on the sports hall, hereby approved shall not be used outside of the hours of:

- Term time Monday to Friday 8am to 10pm,
- During school holidays, Saturdays and bank holidays 8am to 10pm,
- Sundays 9am to 8pm."

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP12 - Broadstairs  
SP30 - Biodiversity and Geodiversity Assets  
SP38 - Healthy and Inclusive Communities  
QD02 - General Design Principles  
QD03 - Living Conditions  
CM01 - Provision of New Community Facilities  
TP06 - Car Parking

#### **Broadstairs and St Peters Neighbourhood Plan 2021**

BSP3 - Protecting and providing Important Trees  
BSP6 - Sustaining Community Facilities  
BSP9 - Design in Broadstairs and St Peter's

### PLANNING HISTORY

F/TH/22/0915 - Replacement of existing North and East boundary fencing and gates with 2.4m fencing - Granted 22/02/2023

F/TH/21/0817 - Erection of new sports hall following demolition of existing sports hall - Granted 16/09/2021

F/TH/20/1507 - Erection of a new sports hall following the demolition of existing - Granted  
05/03/2021

M/TH/00/0821 - Location of sectional classroom building in place of three mobile classrooms  
and location of sports store (retrospective)

## NOTIFICATIONS

A site notice has been posted and neighbouring occupiers notified. Five objections were received.

The objections referred to the following issues:

- Increase in lighting will have a negative effect on bats.
- There is already an unacceptable impact caused by the current external lighting and longer hours would create further harmful impact on both bats and neighbouring residents.
- Photographs do not show the impact of the blazing lights on darker evenings / nights.
- A Caretaker could see out the users of the hall in, and turn lights on and off.
- Pedestal lights are not compliant and shine into first floor windows and demonstrate the high upward light component referred to by the Bat Conservancy trust in their report.
- The Planning Committee needs to stand by the original condition.
- If offences under the Conservation of Habitats and Species Regulations 2017 (England and Wales) or Wildlife and Countryside Act 1981 (as amended) are found to be committed, TDC is at risk.
- Motion sensors have not been fitted. Their installation would prove beneficial and require minimal disturbance
- The school behaves as if the application has already been granted, with lights on even when the hall is not in use.
- Have provided images showing illumination levels between the carpark and sports hall are sufficient without pedestal and bulkhead mounted lights.
- Have monitored the site and have provided 2 no. mp3 files recording pipistrelle bats being present on site.
- The Bat Conservation Trust lighting document makes recommendations to mitigate the impact of outside lighting. There is no evidence any of these measures are in place.
- Lights appear cooler in colour than recommended.
- The proposals does not not comply with SP30 and QD03
- Users of the hall should turn lights on and off.
- Reasons for changes are weak
- Lights directly face bedrooms. If left on all night they would cause sleep disturbance.
- Waste of energy by being turned on for the proposed hours.

**Broadstairs Town Council** -The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend No Comment

## CONSULTATIONS

**TDC Environmental Health** -

*(Final Comment)*

The submission satisfies Environmental Health concerns.

*(Initial Comment)*

Environmental Health have reviewed the application to vary condition 10. EH concur that the proposed condition is a better condition for enforcement and that lighting triggered by sensors is often more intrusive as it attracts attention more so than static lighting.

However, the submitted details indicate that the existing bollard lights are not fitted with shields or angled so they only illuminate the area below and within the curtilage of the school and therefore have the potential for light trespass on neighbouring dwellings. Environmental Health would recommend that these are replaced with downlights or fitted with shields so that there is no direct line of sight with neighbouring windows. However, it is acknowledged that the lighting already has consent and the variation simply seeks to overcome 'fluctuating' on /off issues.

EH comments relate to potential nuisance to neighbours, any consideration of bats and ecology should be sought from the appropriate Biodiversity officer.

#### **KCC Biodiversity -**

*(Initial Comment)*

I don't have too many concerns with the proposed changes. The school is located in an area where there is existing lighting (roads and car park) and pipistrelles are light tolerant species.

