

Dewey Sports Centre
Barley Close
Bloxham
Banbury
OX15 4NJ

18/01252/F

Applicant: Bloxham School

Proposal: Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

Reason for Referral: Major Application

Expiry Date: 1 November 2018 **Committee Date:** 25 October 2018

Recommendation: Refuse

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping.

Consultations

The following consultees have raised **objections**

- Bloxham Parish Council

The following consultees have raised **no objections**:

- OCC Highways; CDC Ecology; CDC Environmental Protection; CDC Landscape, CDC Leisure and Sport; Sport England

61 residents have commented on the application, **59 of which were objecting** to the application.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application are:

- Principle of development including loss of part of the playing field
- Design, and impact on the character of the area including the setting of the Conservation Area
- Landscape impacts
- Residential amenity
- Highways safety
- Protected species

The report looks into the key planning issues in detail, and officers conclude that the proposals are acceptable, subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – REFUSE PERMISSION

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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a pair of sport pitches with multi-use surfaces, currently used as a hockey pitch and tennis courts that are in the ownership Bloxham School. The pitches and an area of surrounding land which are the subject of this application are situated on the edge of the built up limits of Bloxham and just outside the Bloxham Conservation Area. The northern edge of the sport pitches borders the school playing fields, The Ridgeway, a track largely gravelled, runs parallel with the southern boundary. There are residential properties surrounding the wider sports complex.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposal involves the installation of 12 floodlights each 12.5m in height on Bloxham School's two artificial pitches. These are required to provide sufficient illumination, when required, for ball games such as tennis and hockey until 9pm on weekdays and 6pm on Saturdays. The floodlights would provide approximately 300-400 lumens at ground level. The proposed floodlights have asymmetric lighting profiles and would be used to direct the light to only the pitches and away from areas outside of the pitch. Whilst this would allow for pupils at the school to play for longer during winter months, the applicant has produced an indicative timetable committing to a total of 21 hours of non-school use a week over a 15 year period, allowing access to the facility to local residents.
- 2.2. In addition to the floodlights, it is proposed to provide further car parking, with the loss of part of the adjacent playing fields. This is sought in order to relieve the pressure on the local road network by discouraging sport centre patrons from parking on the surrounding street. The expanded area of car parking would be 15m by 65m, resulting in 30-40 additional parking spaces. The extension of the car park would lead to the loss of the long jump track in its present location, the sports field layout would be altered to allow for its repositioning.
- 2.3. The proposal also includes the landscaping of the area around the extended car park, with the addition of planting along the northern boundary.
- 2.4. The applicant undertook a public exhibition to explain the proposal to the local community on 13 February 2018. They also sought public feedback via a questionnaire.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
93/00530/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
94/00617/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
06/00334/F	Provision of floodlights to the playing surface	Application Refused
07/02628/F	21 No. Lowland Luminaires to car park perimeter.	Application Permitted

3.2. The school has attempted to gain planning permission for floodlighting at the all-weather pitches on three previous occasions over the last 25 years. The initial 1993 and 1994 applications, which would have seen 8 x 14m high floodlight masts on the pitch nearest to the indoor centre, refused on the basis that the light levels would be detrimental to the nearby residents. They were also refused on the increased levels of noise and the impact on the adjacent Area of High Landscape Value.

3.3. A 2006 application, for 8 x 15m floodlight masts serving just the further pitch from the main gymnasium building, was also refused – and the decision upheld at appeal. The Inspector concluded that the floodlights would have *‘a visually intrusive impact, harmful to the intrinsic character of the surrounding area, including the unlit countryside’ and that when not illuminated.....would appear as a tall incongruous feature beyond existing built development..... detracting from the setting of the village as a whole’*. The Inspector concluded that the setting of the conservation area would not be affected as the lights would be separated from that by other development. With regards resident amenity and traffic issues, the Inspector did not have concerns in this regard. A copy of the appeal decision is attached at the end of this report

4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
18/00096/PREAPP	Erection of 12 floodlights and extension of car park

4.2. The pre-application report concluded that the submission did not contain sufficient information for officers to be in a position to support an application, but that it was nonetheless acknowledged that it may be possible for the applicant to overcome the officer's reservations through the submission of additional information.

4.3. Additional commentary was sought on the impact on the landscape and the Bloxham Conservation Area, noise reducing baffling, traffic issues and community usage of the site – including timetabled slots. There were also ongoing questions about the impact on protected wildlife, with further investigations required complimented by appropriate mitigation.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 06.09.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 61 residents have commented on the application (some more than once) **59 of which were objections**. In addition the applicant provided 8 letters of support in favour of the application, which they had received at the beginning of 2018, ahead of the public consultation and included in the submission of the application (as they do not relate to the proposed development they have not been included below).
- 5.3. The comments raised by third parties are summarised as follows;
- Light pollution on the edge of the village affecting the night sky
 - Cause extra noise and light pollution compared to the current low levels
 - Cause additional traffic congestion, which is already high
 - Impact upon the nearby conservation area
 - Not in-keeping with the rural nature of the location
 - The height of the columns will mean that floodlights will be seen for a significant distance beyond the immediate surroundings and will affect views on public rights of way.
 - Having seen similar installations in several other areas, we know that they create a huge block of artificial light affecting the open countryside landscape
 - There is no proven need for additional floodlit facilities, given that similar facilities already exist within a reasonable distance in Banbury.
 - Increased noise from the participants of the summer schools held at Bloxham School
 - Further urbanisation of Bloxham
 - The lighting will adversely affect nocturnal wildlife in the area including bats, which are protected species
 - We chose to live here because it is close to nice countryside and walks and is dark and quiet after sunset
 - Due to the height of the columns the floodlights will be seen from a great distance and will affect views on public rights of way and many other local walks
 - This application shows total disregard for the previous strong messages from both residents and planners that a development like this is not appropriate in this location, not needed and definitely not wanted.
 - Already approved smaller scale floodlighting at The Warriner is of a scale and location that does not cause adverse harm and is ideally suited to the community needs of the village

