

ITEM NO:	<u>Location:</u>	Heath Sports Club, Baldock Road, Royston, SG8 5BG
	<u>Applicant:</u>	Royston Rugby Club
	<u>Proposal:</u>	Erection of four floodlights (height 15m) to rugby pitch
	<u>Ref. No:</u>	17/00781/ 1
	<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 23 May 2017

Reason for Delay

Committee cycle

Reason for Referral to Committee

The application has been called into Committee for determination by Cllr Morris in the wider public interest.

1.0 Relevant History

- 1.1 There is no planning history relevant to this application for the rugby pitch on the Heath. However, application 17/00457/1 for 6 x 18.29m high floodlights has also been submitted at the hockey pitch at The Heath and this application is under consideration.

2.0 Policies

- 2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996:
- 6 - Rural Areas beyond the Green Belt;
 - 14 - Nature Conservation;
 - 16 - Areas of archaeological significance and other archaeological areas;
 - 39 - Leisure uses.
- 2.2 Local Plan 2011 - 2031 - Proposed Submission - October 2016:
- SP5 - Countryside and Green Belt;
 - SP12 - Green Infrastructure, biodiversity and landscape;
 - CGB1 - Rural Areas beyond the Green Belt;
 - NE1 - Landscape;
 - NE2 - Green Infrastructure.
- 2.3 National Planning Policy Framework:
In general and with regard to:
- 8 - Promoting healthy communities;
 - 11 - Conserving and enhancing the natural environment.

3.0 Representations

- 3.1 **Natural England** - based upon the information provided, the proposal is unlikely to affect any statutory protected sites or landscape. The proposal has not been considered with regards to Registered Common Land, Protected Species or the Site of Special Scientific Interest. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under section 16 or

- 3.2 **Sport England** - consulted the Rugby Football Union (RFU), the sport's governing body, who have advised that the floodlights will increase the opportunity for the club to grow the game of rugby in Royston and the surrounding area. The RFU consider that the current mobile lights are not fit for purpose and are causing significant light spill and necessitate overuse of the available training space. The new lights will reduce the spillage and create an opportunity to rotate the training across a larger area resulting in improved quality pitches. The RFU have advised that the lighting design meets the RFU's design guidance. The floodlight columns would be installed around the periphery of the existing rugby pitch and would not appear to affect any other existing playing pitches. While an artificial cricket strip is sited between the rugby pitch and the tennis courts to the west close to where two of the columns would be sited, cricket is currently not played on the sports club site and it is understood that the artificial strip has not been used for formal cricket use for many years. The tennis courts that were constructed several years ago to the west would have reduced the size of the outfield area around the cricket strip in any case and prejudiced its potential use. Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

This being the case, Sport England does not wish to raise an objection to this application.

- 3.3 **HCC Hertfordshire Ecology** - this states that Therfield Heath SSSI and Nature Reserve is the largest area of unimproved grassland in the county, and there are many records of birds and other species within it. It is unlikely that there would be any direct harm, but there is a concern that light spill would adversely affect some species. Full details of the type of light source / proposed wavelength is not provided. The light source used should be a narrow band of white light with minimal UV. A condition should be imposed to secure this.
- 3.4 **HCC Hertfordshire Highways** - does not wish to restrict the grant of planning permission. If granted, an informative is also recommended.
- 3.5 **NHDC Environmental Health** - no comment or objection.
- 3.6 **Royston Town Council** - no objection providing time limit of 9pm is imposed.
- 3.7 **Local views** - replies have been received from two nearby neighbours, who both support the proposal on the basis that the proposal will extend the use of the Heath for sport and recreation, benefiting the town and nearby villages.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises the rugby pitch located with The Heath area on the south side of Baldock Road. The existing tennis courts, with their fencing and lighting and associated clubhouse are to the west of the application site.

4.2 Proposal

- 4.2.1 The application is seeking full planning permission for the erection of four 15m high lighting columns with floodlights. The columns are sited along the long side of the pitch, with two on each side. The two on the east side of the pitch are to shine only onto the pitch, while the two on the west side of the pitch are to shine both

onto the pitch onto the area between the rugby pitch and the tennis courts. The columns are to have three actual lights at the top of each column, positioned on a small bar.

- 4.2.2 A statement has also been submitted in support of the application. This is attached in full at Appendix 1. In summary it states that for weekday evening training sessions in the winter months portable floodlights are used, which damage the ground being taken in and out, and as they are run on a generator are noisy and have light spillage.

4.3 Key Issues

- 4.3.1 The key issue for consideration in this instance is the impact the lights would have in the locality and on the context of The Heath.

- 4.3.2 The Heath extends from the south side of Baldock Road and forms an attractive setting and context to the edge of the urban area of Royston as well as being a local nature reserve and SSSI in its own right. The use of The Heath for walking and sport is well established, as in addition to the rugby pitch there are tennis courts, with fencing and floodlights and cricket and hockey pitches too.

