

Reference: EDC/24/0137

Site Address: Education Hub, Alkerden, Eastern Quarry, Watling Street,
Swanscombe, Kent

Proposal: Non-material amendment to condition 2 of reserved matters approval EDC/20/0002 to allow amendments to the sports pitches; cricket wicket; provision of a central picnic area; hard landscaping to accommodate future pavilion; traffic calming raised table moved west and crossing points amended following safety audit; reconfiguration of car parking spaces; and the realignment of the pedestrian/cycle access in the north-west corner.

Applicant: Eastern Quarry Ltd.

Parish / Ward: Ebbsfleet

SUMMARY: This non-material amendment application seeks to amend landscape plans and external works drawings to secure amendments to the external areas associated with the sports pitches, landscaping, car parking area and boundary treatment of the Education campus approved under reserved matters application reference EDC/20/0002.

The consideration of this application relates to the question as to whether the effect of the proposed changes to the wording of the specified condition is non-material, taken together with any previous non-material amendments, to the overall scheme as originally approved.

The updates result in a change in provision of the sports pitch facilities which serve the Education Campus from 1no artificial grass pitch and 4no. senior grass sport pitches to 2no artificial grass pitches and 3no. senior grass sport pitches, as well as a number of other limited changes to the layout of external areas, car parks and access points within the site. It is relevant to note that the changes are proposed following liaison between the landowner and the future school operator to support more efficient and effective community use and management of the facilities.

The proposed changes would not result in a change to the description of development and the design maintains the means of access, landscape, layout, scale, and appearance of the scheme as previously approved to the vast extent. The scale and nature of the proposed changes, both individually and cumulatively, when assessed in the wider context of the approved scheme (including previous non-material amendments), are not considered to give rise to effects substantively different from that which was originally approved. The effects of the proposed changes are therefore considered to be of such a scale that the Local Planning Authority is satisfied that they can be regarded as being non-material. In reaching this conclusion regard has been had to the representations received from surrounding residents in addition to the cumulative impact of the current proposals combined with other previously approved non-material amendments.

RECOMMENDATION: Approve subject to the imposition of amended planning conditions to reserved matters approval reference EDC/20/0002 as set out in the report below with delegated authority to the Director of Planning and Place to make minor changes to the wording.

AMENDED CONDITIONS:

AMENDMENTS TO CONDITION 2

The following drawings replace and supersede the earlier revisions listed in Condition 2:

- *DE_358_L_001 Rev M - Site Wide Landscape Plan*
- *DE_358_L_025 Rev M - Landscape Boundary Plan*

- *AAA-HTS-XX-00-DR-C-05000 Rev T1 - External Works Plan*
- *AAA-HTS-XX-00-DR-C-05100 Rev T4 - External Works Details*

Note – This amendment has the effect of superseding the following previously approved drawings with those listed above:

- *DE-358-L-001 Rev K - Site Wide Landscape plan*
- *DE-358-L-025 Rev F - Landscape Boundary Plan*

- *AAA-HTS-XX-00-DR-C-05000 Rev C5 - External Works Plan*
- *AAA-HTS-XX-00-DR-C-05100 Rev P2 - External Works Details*

AMENDED CONDITION 17 (PROVISION OF GRASS PITCHES)

Condition 17 is amended to read as follows:

“The grass playing field pitches shall be constructed and laid out in accordance with the approved drawing no. DE_358_L_001 Rev M and with the standards and methodologies set out in the guidance note “Natural Turf for Sport” (Sport England, 2011), and shall be made available for use before first use or occupation of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale).”

Note - This amendment updates the drawing reference to Rev.M.

AMENDED CONDITION 18 (DETAILS OF ARTIFICIAL GRASS PITCHES)

Condition 18 is amended to read as follows:

“Prior to installation, full details of the construction of the 2no. Artificial Grass Pitches (AGP) including plans, elevations and sections of the pitch construction and associated sports and acoustic fencing indicated on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority following consultation with Sport England and the development shall thereafter be carried out in accordance with the details as approved for use before first use or occupation of the development hereby permitted.

Reason: To ensure that the AGP are fit for purpose and available for use before development (or agreed timescale).

Informative: Sport England has recommended the applicants undertake a ball strike risk assessment due to the relocation of the cricket square to its new position, and urge the applicants to contact KCC for assistance, in this regard. Details of weldmesh sports fencing panels should confirm that they will be securely clamped with resilient fixings to reduce vibrations.”