- The School was asked at the consultation that if they had already recognised there was an issue with noise, could they not sort out this material fitting straight away. Having identified an issue it would seem reasonable that this be done as it would be a very small cost item. Unfortunately the School has decided not to do this, and seem to only be offering to do this in exchange for planning for floodlighting being granted.
- The lighting gantries will be visible over a great distance and will impact on public rights of way including the Bloxham Circular Walks and on the nearby conservation area
- The proposed floodlights are LED white light at 5000K which is the equivalent of bright daylight and will illuminate a very large area including hedgerows, intruding into open countryside with a rich wildlife population including protected species
- A key argument of the applicant is the 'unprecedented' improvement in lighting technology, however light spillage, glow and glare were not reasons for refusal last time. Having looked at the Abacus lighting proposal from 2006, which also claimed zero upward projection into the atmosphere, there is really no ground breaking significant difference
- If it will have some effect on the character of the site itself, it will certainly have an effect on the character of all surrounding areas where views, even if partial, are visible. The Bloxham Neighbourhood Plan states; 'Development outside the conservation area should protect, enhance and contribute to the rural character of the village as a whole'. This proposal does not meet that objective
- AECOM have used the existing lighting in the Dewey car park and on the buildings of the Dewey Centre itself as its baseline for measuring the incremental impact of the floodlight installations. However, both of these are in breach of current planning regulations, the previously compliant low level soft car parking luminaires having been replaced by Bloxham School last year (2017) with mid height, high powered floodlighting directed across the AstroTurf pitches
- The current and proposed timetables submitted by Bloxham School, I note completely omit the 7am sessions, but do mention a timetable of use increasing over time. Bearing in mind that users generally arrive early and it takes around 30 minutes for the venue to be vacated, this leaves local residents with approximately 1 hour a day of respite in waking hours during the week
- This application will have an enormously detrimental effect on the quality of our home life, offering very little respite from either noise or direct intrusive light, although bafflingly the documentation deems the floodlighting impact to be 'medium'.
- Mention is made of the Bloxham Circular Walk referring to the field opposite the pitches. Consideration should also be given to users of this route and how they will be affected by the sight of these floodlights. In addition the Circular Walk runs down The Ridgeway track where significant light spill is forecast from the application documents
- Due to the height of the masts other public footpaths will also have views of the floodlights especially when lit, for example south of the site and much

further afield. For example The Dewey building is clearly visible from the windmill at the far end of Bloxham Grove Road, approximately two miles away where many public footpaths converge

- The Oxfordshire Badger Group has carried out a site visit and met local residents to assess how the lighting and increased noise and disturbance will impact on the badgers in the area.

We would like to raise our concerns regarding the impact on badgers of this scheme which we believe has been underestimated by CSA Environmental in their ecological appraisal on behalf of Fisher German LLP, in relation to Bloxham School. The appraisal recognises that 'the introduction of lighting may result in disturbance to badgers in the area' but fails to mention the badgers or any mitigation for potential loss of foraging and wildlife corridor through increased disturbance, in its conclusion.

The report states that there is evidence of badger activity only on the eastern side of the playing fields whereas we have had reports that badger activity also takes place along the southern and western borders. The badgers do have access to open countryside but the impact of the lighting and increased noise and activity should be given more consideration.

- I am not opposed to the flood lights, so long as the 'residual light' is kept to a minimum. I believe there is a benefit for the students and wider community to be had
- Needed resource for the school and wider community
- Lack of leisure facilities in the area – especially after dark. This would help this situation

5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BLOXHAM PARISH COUNCIL: **Objects** to the application and make the following points, which were raised at their meeting:

- *There was concern about lighting and light pollution in this location affecting the rural nature of the village and the rural character of this edge of village site (Policies ESD 13 and ESD15 CLP, BL11 and BL12 BNDP) and the impact of lights being used up to 9pm on weekday evenings and 6pm at weekends on the amenity of residents (Saved Policy C31, BL9 BNDP).*
- *The importance of the lighting to Bloxham School and to the health, wellbeing and educational attainment of its pupils was recognised (Policy BSC10) as well as the wider community benefits of facilities for sport and recreation. The commitment to a minimum of 21 hours of community use was welcomed.*

- *The planning committee noted and shared residents concerns about any increase in traffic on the narrow roads around the site as a result of increased public use of the floodlit pitches.*
- *It was felt that there were unresolved issues around the impact of the proposal on wildlife in the areas adjacent to the site and it was noted that the committee had not seen information about the final bat report and additional comments by the Ecology Officer at the time of meeting.*
- *It was agreed that if CDC were minded to approve the application, the following would be requested:*

- *A s106 agreement providing for a minimum of 21 hours community use and in addition, a commitment that the current daytime hours for the use of local schools would be preserved*

Reason: to maintain as a minimum the current programme of sports use by local schools.

- *We understand from Bloxham School that there could be some flexibility on the curfew of 9pm and would like to see this explored with the possibility of a 7pm weekday curfew being agreed.*

Reason: to limit the adverse impact of light and noise pollution on neighbouring residents and to limit the increase in vehicle traffic on the narrow approach roads to the site.

- *The possibility of height adjustable floodlights to be investigated such that the masts could be lowered when not in use*

Reason: To mitigate the intrusive nature of the masts on the landscape.

- *Mature trees and other planting included as part of any agreed landscape design to be planted prior to any use of the facility.*

Reason: to mitigate the impact of the floodlights on neighbouring residents.

