REF. NO. F/13/73780

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Installation of 6 no.15m high floodlight columns Eastleigh Rugby Football Club The Hub Bishopstoke Road Eastleigh SO50 6LA

SITE VISIT DATE – 24/01/2014

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Generally flat site.
TREES	Trees around the perimeter of the site.
BOUNDARY TREATMENT	Hedge along the boundary with Bishopstoke Rd, tree screening along remaining boundaries.
SITE CHARACTERISTICS	Large grassed playing field associated with The Hub recreational facility. Includes all weather pitches and tennis courts to the east of the grass pitch associated with this application. Large two storey sports hall and pavilion building and associated car park.
CHARACTER OF LOCALITY	Large area of primarily open space which serves as a local gap to separate the settlements of Eastleigh and Bishopstoke. Site is adjacent to the busy Bishopstoke Road and bounded on the east by the Itchen Navigation.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/05735/009/00	ERECTION OF FLOODLIGHTS ON 6 METRE HIGH POLES FOR TENNIS COURTS	23/10/1992 permit
Z/05735/012/00	ERECTION OF 4NO.500 WATT HALOGEN FLOOD LAMPS ON TWO 6 METRE HIGH POLES (RE-LOCATION OF EXISTING)	05/01/1996 permit
Z/05735/018/00	ERECTION OF TWO ADDITIONAL 6 METRE HIGH FLOODLIGHTS ADJACENT TO RUGBY PITCH AND TENNIS COURTS	30/01/2002 permit
Z/05735/019/00	ERECTION OF TWO STOREY SPORTS FACILITY FOLLOWING DEMOLITION OF EXISTING SPORTS BUILDING	01/12/2003 permit

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT

REF. NO. F/13/73780

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
EA	Having screened the planning application with regard to the development type and location of the proposal, I can confirm that we have no comments to make. Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'. This permission is separate from planning permission and cannot be considered retrospectively. Please be aware that the Environment Agency has up to two months to determine applications for Flood Defence Consent and you are therefore advised to contact the local Environment Agency Office as soon as possible to discuss making an application. Consent will only be issued if the works do not pose a flood risk to people and property, and do not conflict with the Environment Agency's other duties.
Env Health	Thank you for consulting this Service on the above application. I have reviewed the information provided and wish to recommend the following condition: HOURS OF OPERATION The floodlights hereby permitted shall not be operational outside the following times without prior written consent of the local Planning Authority Mon-Fri Dusk - 22.00 and Sat Dusk - 19.30.
Planning Policy and Design	Eastleigh Rugby Club is located within the Bishopstoke Road Playing Field, an area of open space approximately 1km east of Eastleigh town centre. The south-east corner of the site accommodates the clubhouse and other buildings, car parking and tennis courts. Access is from Bishopstoke Road. Adopted EBLP2001-2011 The most relevant policies of the adopted local plan are; 1CO – planning permission will not be granted for development outside the urban edge unless it is for an outdoor recreational use (or required as ancillary for such a use) and does not require the provision of structures which are of a form, scale or design which would demonstrably harm the character of the locality. 3CO – planning permission will only be permitted for appropriate development in a local gap if it cannot be acceptably located elsewhere, and it would not diminish the gap, physically or visually. 169LB - development affecting the setting of a conservation area – this policy refers only to new buildings and alterations and extensions to existing buildings which affect the setting of a conservation area – as the current proposal does not involve this type of development, Policy

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	169LB is not relevant. 59BE - seeks to ensure the high quality design of new development - including the requirement that proposals are an appropriate use for the locality and avoid unduly interfering, disturbing or conflicting with adjoining or nearby uses especially in terms of, for example, noise and floodlighting. 23NC – development which is likely to have a direct or indirect adverse effect on a SINC (the land to the west of the application site is identified as such) will not be permitted unless it can be demonstrated that the benefits of the development clearly outweigh the need to protect the nature conservation value. If development is permitted, mitigation for the adverse effects will be required. 149OS – supports proposals to enhance existing playing filed facilities subject to their scale, siting and design. The EBLPR 2001-2011 is now out-of date and there are other material considerations that should be taken into account. Other material considerations NPPF The NPPF generally seeks to promote sustainable development; Para 14 sets out a general presumption in favour of sustainable development indicating that where the development plan is out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Para 17 sets out 12 core planning principles that include; • always seeking to secure high quality design and a good standard of amenity for all existing occupiers of land; • take account of the roles and character of different areas; • take account of and support strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community facilities and services to meet local needs. Para 70 indicates that to deliver the social, recreational and cultural facilities the community needs, planning decisions should plan positively for the provision of shared space, community facilities (such as sports venues) Revised Draft EBLP 2011-2029 Whilst the emerging plan cannot be accorded significant weight, its policies are material considerations in the assessment of the proposal and should be accorded some weight in that they have undergone public consultation. The most relevant policies are; S1 - strategic policy seeking sustainable development S5- promoting Green Infrastructure including publicly accessible open space including formal sports facilities S9 – Countryside Gap – the site is in the gap between Eastleigh and Bishopstoke – planning permission will be granted for development provided it is related to outdoor recreation and open space. It will not be permitted where it physically or visually diminishes the gap or has an urbanising effect detrimental to the openness of the gap, the character of the countryside or the separate identity of the adjoining settlements. S11- the land to the west of the application site is identified as a SINC

