

# **Site: Easington Sports and Social Club      14/01911/F**

**Ward:** Banbury Easington

**Case Officer:** Aitchison Raffety

**Recommendation:** Approval

**Applicant:** Mr Richard Meadows (Easington Sports and Social Club)

**Application Description:** Installation of 6 floodlight columns and 16 1500mw lights

**Committee Referral:**

**Committee Date:** 16 April 2015

## **1. Site Description and Proposed Development**

- 1.1 The application site is located to the rear of properties along Addison Road and Grange Road and is occupied by Easington Sports and Social Club. This comprises a football pitch together with a clubhouse and associated car parking. Access is taken off Addison Road off the turning head outside of Blessed George Napier School (BGN). The pitch forms part of a larger area of open space and sports pitches which are used by BGN and which extend to the west and south west.
- 1.2 The application proposes the erection of a total of six floodlight columns each with a height of 15.24 metres. The floodlights would be positioned at either corner of the pitch and on the halfway line. The four at the corners would have three lights and those on the halfway line two lights.
- 1.3 The application is submitted as part of the club's work to improve facilities at the site in order to enable the club to fulfil requirement of the FA to compete in wider competitions and higher leagues.
- 1.4 Members will recall that this application was deferred at the last meeting to enable the local residents to be better informed about the substance of the application.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 8 January 2015. A total of 10 letters of objection have been received following the consultation process which raised the following issues;

Traffic

- 2.2 Addison Road already deals with high levels of traffic associated with BGN and Easington Sports and Social Club. Traffic is generated weekday evenings between 6pm and 10pm and when BGN has functions. It is serving traffic beyond its original design and its capacity. The expansion of Easington Sports and Social Club would worsen the situation in an area where there is nowhere additional to park.

- 2.3 Addison Road already experiences damage to verges from cars and, drainage is already a problem. The increase in traffic the application would bring would make these issues worse.
- 2.4 The club are looking to expand and there is insufficient parking within the site. Addison Road cannot cope with the additional traffic including coaches that would be generated from higher league status.
- Residential Amenity
- 2.5 The additional traffic would create noise and disturbance to residents.
- 2.6 There have been repeated cases of antisocial behaviour reported to the Council following events at the clubhouse, with disruption and disturbance late at night. Increased use of the club through new facilities will potentially increase these instances.
- 2.7 Light pollution from the floodlights to the rear gardens and rear rooms of properties which back onto the site. There is concern over the ability to police the timing of the floodlights. The level of use indicated is a minimum for matches and does not take account of training which seems likely to use the facilities if floodlighting is provided. Currently training is at BGN.
- 2.8 The masts on which the floodlights would be installed would be an eyesore to residents.
- 2.9 Support is given to the football club and the provision of decent sporting facilities, however, the impact on the local area and residents is unacceptable.
- 2.10 A letter was sent by the Addison Road residents group to all Members of the Committee before the last meeting and this was included in the written update to the last meeting as well.

### **3. Consultations**

- 3.1 **Banbury Town Council:** Objects to the application on the grounds of light pollution having an unacceptable impact on neighbouring properties.

#### **Cherwell District Council Consultees**

- 3.2 **Ecology Officer:** raises no objections on ecological grounds, providing that the level of use outlined in the application is secured by a condition such that the potential impact on bats remains at the minimal level described.
- 3.3 **Environmental Protection Officer:** raises no objections to the application.
- 3.4 **Anti-Social Behaviour Manager:** confirms that the proposed lighting complies with the good design practice set out in the Institute of Lighting Practitioners Design Guidance. Comparison with the previously submitted scheme shows that predicted light spillage from this scheme has been reduced to properties and the gardens of properties in Addison Road and Grange Road. Despite the high specification of the lighting system due to the proximity of the football

ground to the gardens of the properties in the two streets mentioned above, the view from these properties will no doubt be compromised when this lighting is in operation, with the view to the rear of these properties being of a brightly lit column when the lights are in use.

- 3.5 In an update to the original comments the following response was received. I can confirm that from a technical stand point the proposed floodlighting does comply with the standards contained in the Institute of Lighting Professionals Guidance document. Despite this technical compliance I would anticipate that we would receive complaints from nearby residents on the grounds that they are very close to a brightly lit area.

