

ITEM NO:	<u>Location:</u>	Letchworth Garden City Eagles Football Club, Baldock Road, Letchworth Garden City, Herts, SG6 2EJ
	<u>Applicant:</u>	Mr A Eden
	<u>Proposal:</u>	Installation of 6 floodlights to senior football pitch (as amended by plan received on 20 December 2016).
	<u>Ref. No:</u>	16/02831/ 1
	<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 03 January 2017

Reason for Delay

An extension of time has been agreed in order to allow the application to be present to a committee meeting which the applicant is able to attend.

Reason for Referral to Committee

The application has been called in for determination by the Planning Control Committee by Cllr David Levett, in the wider public interest and on the grounds that there has been a material change in circumstances since a similar proposal was granted permission by the Planning Control Committee in February 2012, namely the introduction of the NPPF and the introduction of the policies of the submission local plan.

1.0 Relevant History

- 1.1 03/00036/1: Erection of new clubhouse, provision of 65 car parking spaces and store/tractor shed adjoining existing changing rooms at LGC Eagles Youth Football Club. Planning permission approved 5th March 2003.
- 1.2 09/00215/1: Change of use of agricultural land and associated earth movements to facilitate the provision of 5 playing pitches. Spectator stand, flood lighting and alteration to vehicular access road, over spill 200 space informal car parking area with associated geotextile membrane surface, landscaping and ancillary works (as amended and clarified by plans received on 1 June 2009).

Resolution of the Planning Control Committee meeting held on 18 June 2009 to grant planning permission for this development proposal. The resolution was subject to various conditions and to the applicant entering a Section 106 Obligation with the Council to secure full payment for the installation, management and maintenance of a car parking control system for the nearby North Hertfordshire Leisure Centre car park. Since agreement could not be reached between officers and the applicant in relation to the terms of the necessary Section 106 Obligation, this planning application was withdrawn by the applicant on 8 August 2011.

Although planning application no. 09/00215/1 has been withdrawn, the Planning Control Committee's resolution to grant planning permission for the scheme is a material consideration in the determination of the current application, the subject of this report. In particular Members will note the description of the development referred to above includes reference to flood lighting for various sports pitches. And whilst the development proposal set out in the 2009 planning application did not include proposals for flood lighting for the Letchworth Garden City Eagles football pitch, the principle of external flood lighting in the Green Belt, to light other pitches

nearby has been accepted by the Planning Control Committee.

- 1.3 09/02113/1: Installation of 6 x 11m high floodlighting columns at Letchworth Rugby Club. Planning permission approved by Planning Control Committee on 18th January 2010. This relates to the pitch immediately to the east of the site subject of the current application and is a further example of where the principle of external flood lighting in the Green Belt, to light other pitches nearby has been accepted by the Planning Control Committee.
- 1.4 10/01349/1: Spectator stand, two dug out shelters and dry walkways at LGC Eagles Football Club. Planning permission approved 21st September 2010.
- 1.5 11/02829/1: Installation of 6 flood lights to football pitch at LGC Eagles Football Club. Planning permission approved by Planning Control Committee on 16th February 2012.

This previous planning approval is of particular significance, as it is almost the same and is very similar to the current application, the subject of this report. It is understood that having gained permission in February 2012, the proposal was only not implemented due to a lack of funds. The applicant has explained that the funds are now available to the football club and so there are seeking the same planning permission as previously granted and which would be subject to the same conditions. The principle of external flood lighting in the Green Belt, to light this same football pitch has been previously accepted by the Planning Control Committee.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):

Policy 2 'Green Belt'

Policy 21 'Landscape and Open Space Pattern'

Policy 39 'Leisure Uses'

2.2 North Hertfordshire Draft Local Plan 2011-2031.

The last public consultation on the submission local plan has now been completed, prior to its submission to the Secretary of State, scheduled for Spring/ early Summer 2017. The Policies of the draft Local Plan therefore only carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

- Section 2: Strategic Policies-
 - SP1: Sustainable development in North Hertfordshire;
 - SP2: Settlement Hierarchy;
 - SP5: Countryside and Green Belt;
 - SP9: Design and Sustainability; and
 - SP10: Healthy Communities.
- Section 3 – Development Management Policies -
 - D1: Sustainable Design;
 - D3: Protecting Living Conditions;
 - HC1: Community Facilities; and
 - NE1: Landscape.