There is a question about whether there needs to be lights all around the building when I presume that people will just be coming and going through the entrance nearest the car park. But I'm presuming that this is required for H+S and as long as the lights are designed to minimise light spill and are switched off for part of the night I would anticipate the impact being minimal.

Final Comment - Thank you for the additional information. The lights chosen do minimise light spill. If we had commented previously we would have queried the number of lights on the side of the building that doesn't have any access. But regardless of that point I don't think the impact from the lighting will be huge.

#### **COMMENTS**

This application is referred to the Planning Committee at the request of Cllr Bright for consideration of the impact from light pollution on neighbouring properties and nocturnal wildlife.

Section 73 of the Town and Country Planning Act 1990 (as amended) relates to the determination of applications to develop land without compliance with conditions previously attached. The wording of the Act indicates that the Local Planning Authority can only consider the question of the condition(s) and nothing further.

## Character and Appearance

The proposed application seeks a variation of condition 10 of planning permission F/TH/21/0817 for the "Erection of new sports hall following demolition of existing sports hall" to allow use of lights when the school is not in use.

The reason for this requested change is that the approved arrangement has been problematic to implement in practice.

Approved condition 11 allows for the site to be used by community groups outside of school times. Approved condition 10 requires the lights to be turned off and on again between users, resulting in the first and last users often having to make their way to and from the sports hall in the dark. Whilst condition 10 does allow for motion-sensor lighting to be used, given that the school, hall and car park are busy with swimming sessions and school lettings, the applicant feels this option would result in the hall light sensors being triggered on and off multiple times during the evening and potentially causing more of a nuisance than if the lights were left on, and static, for a set period of time.

The school has therefore liaised with the Planning Enforcement team to discuss a suitable resolution, such as allowing the lights to be operational for a fixed period of time per day, and came up with the suggested time period condition:

"All external lighting, including the bollard lighting and bulkhead lights on the sports hall, hereby approved shall not be used outside of the hours of:

- Term time Monday to Friday 8am to 10pm,
- During school holidays, Saturdays and bank holidays 8am to 10pm,
- Sundays 9am to 8pm."

This would better fit with the operating hours of the buildings within the site within approved condition 11, which are:

08:00 and 16:15 by the School Monday to Friday during term time,  
16:30 and 22:00 by the Community Monday to Friday during term time,  
09:00 to 22:00 Monday to Friday during school holidays,  
08:00 and 22:00 Saturdays and bank holidays,  
09:00 and 20:00 on Sundays

Given that the buildings are consistently used during these times, the use of lights both within and located around the buildings are considered to be an expected feature, remaining in keeping with the general perception of a modern primary school which provides community facilities during the evenings, weekends and school holidays.

Furthermore, as Edge End Road leads off from the busy junction with St Peter's Road and Broadstairs Road, with street lights running along the pavements on both sides of the street, some of which are set directly outside residential properties, it is considered to be well lit, and not a dark and quiet lane.

Taking this together with the fact that the nearest of the lighting forms to be affected by the proposed change is a low level bollard, which is set back from the front boundary, and that the applicant has now fitted shields to all low level bollards to reduce any additional light spill, the change to the condition wording is not considered to create any additional harm to the appearance of the site or wider area than already exists in the evening.

It is therefore considered to comply with the aims of policy QD02 of the Thanet Local Plan, the policies of the Broadstairs and St Peter's Neighbourhood Plan and the guidance of the NPPF.

### **Living Conditions**

Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

Objections have been received in relation to the length of time proposed for the lights to be operational, suggesting that the lights would cause sleep disturbance to the neighbouring bedroom windows at night which could be minimised by using light sensors, rather than allowing for the light to be left on for specific periods of time. However, Environmental Health have commented that lighting triggered by sensors can actually be more intrusive and attract more attention than static lighting. Instead they have recommended that the bollard lighting is fitted with a shield or angled so that it illuminates the area below within the curtilage of the school, with no direct line of sight with the illuminated surface area and neighbouring windows.