As you point out in our comments on the previous application we suggested that a 21:00 hrs curfew should be imposed on the use of the lit area. The curfew was suggested as the access to the site is via a narrow residential street. The potential for traffic to and from the football club to cause disturbance to the residents of Addison Road is further compounded by the lack of off-street parking in the area.

If you are minded to approve this application then I would recommend that planning conditions be included to restrict the total number of occasions the lighting can be used in any season and restrict the latest time of use for the lights.

#### **Oxfordshire County Council Consultees**

- 3.6 **Highways Liaison Officer:** raises no objections to the application.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C2	Development affecting protected species
C28	Layout, design and external appearance of new development
C31	Compatibility of proposals in residential areas
ENV1	Development likely to cause detrimental levels of pollution

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the Draft Plan was undertaken from March to May 2013. On 7 October 2013, the Draft

Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan. The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination and, therefore, carries more weight than has been previously attributed to it. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following policies are considered to be relevant:-

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment  
ESD 13: Local Landscape Protection and Enhancement  
BSC 10: Open Space, Outdoor Sport and Recreation Provision.

## **5. Appraisal**

5.1 The key issues for consideration in this application are:-

- Relevant Planning History
- Visual Amenity
- Traffic Issues
- Residential Amenity
- Ecology

### **Relevant planning History**

5.2 There have been a number of planning applications previously relating to the site. Application Reference 13/00036/F proposed the erection of floodlighting as well as spectator stands and additional car parking. This application was withdrawn following various issues being raised by consultees which could not be satisfactorily addressed at the time. At the time of assessment of the application and presentation to Committee in June 2013, officers had concluded that the additional noise and activity from the extended use of the site and impact from the floodlights was unacceptable and would result in harm to residential amenity of adjacent residential properties. A subsequent application for the spectator stands and car parking was submitted under reference 14/00179/F and was subsequently approved. There is no planning history which directly affects the current submission and the application revises the 2013 proposals in an attempt to address the issues raised at the time. The key question is whether the revised submission satisfactorily addresses the concerns that were expressed by officers at the time of the original application.

### **Visual Amenity**

5.3 The site is contained by residential properties along two sides but is open to views from the adjoining school playing fields and public rights of way to the south west and west, in particular Salt Way which is a main route in the area. The floodlight columns with a height of 15.24 metres would be visible above neighbouring residential properties and their prominence would be substantially increased when in use when lighting would make them visible across a much wider area.

- 5.4 The visibility of the lighting columns when in use and when not in use is not a reason in itself to refuse planning permission. There needs to be harm caused by any visible impact which is not outweighed by any benefits the scheme would provide in order to justify the refusal of the application. In respect of the site, whilst the floodlights would be visible from many locations in the area, particularly when illuminated, it is considered that they will be viewed within the context of a large urban area and as a consequence will not appear incongruous or out of keeping with the locality. Indeed BGN and Banbury School, to the north west, both have outdoor sports pitches which are illuminated.
- 5.5 There are very significant benefits associated with the provision of the floodlights in terms of the ability of the football club to run an under 18 team in a league and also provide for the senior team to run in higher leagues as well as more competitions. The improvement in sports facilities is supported by the National Planning Policy Framework (NPPF), particularly paragraph 70. On balance therefore, whilst there would be some visual harm caused as a result of the development this is within an urban context where lighting is common and is outweighed by the benefits which would be provided through their provision.

### **Ecology**

- 5.6 The previous application (13/00036/F) highlighted conflicts between the floodlighting and bats in the vicinity. The continued importance of habitat and species potation remains an important aspect of the NPPF. The applicant has engaged a suitable professional to advise on the impact on bats from the floodlights and the supporting documentation provides an assessment of the potential impacts. The submitted information provides an assessment on the use of the floodlights using the assumptions for use of two teams and the senior one being in a higher league as a worst case scenario. The floodlights would in such circumstances have a minimal impact on the local bat population given the very few times each year when bat activity would coincide with the use of the floodlights. The Council's Ecology Officer is satisfied with the submitted information. The level of use is such that the potential impact on the bat population will be minimal and providing this can be restricted through conditions there would be no material harm through the proposals on ecological grounds.

