

Committee Report

Planning Committee on 16 December, 2009

Case No.

09/3267

RECEIVED: 9 October, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Ark Academy, Forty Avenue, Wembley, HA9 9JR

PROPOSAL: Details required to be submitted in respect of the following conditions:

- 11 (design of sports hall and grounds to ensure access for all);
- 12 (details of proposed bird & bat roosting boxes);
- 14 (details of coach turning & parking provision);
- 17 (details of external lighting); and,
- 20 (details of floodlighting for all-weather pitch)

of planning permission reference 08/2842, granted on 4 June 2009, for new school academy at Forty Avenue HA9 9JR.

APPLICANT: Mr John Christie

CONTACT: Willmott Dixon Construction Limited

PLAN NO'S: 125733/E/251 Rev 0;
1010_PL_011 Rev C;
P904-409J;
1010_PL_012 Rev C;
1193 EL103 Issue 9;
1193 EL107 Issue 9;
Ark Academy Access Statement by Jane Simpson Access;
Letter from Willmott Dixon dated 8th October 2009 regarding Condition 20;
Email from Richard Davidson dated 13 November 2009;
Sports pitch lighting specifications document by PIP Electrics Limited;
Ark Academy Technical Submission 1 External Lighting Luminaire Schedule Revision A Dated 9th September 2009.

RECOMMENDATION

Approval.

EXISTING

The site is the Wembley Park Sports Ground which is designated as a Sports Ground in Brent's Unitary Development Plan 2004 (UDP). It is located in Wembley Park, between the London Underground Line to the south and Forty Avenue to the north. The eastern boundary is formed by Bridge Road and the west by Kenbrook House, a nursing home. It extends to approximately 4.3ha and is generally flat, with a fall from 44.92-40.92m above ordnance datum (AOD) (east to west along northern boundary) to 40.48-39.05m AOD (east to west along southern boundary).

In the north-western part of the site, near Kenbrook House, a temporary school now exists. This was granted temporary planning permission for three years, following approval by the Planning Committee on 3 June 2008. Use of the school commenced in September 2008, following phase 1 of construction, and currently accommodates approximately 60 primary pupils. The facilities consist of 2 x Reception classes, 2 x Year 1 classes and 1 x Common room, with ancillary staff rooms, stores and WCs. A playground and a staff car-park are also provided, with a new vehicular access from Forty Avenue.

Permission was granted on 4 June 2009 for the erection of a new school academy on the site. Construction has now begun on this development, on the remainder of the site not occupied by the temporary school.

PROPOSAL

Details pursuant to condition 11 (design for access), 12 (bird & bat boxes), 14 (coach turning & parking details), 17 (external lighting), and 20 (pitch lighting) of deemed (Reg4 Council other department) reference 08/2842 dated 4 June 2009 for new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9.

HISTORY

09/1362 - Details pursuant to condition 6 (drainage strategy) and condition 15 (surface-water drainage system) of deemed (Reg. 4: Council's other development) planning consent reference no. 08/2842, granted 04/06/2009, for new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9 - **Granted** permission 26 June 2009.

09/1360 - Details pursuant to Condition 5 (Tree Protection), Condition 7 (Breeding Bird Survey), Condition 9 (Tree Survey Details), and Condition 10 (Wheel Wash Facilities) of Deemed (Reg4 Council's Other Development) Reference No. 08/2842 dated 04/06/2009, for New school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9 - **Granted** permission on 10 June 2009.

08/2842 - Full planning permission **granted** on 04 June 2009, for 'New school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9.