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	in the draft plan where the council will protect, conserve and enhance national and local nature conservation designations. DM1 – includes general criteria for development including that it should not have an unacceptable impact on the character and appearance of urban areas, and the countryside and that proposals should take full account of the context of the site (character, appearance, compatible with adjoining uses, scale, materials, density, design etc.) DM7 – development will not be permitted where it is likely to cause a loss of amenity or other unacceptable environmental impact through, for example, light intrusion. DM9 – development which is likely to have a direct or indirect adverse effect on a SINC will not be permitted unless it can be demonstrated that the benefits of the development clearly outweigh the adverse effects on the nature conservation value of the site and that the effects are unavoidable DM33 – the enhancement of public and private recreation and open space facilities will be permitted provided that they accord with the general development criteria and the countryside policies of the plan. In the countryside, development should not involve structures, floodlighting or activities that cause urbanisation or detract from rural character. Conclusion The main issues are as follows; The proposed development, an enhancement of an appropriately located recreational use, is supported by the adopted development plan subject to the consideration of local issues including the from/scale design not harming the character of the locality, not diminishing the "gap" and preserving nature conservation interests. The NPPF sets out a general presumption in favour of sustainable development unless the impacts of doing so would significantly and demonstrably outweigh the benefits. In this case support for recreational facilities that communities require needs to be a balanced with the need for good design/amenity and the need to take account of the role and character of different areas. Similarly the emerging plan seeks to strike a balance between supporting open space recreation uses and the need to protect local amenity, the strategic gap and nature conservation interests. Whilst DM33 specifically indicates that development should not involve structures and floodlighting that cause urbanisation or detract from rural character, limited weight can be accorded to the policy. Overall, in accordance with the NPPF, it is considered that the likely adverse effects of the development (diminution of the countryside gap - including during daylight hours - light pollution affecting wildlife/nearby residential uses, loss of character of the countryside/open space, urbanisation, potential for later-night use of the existing clubhouse facilities) can be said to significantly and demonstrably outweigh the benefits. In reaching this conclusion I have also taken into account the Design Officer's view that allowing this proposed intensification would make it difficult to resist further intensification (all-weather surfacing,

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	fencing etc) at a later date
BAA Safeguarding	Thank you for sending through the above application for our consideration. The proposed development has now been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below: **Control of Lighting on the Proposed Development** The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal. **Reason:** To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare. For further information please refer to Advice Note 2 'Lighting Near Aerodromes' as attached. *Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft.* *I would ask that the developer confirms adherence to the attached guidance note. Upon satisfactory confirmation, I am happy to discharge the condition.* We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above condition is applied to any planning permission. It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of SIAL, or not to attach conditions which SIAL has advised, it shall notify SIAL, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside the Built Urban Edge Within Local Gap

REF. NO. F/13/73780

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Adjacent SINC, SAC In Flood Zone 2 and 3 Airport Safeguarding Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011): 1.CO, 3.CO, 23.NC, 59.BE, 149.OS
Revised Draft Eastleigh Borough Local Plan 2011-2029: S1, S5, S9, S11, DM1, DM7, DM9, DM33
Supplementary Planning Document: Quality Places

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

The NPPF carried a presumption in favour of sustainable development (para. 14), which incorporates three elements: economic, social and environmental, (para. 7). Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, (para. 11). Should a development proposal accord with the development plan, approval should be given without delay, (para.14).

The National Planning Policy Framework highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people, (para. 56) and goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para. 58).

Para 70 indicates that to deliver the social, recreational and cultural facilities the community needs, planning decisions should plan positively for the provision of shared space, community facilities (such
as sports venues).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to impact on local gap, amenity and nature conservation.