### **Traffic Issues**

- 5.7 Local residents have raised concerns over the increased use of the application site through the installation of the floodlights. Addison Road provides an access to BGN as well as residential properties. The main issues raised relate to congestion along the road and the exiting problems which are experienced with traffic associated with the football club as well as the poor condition of the surface and damage caused to verges. Application 14/00179/F did include the extension of car parking within the site which should assist in addressing some of the concerns expressed by residents. The Highway Authority has **not** raised any objections to the proposals on highway safety grounds. This assessment by technical highway professionals is a material consideration which attracts significant weight in the assessment of the proposals.

- 5.8 The previous application which included floodlighting examined the issue of highway safety and a similar proposal was considered to be appropriate in highway safety terms. The assessment by the Highway Authority indicates that the site can be adequately served from Addison Road and the current site arrangements. It is considered, therefore, that the development would not conflict with policy TR7. The development is, therefore, considered to be acceptable in highway safety terms.

### **Residential Amenity**

- 5.9 There are two issues relevant to the consideration of residential amenity; the direct impact from floodlighting to the properties which adjoin the site and, the issue of potential for noise and disturbance to the residential area through increased use of the site in the evenings. I will deal with each matter in turn.
- 5.10 The floodlight columns would be positioned approximated 2 metres from the boundary with the houses on Addison Road. Each column would be 15.24 metres in height. The current scheme differs from that proposed in 2013 (13/00036/F) by reducing the height of the columns from 18 metres but having a total of six rather than four in order to provide the necessary illumination to the pitch. The technical information which accompanies the application provides an assessment of the light spill and demonstrates that the impact on the residential properties is extremely limited. The Council's Anti-Social Behaviour Manager has confirmed that the lighting scheme meets best practice from the Institute of Lighting Practitioners document '*Guidance notes for the reduction of obtrusive light*'. It is considered, therefore, that the level of light spill from the proposed floodlighting would be very limited and would not result in any significant lighting of the rear gardens or the rear facing rooms of the adjacent houses. The scheme has been prepared to minimise any impacts of light pollution and is successful in this respect.
- 5.11 The lighting would inevitably be visible from the rear gardens and rear windows of the residential properties which abut the application site. The question is whether the illumination would result in any material harm to the amenities of the occupiers of the properties. The views from the rear of the housing, particularly those on Addison Road are extensive across the sports fields to the countryside in the distance. Floodlighting at the schools (BGN and Banbury School) are set some distance away to the south west, out of direct line of sight. There would inevitably be an impact on views from the rear of these properties, and when the floodlights were in use at night there is likely to be a perception of light pollution even with luminance level within the required levels.
- 5.12 The presence of the lighting would clearly have an impact on the neighbouring properties. However, in view of the design meeting the relevant best practice, it is considered that it would not be possible to sustain an objection on the grounds of light pollution at appeal. Therefore, on balance the impact is found to be acceptable and would not conflict with policies C31 or ENV1.
- 5.13 The lighting columns themselves would be located directly adjoining the rear gardens of residential properties and would not be screened by any significant fencing or vegetation. The columns whilst visible from rear gardens and rear

facing rooms would not obstruct the wider views, allowing continued views over the sports field and beyond. They are relatively slim structures which would not appear overbearing or dominant when viewed from neighbouring properties, particularly given the relatively substantial rear gardens the houses possess. It is not considered that there would be any material harm caused, therefore, from the presence of the floodlight columns adjacent to the boundary with the houses and they comply with policy C31 as a result.