08/0799 - Full planning permission **granted** on 04 June 2008, for 'The erection of single storey temporary building comprising a new primary and secondary school, with provision of new hardstanding and car parking an associated landscaping on site adjacent to Forty Avenue.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan - 2004

- STR11 - The quality and character of the Borough's built and natural environment
- STR13 - Environmentally sound
- STR35 - Improvements to Brent's open space and sports facilities
- STR37 - Accessible community facilities
- STR38 - Major regeneration should include proper provision for community facilities
- BE3 - Urban Structure: Space & Movement
- BE4 - Access for Disabled People
- BE5 - Urban Clarity & Safety
- BE8 - Light and Light Pollution
- BE12 - Sustainable Design Principles
- BE25 - Development affecting Conservation Areas
- TRN22 - Parking Standards – Non-residential Developments
- TRN35 - Transport Access for Disabled People & Others with Mobility Difficulties
- PS12 - Non-residential Institutions (Use Class D1) and Hospitals
- OS10 - Access to Sports Facilities
- OS13 - Development on Sites of Borough (Grade II) and Local Nature Conservation Importance
- OS15 - Species Protection
- CF7 - New Schools

Supplementary Planning Guidance

- SPG13 - Layout Standards for Access Roads
- SPG17 - Design Guide for New Development
- SPG19-- Sustainable Design and Construction

CONSULTATION

Public consultation was carried out in respect of the specific impacts that may be caused by the details for which permission is being sought, in particular sport pitch floodlighting (condition 20). As such, 557 premises surrounding the site were consulted, in addition to the Barn Hill and Empire and Danes Court Residents Associations, whose members may be directly affected by the proposals.

Due to some delay with the postal service, and with details being scanned onto the Council website, some residents have shown concern that they may not have the full 21 day period in which to make a representation. Furthermore, 5 complaints were received in relation to the clarity of the consultation letter sent out, and how well this conveyed to residents the scope of the proposals. Consequently, it was seen fit to send out a letter to follow up the initial consultation, which was clearer in its intentions, and gave residents an additional period in which to respond. This letter was sent out on the 21st of October giving a further 14 days to respond.

Following both of these consultation letters, 3 objections have been received. Two of these relate to the principle of the development approved under reference 08/2842, and is therefore not relevant to the current application. The issues raised by the third are:

- Submitted luminaire schedule provided by a lighting manufacturer;
- Use of 'uplighter' lights under porte-cochere - possible light pollution;
- Impact of lighting on bats, particularly with regard to document 'Guidance notes for bats and lighting in the UK';
- Impact of lighting on other wildlife;
- Visual impact of lighting on views across site.

Members are advised that any further representations received will be reported on in the supplementary report.

In addition, Councillors for Preston, Tokyngton, and Barn Hill Wards were consulted. No representations were received.

The following internal consultations were made:

- Transportation - No objection;
- Environmental Health - No comments received;
- Policy and Research - No objection;
- Streetcare - Lighting - No objection;
- Parks Service - No comments received.

The following external consultations were made:

- Brent Police - Secure By Design - No comments received, but verbal confirmation given that lighting scheme is adequate;
- London Underground Ltd - No objection;
- Sport England - No objection.

REMARKS

Planning permission 08/2842 was granted on 04 June 2009, for a new school academy (6 forms of entry secondary school, 2 forms of entry primary school & nursery) comprising 2-, 3- and 4-storey main school building, 2-storey sports/drama hall with changing facilities, 3 hard play areas, all-weather, floodlit sports pitch, smaller floodlit sports pitch, outdoor play areas, soft play/natural habitat landscaped area, 45 staff-parking spaces, 3 disabled-parking spaces, 102 cycle-parking spaces and associated landscaping with access from Forty Avenue and Bridge Road, HA9. This permission was granted subject to various conditions. This application seeks the discharge of some of these conditions, which will be addressed individually below.

Condition 11:

Within 3 months of the date of this permission, details of the design and layout of the proposed sports hall and external playing areas (which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002'), and of the overall site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The design and layout of the site and facilities shall provide for access by all user groups, and shall honour the commitments made in the submitted Access Statement. The proposed facilities (external and internal) shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Local Plan Policy.

This condition was imposed to address concerns raised by Sport England with regard to the original layout of the sports hall and outdoor sports facilities, which may have posed some

difficulties for disabled access. In order to address this (and access issues within the rest of the school), the applicant commissioned an independent access review, which highlighted access issues. These issues were addressed by making changes to: levels within the site and gradients between these levels; disabled drop-off points within the site; access to spectate sports; doorway widths; sports building lobby layout; disabled toilet facilities on each floor; layout of standard change facilities.

