
Variation of condition 4 attached to planning permission
ref:06/01140/FUL to extend the hours of lighting of the flood
lights from 19:00 to 21:30 to 17:00-21:30

Report Item No
A5

Ashby Rugby Football Club Nottingham Road Ashby De La
Zouch Leicestershire LE65 1DQ

Application Reference
15/00346/VCI

Applicant:
Ashby Rugby Football Club

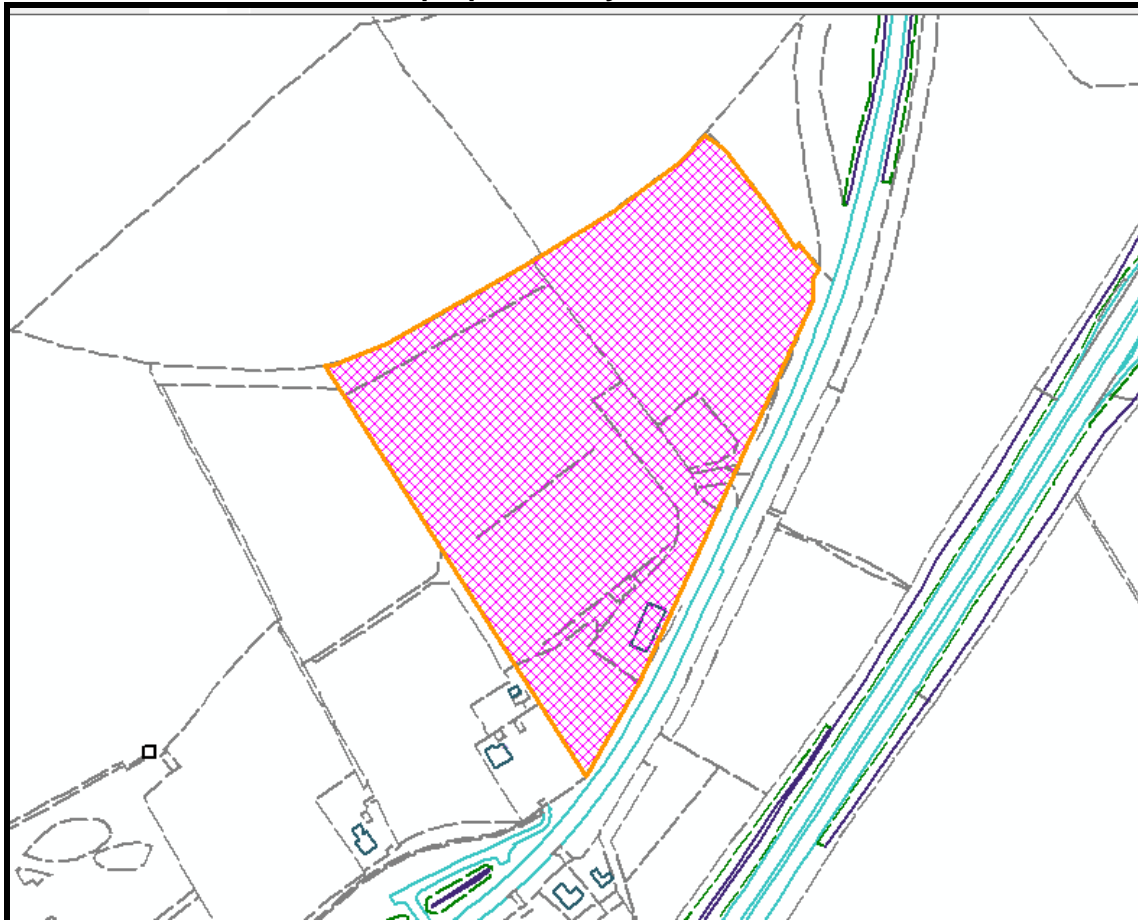
Date Registered
7 May 2015

Case Officer:
Ebony Mattley

Target Decision Date
2 July 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Recommendation

Call In

The application falls to be determined by the Planning Committee as the agent is related to Cllr Richard Blunt.

Proposal

This application proposes to vary condition 4 attached to planning permission 06/01140/FUL, which states that the floodlights should not be illuminated before 7pm or after 9.30 pm. This application seeks to extend the hours of lighting to 5pm to 9.30 pm.

Consultations

Members will see from the report below that one objection and twenty-five letters of support have been received from neighbours. There have been no objections from statutory consultees, including Ashby Town Council.

Planning Policy

Whilst the application sites lies outside limits to development, the existing recreational/sports use is already established on the site, and floodlights have already been consented.

Saved Policies L3 and E4 of the Local Plan and paragraph 125 of the NPPF are of relevance.

Conclusion

The principle of this development has already been established through the earlier grant of planning permission (ref: 06/01140/FUL). The main issue in the determination of the application is, therefore, whether the revised hours of illumination and therefore use would impact upon surrounding residential amenity.