- 5.14 The second aspect relates to the potential for increased evening activity through the provision of floodlights. The floodlighting is required in order to provide the potential for increased fixtures for the senior team and also the establishment of an under 18 team. The floodlights would be used on Saturday afternoons (15.00-17.00) and provide the means for midweek fixtures to meet FA regulations. The applicant indicated as part of the original submission that they anticipate 36 midweek fixtures using the floodlights throughout a season in all competitions. There is no doubt that the floodlights would provide a significant benefit to the club and the wider community in terms of enhanced sports facilities.
- 5.15 Use of the site for fixtures during the week will attract vehicle movements from players, officials and supporters at times when currently levels of use are low, given that it is not possible to use the pitch at these times. There will, therefore, be an increase in traffic movements using Addison Road as well as noise created through the activities on the pitch from players and supporters. The original submission indicated matches would normally finish around 21.30 but can start no earlier than 19.30. It should be noted that the application sought to use for three hours on week days to cater for extra time in cup competitions, but it is assumed this would be a rare occurrence. The provision of floodlights would extend the use of the facilities and would result increased movements to and from the site. Concerns were expressed by the Council's anti social behaviour manager over this increased activity occurring late in the evenings on a regular basis. The use of the floodlights for possibly up to 36 times a season and until nearly 22.00 was considered to be unacceptable due to the additional noise and disturbance that would result from the use of the site.
- 5.16 Discussions have taken place with the applicant over the intended level of use of the floodlights and it has been indicated that the key element is for use of the floodlights to facilitate the first team and ensure they can maintain in their existing league. Whilst the use by an under 18 side would have been preferred it has been agreed to delete this element in order to significantly reduce the number of midweek games that would be played. In addition the applicant has clarified the issue of timings of evening games and has indicated that these can be scheduled to start at 19.30 with a finish of approximately 21.15 with the exception of cup matches where extra time may be necessary. The agreement to limit the number of matches would result in the floodlights being required approximately 12 times each season for midweek fixtures each season and the also having kick off at 19.30 will substantially reduce the potential for the use to cause disturbance to nearby residential properties.
- 5.17 Addison Road is not on a main thoroughfare and it does provide access to BGN including potentially for evening functions and use of the sports facilities.

Parking for these out of school activities is available within the school grounds and together with the one way system employed impacts on residential properties is reduced. The proposed installation of the floodlights would result in a material increase in traffic using the road and use of the facilities at the club. It would be possible to condition both frequency and duration the floodlights could be used, however, the Council's Anti-social Behaviour Manager has expressed concerns over increased activity from the site later in the evenings and, a limit of 21.00 has been suggested in line with the pitches at BGN.

- 5.18 The reduction in the number of times each season the floodlights could be used for matches, together with a restriction on kick off times substantially alters the development and the impact it would have in local residents. There would still be an increase in level of activity and associated with the site, however restricting this to 12 times in any season together with a limit on the time they can be used will substantially reduce any potential impacts to a level whereby the living environment of neighbouring properties will not be materially affected to any significant degree. The application seeks to address concerns which were raised in connection to the previous application for the floodlights. The submission has addressed the issue that were raised at the time and as such a different conclusion has been reached.
- 5.19 In weighing up the application, it is necessary to recognise the benefits that would be provided through the improvement on sports facilities which are actively encouraged in the NPPF (paragraph 70). This positive aspect must, therefore, be weighed in the balance as should the fact that the other issues highlighted did not amount to a material level of harm to residents or matters such as landscape or highway safety. It is recognised that there would be an impact on residential properties in the area, however the degree of impact can be controlled through appropriate conditions. On balance, therefore, it is considered that the benefits of the scheme outweigh any potential negative impacts and the application is recommended for approval as a result. Harm to residents would be significant and could not be made acceptable through conditions that would be useable to the club. It is, therefore, considered on balance that the benefits do not outweigh the harm that would be caused and refusal is recommended as a result.

### **Consultation with Applicant**

- 5.20 Discussions have been undertaken with the applicant which have resulted in an acceptable solution being achieved. Therefore, the Local Planning Authority has taken this decision in the timely and efficient manner.

### **Conclusion**

- 5.21 This is a finely balanced decision which has been reached and there are clearly public benefits to the proposals which justify the proposals. The applicant has gone to considerable lengths to address concerns that were raised with the previous proposals and the agreement to limit the number of midweek matches and hours the floodlights can be used satisfactorily overcomes any remaining concerns. The proposals with the imposition of appropriate conditions are considered to be acceptable.



**6. Recommendation Approval, subject to the following conditions**

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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 floodlights hereby approved shall not be switched on more than 30 minutes before match kick off and shall be switched off no more than 10 minutes after the final whistle and in any event no later than 22.00 Sunday to Friday and 18.00 on Saturdays.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. There shall be no training on the pitch and no more than 12 floodlit matches in any one season.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The lighting is to be installed in accordance with the submitted details and to be checked and certified by the installer.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.