**DELEGATED REPORT**

**Recommendation Made: 26 July 2011**

**Reference:- 11/00390/FUL** **Parish:- Peckleton Parish Council**

**Applicant:- Mr Stephen Pritchett**
**Caterpillar Uk Ltd**
**Peckleton Lane**
**Desford**
**Leicester**

**Location:- Caterpillar Uk Ltd Peckleton Lane Desford Leicester Leicestershire**

**Proposal:- ERECTION OF 6 NO. 20M FLOODLIGHTING COLUMNS**

**Introduction:-**

This application seeks full planning permission for the erection of 6 no. galvanised 20 metre flood lighting columns with 3 no. individual lights on each to be fitted with 2Kw metal halide lamps. The floodlights are required to enable the sports and social club football facilities to qualify for and advance into the senior premier league, to allow the club to apply to join an under 17's Wednesday evening league and to apply for a Juniors' league. The applicant envisages that the proposed flood lights would be required for use during times of darkness between 3.30pm and 5.00pm on Saturdays and between 7.00pm and 9.00pm on Wednesdays, depending upon daylights hours and home games.

The Caterpillar complex operates 24 hours a day and is located between the villages of Desford and Peckleton. It occupies approximately 106 hectares of land and comprises of a number of large scale industrial buildings used for storage and distribution, vehicle assembly and offices along with areas of hard-standing used for testing, external storage and car parking. The application relates to a site of approximately 1 hectare containing the sports and social club and football pitch which are located in the east part of the site close to Peckleton Lane. A majority of the eastern boundary to the site consists of a grassed earth bund with a belt of extensive semi mature tree and shrub planting.

Relevant Planning History:-

There is an extensive planning history on the site relating to the various assembly, testing, storage and distribution uses within the overall site.

**Consultations:-**

No objections have been received from:-

Head of Community Services (Land Drainage)

No objections subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution)

No response has been received at the time of writing this report from:-

Desford Parish Council
Peckleton Parish Council
Ward Members
Site Notice
Neighbours.

**Development Plan Policies:-**

National Planning Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas
Planning Policy Guidance 17 (PPG17):

Local Development Framework Core Strategy 2009

None relevant

Hinckley and Bosworth Local Plan 2001

The site lies within an allocated employment site located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy EMP1: Existing Employment Site
Policy BE1: Design and Siting of Development
Policy BE26: Light Pollution
Policy NE5: Development in the Countryside.

**Appraisal:-**

The main considerations with regards to this application are the principle of development, the siting, height, appearance and luminance of the proposed floodlighting columns and lights and their impact on the countryside, the amenities of the occupiers of neighbouring dwellings or highway safety.

Principle of Development

The site is located outside any settlement boundary and therefore is considered as being within the countryside where policy NE5 applies. Whilst this policy seeks to protect the countryside, development for the purposes of sport and recreation in such locations can be acceptable in principle subject to there being no adverse impact on the countryside or highway safety and all other relevant planning matters being appropriately addressed. The Caterpillar complex is an established employment site covering a large area and operates on a 24 hour basis. There is an extensive car parking area immediately to the south west of the application site within the Caterpillar complex which, during the hours of darkness, is floodlit by numerous lighting columns. In addition, Sport in Desford located to the north of the site also benefits from existing 8 metres high floodlighting to sports areas which can be used up to 10pm in the evening. It is therefore considered that the principle of floodlighting within the site and the surrounding area has already been established and the proposals comply with policy NE5 of the adopted Local Plan.

Siting, Design and Impact on the Countryside

The sports pavilion and adjacent football pitch have been in operation for some years and the siting of the columns and lights around the perimeter of the pitch is dictated by its current location and the need to illuminate all parts of the pitch. The 6 no. proposed floodlighting columns are to be 20 metres in height, which is significantly higher than the existing floodlighting within the car parking areas and each fitted with three lights directed downwards towards the football pitch. The columns are to be galvanised and by way of their silver coloured finish they will blend well into the sky during daylight hours when viewed from ground level and are not considered to be visually dominant and therefore not detrimental to the visual amenity of the countryside.