- *Any noise reduction measures available should be deployed; we note that baffle boards behind the goals have been suggested and would want other similar measures explored.*

Reason: to minimise the impact of the noise from the site when in use.

- *Any measures to mitigate the impact of the floodlights on bats and badgers in particular should be in place before the lights become operational including any proposals made by the Ecology Officer*

Reason: to avoid harmful impact on the existing wildlife and enable the existing bats to establish alternative feeding grounds.

In addition to the above comments further updates were received on the 15th October following the Parish Councils October meeting, when they discussed the applicant's comments on their previous suggestions.

Having regard to maintaining the rural character of the village and to resisting urbanisation at this edge of village location, Bloxham Parish Council reiterates its objection to this application as being contrary to the following planning policies.

Below are Bloxham Parish Council's response to the Fisher German comments submitted on Bloxham Schools behalf, regarding conditions requested by Bloxham Parish Council in their original response to this application.

These conditions were requested by the Parish Council, in the event of Cherwell District Council approving this application.

Point 1. We welcome the continued commitment shown in the timetable in the Planning Statement accompanying the application that includes provision of daytime slots for local schools.

Point 2. The acknowledgement that Bloxham School could work to a 7.00pm curfew, this would provide a benefit to adjacent residents.

Bloxham Parish Council would seek that this 7.00pm curfew is applied Monday to Friday and is adjusted to 4.00pm at weekends.

It is not appropriate to compare the Warriner MUGA and its lighting curfew of 9pm and the Dewey Sports Centre as the two locations are not directly comparable nor is the effect of the proposed lighting on local residents directly comparable.

Point 3. Retractable lights are available which would not pose a trip hazard as they do not fold onto the ground when not in use. Such lights could be retracted when not in use thereby minimising the impact of the masts on the landscape. (see Sports Lighting UK).

The mast's can be painted in suitable a RAL colour to blend with the surroundings.

Point 4. We welcome the commitment to provide Native mature trees (grown in the UK) as approved by the Landscape officer.

Point 5. We welcome the commitment to provide noise reduction methods and that these have already been ordered by the school.

Point 6. Any mitigation work to protect wildlife and biodiversity should include work on the Ridgeway at the application site. The additional benefit of creation of a pond and wildflower meadow on the site at Courtington lane will help mitigate harm.

Point 7. The Dewey Sports centre is not the best location for meeting the needs of Oxford and South Northants. The access is through narrow streets and through a residential area.

STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.3. **SPORT ENGLAND: No objections.** The main issue for Sport England to assess was the loss of part of the playing fields. But as the facilities would be replaced elsewhere on the wider site and the car parking would be in support of additional sports use of the site being therefore ancillary to it, it was adjudged to comply with their policies.

- 6.4. OCC HIGHWAYS: **No objections.** The Highways Officer states that ‘*The car park can accommodate 40 – 50 cars at present, while the extension would hold an additional 30 – 40. This significant increase in capacity should be sufficient to cater for the needs of all the sports facilities, and will help to relieve weekday parking on the highway if staff and students can be encouraged to use it rather than the local roads*’. They concluded their comments by requiring that additional lighting for the car park users and provision of a walkway to separate pedestrians was required. This can be secured by condition.

NON-STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.5. CDC ENVIRONMENTAL PROTECTION: **No objections**, commenting as follows:

This department has the following response to this application as presented:

Light: *Due to the village location, where background light will be relatively low and the close proximity to residential dwellings. The floodlights should be used only in connection with the sporting activity taking place at the grounds and not at any other time for any other purpose. The lights should also be turned off when that activity has ended and not left on while no activity is taking place.*

The following additional comments were made following the Case Officer’s request that the impact of the light from the floodlights and noise level be reappraised in light of local opposition:

According to the report the light spill experienced by residents will be significantly lower than the guideline 5 lux for a rural environment; the operating hours are 1800-2100, which is two hours before the recommended curfew. So the only other thing I could put on there was to ensure they turn the floodlights off when the pitches are not in use.

Regarding the noise, I can’t see there being an issue based on the proposed operating hours. I don’t think they can do much more than what they have proposed (i.e. the baffling on the fencing).

An additional request was made for clarification on the lighting report following a question about the assumptions made about the environmental classification of the area around the site.

Environmental Protection recommended that this is looked at by a specialist lighting consultant.

- 6.6. CDC LANDSCAPE SERVICES: **No objections**, with the following comments:

Further to consideration of the above planning application. A comprehensive LVIA where there is general agreement with most of the judgments and conclusions.

The assessment of the flood lighting impact and effect appears to appropriate. I agree with following the statement:

The above assessment is based upon an appraisal of winter views. The AECOM Lighting Assessment notes that in summer when the trees in leaf, any winter filtered views would be reduced by between 50% and 80%, while in winter these filtered views would reduce baseline effects by between 10% and 30%.

As suggested by these figures, where views of the lighting columns are filtered in the winter, during the day light hours, these would be largely screened. As in the winter months, the columns would not be prominent in views from public vantage points. When in use in the summer months when vegetation is in leaf, visibility of the lighting will be reduced where vegetation is present.

Therefore landscape proposal are required indicating the planting of a native thicket with native trees on the northern boundary eastern pitch. It is also important to retain structural planting on the northern boundary, western pitch, and the trees lining the southern boundary to The Ridgeway (information to be included on the landscape proposals). Compliance with the attached planting notes would be appreciated. A chartered landscape consultant should be employed to draw up the landscape proposals.

Additional comments were then received after the Case Officer brought up the previous refusal of the 2006 scheme which was resisted on landscape grounds:

Further to our discussion I thought it appropriate to ensure the existing screen trees and hedges on the southern and northern boundaries are retained and maintained under a management plan (to be given planning consent), along with the management of additional screen planting on the northern boundary. Thus ensuring maximum achievable tree cover to reduce the impact of light pollution.