In response to these objections and the comment raised by Environmental Health, the applicants have now fitted shields to the outer facing side of the low level bollards and photographic evidence has shown how effective the shields are in focusing the light to the paths and away from the neighbouring properties. Photographic evidence of the shields in use on the low level bollards at night have been submitted and show that the light spill is directed towards the paths only. Environmental Health have confirmed that these measures have addressed their concerns.

Objections were also raised regarding the extension of operating hours of the bulkhead lights attached to the front and side elevations of the sports hall causing a potential light nuisance. However, as the bulkheads are Dextra 'Eyelid' lights, with an integral shield to the top, which directs the light downwards, and as there are existing lamp posts on both sides of the highway (including illuminated street signage), some of which are set outside of the residential properties opposite the school, Edge End Road is considered to be well lit. Taking this together with the fact that the nearest bulkhead on the sportshall is located 43m away from the side elevation belonging to No. 2 Edge End Road to the north, and 45m away from the front boundaries belonging to Nos. 7, 9 and 11 Edge End Road directly opposite, with a tree lined grass bank and highway between them, the extended usage till 10pm is not considered to create any additional neighbouring harm than already exists. Once the 10pm timeframe has been reached, the lights will be turned off and stay off, rather than the intermittent lighting that would occur should a light sensor be fitted. Furthermore, Environmental Health has raised no objections.

As such, the proposed change to the wording of Condition 10 is not considered to create any additional harm to neighbouring amenity than already experienced, thereby complying with Policy QD03 of the Thanet Local Plan and the guidance within the NPPF.

## **Biodiversity**

Concerns were submitted regarding possible harm to any bats on the site from the proposed change to the lighting times from the established bollard lighting and the lights on the building, with a comment suggesting that the proposed lighting was already operating to the hours proposed within this application.

Audio recordings of bats purported to be from both in front of the application site and from the rear of the neighbouring gardens were also submitted, with the aim of confirming the presence of pipistrelle bats on the school grounds (although as audio recordings it is not possible for these to be substantiated).

Edge End Road leads directly off from the busy junction with St Peter's Road and Broadstairs Road, with street lights running along the pavements on both sides of the street and is therefore considered to be well lit, with sounds, lights and noises from vehicular traffic throughout the day and night.

Taking this together with the fact that the school buildings are already regularly used during the proposed times, with the use of lights both within and located around the buildings an established feature, the proposed changes which include them being entirely switched off at 10pm means they are not considered to create any additional harm to bats or other local ecology than already exists.

Kent Biodiversity has raised no objection to this and notes that the school is located in an area where there is existing lighting (roads and car park) and pipistrelles are light tolerant species. Whilst they have questioned whether there is a need for lights all around the building, but they have also advised that as long as the lights are designed to minimise light spill and are switched off for part of the night then in their view the impact would be minimal. As such, the proposed change to lighting times requested, is not considered to create any additional harm, should any pipistrelles bats be present on the site and the applicant has fitted light shields to all low level bollards to ensure any light pollution is minimised.

Concern was raised in terms of the potential for the external lights to contribute significantly to increased energy consumption and light pollution. Whilst the latter is an interesting point, the argument over whether more energy is consumed by leaving a light on, or repeatedly turning it on and off is not considered to be a material planning consideration.

The change proposed to Condition 10 is therefore not considered to create any adverse harm to the local ecology or bats.

## **Conclusion**

The proposed alterations to condition 10 are not considered to result in any significant impact upon the character and appearance of the area, neighbouring living conditions, or biodiversity,



and therefore subject to the light shields being maintained, the proposal is considered to comply with Policies QD02, QD03 and SP30 of the Thanet Local Plan.

It is therefore recommended that members approve the application.

**Case Officer**

Tanya Carr

TITLE: F/TH/24/0414

Project Upton County Primary School Edge End Road BROADSTAIRS Kent CT10  
2AH