The application is accompanied by a plan indicating luminance values on the ground and a light spillage plan with lights fixed at an angle of 20 degrees. The information submitted seeks to demonstrate that the proposed floodlighting scheme will result in a very minimal degree of light spillage beyond the site. The floodlighting columns are second hand and the light fittings are now discontinued, however, whilst different light fittings are to be used, the lamps proposed are the same as the luminance plans submitted. The light spillage plan extends beyond the earth bund and tree belt and onto Peckleton Lane. The plans demonstrate that the light spillage beyond the site is minimal. The applicant has confirmed that custom built light shields are to be

manufactured and fitted to the proposed light fittings to further reduce the angle of light from 20 degrees to 10 degrees in order to reduce light spillage further. Notwithstanding the 20 metres height and luminance of the proposed floodlighting to the pitch, given the existing floodlighting within the site for other purposes, the proposed hours of use of the new floodlights which can be controlled by condition, the potential to provide light shields to the proposed light fittings and the minimal spillage of light onto Peckleton Lane and beyond, it is considered that the floodlights are not likely to result in a material adverse impact on the character or appearance of the countryside. Whilst for operational reasons only limited hours of use of the floodlights are proposed on Saturdays and Wednesdays, in material planning terms the use of the floodlights would also be acceptable on other days of the week given the 24 hour operation of the Caterpillar site and the precedent set by existing floodlighting both within the site and at other nearby sports facilities. The hours of use condition reflects this wider consideration. On balance, therefore the proposed development is considered to comply with policies BE1, BE26 and NE5 of the adopted Local Plan in respect of siting, design and impact on the countryside.

Impact on Neighbouring Properties

Notwithstanding the introduction of much higher floodlighting around the football pitch, which will be closer to the eastern boundary of the site adjacent to Peckleton Lane, the nearest neighbouring residential dwellings are located approximately 400 metres to the north of the proposed development and screened from direct view of the application site by an existing earth bund with a semi-mature planted tree belt. Whilst the floodlights will be visible above this tree belt, it is intended that the light fittings will be directed downwards onto the pitch and shielded to reduce any light spillage from the site. From the information submitted and given the separation distance to surrounding dwellings, and conditions to ensure the shielding of the light fittings and the proposed hours of use of the floodlights it is considered that the proposed development is unlikely to result in any adverse impact on any residential amenities and therefore complies with policies BE1 and BE26 of the adopted Local Plan in respect of impact on residential amenity.

The Head of Community Services (Pollution) has no objection to the application and does not consider that the floodlights will have an adverse impact on residential amenity, particularly if a condition is imposed to restrict the hours of use of the floodlights.

Highway Safety

The Director of Environment and Transport (Highways) has no objection to the application subject to a condition requiring the light fittings to be shielded in order that the luminance of the light source is not a hazard to the safety of road users. The applicant has indicated that custom built shields are intended to limit any unnecessary light spillage into surrounding areas and therefore it is considered that there is unlikely to be any adverse impact on highway safety resulting from the proposed development and that it complies with policies BE26 and NE5 in respect of highway safety.

Conclusion

The proposal is considered to be acceptable in principle given the existing uses and character of the site. Given the existing floodlighting within the site for other purposes, the proposed hours of use of the new floodlights, the potential to provide light shields to the proposed light fittings and the minimal spillage of light onto Peckleton Lane and beyond from landscaping it is considered that the floodlights are not likely to result in a material adverse impact on the character or appearance of the countryside. residential amenity or highway safety. The application is considered to meet the requirements of policies BE1, BE26 and NE5 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its siting, design, appearance and use would not have an adverse impact on the character or appearance of the countryside, the amenities of neighbouring residents or highway safety and would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, BE26 and NE5

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. PE/003, Site Plan Drawing No. FPL004, Proposed Lighting Block Plan Drawing No. FPL005 and Elevation Plans Drawing No. FPL008 received by the local planning authority on 2 June 2011 and additional Elevations Plan Drawing No. FPL015 and Floodlight Detail Drawing No. FPL014 received by the local planning authority on 26 July 2011.

3 The floodlights hereby approved shall be installed in accordance with the details and specifications submitted in the Luminaire Information Document no. FPL010 unless otherwise agreed in writing with the local planning authority.

4 Notwithstanding the submitted information, prior to first use of the development hereby approved, details of a scheme of mitigation measures to prevent the light sources from being a hazard to highway safety shall be submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the approved details.

5 The floodlights hereby approved shall not be operated outside the hours of 3.30pm to 10.00pm.

**Reasons :-**

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development does not have a detrimental effect on the character or appearance of the landscape to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure that the light sources do not result in direct glare onto a hazard to highway safety to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development does not does not have a detrimental effect on the character or appearance of the landscape to accord with policy NE5 of the Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

**Contact Officer:- Richard Wright Ext 5894**