COMMITTEE EXTRACT

Committee Date: 10 March 2009

Reference:- 09/00013/DEEM **Parish:- Hinckley**

Applicant:- Mr Alex Jones HBBC
Florence House
St Mary's Road
Hinckley
Leicestershire

Location:- Clarendon Park Playing Fields Coventry Road Hinckley Leicestershire LE10 0NQ

Proposal:- ERECTION OF 8M HIGH TUBULAR STEEL LIGHTING COLUMN

Introduction:-

This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992) for one 8 metre high tubular steel column, fitted with two floodlights at Clarendon Park Playing Fields.

Permission is sought for the installation of this steel column with two 400 Watt Son/Tp area floodlights located adjacent to the southern boundary of the existing multi-use games area (MUGA).

The multi-use games area is located within Clarendon Park, approximately 200 metres north of the Coventry Road site entrance. The park is surrounded by the rear gardens of residential properties to the south, west and north with industrial premises to the east.

The Design and Access Statement submitted with this application states the proposed column will be supplied with electricity through a cable via a trench from Coventry Road and will involve ducting through the existing car park. The lighting column will be located on the southern side of the ball court; the closest side to Coventry Road. The lighting system will also be put on a timer to minimise the impact on neighbouring properties. The Statement highlights that the installation of this lighting column will extend the usage of the play facilities especially in the winter months.

A Cartesian Intensity diagram was also submitted with the application which illustrates the maximum luminance level of the proposal would be 560 Candellas/1000M2.

History:-

87/01267/4	Retention of Storm Porch	Approved	11.01.88
81/00517/4d	Erection of Sports Pavilion and public Conveniences	Approved	21.07.81

Consultations:-

No response has been received from:-

Sports Council East Midlands Region
The Cyclist Touring Club
Head of Corporate and Scrutiny Services (Green Spaces)
Head of Environmental Services (Pollution).

Leicestershire & Rutland Playing Fields Association supports the application.

Director of Community Services (Ecology) supports the application provided light spillage does not extend past the Multi use games area.

No objection from Neighbours.

Development Plan Policies:-

Planning Policy Guidance 17: 'Planning for Open Space, Sport and Recreation' states when considering applications for floodlighting, local authorities should ensure local amenity is protected.

Policy BE1- 'Design and Siting of Development' states planning permission will be granted for development which does not adversely affect the occupiers of neighbouring properties or detract from the character of the area.

Policy BE26- 'Light Pollution' states development incorporating a lighting scheme should not create a nuisance to nearby residents or road users, create light spillage or unnecessarily high levels of light or affect the character or appearance of the area.

Appraisal:-

The main considerations with regards to this application are the impact of the scheme on the character of the area, the amenity of nearby residential properties, access for future maintenance and the principle of the development.

Principle of Development

The proposed lighting column situated adjacent the existing multi-use games area is designed to provide light to a sports area used by children. During the winter months these outdoor play facilities can be underused. This proposal aims to bring the multi-use games area into more frequent use during evening hours providing a safer more secure environment for the children using the facility.

Design and Impact on Character of Area

The use of tubular columns for floodlighting for various pitches within areas of open space are common features and the 8 metre high column for this scheme located adjacent to the MUGA is unlikely to detract from the character of the area.

Accessibility

Access to the park is provided off Coventry Road which stands approximately 200 metres from the proposed column. The column, situated adjacent to the MUGA can be easily accessed on foot and vehicles are able to reach the lower end of the park, and access for future maintenance is not expected to present a problem.

Impact on Neighbours

Any lighting scheme should be assessed for its impact on nearby residents. Although Clarendon Park is surrounded by residential properties the nearest property to the proposed column stands approximately 130 metres away.

At the time of writing this report, details of the floodlights other than luminance levels have not been submitted but have been requested from the applicant. However luminance levels have been submitted with a maximum luminance level of 560 Candellas/1000M2 expected, which would be acceptable in this location when the open location and distance from residential properties is considered.
A condition requiring the lights to be installed to include a screening element to prevent excessive light spilling into the surrounding area and limits on its hours of operation through an automatic timer will further ensure the amenity of local residents.

Conclusion

Overall the proposal is considered acceptable with regards to impact on the character of the area, access to the installation and with conditions relating to hours of use and positioning of the floodlight lamps to face toward the pitch would be acceptable in terms of impact on neighbours' amenity.

Therefore this scheme is recommended for approval with conditions and is in accordance with Planning Policy Guidance 17 and Local Plan Policies BE1 and BE26.

RECOMMENDATION :- That Committee agree to the development being carried out under Regulation 3 of the Town and Country Planning General Regulations 1992 and 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 would be in accordance with the development plan and would not harm the character or appearance of the area or the living conditions of neighbouring occupiers.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 and BE26 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 Before the installation of the hereby approved lighting column details of light fittings to be installed shall be submitted to and approved in writing by the Local Authority. The lighting shall be erected in accordance with the approved details and maintained for the life of the development.

3 The floodlights on the lighting columns hereby approved shall not be operated before the hours of 08:00 nor after 22:00 hours on any day.

Reasons :-

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

2 To ensure the amenity of nearby residents

3 To ensure the amenity of nearby residents and to avoid unnecessary levels of light.

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 6th 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.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 List of plans used in the determination of this application:-
Drawing numbers SD/13/3 and Customer Plan

Contact Officer:- David Kiernan Ext 5898