Note - This amendment updates references to the 2no artificial grass pitches and incorporates new requirements for the construction of the sports and acoustic fencing, in addition to including a new informative specific to this condition's requirements.

AMENDED CONDITION 23 (COMMUNITY MANAGEMENT STRATEGY)

Condition 23 is amended to read as follows:

Within 3 months of the sports centre or sports pitches first being brought into public use, a detailed Community Management Strategy for the dual use sports centre, pitches and tennis MUGA shall be submitted to and approved in writing by the Local Planning Authority.

“The Strategy shall substantially accord with the approved Framework Management Strategy (August 2020) submitted with the application and shall include full details of the objectives set out therein, including pricing (which shall cover comparisons with other facilities in the area), marketing, and a review mechanism to enable alternative measures should the sub-committee disband or fail to meet the identified objectives.

The hours of community use of the sports centre and playing pitches outside of the school operating hours shall be limited to 1800-2200 weekdays & 0800-2200 weekends during term time; and 0800-2200 all week during school holidays, unless otherwise agreed in writing by the Local Planning Authority pursuant to an updated Community Management Strategy.

The facilities shall thereafter be managed and operated in accordance with the latest approved strategy.

Reason: To encourage community use of the building and to enhance community wellbeing.

Note - This amendment updates the initial planning trigger to include the first public use of the sports pitches and requiring details of the hours of operation community use of the sports centre and playing pitches outside of the school operating hours.

AMENDED CONDITION 25 (MANAGEMENT AND MAINTENANCE SCHEME)

Condition 25 is amended to read as follows:

“Before the natural turf grass pitches and the Artificial Grass Pitches are brought into use, a Management and Maintenance Scheme for the facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority, in liaison with Sport England. For the Artificial Grass Pitches this shall include measures to ensure the replacement of the Artificial Grass Pitches within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the grass and Artificial pitches.

Reason: To ensure that new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose and sustainable.”

Note – This amendment updates references to the 2no artificial grass pitches.

INFORMATIVES:

EXTENT OF THE APPROVAL

This decision notice has the effect of substituting the approved plans listed in condition 2 of planning permission reference EDC/20/0002, and the subsequent non-material amendment references EDC/21/0216, EDC/22/0193 and EDC/23/0082 with those listed above. It also has the effect of amending the wording of conditions 17, 18, 23 and 25 of reserved matters approval reference EDC/20/0002 as set out above. This decision notice does not amend any other part of planning permission reference EDC/20/0002.

While planning conditions 4 and 5 related to Hard Surfacing, Street Furniture, & Boundaries and Soft Landscaping have been previously partially discharged under application reference EDC/23/0107, the full discharge of these details should review and coordinate with the latest plans approved in the context of this NMA.

For the avoidance of doubt, the following documents and plans submitted with this application were provided for information purposes only and are not approved:

- CBRE Cover Letter (Dated 10.07.2024)
- CBRE Covering Letter (Dated 6th Nov 2024)
- Application Form
- DE_358_L_SK_DOC_010 - Alkerden Academy Sport Pitches NMA Supporting Information
- Hoare Lea Artificial Pitch Acoustic Design Note (Date 31.10.24)
- Eastern Boundary Illustrative Sections – DE_358_AAA_NMA_150 (prepared by Define)
- Lighting Impact Report & Overspill Readings (prepared by Halliday Lighting)
- Proposed Lighting Plan – HLS8698 Rev 7 (prepared by Halliday Lighting)

POSITIVE AND CREATIVE APPROACH TO DECISION MAKING

In accordance with paragraph 38 of the National Planning Policy Framework, Ebbsfleet Development Corporation, as local planning authority, has taken a positive and creative approach to the proposed development, focusing on finding solutions:

- The applicant/agent was provided with pre-application advice.
- The applicant/agent was advised of issues during the processing of the application and additional information has been submitted; and
- The application was determined within the relevant timescales in accordance with an extension of time agreement.

1.0 PROPOSAL

- 1.1 This is an application for a non-material amendment (NMA) made under Section 96A of the Town and Country Planning Act 1990 (as amended) to the Reserved Matters application approved under reference EDC/20/0002, for: *Details of Reserved Matters (access, appearance, landscaping, layout and scale) for the construction of an 8 Form Entry Secondary School, 2 Form Entry Primary School, Dual Use Sports Centre and Sport Pitches and associated infrastructure, together with associated hard and soft landscaping, play areas, car and cycle parking, and ancillary works pursuant to Conditions 2, 25, 28 and 32 of planning permission EDC/17/0048.*
- 1.2 The NMA is sought through changes to the wording of planning condition 2 of reserved matters approval EDC/20/0002 which requires the development to be carried out in accordance with the list of approved drawings and documents.