2.3 National Planning Policy Framework

- Section 8: Promoting healthy communities
- Section 9: Protecting Green Belt land

3.0 Representations

- 3.1 **Neighbours** - Application consulted on via neighbour notification and the display of a site notice. Eighteen letters of objection have been received from the owners/occupiers of Nos 2, 3, 5, 6, 8, 9, 10, 11, 12, 15 and 16 Schoolfields and Nos 47, 51, 53 and 55 Quinn Way. The objections are summarised as follows:
- There is already enough light pollution from existing floodlights;
 - The proposed floodlights would increase light pollution to ground and first floor windows for properties on Schoolfields and Quinn Way;
 - The increase of playing hours would allow for increased foul language by players;
 - The floodlight masts would be twice the height of the neighbouring houses; and
 - The proposal is contrary to submission Policies D1, D3 and SP9 of the North Hertfordshire Draft Local Plan 2011-2031 and paragraph 123 of the NPPF
 - The proposal would lead to a breach of the Human Rights Act, in particular Protocol 1, Article 1 which states that 'a person has the right to peaceful enjoyment of all of their possessions which includes the home and other land' and Article 8 which states that 'a person has the substantive right to have respect for their private and family life'.

- 3.2 **NHDC Environmental Health (Lighting and Noise) – No objections.**

Lighting: The application includes a comprehensive report on the design and type of floodlights to be installed. The Report is, apart from the extended introduction, identical to the Report submitted in respect of the previous planning permission granted for 11/02829/1. The Report includes a "lux map" specifying the levels of light which will affect the nearby gardens and houses. The main conclusion in the report is that some of the gardens at 14 and 16 Schoolfields and 47 to 57 Quinn Way will be affected by light levels of 2 -5 lux and (section 4.2) vertical illuminance into windows before curfew (23.00hrs) are below the levels recommended by the Institute of Lighting Engineers(ILE).

Recommendations:

That the flood lighting shall be installed and maintained in accordance with the planning application supporting document "Planning Design and Access Statement, Letchworth Garden City, External Lighting to Football Pitch date stamped 20 December 2016" and supporting documents 1 to 4 which are part of planning application 16/02831/1.

Reason: to protect the residential amenities of existing residents

Noise: The application indicates floodlighting use to be limited to midweek fixtures between August and April. It will be the case that there will be some noise before, during and after matches. I presume that the site is already used for matches and bearing in mind the limited hours that the pitch will be used I do not consider these grounds for refusal.

- 3.3 **Hertfordshire County Council Highway Officer** – No objections. It is considered that the proposal would not affect drivers along the adjacent highways of Quinn Way, Schoolfields or Baldock Road.
- 3.4 **Hertfordshire Ecology** – No objections. The floodlights do need to be designed to reduce light spill, glare and as much as possible sky glow. The designs highlighted in the application documents appear to do this, although it may be prudent to secure this though a condition.

4.0 Planning Considerations

- 4.1 **Site & Surroundings**

- 4.1.1 The application site area is approximately 0.9ha, it consists of the main playing pitch at the Letchworth Garden City Eagles Football Club premises. The wider football club site includes the club house, changing rooms and car park and as well as the main pitch, which is subject of this application, the club also includes junior football pitches to the south.
- 4.1.2 The site is accessed from a shared access drive with the adjoining Rugby Club, which is in turn from a shared access off Baldock Road, with North Hertfordshire Leisure Centre.
- 4.1.3 The site is bordered by residential properties along Schoolfields and Quinn Way to the west, additional pitch sport area to the north, the Rugby Club premises and Leisure Centre to the east and south.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of 6 no. 15m high flood lighting columns. The proposal is for the installation of three floodlight columns to be evenly spaced on either side of the main Letchworth Garden City Eagles football club pitch. It is proposed that the floodlights will be used for mid-week football matches during the season between August – April.
- 4.2.2 The application includes a Design and Access statement, a specification document regarding the proposed lighting ('Abacus: Challenger 1' Floodlight) and a 'lighting overspill plan', which demonstrates the amount of overspill which would reach certain distances from the floodlights.

4.3 **Key Issues**

- 4.3.1 Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, I consider the main issues to be addressed in the determination of this planning application are as follows:

- Whether the principle of this development proposal is acceptable in the Metropolitan Green Belt;

- Whether the proposed development and the associated intensification of use and activity that it entails is acceptable in relation to the amenities enjoyed by the occupiers of nearby residential properties. This issue must focus on the light and noise impacts, associated activity in and around the site and the visual impact of the development proposal.

4.3.2 Principle of the development within the Green Belt

As is reported above in the Planning History section of this report, Members have already resolved to grant planning permission for a matching development scheme at this same site within the Green Belt in 2012.

