

Case Officer: Andrew Thompson

Applicant: Bicester Town Council

Proposal: Perimeter lighting around the running track for the Whitelands sports farm site

Ward: Bicester South And Ambrosden

Councillors: Councillor Cotter, Councillor Pruden, Councillor Sames

Reason for Referral: Application affects Council's own land

Expiry Date: 13 December 2023

Committee Date: 2 November 2023

SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS ON COMPLETION OF THE CONSULTATION PERIOD.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to the sports ground located at Kingsmere. The Sports Village site comprises 17 hectares, within the wider South West Bicester mixed use development. It is located at the southern edge of the Kingsmere site and is bounded by Vendee Drive to the west. There are currently no street lights on Vendee Drive.
- 1.2. In terms of existing floodlights the existing sports floodlights are 15m in height (approved under 15/01615/F) and further floodlights have recently been approved for the rugby pitches which are also 15m in height (approved under 23/00473/F). At the time of the application submission, some of the formal sports provision has not been implemented.
- 1.3. Other lighting to the car park is c.5m in height with other lighting to the south and street lights to the Kingsmere Development which are c.10m in height. The Kingsmere residential development overlooks the open space.
- 1.4. Other street furniture includes two outdoor gyms within the open space and CCTV cameras and there are a number of access points from the neighbouring housing development.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposes 11no., 6m high lights to the perimeter pathway which is used by walkers/joggers and other recreational activities to access the formal sports provision.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 06/00967/OUT - Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land (as amended by plans and documents received 24.10.06). Approved
- 3.3. 11/00565/CDC - Construction of winter games pitches, cricket outfield and cycle track at South West Bicester Sports Village. Approved
- 3.4. 15/01615/F - Development of the South West Bicester Sports Village in two phases comprising phase 2: construction of a two-storey sports and functions pavilion including vehicular access and parking; phase 3A: construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut
- 3.5. 23/00473/F - Installation of 9x new lighting masts along low energy LED lighting - Approved

4. PRE-APPLICATION DISCUSSIONS

- 4.1 No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments is **14 November 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2 The comments raised by third parties are summarised as follows:

28 letters of support have been received to the application setting out that the lights would add to usability and security of the pathway for recreational activity (e.g. running) particularly in winter months and for female users. The proposals would support the use of the area.

1 letter of objection has been received that the proposals would lead to unnecessary light pollution in the area and there are other places to walk.

- 5.3 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 BICESTER TOWN COUNCIL are the applicant

CONSULTEES

6.3 No consultees have responded at the time of writing (comments awaited from CDC Ecology, Environmental Health, Recreation and Leisure and OCC Highways and Rights of way teams).

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)

- BSC 10: Open Space, Outdoor Sport and Recreation Provision
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15 - The Character of the Built and Historic Environment
- Bicester 3: South West Bicester Phase 2

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution

7.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Equalities Act 2010 ("EA")

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Residential amenity
- Ecology

Design, and impact on the character of the area

8.2 Policy BSC10 sets out 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. The proposals form part of Policy Bicester 3 and the ongoing development at South-West Bicester which requires the provision of opportunities for Green Infrastructure links beyond the development site to the wider town and open countryside.

8.3 Policy ESD15 of the CLP 2015 states that developments should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions and deliver buildings, places and spaces that can

adapt to changing social, technological, economic and environmental conditions. Policy ESD15 also states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 8.4 The support and concern of the local community have been noted with the space appearing to be well used and connected to the wider development of SW Bicester.
- 8.5 The application proposals relate to a large and open sports field serving Whitelands Farm Sports Ground. The field itself is open to the surrounding development to the north-east and the highways to the south with the Community Woodland beyond.
- 8.6 It is noted that a number of lighting columns and floodlights have been approved or have been installed on the formal sports pitches. The area is therefore principally designed and created for outdoor sport and recreation.
- 8.7 It is considered that the proposed 6m-high lighting columns, will be seen in conjunction with the lighting for sports pitches (at 15m in height), other lighting of the development of the Kingsmere area and formal sporting activity.
- 8.8 There are similar lighting columns to the north of the site and lighting to the car parking area for the sports facilities and indoor changing and sports facilities which overlook the area. The lighting columns themselves are relatively lightweight in design and will not be unduly prominent or out of place in this location. The proposals would include solar panels which would reduce the energy consumption of the street lights.
- 8.9 The proposals therefore would enhance the usability of the area which is designed for recreational activity and formal sport. The enhancement will support health and wellbeing of the community of southwest Bicester. The proposals are therefore in accordance with Policies ESD15, BSC10 and Bicester 3 of the Cherwell Local Plan and the aims and objectives of the National Planning Policy Framework

Residential Amenity

- 8.10 In terms of residential amenity, whilst one objection has been received there is broad support from local residents. The site is within the built-up limits of Bicester and the surrounding area is already well-lit at night through the formal sports and the wider residential area. It is noted that Environmental Health raised no objection to other sports pitch lighting (e.g. 15m high floodlights under 23/00473/F) although comments to this application are awaited.
- 8.11 It is therefore considered that a reason for refusal based on additional light pollution and detriment to residential amenity cannot be justified.
- 8.12 The proposals are therefore considered to be in accordance with Policies ESD15, BSC10 and Bicester 3 of the Cherwell Local Plan and saved Policy ENV1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Ecology

- 8.13 Policy ESD13 of CLP 2015 states that Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside or cause undue harm to important natural landscape features and topography. Policy ESD10 requires the protection and enhancement of the rural environment.

- 8.14 Whilst the area is dominated by formal sports provision and recreational activity, the area is surrounded by hedgerows with tree and native shrub planting. There is a bird feeding station close to the sports pavilion in the southeastern corner of the field.
- 8.15 Considering the use of the site and the approved lighting, it is considered that the proposed lighting which are lower and limited in scope in terms of light spillage and would not introduce a new or unacceptable impact on protected species. Comments from the Council’s Ecologist are awaited.
- 8.16 As such the proposals are considered to be in accordance with Policies ESD10 and ESD13 of CLP 2015 and the aims and objectives of the National Planning Policy Framework.

Duty under The Equalities Act 2010

- 8.17 S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 8.18 It is noted that a number of respondents have responded that the current lack of lighting discriminates against female users of the open space. Whilst the concerns have been carefully considered above, Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 9.2 The application site is an area designated as an area for outdoor sport and recreation and the proposals would enhance the usability of the area which in turn would support the social wellbeing of residents and wider health. The proposals would not materially affect the amenity of occupiers of residential properties which front the outdoor space and having regard to the approved and built floodlights would not introduce new impacts on the natural environment. As such the benefits of the proposals outweigh any negative aspects.

10. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO NO NEW MATERIAL PLANNING CONSIDERATIONS BEING RAISED BEFORE THE EXPIRY OF THE CONSULTATION PERIOD AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS OR ADDITIONS TO THOSE CONDITIONS AS DEEMED NECESSARY OR WHICH ARE RECOMMENDED BY A CONSULTEE AND CONSIDERED ACCEPTABLE)

CONDITIONS

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Site Location and Block Plan

Proposed finished levels and drainage layouts (ref: DE1101824001)

Zeta Rapid Mount Solar Nano lighting details

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.