- 4.3.3 Whilst the character of The Heath is open, in parts there are some mature trees, which provide for a degree of visual screening. In the areas of the tennis courts and hockey pitch and along the road frontage in front of the parking area, this is the case. However, in the area of the rugby pitch, there are no trees, and consequently it is very open, with views through to the hill area behind. Whilst the rugby goal posts remain on the land, there are no other structures enclosing the area of the rugby pitch. The erection of four 15m high columns with rows of three lights on top of each, will be very visually dominant in my view and noticeable in this location, and given that they are to be positioned along the 'sides' of the rugby pitch with the goal posts at either end, will result in creating a visual perspective of 'enclosing' the rugby pitch. Given these factors I consider that the erection of the lights, due to both their visual dominance and sense of enclosure created would be harmful to the open character of The Heath and as a result the proposal would fail to comply with Saved Policy 6 of the existing Local Plan 1996, as the proposal does not "positively improve the rural environment". Insofar as it relates to rural restraint Saved Policy 6 remains in conformity with the National Planning Policy Framework (NPPF), specifically one of the core principles of the NPPF set out in paragraph 17 of the document, that being to protect the intrinsic character of the countryside. On that basis in accordance with the advice set out in paragraph 215 of the NPPF.

- 4.3.4 It is noted that portable lights are currently used, and there are associated disadvantages with these lights. However, the lights and associated structures are not left out on The Heath at all times, so do not result in creating a permanent sense of enclosure or visual dominance that would harm the open character of The Heath. In my view the disadvantages of these lights is not considered to outweigh the proposed harm that would be caused by the erection of the permanent lights.

- 4.3.5 There are lights at the tennis courts, approved under application 09/00847/1. This application allowed for the former old tennis courts to be extended to six courts with a modern surface, 3.6m high fencing and 18 x 8m high floodlights. The court surface, fencing, lighting columns and floodlights are all dark green in colour. These courts are positioned south of Baldock Road, in front of the pavilion building and adjacent to the car park. There is landscaping between the car park and the fencing and mature trees along the access road and screening the courts from Baldock Road. Given the extent of screening around the tennis courts, provided by the pavilion building and the existing trees and landscaping and that these lights are 8m in height, I do not consider that these lights can be regarded as setting a precedent for this proposal. The fencing required around tennis courts already forms a sense of enclosure, and the lights do not significantly add to this. I

therefore, do not consider that the proposal at the rugby club can be considered to have the same context as the existing lights at the tennis club.

4.3.6 In terms of associated activity, it is clear that the installation of permanent lighting on this site would increase the intensity of use of the rugby pitch, by for example enabling evening matches to be played. I understand that matches are not permitted if the lighting is moveable. I consider that having matches on this site would increase the level of activity from low to medium. Medium in the sense that there are very few facilities for spectators and on that basis the amount of activity at match times would not in my view be beyond medium in terms of intensity. Saved Policy 39 of the North Hertfordshire District Local Plan No. 2 - with Alterations allows for medium intensity leisure uses between towns (in rural areas) and on this basis given this edge of town site I do not consider that an objection to this proposal can be sustained on the basis of associated increase in activity.

4.3.7 Turning to the issue of the site's location within a Site of Special Scientific Interest (SSSI) the NPPF at paragraph 118 states that:

4.3.8 **'Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the feature of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.'**

4.3.9 As can be seen from the consultation responses reported above, specifically Natural England and Hertfordshire Ecology, both organisations are not setting out any specific objections in relation to the site's special scientific interest from an ecological perspective. On that basis I do not consider that this development would cause any clear harm to biodiversity. However, the Heath's status as a SSSI does in my view enhance its value in terms of contribution to the character of the countryside and wider landscape. Given that I consider this development would cause harm to the character of this landscape by virtue of an unacceptable visual impact on the open aspect of the Heath I also conclude that the proposed development would conflict with the overall objectives of paragraph 118 of the NPPF. With respect the benefits of this development (referred to in paragraph 118) I consider that the benefits are narrow in the sense that they relate to assisting a Rugby Club rather than any wider public benefit. Indeed the Heath is for the benefit of all its users and its open and undeveloped character contributes to an existing community benefit which in my view would be undermined by this development proposal.

4.4 **Conclusion**

4.4.1 The erection of 4 no. 15m high permanent floodlights by reason of their visual prominence and permanent structures and by virtue of the lights forming a sense of enclosure on The Heath, in a section where the land is very open, are considered to be both contrary and harmful to the character of The Heath, and contrary to the provisions of Saved Policies 6 and 39 of the North Hertfordshire District Local Plan no.2 with Alterations 1996. And contrary to paragraphs 17 and 118 of the NPPF (Core Principles) which seeks to protect the intrinsic value of the countryside.

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 permission be **REFUSED** for the following reasons:

1. In the opinion of the Local Planning Authority the erection of 4 no. 15m high permanent floodlights, by virtue of their excessive height and associated visual prominence and the lights forming a sense of enclosure around the rugby pitch on The Heath, in a section where the land is very open, would be harmful to the open and undeveloped character of The Heath. The site is located within a Site of Special Scientific Interest (SSSI) which both enables strong restraint on development on The Heath and protects its open and undeveloped character for the benefit of all users of the Heath. This development proposal which would provide narrow public benefits would also harm the SSSI by eroding its open and undeveloped character. Given these factors the proposed development conflicts with Saved Policy 6 of the North Hertfordshire District Local Plan no.2 - with Alterations 1996 and the objectives of paragraph 17 and 118 of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.