1.3 Revised landscape plans and external works drawings have been submitted to replace drawings previously listed under planning condition 2. These updated drawings provide amendments to the external areas associated with the sports pitches, landscaping, car parking area and boundary treatment and do not include changes to the Primary School, Secondary School or Sports Centre. The submitted landscape and external works drawings incorporate the following alterations:

- All weather hockey pitch (2G) moved south to group services;
- One senior grass pitch converted to a senior all weather football pitch (3G) artificial grass pitch (AGP) with capacity for cross-field smaller games, and provide a different offering with more flexibility for the School and the Community;
- Cricket wicket extended to 6 wickets in line with Sport England Guidance (previously 4);
- 1 senior grass pitch enlarged to provide diversity in pitch size across the site;
- Pedestrian/cycle access in the north-west corner realigned to tie into neighbouring residential development;
- Introduction of a central picnic area;
- Hard landscaping in central area to accommodate future pavilion;
- Traffic calming raised table moved west and crossing points amended following safety audit;
- Minor reconfiguration of car parking spaces following detailed tracking exercise; and
- Installation of a 2.5m timber acoustic fence to the eastern flank of the AGP.

1.4 The following images show a comparison between the approved and proposed site layout:

Approved Site Layout



Proposed Site Layout



1.5 The various proposed changes are discussed in the appraisal section of this report but the most notable change to the site layout relates to the sports pitches. The applicant has confirmed the amendments to the sports pitches and external areas are sought to facilitate the provision of a 3G pitch and Pavilion to comply with the Section 106 Agreement for the wider Eastern Quarry development, whereby a new AGP pitch and Pavilion is to be provided as part of the Education Campus. As such, this NMA seeks to convert a senior grass football pitch located within the sports field and pitches area of the Education Campus to a senior all weather AGP. The proposed layout also brings

the new AGP and original hockey AGP together to the south of the sports pitches and incorporates a number of other limited changes to the layout of external areas and access points within the site.

- 1.6 The applicant has confirmed that the proposed position of the pitches would support the operations of the future school operator (the Alethia Anglican Academies Trust) in terms of the maintenance and management of the sports pitches, with 'muddy' activities associated with the grass pitches consolidated to the north, closer to the intended boot cleaning facilities which would be provided as part of the forthcoming Pavilion. Positioning the two AGPs together also provides the opportunity for shared utilities and creates a new central 'picnic' area, providing an additional external amenity area which can be used in association with the pavilion when this comes forward under a separate submission. Locating the two AGPs in this position would also provide development efficiencies in respect of the delivery of a 1-year temporary school provision (currently under separate consideration under planning application reference EDC/24/0156).

2.0 RELEVANT PLANNING HISTORY

- 2.1 **EDC/20/0002** - Details of Reserved Matters (access, appearance, landscaping, layout, and scale) for the construction of an 8 Form Entry Secondary School, 2 Form Entry Primary School, Dual Use Sports Centre and Sport Pitches and associated infrastructure, together with associated hard and soft landscaping, play areas, car and cycle parking, and ancillary works pursuant to Conditions 2, 25, 28 and 32 of planning permission EDC/17/0048. Approved 05.11.2021
- 2.2 **EDC/21/0216** - Non-material amendment to reserved matters approval EDC/20/0002 to allow changes to the external detailing of the primary and secondary school buildings; alterations to provide Specialist Resource Provision (SRP) in the primary school; changes to the eastern access road and access to Parcel 3; and inclusion of a retaining wall to the north of the playing pitches. Approved 25.02.2022
- 2.3 **EDC/22/0193** - Non-material amendment to condition 2 of reserved matters approval EDC/20/0002 to allow changes to; the detailing and materials of elevations; the sports centre ground floor layout; the main entrance canopy; the elevated walkways; the parapet heights; the north west canopy; the stepped access from the sports centre to the north; the boundary specimen planting; the central courtyard hardscaping and planters; the cycle parking provisions and associated cycle parking shelters; the retaining walls adjacent to MUGA; the central crossing; and the removal of; a canopy to the first floor walkway link to secondary school; the accessible roof terraces; the courtyard steps and elevated walkway; specific block paving and replacement with tarmac. Approved 16.02.2023
- 2.4 **EDC/23/0082** - Non-material amendment to condition 2 of reserved matters approval EDC/20/0002 to allow amendments to the primary school and nursery comprising changes to; internal layout of specific toilet and SEN provisions; the detailing and materials of elevations; external canopies; external spaces for reception and nursery provisions; external hard landscape materials; soft landscaping; external grow boxes; tree girth of selected trees; specification of street furniture; And the removal of; 2no oast roofs; 1no shade sale; benches; play boulders; bridge/deck; 1no pergola; and, concrete stepped amphitheatre. Approved 03.08.2023