Although some of the suggested changes (in addition to those above) could not be incorporated due to site constraints, the resulting accessibility of the indoor and outdoor sports facilities have been significantly improved. Sport England have reviewed the changes and the submitted Access Statement, and are content that the proposal now complies with Sport England guidance. The accessibility improvements do not result in any change to the external appearance of the sports hall, as considered previously by Members.

Condition 12:

Within 6 months of the date of this permission, details of proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation.

Comments made by the London Ecology Unit on the Phase 1 Habitat Survey submitted as part of application 08/2842 suggested the incorporation of bird nesting boxes on the site to enhance biodiversity. To address this requirement, 5 no. bird nesting boxes are to be provided within existing trees in the Site of Local Importance for Nature Conservation to the north of the site. Nesting boxes are to be installed in trees as opposed to within the fabric of the building in order to avoid long-term facade maintenance and management issues, and so as to provide a nesting environment as far removed as practicable from heat, light, and noise interference from the building. Bird nesting boxes are supplied by the Royal Society for the Protection of Birds, and are to be installed in accordance with their specifications which include height above ground, aspect, method of fixing to tree, and siting relative to flight paths.

In addition, the Bat Survey conducted as part of the initial application identified foraging bats on site, but no existing bat roosts. The recommendations to enhance the habitat for bat roosting was to retain those trees within the natural habitat area to the north of the site that may be suitable for roosting, and to introduce additional roosting boxes. The existing tree belt to the north of the site has been retained and strengthened, and 3 no. bat boxes are proposed toward the north of this area (away from building and therefore subjected to least light spill). The bat roosting/ hibernation box specifications recommended in the Bat Survey are proposed (Schwegler woodcrete boxes).

The submitted details are considered acceptable.

Condition 14:

Notwithstanding the plans hereby approved, a revised site layout plan shall be submitted and approved by the Local Planning Authority within 6 months of the date of this permission, showing how 2 coach parking spaces can be provided onsite as and when required, and the setting back of all vehicular gates at least 5 metres from the highway boundary. The development shall be carried out in full compliance with the approved layout.

Reason: In the interest of highway and pedestrian safety.

This condition was imposed as a result of a recommendation from the Council's Transportation Unit, to ensure that coaches (for school excursions etc, rather than regular bus services) could park and be loaded/ unloaded with passengers, without causing traffic congestion or harm to pedestrian or highway safety. The submitted details show this provision within the approved car-park area. The resultant layout is not significantly different to that previously considered by Members.

The number of car parks remains as approved, however the 3 large spaces (which are additional to the dedicated disabled spaces outside the main buildings) have been moved to the opposite side of the carpark. The proposed mounded and landscaped area between the carpark and pitch has been altered slightly, to allow a reinforced grass turning area for the coaches. This also serves as the parking space for the 2 coaches. The plans originally submitted show one coach standing in the car-park area, however Transportation have confirmed that the turning area is sufficient for 2 coaches to park. The plans have now been revised to indicate this. Details of how the parking area will be managed are to be required by condition, to ensure that the parking spaces in front of the coach turning area are appropriately cordoned off on days where coaches are expected on site. As the turning area is to be reinforced grass, the proposal will have no additional impact in terms of sustainable drainage and overall provision of soft landscaping. The proposed mounded and landscaped area will be compressed slightly, with the number of proposed trees remaining unchanged.

The details are considered acceptable with regard to transportation and landscape considerations.

Condition 17:

Prior to commencement of the use details of suitable and sufficient lighting, appropriately baffled where necessary to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be designed to ensure adequate security, safety, and convenience on roads, footpaths, carparks and other pedestrian and vehicular routes within the site, and so as to not harm the amenities of neighbouring residents, and shall be in accordance with 'Secured By Design' guidance. Details shall indicate how light spillage into the Site of Local Interest for Nature Conservation to the north of the site shall be minimised. The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

The proposed external lighting details have been designed to ensure the site is safe and secure outside of daylight hours, without causing harm to neighbouring amenity. The lighting details have been reviewed by the Councils Streetcare lighting specialists, and Transportation Officers.