The existing trees and hedges should be subject to arboricultural inspections to ascertain the health and potential risk to site users and members of the public (and users of The Ridgeway)

The additional planting on the northern boundary to include native evergreen and deciduous tree spaces at planting densities that allows for the full height and spread of canopies of each tree to be achieved without being overly competitive for individual trees, for light nutrients and water, which would result in slower growth rates than normal. The landscape consultant should therefore indicate the growth rates of the screen planting at yearly stages of 0, 15 and 25 year. Evergreen trees will provide year-round reduction of light pollution.

The management plan should take account of the current landscape institute and Arboricultural Association guidance, along with current industry (BS) standards and work practices.

- 6.7. CDC LEISURE AND SPORTS DEPARTMENT: **Support** the application given the increased capacity and the community use secured by a unilateral undertaking.
- 6.8. CDC ECOLOGY: After initial concerns the Ecologist offered no objections with suitable conditions to secure the mitigation of impacts on the bat population. A final bat mitigation plan was submitted by the applicant during the application process and was accepted as part of the overall submission. The Ecology Officer made the following comments in response to this document.

I do not object to the idea of compensatory habitat. Although we cannot be sure where bats are commuting to and from in order to forage, a stronger corridor going up towards the District Wildlife Site at the Warriner for example might be beneficial to the bat community which is actually to be disturbed and could prevent a net loss to bats overall by providing alternative commuting routes in the immediate area. In short in order to achieve an overall net gain for bats from the proposals they need to achieve a little more in addition to the proposed compensatory habitat and justify

why additional planting and measures cannot be carried out in the affected field also.

Concerns have been raised by a county group about the impacts on badgers by the proposals; the Ecologist has made the following comments:

I would agree with the assessment overall that they are not of particular concern here and that no unlawful activity would occur as regards badgers by the lighting of the pitches.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BSC7 - Meeting Educational Needs
- BSC10 - Open Space, Outdoor Sport and Recreation Provision
- Policy Villages 4 - Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- 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

BLOXHAM NEIGHBOURHOOD DEVELOPMENT PLAN (2015-2031)

- Policy BL9 - Policy on regard for the amenity of existing residents
- Policy BL11 - Policy on contributing to the rural character of the village
- Policy BL12 - Policy on the importance of space and key street scenes

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development including loss of part of the playing field

- Design, and impact on the character of the immediate area including the setting of the Conservation Area
- Landscape impacts
- Residential amenity
- Highways safety
- Protected species
- Other matters

Principle of development including loss of part of the playing field

- 8.2. The principle of Policy BSC 10 of the adopted Local Plan states '*The Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision*'. It goes on to say that '*In determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs*'.
- 8.3. Under the sub-heading *Supporting a rural economy*, paragraph 83 of The NPPF states that *Planning policies and decisions should enable... the retention and development of accessible local services and community facilities, such as local shops, meeting places, **sports venues**, open space, cultural buildings, public houses and places of worship*. There are further references to the promotion
- 8.4. The proposed development would lead to the loss of 975sqm of the playing field to accommodate the new parking area plus additional area for the surrounding soft landscaping, in order to provide more parking spaces and the associated landscaping involved with this.
- 8.5. Sport England is a statutory consultee for applications where land has been used as a playing field at any time in the last 5 years and remains undeveloped. Sport England opposes development on playing fields in all but exceptional circumstances. Exception two of Sport England's provisions states the following;
- 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.
- 8.6. The applicant argues that the creation of further parking spaces is required as the current parking area is inadequate. A local resident has suggested that there is insufficient space to accommodate the existing sporting activity on the playing fields (rugby, track and field etc). The School has stated that this is not the case and that there would be sufficient space for two rugby pitches of comparable sized as those currently on the sports field. Neither of the pitches is full sized and are used as training pitches. Whilst the loss of any recreation space runs against the thrust of BSC10, in the absence of an objection from Sport England, Officers are satisfied that the benefits of extending the car park outweigh any identified harm.
- 8.7. The proposed flood lights would lead to an increase in capacity sports facilities, which the applicant states would be of benefit to their own pupils and the ability to timetable effectively for them all year round. The indicative timetable also shows time for other local schools to use the facilities during the daytimes – which is included within the overall 21 hours of timetabled community usage, to be secured by undertaking legal agreement.
- 8.8. Notwithstanding the needs of the School's students, some residents have questioned the wider local need. Bloxham Parish Council, although opposing the

proposal, also suggested a compromise curfew time of 7pm should the proposal be approved. The School countered this by confirming that they would be unable to deliver on the 21 hours set aside for community usage if they were required to switch the flood lights off at this time. The Council's Open Space, Sport and Recreation Assessment and Strategies, which is currently at final draft stages and expected to be adopted later in 2018, states that the future case for the Banbury Rural region should include further community provision at Bloxham School and would welcome floodlights in conjunction linked to community use. It should be noted that in the event that there are times when the sports pitches are not in use, the School will be required to switch the floodlights off.

8.9. As the applicant points out, Officers have to be mindful of changing attitudes and have to take into account recent similar schemes within the District. Since the 2006 appeal there have been six separate approved schemes (two at Tudor Hall School) to illuminate sports pitches in the surrounding area (set out below).