3.0 DEVELOPMENT PLAN

3.1 National Policy & Guidance

National Planning Policy Framework December 2023 (NPPF)
Planning Practice Guidance (PPG)
National Design Guide
Building for a Healthy Life 2020

3.2 Development Plan

The Dartford Plan, Dartford Borough's Local Plan to 2037 (Adopted 2024):

Policy S1 - Borough Spatial Strategy
Policy S2 - Infrastructure Planning Strategy
Policy S3 - Climate Change Strategy
Policy E1 - Ebbsfleet and Swanscombe Strategy
Policy E2 - Ebbsfleet Garden City Development Principles
Policy E5 - Alkerden and Ashmere Allocation
Policy M1 - Good Design for Dartford
Policy M2 - Environmental and Amenity Protection
Policy M3 - Sustainable Technology, Construction and Performance
Policy M4 - Flood Risk and Riverside Design
Policy M13 - Green and Blue Infrastructure and Open Space Provision
Policy M14 - Biodiversity and Landscape
Policy M15 - Travel Management
Policy M16 - Active Travel, Access and Parking
Policy M17 - Community Uses
Policy M19 - Provision for local Business and Skills

1.3 Other Guidance

Ebbsfleet Implementation Framework 2017
Design for Ebbsfleet Guide
Ebbsfleet Public Realm Strategy
Ebbsfleet Sustainable Travel Strategy

- 3.1 Notwithstanding the list of policies given above, due to the nature of this application the question as to whether the proposed changes to the wording of the specified condition are material is the relevant consideration, as set out in this report, although a conflict with adopted planning policy may be of relevance to this question.

4.0 PUBLICITY AND REPRESENTATIONS

- 4.1 As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion as to whether and how they choose to inform other interested parties or seek their views.
- 4.2 The Planning Practice Guidance (PPG) states further that, as by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2017.

- 4.3 Whilst no statutory publicity was undertaken, the application was publicised on the Ebbsfleet Development Corporation's (EDC) weekly list.
- 4.4 19no. letters of representation from 18no. residents have been received in objection to the non-material application raising the following concerns:

Residential Amenity

- Loss of light
- Loss of privacy
- Loss of security
- Loss of quiet enjoyment of homes and gardens
- Increase of pollution
- Increase in flood light will be a nuisance in a dark residential area
- Increase overlooking from players and spectators
- Noise nuisance from sports activities and spectators
- Increased use of pitches outside of school hours throughout the year, during evenings and weekends.
- Impact quality of life
- Impact wellbeing

Design

- General dislike of proposal
- all-weather pitches moved closer to adjoining properties
- Land levels elevated above adjoining properties in proposed position, at eye level with bedrooms
- Development too high
- Over development
- Out of keeping with character of area
- More open space needed on development
- Increase danger of flooding
- In the previous design the all-weather pitch was in the area where the plot is below adjacent properties giving them more privacy and the slopes could absorb the noise.

Access and Parking

- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Portbridge Gardens should not be a road for general public or parent drop off
- Portbridge Gardens should not be used by anyone as a short cut

Other

- Conflict with local plan
- Not enough info given on application
- No mitigation details are listed impacts could be mitigated.
- Strain on existing community facilities
- Affect local ecology
- Not what was on the plan when purchasing my house
- Could impact value of nearby homes
- lack of consultation with current residents.