The scheme has been considered by the Council's Environmental Protection Section who raises no objection and given that the scheme results in an extension of the illumination in the floodlights in the early evening, (and not beyond 9.30pm), and that the floodlights are to be used, only when necessary within these time frames, it is not considered that the proposed changes, in comparison to the previously approved scheme would result in any significant impacts, to the detriment of residential amenity.

RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application to vary condition 4 attached to planning permission 06/01140/FUL.

The previous application (ref: 06/01140/FUL) sought permission for the erection of 12 no. floodlights and received consent on 10 October 2006.

This application proposes to vary condition 4, which states that the floodlights should not be illuminated before 7pm or after 9.30 pm, by seeking to extend the hours of lighting to 5pm to 9.30 pm.

The application has been accompanied with a supporting statement which states that allowing the light to be switched on from 5pm will allow for the junior teams to train in the week, during the winter months, which in turns promotes healthy physical education.

Relevant Planning History:-

15/00024/BOC - Breach of Planning Condition - 06/01140/FUL - Pending Consideration.

06/01140/FUL - Erection of 12 no. floodlights - Approved - 10.10.2006.

2. Publicity

3 no neighbours have been notified.(Date of last notification 13 May 2015)

Site Notice displayed 15 May 2015

3. Consultations

Ashby De La Zouch Town Council consulted
LCC County Highways
NWLDC Planning Enforcement
NWLDC Head Of Environmental Protection
Airport Safeguarding

4. Summary of Representations Received

The following summary of representations is provided.

Statutory Consultees

Ashby Town Council raises no objection.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations:

All responses from statutory consultees and third parties are available for Members to view on the planning file.

1 letter of objection has been received raising the following concerns:-

- a) Light Pollution
- b) The floodlights have been used until times ranging from 23:00 to 00:15 hours and the luminaires appear to be angled up to increase the lit area and as early as 18:30 and therefore has already been in breach of condition 4
- c) A detailed assessment of luminance levels must be undertaken and the application must not be determined until this is undertaken
- d) A full assessment of the impact of extending the operating hours of the floodlights to almost double the hours permitted must be undertaken and the application must not be determined until this is undertaken.

46 letters of support have been received raising the following comments:-

- a) The club provides a valuable venue and sporting facility to the local community
- b) Will only be required for a few months of the year when it is not light
- c) Will enable groups to train mid-week.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 125 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy L3- Built Development of Recreation Sites Outside Limits to Development.

Policy E3 - Residential Amenities

Other Guidance

National Planning Practice Guidance - March 2014.

Supplementary Planning Guidance for Lighting Scheme (SPG).

6. Assessment

Principle of Development

The principle of this development has already been established by the previous planning permission (06/01140/FUL), which was granted in October 2006.

Condition 4 attached to planning permission 06/01140/FUL states:-

"The floodlights hereby permitted shall not be illuminated before 19.00 hours or after 21:30 hours on any day.

Reason- in the interests of visual and residential amenities."

It is considered appropriate to consider the amended scheme in the context of the changes between the two schemes, which relate to the extension of the illumination of the floodlights from the previously consented 7pm to the time now sought - 5pm. The main issue in the determination of the application is, therefore, whether the revised hours of illumination from the floodlight would impact upon surrounding residential amenity.

Impact upon Residential Amenity

The nearest dwelling (No. 219 Nottingham Road) adjoins the site to the south west and an objection has been raised from this property, with other properties lying further along and on the opposite side of Nottingham Road.

It was previously established in the previous application ref: 06/01140/FUL that given the height and positioning of the columns and floodlights, the vegetation along the site's boundaries and the luminance, that there were no significant impacts to neighbouring dwellings.

The scheme has been considered by the Council's Environmental Protection Section who raises no objections to this application.

It is not therefore considered that allowing the floodlights to be in used an additional 2 hours from 5 pm (in comparison to the previously approved 7pm) everyday would be significantly harmful to residential amenities, and in any case the intention is for the floodlights only to be turned on when they are needed, which is more likely to be on darker early evenings, during the winter months. For the avoidance of doubt there is no proposed increase beyond the existing 9.30 pm.

Conditions are recommended to be re-imposed to limit the times the floodlights can be used and to state that the floodlights can only be used in connection with sports training and playing. It is therefore considered that the proposal would not result in significant detriment to nearby residents from light pollution or from an increase in noise and disturbance.

In response to the concerns expressed by the neighbour, as the luminance levels and positioning of the floodlights is not proposed to be changed, then is no requirement for this information to be re-provided, and the application has been accompanied with a supporting statement justifying why the lighting is required and for the intended end users. In respect of the

proposed frequency of use, the original application did not restrict the days of use and therefore this is not for consideration in this application. In respect of the alleged breach of the planning condition, this is being considered by the Council's Enforcement Team ref: 15/00024/BOC.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Conditions

Application ref: 06/01140/FUL was subject to 12 conditions, one of which is for consideration in this application.