- Approved in 2010 (10/00769/F) and 2017 (17/01734/F) - Tudor Hall School (1.8km) – 2010 approval -15m x 6 No. masts with a total of 20 lamps - an average of 300Lux - Curfew of 20:00 weekdays, 18:00 Saturdays; 2017 approval - 10m x 8 No. masts with a total of 24 lamps - average of 400Lux - Curfew of 20:00 weekdays, 18:00 Saturdays
- Approved in 2014 (14/00695/F) - North Oxfordshire Academy (7km) – 15m x 8 No masts with a total of 32 lights - an average of 272Lux - Curfew of 22:15 weekdays;
- Approved in 2015 and again in 2018 (18/01243/OCC & R3 0037/18) - The Warriner School (700m) – 8m x 6 No. masts with a total of 12 lamps and average of 220Lux - Curfew of 21:00 weekdays;
- Approved in 2018 (18/01082/F) – Banbury Rugby Club (4km) – 15m x 6 No. masts with a total of 18 lamps and an average of 200Lux - Curfew of 21:00 Monday-Saturday.
- Approved in 2014 (14/01911/F) – Easington Sports Club (3.5km) – 15.2m x 6 No masts with a total of 16 lamps and an average of 180Lux – 22:00 Sunday to Friday and 18:00 Saturdays.
- For reference the Bloxham School proposal is for – 12.5m x 12 No. masts with a total of 56 lamps and an average of 300Lux - Curfew of 21:00 weekdays and 18:00 Saturday and Sunday.

The figure of 300Lux is towards the higher end of the figures shown in the above examples. This is due to the requirements of hockey as a small ball game, larger ball games, such as football require a lower average Lux figure around 200Lux. To put this into some kind of context a bright summer's day would have 50,000Lux and office lighting is around 500Lux.

8.10. As has been noted by some of the objectors and indeed the Inspector in 2006, each case has to be assessed on its own merits. The Inspector differentiated between Bloxham School and a site in Hook Norton. However, there are nonetheless some parallels between these sites and the application site in respect of the specification and in that, other than Tudor Hall which is in an isolated location, the other sites are on the edge of settlements. Although mindful of the differences, Officers nonetheless attribute some weight to the broad precedent these approvals set when assessing this current application.

8.11. Although the policy background has changed significantly in the past 12 years with the adoption of a new local plan and the NPPF and the PPG replacing previous Government guidance (PPGs and PSSs), the thrust remains little changed, i.e.

promote recreation, but protect the environment. Therefore the obvious benefits of increasing the use of sporting facilities have to be balanced against any potential adverse implications for the local residents and environment. Also the precedent of a number of parallel sites in the intervening years since the appeal adds weight. The rest of this report will examine potential areas of harm before balancing them against the positive effects of the scheme.

Design, and impact on the character of the immediate area including the setting of the Conservation Area

- 8.12. Paragraph 124 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.13. Policy ESD15 of the CLP 2031 Part 1 also states that development should *'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...and within conservation areas and their setting'*. Policy BL11 of the Bloxham Neighbourhood Plan states that development should *'be in keeping with local distinctiveness and characteristics of the historic form of the village'*. Policy C28 of the saved 1996 Local Plan states *'in sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard'*.
- 8.14. The proposed floodlight masts are approximately 90m from the Bloxham Conservation Area. The floodlights would be visible from some vantages within the Conservation Area and indeed the surrounding built-up area of Bloxham even when not in use. The Inspector for the 2006 application concluded that the 8 masts proposed in 2006 would detract from the setting of the village as a whole rather than the setting, character, or appearance of the Conservation Area, given that the lights and the conservation area were separated by other development.
- 8.15. Although the current application proposes an additional 4 masts they would be 2.5m lower and would be better screened by the proposed mature tree planting. There would be a perceived 'glow' on some evenings from the direction of the sports pitches which would have an impact on the Conservation Area, especially given that there is no street lighting in the area. Although the impact on the surrounding area would be lessened through improvements to the lighting and the lower slim line poles, the proposal would nonetheless cause some harm to the visual amenities of the area.
- 8.16. The extended parking area would be a continuation of the existing car parking area and will be largely screened from view by the associated landscaping. It is placed centrally on the wider site and will have little or no impact on the character of the area or the setting of the area.
- 8.17. It is not considered that the proposals would be out of keeping with the historic form of the village as the site is not bounded to the conservation area where the effective boundary of the historic core is to be found.
- 8.18. Therefore the impact upon the conservation area is not considered harmful, given the site is separated from it by existing developments. The proposals are therefore considered to accord with policies outlined in with Government guidance contained

with the NPPF, Policy BL11 of the Bloxham Neighbourhood Plan and saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1.

Landscape Impacts

- 8.19. Policy ESD 13 of the CLP 2031 Part 1 states that *'opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.'* It goes on to state that *'Development will be expected to respect and enhance local landscape character'* and that proposals will not be permitted if they would *'harm the setting of settlements, buildings, structures or other landmark feature'* or that it would *cause visual intrusion into the open countryside'*.
- 8.20. Policy C28 of the saved 1996 Local Plan states that *'layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development'* and Policy B11 of the Bloxham Neighbourhood Plan states that the lighting of public areas should accord *'with the recommendations of the Institute of Lighting Engineers recommendations on reduction of obtrusive light (or its successors) so as to convey a rural feel and avoid light pollution wherever possible'*.
- 8.21. Paragraph 180 of the NPPF is of particular relevance to this case when it states that *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
- 8.22. The application site is located within the existing school sports site but on the edge of the village, with approximately 40-45m separating the site of the nearest flood lights to the eastern boundary – beyond which are open fields. This open countryside is relatively flat stretching to the east, but falls away to the north and south. There are a number of public footpaths along the ridge to the east. From a wider site assessment and from the public comments received, it is clear they are in regular use.
- 8.23. The photographs taken in respect of previous applications demonstrate that the character of the area around the sports pitches has marginally changed since the 2006 appeal, due in part to the growth of the trees along the southern and northern boundaries of the court site and to a lesser extent along the eastern boundary – where the hedgerow is made up of smaller trees. Because the eastern boundary remains lower in height there would be little screening from key views approaching the village across the various pathways between the village and Bloxham Grove 2.5km to the north east of the site. There are a number of key views of Bloxham from these eastern approaches, with the Parish Church dominating the views, and the proposed masts would encroach into these views. Despite the proposals including provision for further mature planting along both the northern and southern borders of the sports pitches without a full landscape design it is impossible to fully judge what impacts any further planting would have on limiting the impacts on the landscape.