Light intensity drawings have been provided which indicate that light spill from the exterior lighting (excluding pitch lighting) will not spill out of the site onto the Kenbrook site to the west, which is the most sensitive neighbouring residential property. Lighting to the carpark area adjacent to Kenbrook has been confirmed by Officers to be the minimum requirement to meet European Standards for outdoor carparks. Of course, the combined effect of the exterior and pitch lighting must be considered as well, as this will impact on neighbouring residents during the hours of pitch use. This will be addressed below, under 'Condition 20'.

Although the scheme initially proposed was considered acceptable, Transportation Officers recommended that an additional light be positioned near the carpark entrance to increase the light intensity here. As this is some distance from the buildings at Kenbrook (20-25m), no additional impact on residential amenity would be anticipated. Details of this additional light have now been included in proposed plans.

Light spill to the nature area to the north of the main school buildings is an area of concern, as it may impact on wildlife, particularly foraging bats. The details initially submitted showed both emergency lighting (activated by alarms) and low level wall-mounted lighting, provided to this side of the building. Officers considered that the additional lighting was not necessary as access to this part of the site will be restricted, and not in use outside of school hours. The applicant is in agreement with this viewpoint, and has subsequently removed the additional lighting from the proposed scheme. Only the alarm - activated emergency lighting remains to the north side of the school. It can therefore be considered that the impact on foraging bats will be minimised, as recommended by the Bat Survey submitted as part of the original application.

Condition 20:

Within 6 months of works commencing on site, further details of proposed flood lighting for the all-weather pitch shall be submitted to and approved by the Local Planning Authority. These details shall include lighting specifications and positions, appropriate shielding/ baffling, hours of use, and shall demonstrate that no light pollution will affect neighbouring residential properties, or the Site of Local Importance for Nature Conservation to the north of the site. The approved details shall be fully implemented, and no alterations to the lighting/ shielding carried out without prior approval of the Local Planning Authority.

Reason: In the interest of preserving neighbouring amenity and biodiversity of the site.

Light intensity on the All-Weather Pitch is the minimum required by Football Association guidelines. Changes to proposed light hood designs and the angle of the lights have been used to achieve this while minimising impact on neighbouring properties. The high columns (15m) allow for the direction of light to be more directly down on the pitch, which reduces lateral light spill. Nevertheless, a small amount of light will spill onto the neighbouring Kenbrook Residential Home. The extent of this expected lightspill is shown on the submitted diagrams. These indicate that the maximum acceptable lightspill intensity to residential buildings (as confirmed by Streetcare Lighting Engineers) of 7 lux would not be exceeded. As reported to Members previously, this level of light spill to neighbouring residential properties is similar to that approved recently for similar schemes such as that at Claremont School, under reference 09/0894.

The lightspill calculations do not take in to account the reduction in lightspill which would result from the implementation of the proposed landscaping scheme, which includes mounding and the provision of a mixture of evergreen and deciduous trees and shrubs between the pitch and Kenbrook. The resultant impact in terms of lightspill of the expected intensity would be no worse than on habitable rooms facing a normal street frontage lit by streetlights, and would be easily mitigated with the use of regular curtains or blinds. Furthermore, these lights will not be used outside of the hours indicated below. As discussed above, the amount of lightspill across this boundary outside of pitch hours will be zero.

Proposed hours of use of the pitch for community use are confirmed as the following:

Monday - Friday	17:00 to 22:00;
Saturday	09:00 to 18:00;
Sunday	09:00 to 20:00.

Use of the pitch before 17:00 on weekdays may require use of floodlights during the middle of winter, however a condition is proposed to ensure the lighting is not used any later than the specified times. These hours are comparable to approved hours of use for similar floodlit sporting facilities in the Borough which adjoin residential properties, and are necessary to achieve a satisfactory level of community use (45 hours per week). The proposed hours do not exceed those previously considered by Members as part of the Draft Community Use Agreement. A recent example of such details approved by the Planning Committee is at Claremont High School, where hours of use of the approved floodlights are restricted to 22:00 Monday - Saturday, and 21:00 on Sundays. The pitch at this school has a similar relationship to neighbouring residential properties. It is therefore considered that the use of floodlights for the hours specified above for pitch use, and no more, would be acceptable.