Condition 1 - The first condition related to time allowing development to commence within three years.

Condition 2 - This condition relates to the approved plans and is still relevant.

Condition 3 - This condition related to the colour of the columns and floodlights and this condition has been formally discharged as part of application ref: 06/01140/FUL. It is only relevant to carry forward the part of the condition requiring that they are maintained in accordance with the approved details.

Condition 4 - This condition is hereby varied.

Condition 5 - This condition requires that the floodlights shall only be illuminated when the pitches directly lit by the floodlights are in use for sports, training or the playing of sport and this condition is still considered to be relevant.

Condition 6 - This condition related to a scheme for the shielding the light sources and information was submitted to discharge this condition as part of application ref: 06/01140/FUL. During an enforcement case ref: 07/00284/UD the Council employed a lighting engineer to look into the alleged issues raised in respect of this condition. The lighting engineer agreed with the rugby clubs report in that shielding on the type of lighting fitted is not an option and therefore condition 6 was not a reasonable condition and should not be pursued. Accordingly it is not necessary to carry this condition forward.

Condition 7 - This condition related to luminance details of each floodlight (luminaire) and a diagram showing the luminance levels from the floodlights and information was submitted to discharge this condition as part of application ref: 06/01140/FUL. During an enforcement case ref: 07/00284/UD the Council employed a lighting engineer to look into the alleged issues raised in respect of this condition. The lighting engineer states that there was no adverse impact into the complainants home (No.219) as the lighting columns were too far away to have an adverse impact and that there is a recommended limit of 7,500 candelas, and it is 3,303 candelas lower than this limit, and that even if the bulbs were 400 watts, they would only emit approximately 6,000 candelas. Accordingly it is only relevant to carry forward the part of the condition requiring that they are maintained in accordance with the approved details.

Condition 8 - This condition relates to cabling linking the columns to be provided underground and is still necessary.

Conditions 9 and 10 - These conditions related to the submission of a landscaping scheme and

the planting within the first available planting season thereafter and during a period of 5 years from the first implementation. The landscaping condition was formally discharged as part of application ref: 06/01140/FUL and the 5 year period has subsequently lapsed and therefore these conditions do not need to be carried forward.

Condition 11 - This relates to no portable or temporary floodlighting being used at the site and is still relevant.

Condition 12 - This relates to the number of floodlights per column to be accordance with the submitted details and is still relevant.

Conclusion

In conclusion, the principle of this development has already been established through the earlier grant of planning permission (ref: 06/01140/FUL).

The scheme relates to an existing recreational/sports use on the site, and floodlights have already been consented. This scheme will effectively enhance the existing facilities by increasing the length of time that the pitches can be used.

The scheme has been considered by the Council's Environmental Protection Section who raises no objection and given that the scheme results in an extension of the illumination in the floodlights in the early evening, (and not beyond 9.30pm), and that the floodlights are to be used, only when necessary within these time frames, it is not considered that the proposed changes, in comparison to the previously approved scheme would result in any significant impacts, to the detriment of residential amenity.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Accordingly it is recommended that planning permission be granted, subject to the imposition of the previous planning conditions, where applicable.

RECOMMENDATION, PERMIT, subject to the following condition(s):

- 1 The proposed development shall be carried out strictly in accordance with the following schedule of plans:
 - the red line plan and details of the 'large area' floodlights received by the Authority on 25 July 2006;
 - the elevational drawings received by the Authority on 16 August 2006; and
 - the ground plan showing the position and type of floodlights received by the Authority on 11 September 2006.

Reason: To determine the scope of this permission.

- 2 The approved mottled silver galvanised floodlights and black diecast aluminium floodlights shall be maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the external appearance.

- 3 The floodlights hereby permitted shall not be illuminated before 17.00 hours or after 21:30 hours on any day.

Reason: In the interests of visual and residential amenities.

- 4 The floodlights hereby permitted shall only be illuminated when the pitches directly lit by the floodlights are in use for sports training or the playing of sport.

Reason: In the interests of visual and residential amenities.

- 5 The maximum luminance of each floodlight shall not exceed the approved luminance.

Reason: In the interests of highway safety and visual and residential amenities.

- 6 Any cabling to connect or link the columns and floodlights shall be provided underground unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenities of the area.

- 7 No portable or temporary floodlighting shall be used on the site at any time.

Reason: In the interests of visual and residential amenities.

- 8 The number of floodlights per column shall be in accordance with the details provided on the plan received by the Authority on 11 September 2006.

Reason: For the avoidance of doubt and in the interests of visual and residential amenities.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).