- 8.24. The 2006 refusal was resisted on the impact it would have on the rural character and visual amenities of the area – particularly when the floodlights were in use. This decision still holds significant weight, as notwithstanding the improvements to the lighting scheme made in the interim and the growth of the trees within the car park area and along the southern boundary, the built form and surrounding landscape has not significantly changed in the last twelve years. In addition ESD13 has added more robust policies to protect and enhance local landscapes since the 2006 appeal. The reason for refusal also referred to the fact that the site was within the Area of High Landscape Value – though this was an outdated landscape designation even at the time of the appeal and acknowledged by the Inspector, it does reflect the esteem that the local landscape has been and is held in – which is reflected in many of the objections from the local residents.
- 8.25. In the evenings at dusk, when there will still be local people using the footpaths, the glow from the lamps will also impact upon the views of the settlement. It will also impact upon views of eastern Bloxham and from a wider area, incorporating views from the north along Wykham Lane and the south from the area around Milton and the approach to Bloxham along the Milton Road. The technology of the proposed lighting scheme does help reduce light spill, particularly the drop-off immediately around the masts, but there will still appear a large block of artificial light under certain atmospheric conditions.
- 8.26. The Council's Landscape Officer has not objected to the proposals, agreeing largely with the conclusions reached in the submitted landscape impact report following his visit to the site. However following more extensive visits to each of the receptor points by the case officer it is clear that there will be a visual impact from some locations and these are considered to conflict with policy ESD13 – particularly the impact on setting of the settlement and the landmark feature of the important Grade I Listed Parish Church, which is the dominant feature when viewed from the majority of the key receptor points highlighted in the submitted landscape report.
- 8.27. The Parish Council requested that a condition be added to require the use of height adjustable masts which could be lowered when not in use. The applicant has responded to say that this would be impracticable as there is insufficient space to fold the masts and that they would constitute a trip risk to the users of the sports pitches. It is also considered that although they would represent less of an impact to the landscape during daylight hours during times when lit they would still impact upon the landscape.
- 8.28. In conclusion, the floodlights on 12.5m high masts would create a substantial block of light beyond the built confines of the village, of a more intrusive nature character than the more softly illuminated mass of the village to one side, which coupled with the topography of the adjacent rural landscape, the lit pitches would be distinguishable from the village and from a considerable distance. In these respects the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. The proposals are therefore considered to adversely impact on the landscape and important views of Bloxham and are thus considered not to accord with policies outlined in with Government guidance contained with the NPPF and saved Policy C28 of the Cherwell Local Plan 1996, Policy B11 of the Bloxham Neighbourhood Plan and Policy ESD13 of the CLP 2011-2031 Part 1.

Residential amenity

- 8.29. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future*

development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Policy C31 of the saved 1996 Local Plan states that 'in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted'.

- 8.30. Policy ENV1 of the saved 1996 Local Plan states '*development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted*'. Policy BL9 of the Bloxham Neighbourhood Plan states that developments should '*ensure that the living conditions of neighbouring residents are not materially harmed*'.
- 8.31. There are five dwellings within 40-70m of the proposed floodlights and which have elevations with windows which face onto the site to some degree; three are along The Ridgeway – Ridgeway house, Ridgecroft and Conacre - and two along Waters Court – No.1 and No.2.
- 8.32. The 1993 and 1994 applications were refused on the grounds that the proposed lights would adversely impact the amenities of the neighbouring residents. The proposed floodlight masts in these cases were 14m in height and the light spill they would have caused was greater than that under the current proposals or indeed the 2006 application. The inspector found that given the then technical specification of the lights and the degree of separation to the dwellings that 'no undue harm to the residents' living conditions' would arise as a result of the noise or illumination. Nonetheless the Environmental Protection Officer was asked to re-evaluate their assessment in response to the local opposition to the scheme – they came back reaffirming their original position in respect of the lighting and indeed noise; given the technical information supplied within the lighting report prepared on behalf of the applicant and with the suggested curfews, which are within the 23:00 suggested curfew in the guidance and is comparable to similar recent applications in the District.
- 8.33. The lighting levels are shown to meet the guidance contained within the ILP GN01 - Guidance Notes for the Reduction of Obtrusive Light, 2011, which assumes an Environmental level E2 – Rural and of Low District Brightness – for the site. This would be a maximum sky glow of 5%, as there is zero upward direct lighting, and light intrusion into windows below 5Lux pre curfew.
- 8.34. The methodology of the lighting assessment has been questioned by an objector. Whilst Officers have no reason to question the approach taken by the report's author, further clarification has been sought on this point, with any finding being reported in the form of an update to Committee.
- 8.35. The Environmental Protection Officer supported the proposed additional baffling which would reduce the noise caused by hockey balls hitting the boards surrounding the sports pitches. The impact of sound on the neighbouring residents would be in-line with that experienced through the summer months when play can carry through until 20:00-21:00 in the evenings without the aid of floodlights. The increased baffling would offset noise impacts at what would otherwise be considered a time of year where the evenings were inherently quieter to residents due to the darkness.
- 8.36. The Parish Council also requested that further noise baffling be included in the submission. The proposal does include details of baffling behind the goals, which should reduce the noise during active periods. The Environmental Protection Officer has said that the curfew times by condition should be sufficient in order to protect the neighbouring properties from the noise of the pitches in addition to the proposed baffling.