- 4.5 1no. further representation was received in response to the applicant submitting revised plans and additional information which raises the following concerns:
- The developer seems to be proceeding with ground works without permission

- Massive deviation from the development aesthetic
- Creation of new zones that would encourage anti-social behaviours, sleeping in the rough
- Introduction of invasive species, that would overrun the existing ecosystem
- Diminished estate value by erecting effectively un-modern, prison style multiple fence within fence enclosures
- Creating thick dark paths that interrupt the currently beautiful sightlines
- Blocking direct sunlight
- Flooding potential of homes

EDC Case Officer Note: It should be noted that, due to the nature of this application, which is not an application for planning permission it was not necessary to undertake public consultation as provisions relating to statutory consultation and publicity do not apply. Notwithstanding this, in considering this application, due regard has been given to the representations which have been received from local residents and they have been intrinsically assessed in the non-material amendment appraisal given below. It should however be advised that as the planning process is concerned with land use in the public interest, objections on the grounds of purely private interests, such as the impact of a development on the value of a neighbouring property or loss of a private view, cannot be considered as a material planning consideration relevant to the following planning appraisal.

5.0 CONSULTATION RESPONSES

5.1 The following organisations were consulted on the application and the responses received are summarised below:

KCC Highways and Transportation

Received 03.10.2024 – NO OBJECTION

Having considered the development proposals and the effect on the highway network, KCC raise no objection on behalf of the local highway authority.

Sport England (SE) (Non-Statutory Role)

Received 23.09.2024 – NO OBJECTION

- SE welcome the movement of the AGP away from housing to the north due to goal end direction towards housing.
- Recommend ball strike assessment undertaken due to re-location of cricket pitch.
- Question the need for a six lane athletics track. While some athletic provision is welcomed, concerns raised with the strategic need and financial sustainability of the track and facilities.

EDC Officer Comment: The SE recommendations for a ball strike assessment on the re-location of the cricket pitch will be noted to the applicants by way of an informative. The six lane running track formed part of the originally approved scheme and SE were consulted at that time, raising no comments in respect of this sports provision. No changes to the running track are proposed under the current application. SE concerns in this regard are therefore not material to this application.

EDC Noise Advisor – Bureau Veritas (BV Noise)

Received 12.11.2024

- The Acoustic Design Note (DN) references the correct guidance document published by Sport England.
- The DN estimates a sports noise level of 55-59 dB LAeq,1hr at the nearest dwellings 15-25m to the east, without mitigation. Explanation should be provided

as to how this was calculated. If modelled, then model assumptions and outputs should be provided.

- A 2.5m high acoustic barrier is proposed to the east of the AGP, and the DN quotes a generic sound reduction of 10 dB would be achieved. However, further information on these assumptions is requested, particularly how the barrier height may be affected by land levels.
- The DN makes no reference to a required mitigation measure stated in the AGP guidance – Weldmesh fencing panels should be securely clamped with resilient fixings to avoid vibrations.

EDC Officer Comment: Further information has been provided by the applicant in respect of their modelling assumptions and outputs. The assessment of this information is discussed within the appraisal section. While concerns have been raised that the noise assessment does not consider the implications of different land levels and the impact this may have on the adjoining dwellings to the east, it should be acknowledged that the height of the noise source (1.5m above ground level as per Sport England guidance) does not change in respect of the height of the acoustic barrier. Noise will not likely be generated from a source above the 2.5m (8ft 2) barrier.

EDC Lighting Advisor – Bureau Veritas (BV Lighting)

Received 02.12.24 – NO OBJECTION

- A brief environmental lighting report has been prepared for the application and provides enough information to demonstrate that areas within the scheme will be appropriately illuminated without resulting in any significant environmental impacts.
- The lighting design shows appropriate lux levels for the outdoor sports facilities in line with Sport England recommendations for Hockey and Football respectively.
- The lighting plan shows lux levels on the surrounding areas through the illustration of contours, and confirms mitigation to minimise light spill in the form of back and side cowls on the lighting masts located at the corners of the pitches closest to the parking area and side cowls on those masts located on the edges between the two pitches.
- The lighting design is considered to satisfy the wording of condition 24 to show light spill in relation to adjacent residential parcels from these pitches.
- The latest lighting plans only show lighting on the artificial grass football pitch and temporary MUGA and do not show any lighting for the running track or other areas of the development.

EDC Officer Comment: The lighting information provided as part of this NMA has been submitted for information purposes only. The full details for sports lighting design, mitigation and hours of operation for the pitches, MUGA and running track are still secured under planning condition 24 attached to the Reserved Matters approval ref. EDC/20/0002 and are required to be submitted and approved prior to installation.

6.0 PLANNING APPRAISAL

National Guidance on Non-Material Amendment Applications

- 6.1 Section 96A(1) empowers a local planning authority to make a change to a planning permission relating to land in their area if they are satisfied that the change is non-material. Case law has clarified that a "planning permission" in this context can include a reserved matters approval. The Planning Practice Guidance (PPG) Flexible options for planning permissions at paragraph 002 states "*There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The*

local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990".

