

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 21 November 2017

**REPORT OF:** Business Manager - Strategic Place

**CASE OFFICER:** Helen Murdoch

**APPLICATION FOR CONSIDERATION:** NEWTON ABBOT - 17/02338/VAR - Coombeshead Academy, Coombeshead Road - Variation of condition 2 on planning permission 15/00467/FUL to allow new lighting scheme

**APPLICANT:** Education Southwest

**WARD MEMBERS:** Councillors Bullivant and Hocking, Bradley

## 1. REASON FOR REPORT

Councillor Bullivant has requested that the application be considered and determined by Members of the Planning Committee due to the history of the site and failure to comply with requirements of the previous permission. Also because of the concerns raised by local residents.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to proceed in accordance with the approved plans
2. Prior to the lights first being brought into use in accordance with the approved hours set out in condition 4 of this planning decision notice the lights shall be fully inspected by a competent lighting engineer and a report provided to and approved in writing by the Local Planning Authority. The report shall confirm that the lighting Lux levels as set out in hereby approved drawing number HLS00565/REV15 have been met and provide detailing of the rear cowls that have been fitted to each lamp to restrict glare. The lights and associated fittings shall be retained in accordance with the approved details in perpetuity.
3. The lighting system shall be automatically controlled with an automatic timer which turns the lighting system off outside of the operational hours. This shall be fitted prior to the new lights being first brought into use.
4. The lighting system shall only be used between the following hours:  
Monday-Friday 08:00-21:00, Saturday 09:00-18:00, Sundays 09.00-13.00 and not at all on Bank Holidays.

### **3. DESCRIPTION**

#### Site Description

- 3.1 The application site relates to an all-weather sports pitch which is located within the Coombeshead School campus in the settlement on Newton Abbot. The pitch was approved under application 15/00467/FUL. The pitch is located in the south eastern extent of the campus and replaced a previous sports playing field. To the north and north eastern side of the pitch lies a lit car park with footpath and residential properties beyond, to the south lies the Ashburton Road, a busy A road which provides one of the main routes into and out of the centre of Newton Abbot with housing, a further car park and Dyrans Leisure centre with associated floodlit pitches beyond. To the immediate west and north west lies the rest of the school campus.
- 3.2 The pitch is currently floodlit with lighting that is not in accordance with the details previously approved under application 15/00467/FUL. The lighting columns are shorter than the approved height being 10 metres rather than 12 metres and the lighting units were not inspected by the Local Authority prior to first being brought into use in accordance with condition requirements. The pitch is enclosed by fencing and it is enclosed by an earth bund which is provided in two sections running along the eastern side of the pitch between the pitch and the lower section of the car park. A 3 metres high acoustic fence which runs partially around the eastern boundary between the bund and the car park and then partially along the northern boundary of the pitch has also been provided. Both of these elements were approved under application 16/00657/FUL in a bid to address concerns raised by local residents about noise emanating from use of the pitch.
- 3.3 The pitch is for use by the school as well as providing a facility for the wider community in the evenings and at weekends.

#### The application proposal

- 3.4 There have been concerns raised by local residents about the amount of light spill and glare emanating from the present floodlights and this has been detrimental to their amenity. The Local Authority had an independent assessment of the current lighting arrangements undertaken by an independent lighting specialist. This report highlighted a number of issues with the current lighting arrangements. This application seeks to not only regularise the current height of the columns on which the lighting units are mounted, of which there are 6 spaced around the court, but to obtain permission for new lighting units and associated rear cowling which seeks to reduce the amount of light spill and glare which these units create.

#### Considerations

- 3.5 The current lighting has not been approved by the Local Planning Authority and has been the subject of widespread complaint by local residents due to concerns relating to light pollution and glare and the impact that this is having on their amenity. As an interim measure the school are using the pitch on a voluntary restricted hours basis to limit the impact.

