

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0111-20 **Applicant:** Moulton Chapel Football Club

Proposal: Retrospective permission for existing floodlights and erection of additional floodlights

Location: Cekhira Avenue Moulton Chapel Spalding

Terminal Date: 7th January 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places
Paragraph 180 of Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for existing floodlights and permission for erection of additional floodlights at Cekhira Avenue, Moulton Chapel, Spalding.

The proposals will be on land of Moulton Chapel Football Club where nine young teams and a training group train on weekdays. The purpose of the floodlights is to improve the conditions of the training in winter evenings.

Site Description

The site is part of the built-up area of Moulton Chapel. Cekhira Avenue is a cul-de-sac street with a grassed square on its ends.

To the south-west of the enclosed area, there is a narrow access between No. 12 and 13 that leads to a large yard with a pumping station and some outbuildings in state of disrepair. The floor has hardcore. To the south, playing fields where Moulton Chapel Football Club hold matches and carry out training. The recreation ground approximately amounts to 1.16 hectare.

History

None.

BJConsultation Responses

LCC Highway Authority/SuDS

No objection.

SHDC Environmental Health

No objection.

Planning Considerations

Principle of development

The site is within the settlement boundaries of Moulton as set out in the South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of erecting floodlights is acceptable.

Policy 32 of SELLP, 2019 and Paragraph 97 and 98 of NPPF, 2019 set out the policy framework to assess the adequacy of new development for open spaces and recreation. Sport buildings and land should be compatible with nearby uses and the character and appearance of the neighbourhood; and protect public rights of way and access, among other considerations.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states

that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

A 2 metre high timber closeboard fence extends from east to west and conceals the fields from the yard. A rail gate provides access to the fields. A gravel area stretches along the fence to a tarmac area to the rear of residential properties No. 14,15 and 16.

The strip of land that extends adjoining the eastern boundary of the area is intended to accommodate additional parking spaces. The floor will not be treated with hard landscaping and remain in grass. The width ranges between 22 and 15 metres.

There are 5-metre-high eight existing poles bordering both the tarmac and gravelled areas. Three additional poles will be erected from north to south adjoining the proposed car parking area.

The height and bulk of the poles with floodlight on top will not be excessive and at odds with the football fields. The land has been already developed for benefiting the operations of the football club. Therefore, the poles will not create any cumulative impact upon the visual amenity and character of the area.

The main concern of the proposals will be the relationship between the light power and the amenity of the nearest residents of Cekhira Avenue.

Paragraph 180 of NPPF 2019 states that "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development" and subparagraph (c) refers to "the impact of light pollution from artificial light on local amenity".

Likewise, Policy 30 of SELLP sets out that " development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area by way of light pollution, among other factors.

The applicant confirmed that the lighting will be of low voltage LED technology. The floodlights will be operating 6pm-7pm Monday to Thursday and 6pm-7.30pm Friday. Consequently, the illumination is restricted to short periods of the night-time and no significant impact should not occur upon the residents nearby.

SDHC Environmental Health has been consulted in this regard and no objection neither comments have been made.

Conclusion

In summary, the erection of poles to provide floodlight will be compatible with nearby uses and the character and appearance of the locality.

Any adverse impact of granting permission to the proposals would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

This application therefore complies with Policies 1, 2, 3, 30 and 32 of SELLP 2019 and Paragraphs 127 and 180 of NPPF 2019.

It is accordingly recommended to approve this application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.