- 6.2 In terms of what the local planning authority has to take into account when making its decision on such applications, paragraph 008 the PPG states "*The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.*"

Background

- 6.3 The provision of an Education Campus comprising a primary school, nursery, and secondary school with dual use sports facilities which can be used by members of the public outside of school hours, was established by the granting of outline planning permission for Eastern Quarry, also now known as Whitecliffe. The location of the Campus and its facilities have therefore been strategically master planned into the centre of Alkerden and the residential plots around it have been designed and developed with this in mind.
- 6.4 The Reserved Matters application for the construction of an 8 Form Entry Secondary School, 2 Form Entry Primary School, Dual Use Sports Centre and Sport Pitches and associated infrastructure, together with associated hard and soft landscaping, play areas, car and cycle parking, and ancillary works pursuant to outline planning permission reference EDC/17/0048 was considered and approved by EDC's planning committee in 2021 under application reference EDC/20/0002.
- 6.5 Issues considered and assessed at the time included access, layout, appearance, scale, landscaping, highways and parking, sustainability, safeguarding and security, local amenity, ecology, EIA and land contamination. The application was approved subject to numerous planning conditions.
- 6.6 A number of planning conditions related to the early development stages of the secondary school and sports pitches have been discharged. Similar planning condition requirements for the primary school are anticipated to be submitted imminently. It is acknowledged that works on the Campus including the sports pitches ground works are being undertaken by the applicant at the time of writing this report. The applicant has confirmed this in line with the extant approval but also acknowledges that the site works schedule directly informs the timeline of opening for the permanent school which is due to open to students in September 2026. EDC officers are closely monitoring site progress to seek to ensure compliance with planning conditions is managed in a timely manner.

Appraisal of Application

- 6.7 While Government guidance does not define what changes may be treated as being non-material as this will depend on the context of the overall scheme, it is generally considered that for a change to be considered as non-material then it would need to be inconsequential in relation to the original approval, and whether the proposed development is in substance different from that originally applied for. It is important to note that the effect of the proposed changes together with any previous non-material amendments are the relevant considerations.

- 6.8 In this respect the changes to the layout and sports pitch provision and other changes to the external areas of the Education Campus do not necessitate a change to the description of the development as originally applied for. Nor do the changes fundamentally alter the use of the Education Campus as previously approved.
- 6.9 The development does not alter the application site boundary, nor affect the size, bulk, height, footprint or position of any previously approved buildings. Land levels are broadly maintained as previously approved. The character and appearance of the new AGP would be similar to that of the original AGP and would therefore be in keeping with the wider character of the Education Campus and its sports pitches. This NMA application does not seek to change the layout in terms of external access points into the site nor does it seek to amend or alter the hours of operation or community access previously considered at the reserved matters stage. Therefore, no material increase in use or operations outside of school hours is anticipated in respect of the proposed amended scheme. Nor are any material changes anticipated in respect of transport, parking demand, traffic or associated air pollution.
- 6.10 Small changes to the on-site traffic calming measures in terms of the adjustment of raised tables and internal pedestrian crossing points are detailed and are considered to be a minor improvement considering these issues have been identified through a road safety audit exercise. While the onsite car parks have been reconfigured the overall parking capacity remains consistent with the approved development. KCC highways officers have also been consulted on the application and have raised no objection.
- 6.11 In respect of amenity, it is relevant to note that the committee report supporting the approval of the original development acknowledged that the school operations and sports facilities would generate significant activity that would potentially impact on the amenity of neighbouring residents both during schools' hours and at evenings and weekends when the community would have access. However, the officer and committee concluded the impacts on local amenity to be acceptable, subject to planning conditions relating to external lighting, noise from mechanical plant and management of the facilities.
- 6.12 In terms of this NMA, while the original and new AGP are relocated closer to adjoining properties to the south-east of the Education Campus boundary, this is not substantially closer to adjoining residential properties compared to the previously approved layout. It is also relevant to note that a senior grass football pitch has been previously assessed and considered acceptable in this specific location. The re-positioning and addition of the AGPs is not therefore considered to be substantially different from the original scheme and no additional loss of privacy through overlooking, nor any loss of light, is anticipated.

In response to public objections received against the NMA, the applicant has provided additional information in respect of predicted noise impacts which is more detailed compared to the original Reserved Matters application. An Acoustic Design Note (DN) prepared by Hoare Lea supports the amended plans and concludes that the sound levels align with the 50-55dB LAeq guidance limits set out within Sport England's guidance and BS 8233.