It has been indicated that lightspill from the proposed pitch lighting into the nature conservation area to the north of the site would be zero.

The submitted pitch lighting specifications and proposed hours are considered acceptable.

Response to objections:

Submitted luminaire schedule provided by a lighting manufacturer

The fact that a lighting manufacturer has compiled the submitted luminaire schedule is not considered to be an unusual arrangement, or one that should be treated with suspicion. The submitted drawings have been reviewed by Council engineers who have not raised issue with the accuracy or integrity of the submission.

Use of 'uplighter' lights under porte-cochere - possible light pollution

It is understood how the use of up-lighters could be viewed with concern, however the location of these particular lights is considered appropriate, being under the proposed porte-cochere on the Bridge Road frontage. These will be mounted on 3m columns, and will light the underside of the porte-cochere 3m above. The porte-cochere is a key architectural feature of this elevation, making a strong contribution to the street presence of the building. This is also the main entrance to the secondary school and sports hall, which will be used outside of school hours for community use. Effective lighting of this area is considered important for the safety and legibility of this entrance. Further detail has been requested of the applicant to ensure that these lights have appropriate hoods/ cowls to ensure that upward lightspill from these lights is minimised. These details will be reported in the supplementary report.

Impact of lighting on bats

It is accepted that the proposed development will have some impact on the nature conservation area to the north of the site, and any wildlife contained within. Recommendations of the Bat Survey submitted as part of application 08/2842 were that light spillage to the northern tree line be minimised to ensure these impacts are not significant. As outlined above, non-essential lighting on the north side of the main school building has been removed from the proposal. Alarm-activated emergency lighting is all that remains. As such, the submitted details are considered to adequately demonstrate that the proposed lighting scheme has been designed to have as little impact possible on any bats which may forage or roost in the nature conservation area to the north of the site.

Impact of lighting on other wildlife

The phase 1 Habitat Survey found that the site had overall nature conservation value, but that the nature conservation area to the north of the site had habitat of potential value for birds, bats, and invertebrates. No recommendations were made with regard to minimising light spill for the benefit of birds. As discussed above, it has been demonstrated that the potential impact has been minimised.

Visual impact of lighting on views across site

Views across the site during hours of pitch floodlight use will be affected. The exact appearance is difficult to quantify, however by way of comparison, the visual impact of similar developments such as the pitch lighting at the Capitol City Academy in Willesden should be considered. Views from some places on Barn Hill may take in the lighting columns, however it should be noted that the direction of the lighting is directly downward, so no direct light should be visible. Views from this direction will also be set against the existing light provided by streetlights on Bridge Road and Forty Avenue, Wembley Park Station, and Wembley Stadium in the middle distance. In this context the proposed lighting should not be overly dominant.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance SPG13

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) Prior to the bringing into use of the carpark area, further details shall be submitted and approved in writing by the Local Planning Authority, which show an additional column and light near the proposed carpark entrance. Such details shall be accompanied by a revised lightspill drawing which indicates that the combined lightspill from the exterior lighting and pitch lighting will not have a significant impact on the amenities of neighbouring residents. Approved details shall be fully implemented.

Reason: In the interest of pedestrian and highway safety, and the protection of residential amenity.

- (2) Prior to the bringing into use of the proposed carpark, further details shall be submitted to and approved in writing by the Local Planning Authority, outlining how the car park will be managed to ensure that parking spaces 42, 43, 44, and 45 (as shown on approved plan 1010_PL_011 Rev A) will be kept vacant on days when coaches will be expected on site. Approved details shall be fully complied with.

Reason: In the interest of pedestrian and highway safety.

- (3) The floodlighting for the All-Weather Pitch hereby approved, shall not be operated no later than 22:00 hours Monday - Friday, 18:00 hours Saturdays, and 20:00 hours on Sundays.

Reason: In the interest of preserving amenity.

INFORMATIVES:

- (1) The applicant is advised that the details of proposed refuse storage and substation enclosure shown in approved plan 1010_PL_012 Rev C have not been considered under cover of this application. A separate application must be made to allow the Local Planning Authority to formally consider these details.