- 4.3.3 This application site is within the Metropolitan Green Belt which surrounds Letchworth Garden City, as designated in the North Hertfordshire District Local Plan No. 2 - with Alterations proposals map. The National Planning Policy Framework (NPPF) states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' At paragraph 89 of the NPPF, it goes on to state that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt', apart from a list of exceptions. The relevant exception for development allowed in the Green Belt, under paragraph 89, is as follows:

provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

- 4.3.4 I note that this exception is actually less stringent than the exceptions previously permitted under Planning Policy Guidance 2, which the previous permission was considered under and which stated that therefore the policy context for this application since the previous decision is slightly less strict.

'Essential facilities for outdoor sport and outdoor recreation' is not inappropriate development and 'Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it'.

- 4.3.5 The key issue here is to assess the need for the proposed development. In this regard the applicant's Design and Access Statement (DAS) states in paragraph 1.3 that:

'The pitch is part of a larger site occupied by LGCE YFC, who compete in various youth leagues and is used by the older junior teams at u16-u18 and the 3 adult club teams. The adult male teams play in the Herts Senior County league (step 7 of the football pyramid) and cannot progress to the next level without installing floodlights to comply with league requirements at the higher level.'

- 4.3.6 In my view the applicant has put forward a reasonable argument as to why flood lighting is needed to meet the ambitions of the football club to gain promotion to a higher league. From this needs justification I am satisfied that the proposed development, although located in the Green Belt, would not be inappropriate development when considered against Paragraph 89 of the NPPF and saved Policy 2 of the North Hertfordshire District Local Plan - no. 2 - with Alterations.

- 4.3.7 With regard to the impact on the openness of the Green Belt, the proposal would introduce an increase of built form, however, this would be of a form and a type which is generally considered acceptable within the Green Belt, as it is for outdoor sports and recreational facilities. Furthermore, this form of development has been found to be acceptable by members previously, as permission was granted for a matching form of development in 2012. This was only not implemented by the football club as there was not sufficient funding and the previous application lapsed. The funding has now been secured. As such, the proposed development would not result in significant harm to the openness of the Green belt and would not be contrary to the five purposes of including land within the Green Belt, as listed under paragraph 80 of the NPPF.

- 4.3.8 In summary, it is considered that the proposal would be an appropriate form of development in this location, within the Green Belt and that this site is suitable location for a development of this type. I therefore consider that the proposed development to be acceptable in principle.

4.3.9 Impacts on amenity

The impacts to consider in relation to this application relate the visual impact of the floodlight columns, the light impact and potential disturbance from noise and associated activity from the inevitable intensification of use that may occur once flood lighting has been installed.

- 4.3.10 On the first issue I am satisfied that the visual impact of the structures would not unduly harm the amenities enjoyed by occupiers of nearby residential properties. The nearest column would be located over 45m from the nearest residential property, no. 59 Quinn Way. All the other proposed columns would be a greater distances than this from any of the residential properties along Schoolfields and Quinn Way. There is also a tree screen on the boundary of the pitch sport area which would, at least during certain times of the year, soften the appearance of the columns when seen from these properties. In my view a reason for refusal based on visual impact of the structures would be very difficult to justify.

- 4.3.11 In terms of light pollution, the technical/professional analysis of the Council's environmental health team is set out in detail above. It is clear that they are satisfied that the light impact of the columns would be within the Institute of Lighting Engineers (ILE) guidance even at the worst affected properties. For relatively dark urban locations, such as Quinn Way and Schoolfields the ILE recommendations are that light levels that do not exceeding 5 Lux are acceptable. The applicant's technical analysis of the proposal indicates that light levels at the nearest affected properties would be between 2.5 and 5 Lux, within the ILE guidance.
- 4.3.12 On this basis and whilst the Council's environmental health team acknowledge that there will be some impact at certain properties, this impact is not significant enough to warrant a reason for refusal of planning permission in their professional/technical opinion. I see no reason to disagree with this analysis and can only therefore conclude that the light spillage caused by the floodlights would not be unduly harmful to residential amenity.
- 4.3.13 Potential noise impact caused by the development is more difficult to accurately quantify. The light columns would not increase noise levels from the activity at the site. They would however increase the usability of the pitch by enabling use during evening hours. The purpose of the floodlights is to allow for occasional mid-week adult matches and it is anticipated that this would not be a significant increase of use compared to existing. In my view however, this additional impact can be mitigated by setting appropriate switch on time limitations.
- 4.3.14 As has been mentioned in the 'Representations' section of the report above, a number of objections and concerns have been raised by neighbours regarding the potential impact of light pollution and noise disturbance as a result of the proposed floodlights. However, as also mentioned above, a material consideration in this instance is that a matching scheme was previously approved by members of the Planning control committee in 2012. It is unreasonable in planning terms to vary or change a previous decision unless there has been a material change in circumstances on the site or a change in policy.
- 4.3.15 I note that there has not been any material change on the site, as the same number of floodlights are in place today as they were when the previous decision was made (at other football and rugby pitches within the vicinity) and the floodlights currently proposed are to be of the same height and number and are to be in the same location. It would also appear that the same level of screening would be provided by trees and vegetation (albeit mainly during summer months when in leaf) along the pathway which separates the football pitch from residential properties on Schoolfields.
- 4.3.16 Whilst there has been a change in policy since the previous decision was made, with the introduction of the NPPF in March 2012, it is my view that this has been a change in name only. The policies of the NPPF and indeed the submission Policies of the North Hertfordshire Draft Local Plan 2011-2031 (which have been referred to in objections and which only carry limited weight at this time) are different in name/ title, however in large part these 'newer' policies do not provide any significant shift in emphasis to those which came before them under the Planning Policy Statements (PPS) or the policies of the North Herts Local Plan 1996, which is still in place. Essentially, it is my view that the policies now under consideration are not so different and do not have such different requirements to those previously in place to justify or warrant a departure from the previous decision (for example, the 'newer' policies require the impact of light pollution on neighbouring properties be taken into account, however, this was already required under previous planning policy and is not something new).