COMMENT ON CONSULTATION RESPONSES

See Assessment below.

The proposed works are outside of the 8m main river buffer zone, therefore the information provided by the Environment Agency is not included as an informative.

COMMENT ON REPRESENTATIONS RECEIVED

n/a

PLANNING OBLIGATION/CONSIDERATIONS

n/a

REF. NO. F/13/73780

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Principle:

The development site is located within the local gap between the settlements of Eastleigh and Bishopstoke. Saved policies 1.CO and 3.CO of the Eastleigh Borough Local Plan Review 2001-2011 require development within such a site to be necessary in this location, unable to be accommodated elsewhere and not visually diminish the local gap or detrimentally impact the character of the area. The proposal is for floodlighting to an existing grass pitch contained within a recreation facility which provides outside recreation and community facilities. As the use of the site is established, it can be argued that the development cannot be accommodated elsewhere. The floodlights would allow improved use of the grass pitches during the winter period, during the early hours of darkness. There is therefore, an argument that the development is genuinely required for such as outdoor recreational use. It is considered that the proposed development may therefore be accepted, subject to compliance with the relevant policies. This need to considers the potential for detrimentally impacting the open character of the local gap, which at present does comprise an open field, bounded by trees, with buildings and ancillary structures, (such as courts and associated lighting and fencing) concentrated towards the south-east corner, thereby limiting there impact.

Also relevant is saved policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Saved policy 149.OS supports the improvement of existing playing field facilities subject to their scale, siting and design conforming with policies for the protection of the environment.

Impact on Local Gap:

It is considered the most significant potential for detrimental harm in this case is the potential for a significant visual impact on the local gap. In the daytime, the floodlights are expected to have limited visual impact due to their design. Late at night, the floodlights will not be lit and therefore will clearly not have any impact. It is between the hours of dusk and the lights being turned off that there is the greatest potential for the local gap to be diminished. It is this potential that has resulted in the objection from the Council's Planning Policy and Design team.

It is questionable that the presence of floodlights will visually diminish the local gap significantly; however if it is accepted that there is the potential for the lights to diminish the local gap by some degree, it is necessary to consider the weigh afforded to this, and other relevant policies.

Any future applications for further works to the site will be assessed on their own merit and the impact on local gap will be a significant consideration.

Improvement of Existing Sports Facilities:

Saved policy 149.OS supports the improvement of existing playing field facilities. The proposed floodlighting would improve the existing grass pitches which cannot at present be easily used for evening training. This in turn improves the ability of Eastleigh Rugby Football Club to attract local residents and offer better and safer facilities for training.

REF. NO. F/13/73780

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The NPPF supports the planning decisions that positively support the provision of community facilities such as sports venues and development which improves health and wellbeing.

The proposed floodlights can be considered to offer a positive enhancement of the available facilities at the existing playing fields and The Hub.

Residential Amenity:

During the daylight hours, there will be no impact on residential amenity. During the hours of darkness, there is a potential for the increased lighting to impact residential properties. However, the design of the floodlighting has been calculated to avoid unacceptable light spillage and the columns will be partially obscured from the closest residential properties by the tree screen. Indeed, there are already lighting columns which are in place closer to residential properties and the Itchen Navigation. It is therefore considered residential amenity will not be significantly impacting by the proposed floodlighting. The Council's Environmental Health unit have advised a condition regarding the timing of illumination, which can be imposed.

Nature Conservation:

There is the potential for light spillage to impact the Itchen Navigation SINC, however given there are already floodlights on site which are significantly closer to the Navigation than the proposed flood lights, it is considered there will not be an impact on nature conservation. The area around which the floodlights are to be sited is already used as a grass pitch and does not have any notable nature conservation value.

BAA Safeguarding:

No objection has been raised by BAA regarding the flood lights, subject to condition, which can be imposed.

It is considered there is a potential for there to be a minor impact on the local gap during the hours of approx.15.00-22.00 Monday-Friday and 15.00-19.20 on Saturdays during the winter months and perhaps 20.00-22.00 during the summer period, Monday-Friday. However, this must be balanced against the benefits to the existing playing fields, local community facilities and the associated health benefits. On balance, it is considered the impact is not significant enough to outweigh the benefits of the scheme. The proposal is therefore considered to comply with relevant Development Plan policies and the NPPF.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

Recommend approval, subject to conditions.

REF. NO. «AltRef»