- 6.13 Further information provided by the applicant in respect of their modelling assumptions and outputs has established that Sport England does not provide separate noise guidance for grass pitches, therefore from the perspective of any assessment between a grass surface pitch and an AGP the same methods would be used to consider noise generated from the use of these different types of sport pitches. The further information

has also shown that the noise level at the rear garden boundaries to the east (15m from the flank side of the AGP) without intervening mitigating factors would be within the 55dB LAeq (1hr) contour line of the Sport England acoustic guidance, and the noise level at the rear elevations (20-30m) would be within the 50-45dB LAeq (1hr) range without intervening mitigating factors being considered. Thus, the rear gardens of dwellings to the east could be expected to experience noise levels between 55-45dB LAeq (1hr), which does not breach the Sport England and BS 8233 guidance upper limit of 55dB, without other noise mitigating factors being considered.

- 6.14 In this instance, existing noise mitigating factors which would reduce impacts from the sports pitch exist by reason of the adjacent dwellings comprising a 1.8m high brick screen wall along the boundary to the Education Campus. In addition to this barrier, an 8m wide landscaped buffer which includes tree and specimen shrub planting will be provided along this boundary within the Education hub site as per the originally approved Reserved Matters scheme. In addition to these previously approved mitigating features, this NMA application proposes the installation of a 2.5m high acoustic timber fence along the eastern flank of the re-positioned AGP as a precautionary measure. The DN indicates that this acoustic barrier should reduce the sound level from the AGP by 10dB, citing that 10dB is commonly recognised as the level of sound reduction when a barrier breaks the line of sight from the source of a receiver (ref BS 5228). Consequently, the 2.5m acoustic barrier alone would reduce the modelled noise levels down to 45-35dB LAeq (1hr) to the external areas beyond the Campus, and therefore well below the 50-55dB LAeq Sport England and BS 8233 guidance limits.
- 6.15 On the basis of the above, the noise impacts from the re-positioned AGP are not considered to be harmful to local amenity and are not considered to be significant nor substantially different enough compared to the original approval to amount to a material change in themselves. While the provision of the acoustic fencing is not considered to be required in terms of noise mitigation, the benefits of additional noise reduction from the fencing is welcomed and as such, an amendment to the wording of planning condition 18 of the Reserved Matters approval is recommended to impose a trigger for installation of the acoustic barrier prior to first use of the AGP.
- 6.16 The amended scheme would relocate and extend a 4.5m high sports mesh fence enclosure in association with the 2no AGPs. However, this feature is not a significant feature of the site and would not be overbearing or overshadow neighbouring properties given its form, appearance and position which is beyond the 1.8m high brick screen walls which bound the residential development to the east, the 2m weldmesh security fencing and (circa.) 8m wide landscaped verges which form part of the extant permission, as well as the new 2.5m high acoustic fencing which is now proposed along the eastern flank of the AGP.
- 6.17 Indicative information related to sports lighting around the proposed AGPs demonstrates that there would be sufficient lighting at the sports pitches while not resulting in a significant impact on surrounding residential amenity. Planning condition 24 pursuant to the Reserved Matters approval does continue to secure the final detail for sports lighting including measures to control glare and overspill light in relation to adjacent residential parcels.
- 6.18 While the NMA does not seek to amend or alter the hours of operation or community access previously considered at the Reserved Matters stage, it is acknowledged that the provision of the AGP with lighting does have the potential to extend the hours of activity into the evenings during the darker winter months, compared to the grass pitch previously approved in this location. Notwithstanding this, the Reserved Matters

consent as it stands does not apply restrictions to prohibit the use of the grass pitches during non-school hours (e.g. late evenings, weekends etc).