- 8.37. The proposal is considered to largely accord with Government guidance contained within the NPPF and saved Policies ENV1 and C31 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that requires appropriate standards of amenity and privacy, however, officers are seeking independent advice from a lighting engineer with regards the Environmental Level around the pitches (ie whether it is E1 or E2) and an update will be provided in the written updates with the findings.

Highway safety

- 8.38. The NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 8.39. Policy BL9 of the Bloxham Neighbourhood Plan states that *'the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network'*.
- 8.40. The proposals for the extension of the car park facilities at the Dewey Centre would enable the applicant to reduce the impact of weekday parking on nearby public roads. This is considered to be a benefit to the local residents, a number of whom have raised issues in their comments about the level of parking in the streets around the Bloxham School.
- 8.41. The proposal would however result in additional traffic to and from the site which a number of residents have raised as a concern. However, as the Highways Officer has not objected to the increase in the volume of traffic using the surrounding roads, the development is therefore considered to accord with Policy BL9 of the Bloxham Neighbourhood Plan and policies contained within the NPPF.

Protected species

- 8.42. The NPPF states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity'*.
- 8.43. Policy ESD10 of the CLP 2031 Part 1 states that *'in considered proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources'*. It goes on to state that *'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or as a last resort, compensated for, then development will not be permitted'*.
- 8.44. The methods and content of the submitted report(s) on the impact on protected species at the site have been largely accepted by the Council's Ecology Officer, including the offsite compensation sought to increase biodiversity. There remains a question about the mitigation at the site and whether it would lead to a net-positive impact on bat numbers. Whilst it is accepted that mitigation at the Dewey Centre itself would not be able to fully overcome the impacts of the lights on the bat population and the off-site proposals are therefore welcomed, it is considered that further mitigations to improve north and south corridors on the site will need to be demonstrated pre-determination in order for the Council's Ecology Officer to fully assess the potential impacts to protected species.

- 8.45. The Council's Ecology Officer was made aware of the comments made by the objectors and concluded during discussions that although they would have an impact on the bat flight paths bats identified, they were satisfied that the lighting would not unduly affect the population status of the protected species.
- 8.46. The Ecology Officer was also directed to the comments made by the Oxford Badger Group and noted that badgers are not a protected species and whilst there might be some limited impacts upon them, there are no known setts that would be affected by the proposals.
- 8.47. As appropriate mitigation on site has not been demonstrated the proposals therefore fail to comply with Policy ESD10 of the CLP 2031 Part 1 and should be refused on this basis.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. As with the 2006 this appeal this is a very finely balanced decision, and comes down to the impact the flood lighting would have on the surrounding built-up area and landscape and the possible impact upon the protected species – which it has not been shown that they would be sufficiently protected by any additional mitigation on site. In respect of the floodlights, Officers are mindful of the 2006 appeal decision, particularly as this only sought to illuminate one of the two pitches, it is concluded that the impact of the floodlights, on the surrounding landscape, and despite advances in technology, reduced height of the masts and suggested screening from existing and additional trees, would still represent a level of harm to the local area and the landscape when lit in particular. The commitment to allow the local community access to the pitches weighs in favour of the development as does the increase in capacity for multiuse pitches in the local area, the additional relief from noise by the increased baffling and the higher level of parking offered in order to allow more staff to park.
- 9.3. The extended car park would be considered to be acceptable in the absence of an objection from the Local Highways Authority and Sport England.
- 9.4. Based on the appraisal above, the application is therefore recommended for refusal due to the impact on landscape and failure to provide mitigation for protected species on site.

10. RECOMMENDATION

That permission is refused

1. In the absence of an appropriate scheme for onsite mitigation of the impacts on the protected species of common Pipistrelle, the Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
2. The site is prominent within an attractive and visually sensitive landscape which

affords wide-ranging views to Bloxham village. The proposed twelve 12.5m masts with floodlights, due to their siting, scale and illumination, would create a substantial block of light beyond the built confines of the village and highly visible in the landscape. As such, the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, and in the absence of sufficient mitigation of the visual harm, the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 Policy BL11 of the Bloxham Neighbourhood Plan and Government guidance contained in the National Planning Policy Framework.

CASE OFFICER: John Gale

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Appeal Decision

Hearing held and site visit made on 16 January 2007

by **Jane Miles BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for
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Date 22 January 2007

Appeal Ref: APP/C3105/A/06/2018301

The Dewey Sports Centre, Bloxham, Oxon, OX15 4PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is made by Bloxham School Ltd against the decision of Cherwell District Council
- The application Ref 06/00334/F, dated 21 February 2006, was refused by notice dated 18 April 2006
- The development proposed is the provision of floodlights to playing surface

Summary of Decision: The appeal is dismissed.

Procedural Matter

- 1 The address given on the planning application form is 'Bloxham School Sports Ground, Raymond Field, off The Ridgeway, Bloxham', but the site is generally known as the Dewey Sports Centre and the principal access to it is via Brickle Lane and Barley Close. At the hearing it was agreed that the address I have used in the heading above was appropriate

Main Issue

- 2 The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area

Planning Policy

- 3 The development plan includes the Oxfordshire Structure Plan 2016 (SP) and the Cherwell Local Plan (LP). Policy G2 of the SP (adopted in 2005) seeks to improve the quality and design of development, setting out criteria with which all development should accord
- 4 In the LP (adopted in 1996) Policy C13 seeks to conserve and enhance the environment in locally designated Areas of High Landscape Value (AHLV). Although part of the development plan, this policy does not fully accord with more recent national policy in *Planning Policy Statement 7 Sustainable Development in Rural Areas* (PPS7). The PPS encourages criteria-based policies to protect such areas, rather than local designations, and Policy EN34 of the Council's draft Cherwell LP 2011 followed this approach. In December 2004 the Council resolved not to progress this LP beyond the pre-inquiry stage it had reached, to concentrate on the new local development framework, but approved it as a non-statutory plan. As such it would normally carry little weight. However, as Policy EN34 better reflects current national policy than LP Policy C13, I shall have regard to it.
- 5 My decision also takes account of national guidance in *PPS1 Delivering Sustainable Development*, *PPG15 Planning & the Historic Environment*, and *PPG17, Planning for Open Space, Sport and Recreation*