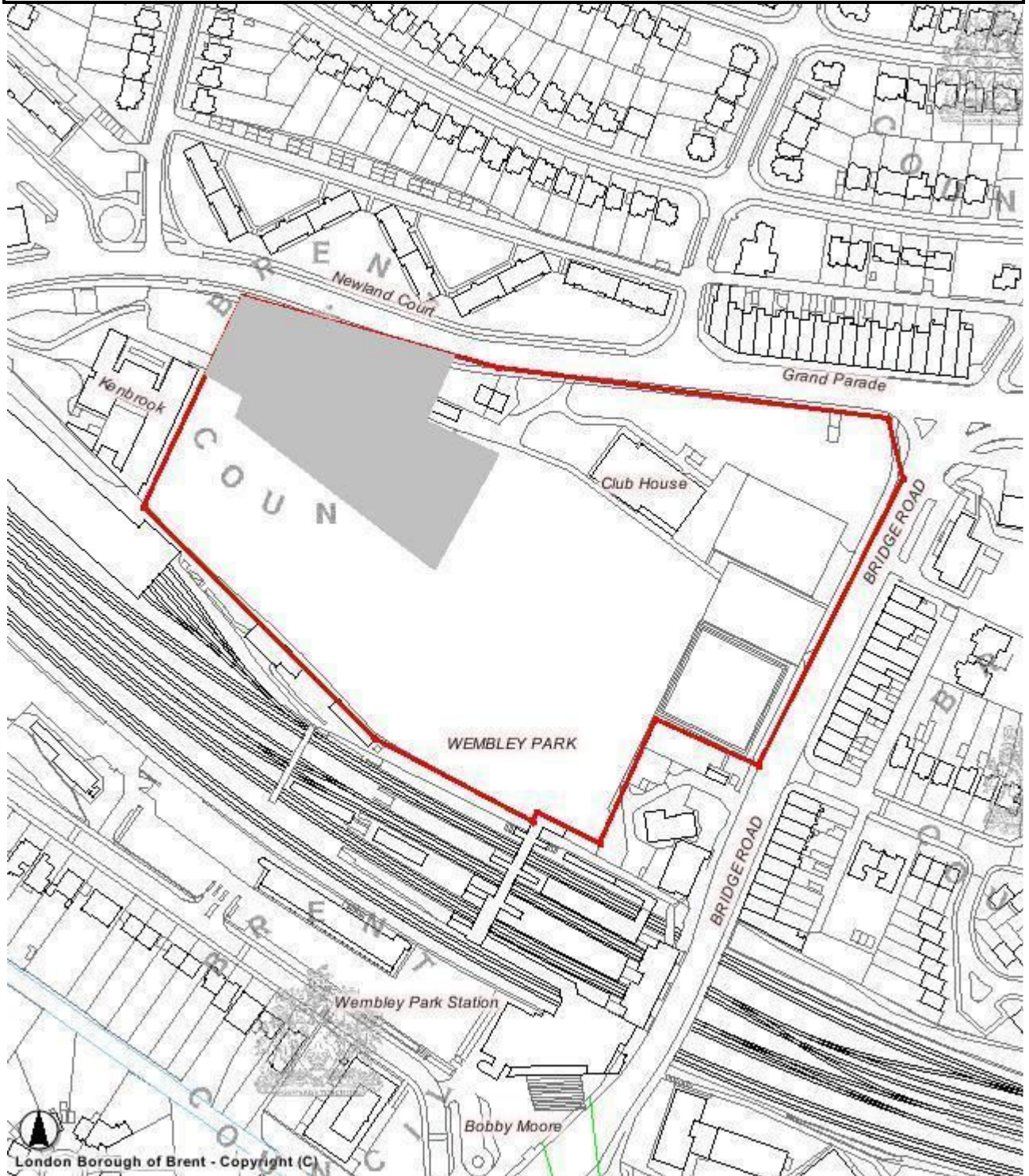
Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



Planning Committee Map

Site address: Ark Academy, Forty Avenue, Wembley, HA9 9JR

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