- 3.6 As mentioned the Local Authority have had the current lights independently assessed by a lighting consultant to assess their impact. This assessment made a number of remedial suggestions to address both light spill and glare which this application now seeks to implement. As set out the scheme would provide a lighting scheme on 6 x 10 metres high columns. The floodlighting units would be aimed between 5 and 10 degrees and it is proposed that cowls will be fitted to the rear of each unit. The submitted documentation sets out that the proposed units, the angle at which they will be set and the rear cowlings will allow the lighting system to operate to a better standard than an Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the institution of lighting professionals in the guidance notes for the reduction of light pollution 2011. This will ensure that the lighting will not exceed 1 Lux at the boundary of neighbouring homes.
- 3.7 These proposals have been considered fully by officers including officers within the Environmental Health Team. It is considered that subject to appropriate conditions which ensure direct involvement in the fitting of the rear cowls and full inspection prior to the units being brought into first use the application should be supported. It should be noted that as part of the proposed conditions the hours of use have also been restricted as an additional measure to reduce the perceived impact. The original permission allowed the lights to be used until 22:00 on weekdays.
- 3.8 On elevated land to the north of the site lies Highweek Church, a Grade I listed building. From the application site and from Ashburton Road there are clear views towards the Church and likewise the Church benefits from views across the majority of Newton Abbot including this site. The proposed columns and lighting units will be seen in views towards and from the Church: however, these will directly replace existing lights and will actually be 2 metres lower than those previously approved and will be viewed in the context of the existing built environment. It is not considered that the proposed replacement lights would cause detriment to the setting of this heritage asset.
- 3.9 Comments have been made by local residents raising concerns about the potential for a detrimental impact on bats and owls. The site does not, however, fall within any identified strategic flyways or sustenance zones associated with protected bats and the nature of the application does not require survey work. The wider area is also well lit with streetlights, road lights and lights from other sports facilities. The proposed replacement lights seek to reduce light spill and glare from the floodlights and it is therefore not considered that the current proposals would result in any harm to any wildlife within the area.
- 3.10 In considering this application Members should be aware that there is an existing planning permission for floodlighting granted under reference 15/00467/FUL. The current application seeks to amend the approved plans for that existing permission. If Members were to refuse this application (or impose unreasonable or overly restrictive conditions) the existing permission would still be in place and the Applicants could choose to continue to implement the original permission. The current application seeks to provide a form of lighting that will result in less impact on surrounding properties than the existing lighting. Conditions are recommended in line with the Environmental Health Officer's comments to ensure that the impact of the lighting on surrounding residential properties is at an acceptable level and allows the games pitch to be used and to deliver positive health and well-being

outcomes for the community. The conditions would also reduce the approved hours of operation of the floodlights from the original permission. It is therefore considered that the proposals will provide an acceptable balance between residential amenity and community benefit and that permission should be granted.

#### **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013 – 2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Design)

S11 (Pollution)

EN5 (Heritage Assets)

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

Listed Buildings and Conservation Areas Act 1990

#### **5. CONSULTEES**

Environmental Health Officer - The application has been submitted with a lighting plan to improve the existing system. The proposed system will replace the existing lamps, angle them to between 5 and 10 degrees. Cowls will be added to each light. This design will ensure all lighting sources keep direct light and glare confined to the site boundary.

The details submitted show the lighting system would operate to a better standard than an Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the Institution of Lighting Professionals in the Guidance notes for the reduction of light pollution, 2011. The lighting will not exceed 1 Lux at the boundary of neighbouring homes,

At the completion of the project, the lighting system should be aimed and commissioned to stop glare and to limit spill on the areas outside of the site boundary. The cowls are to be adjusted to further reduce the amount of glare and spill to the environment/neighbouring homes. The floodlights shall be inspected by a competent engineer to ensure that there is minimal impact at neighbouring homes and are installed as per any approved plans. The applicant should then submit a report to the Planning Department for approval before they are first used and shall be retained as inspected thereafter.

The interim closing hours should stand until the updated lighting system has been confirmed to comply with any approved plans and the Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the Institution of Lighting Professionals in the Guidance notes for the reduction of light pollution 2011.

Once commissioned the use of the lighting system should be automatically controlled with an automatic timer which turns the lighting system off outside of the operational hours.

The lighting system shall only be used between the following hours:  
Monday-Friday 08:00-21:00, Saturday 09:00-18:00, Sundays 09.00-13.00 and not at all on Bank Holidays. Flood lighting to only be used if there is poor light conditions and when the pitch is in use during matches/training.

Devon County Council (Highways) - Comments awaited

## **6. REPRESENTATIONS**

26 letters of objection have been received. These representations have raised the following planning related matters which are specifically relevant to the considerations of this application:

1. There should be a bat/ bird survey and an environmental report
2. Concerns about impact on wildlife
3. Causes unacceptable light pollution into garden spaces and rooms within homes
4. Spoiling the environment
5. Overbearing
6. Cause highway safety concerns
7. The inclusion of floodlights allows the noise disturbance to go on into the evening
8. Would support the use of the pitch if there were restricted hours to reduce the impact on local residents.

## **7. TOWN COUNCIL'S COMMENTS**

The Committee noted the reduction in light spillage with the revised lamps and therefore raised no objection subject to there being reasonable time restrictions.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