Reasons for the Decision

- 6 The proposal involves a total of 20 lamps mounted on 8 masts, each 15m tall, to floodlight the newer of the school's 2 artificial pitches. It was clarified at the hearing that the floodlights would be permanent structures, and permission is sought to use them until 21 00 hours on weekdays. The school would use the illuminated pitch until 18 00, and it would be used by Bloxham Football Club or Banbury Hockey Club for the remaining 3 hours.
- 7 The existing established character of the appeal site and its surroundings is one of the main points at issue between the Council and appellant. At the most general level, even though Bloxham is a sizeable village, with areas of estate-type housing beyond the Conservation Area at its historic core, I consider it to be part of the rural area because of its size, character, and countryside setting. The extent to which the appeal site is an integral part of the village, and its degree of urbanisation, are also key considerations. It was accepted at the hearing that these are matters of judgement, not least because the development plan does not define settlement boundaries for the District's villages.
- 8 The school's sports facilities at this location adjoin the Jubilee Park recreation ground, managed by the Parish Council and, in my opinion, existing residential curtilages to the north, west and south of this combined area of predominantly open land provide a well-defined and identifiable eastern boundary to this part of the village's built form. Due to their siting, size and mass, the sports hall building and recently completed squash courts are also seen as part of the village's urban form, but the remainder of the school's sports site and Jubilee Park have a markedly different and more open character.
- 9 There are some urbanising features in these areas but in my opinion they have limited visual impact. In views from around the site, there is little appreciable difference between the appearance of the grassed and artificial surfaces. Moreover the visual impact of fencing around the pitches is offset by the hedges and trees that surround various sections of the sports grounds and provide a visual link into adjoining countryside. The appeal site itself is separated from the sports centre building by the adjacent artificial pitch, and it projects eastwards into open land, beyond the easternmost limits of housing to both north and south. Overall, therefore, I do not consider the appeal site to be within the physical confines of the village. Nor do I find the character of the site and its surroundings to be primarily urban.
- 10 With regard to the visual impact of the illumination, the Council does not dispute that the scheme has been carefully designed to prevent glare and to minimise light spill beyond the playing surface, or that masts of 15m are necessary to achieve this. Residents disagree, but I find no reason to take a different view on this. Nonetheless, floodlights on 15m high masts would create a substantial block of light beyond the built confines of the village, of a quite different and more intrusive character than the more softly illuminated mass of the village to one side. Given also the topography of the surrounding countryside, it seems to me that the lit area would be apparent and distinguishable from that of the village from a considerable distance, particularly from the north and south. In these respects the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area, including the unlit countryside, even if use were to be restricted to 18 00 hours.
- 11 When not illuminated, the lamps clustered at the top of 8 masts, in close proximity to each other, would be visible from various viewpoints in the village, together appearing as a tall, incongruous feature beyond existing built development, with few trees of sufficient height in the vicinity to provide a softening effect. They would detract from the setting of the village as a whole, rather than the setting, character, or appearance of the Conservation

Area, from which they would be separated by other development. The telecommunications structures referred to by the appellant appear less intrusive because they are seen at a distance. Similarly, in daylight, the proposed floodlight structures would not be particularly prominent in more distant views, but that does not outweigh my other concerns.

- 12 There are some similarities, particularly in the edge of village setting, between this site and one at Hook Norton football club where floodlights were approved in 2005, following a previous refusal for a different siting, dismissed on appeal (ref APP/C3105/A/02/114634). However, because there are also significant differences, such as the topography around the site, the relationship with the village's built form, the number of masts, and more restricted periods of use, I do not consider that it sets a precedent for the appeal proposal. Overall I conclude that the proposal would harm the character and appearance of the surrounding area, contrary to the objectives of national and local policy and to SP Policy G2.

Other Matters

- 13 The proposal, facilitating extended use of an existing sports facility by the school and 2 sports clubs, is supported by those clubs, other organisations, and the Council's own leisure department. It would add to the facilities already made available by the school for community use, thus helping to reduce the need for Bloxham residents to travel elsewhere. In these respects it would accord with national and local policy objectives which promote the provision of sports and recreation facilities in sustainable and accessible locations. Whilst it seems that a proportion of the sports clubs' members are not Bloxham residents, and there is no clear information on what that proportion is, that does not necessarily negate the benefits of providing a high quality facility for the area in general.
- 14 Given the technical specification, the degree of separation from dwellings, and the scope to control the hours of use by condition, I am satisfied that there would be no undue harm to residents' living conditions as a result of the illumination or noise from activity on the pitch itself. However the close relationship between dwellings and access to the site could result in some noise and disturbance to residents from cars coming and going, both during and after evening use of the pitch, which is a point of concern. Residents also suggested that the adjacent narrow streets and existing parking provision would not cope with more intensive evening use, but no objections are raised by the Council or Highway Authority in these respects. On the basis of the information available to me on these matters I have no reason to take a different view.
- 15 Any dispute over the school's right to use the access across the Jubilee Park land is a private matter between the parties involved and does not affect the proposal's planning merits.

Conclusions

- 16 On balance, I conclude that the benefits of the proposal are outweighed by the harm it would cause in terms of character and appearance, and none of the other matters raised are so significant as to alter this overall balance. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Formal Decision

- 17 I dismiss the appeal.

Jane Miles

INSPECTOR