4.3.17 With the above in mind and in accordance with the recommendations of the Council's Environmental Health Officer, it is Officers view that whilst there would be some impact on the amenity of neighbouring properties, this would not be so great or so detrimental so as to warrant a reason for refusal and so the proposal is considered acceptable in this regard. The previous permission (granted in 2012) included conditions 3 and 4, which would reduce the impact to neighbouring properties and which read as follows:

3. The flood lighting hereby permitted shall be installed and maintained in accordance with the planning application supporting document 'Planning Design and Access Statement, Letchworth Garden City, External Lighting to Football Pitch dates October 2011' which is part of planning application no. 11/02829/1.

Reason: To protect the amenities enjoyed by occupiers of nearby residential properties.

4. The operation of the flood lighting hereby permitted shall only be permitted between the hours of 8.00am (0800hrs) and 9.00pm (2100hrs) on any day and at no time on Sundays. A switch off time of 10.00pm (2200hrs) is permitted on 15 days during any one calendar year.

Reason: To prevent light spillage during late evening and early morning periods in the interests of residential amenity and to protect dark skies.

4.3.18 Condition 4, regarding hours of use, was previously agreed with the applicant after much negotiation. Again, as it is officer's view that there has not been any significant change in circumstance on site or any shifts in terms of planning policy, it is not reasonable to alter the conditions as previously approved and so these same conditions would also be attached in the event that this current application is again approved.

4.3.19 Lastly, several of the objections which have been received make reference to the Human Rights Act and the right for a person to enjoy their private possessions, including the private enjoyment of their own home. Whilst this has been taken into consideration, as noted above, it is the Officers view and the view of the Environmental Health officer that although the floodlights and the light from these would be visible from neighbouring properties, the light overspill which would reach the nearest neighbouring dwellings would not be so significant so as to result in significant harm to the amenity of these properties. It is therefore the Officers view that the proposed development would not impinge on the occupants Human Rights and would stop them from being able to enjoy their own private home.

4.4 Conclusion

4.4.1 I recognise the concerns expressed by nearby residents in relation to this development proposal. However, on balance, and taking account of the clear technical advice from the Council's environmental health team and taking account the previous permission which was granted for this site for a matching proposal I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The flood lighting hereby permitted shall be installed and maintained in accordance with the planning application supporting document "Planning Design and Access Statement, Letchworth Garden City, External Lighting to Football Pitch date stamped 20 December 2016" and supporting documents 1 to 4 which are part of planning application 16/02831/1.

Reason: To protect the amenities enjoyed by occupiers of nearby residential properties.

4. The operation of the flood lighting hereby permitted shall only be permitted between the hours of 8.00am (0800hrs) and 9.00pm (2100hrs) on any day and at no time on Sundays. A switch off time of 10.00pm (2200hrs) is permitted on 15 days during any one calendar year.

Reason: To prevent light spillage during late evening and early morning periods in the interests of residential amenity and to protect dark skies.

5. If within a period of nine months following the first use of the new pitch sport flood lighting hereby approved, the Local Planning Authority requires realignment or shielding of the lights to be adjusted, this shall be carried out in accordance with an agreed scheme before continuation of their use.

Reason: To safeguard the amenities of occupiers of nearby residential properties.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.