- 6.19 However, through this review process the LPA have identified that the hours of community use of the sports centre and playing pitches outside of the school operating hours are not currently controlled by planning condition. As such, amendments to other planning conditions have been considered and hours of operation for the community use of the site are recommended to be added to the Community Management Strategy to be secured pursuant to planning condition 23 of the Reserved Matters approval.
- 6.20 The sports pitches are reliant on the existing drainage arrangement consisting of a type 3 gravel sub-base and perforated pipes, with a connection to the wider drainage network. While the LLFA has not been consulted on this NMA, they are aware of the proposed pitch arrangement through the separate temporary school submission (EDC/24/0156) and raise no objection to the alteration in pitches from a surface water management perspective.
- 6.21 In respect of the other external amendments to the development, the 3no. remaining grass pitches are to be delivered in accordance with the requisite dimensions of the IFAB (International Football Association Board) and Sport England guidance for under 18 and Senior level football. The relocation and extension of the cricket wicket from 4 wickets to 6 wickets is also welcomed as a minor improvement to the facilities. Sport England have been consulted and support the facilities as amended. The proposed realignment of the pedestrian/cycle access from the north-west corner is minor and now fully coordinates with the layout of the adjoining development. The inclusion of a hard landscape area to facilitate the Pavilion and the provision of a modest picnic area with tree planting between the sports pitches and central parking area is supported and will ensure the Section 106 obligation for a facility serving and ancillary to the associated pitches can be delivered.
- 6.22 The details of ecological works, mitigation measures, management and monitoring have been secured under the outline permission. On-site and future works are being monitored by KCC Biodiversity Officers across the site. Ecological mitigation and site clearance has already been carried out in accordance with approved details and was considered at the time of the Reserved Matters application. Condition 5 secured additional measures to promote biodiversity enhancement including areas of native species planting and bat/bird boxes and log piles to come forward as part of the soft landscaping. This detail has been discharged for the areas associated with the sports pitches under application reference EDC/23/0107 and remains unchanged by the NMA scheme.
- 6.23 Previous NMAs approved under application references EDC/21/0216, EDC/22/0193 and EDC/23/0082 secured changes to the internal layout of the primary and secondary school, external detailing to the buildings, on site cycle provision and the external layout of landscaping. Consideration has been given in regard to the cumulative impact of the current proposals combined with the previous non-material amendments. It is considered that overall design quality and function of the Education Campus, along with the amenity of surrounding neighbours and future occupiers is upheld and the effect of the changes in combination is not considered to be material. Furthermore, the scheme would not conflict with the development policies listed above and in this regard is also considered to be non-material.

7.0 FINANCIAL CONSIDERATIONS

7.1 Regard should be had to any local finance considerations so far as material to an application for planning permission but given the nature of the application, local finance considerations are not considered to arise and in any event would not be material to this application for a non-material amendment to the previously approved reserved matters.

8.0 HUMAN RIGHTS

8.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

9.0 PUBLIC SECTOR EQUALITY DUTY

9.1 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (Equality Act) provides that in exercising its functions (which includes the functions exercised by the Corporation as Local Planning Authority), that the Corporation as a public authority shall amongst other duties have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.

9.3 In respect of this application, the overall design of the education campus is considered to be safe and accessible for the whole community and through its design, the scheme should assist with minimising disadvantages, taking into account the needs of those with disabilities. Access within school buildings and to and from the sporting provisions has been designed to Building Bulletins including BB102 – Designing for disabled children and children with special educational needs, and step free access across the sites various components is maintained by the current NMA. The quantum of dedicated disabled parking provision is similarly maintained. The proposed provision for a range of sports pitches sizes and pitch surfacing to be used by the school and the wider community outside of school hours is considered to be beneficial to all residents and will thereby promote the use of such sporting facilities amongst those with a protected characteristic. The provision of a new central ‘picnic’ area, providing an additional external amenity area provides additional opportunity to encourage persons who share a relevant protected characteristic to participate in public life, and by virtue of this could become a place and facility which will foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.4 It is therefore considered that in substance officers have had due regard to the relevant statutory need, and the recommendation to approve the proposals complies with statutory aims and objectives of the Duty.

10.0 CONCLUSION

- 10.1 In conclusion, the scale and nature of the proposed changes both individually and cumulatively, and when their effects are assessed in the wider context of the approved scheme (including previous non-material amendments), are not considered to be materially different. Furthermore, the proposal would not result in a change to the description of development and the design maintains the means of access, landscape, layout, scale, and appearance to the vast extent. The effects of proposed changes are therefore considered to be to be minor and the Local Planning Authority is satisfied that the changes can be regarded as non-material.
- 10.2 In reaching this conclusion regard has been had to the representations received from surrounding residents in addition to the cumulative impact of the current proposals combined with other previously approved non-material amendments. In particular, having regard to the approved scheme and existing controls imposed through planning conditions, it is concluded that the amended scheme would not have a greater impact on amenity of the adjacent residents than the previously approved scheme.
- 10.3 It is therefore recommended that the application is approved subject to amended planning conditions as set out in this report.