



Ashfield
DISTRICT COUNCIL

MAP SCALE 1: 1250
CREATED DATE: 07/10/2024

COMMITTEE DATE 23/10/2024 **WARD** Kingsway

APP REF V/2024/0414

APPLICANT Ashfield District Council

PROPOSAL Replacement Of Flood Light Fittings.

LOCATION Kingsway Park, Kingsway, Kirkby in Ashfield, Notts, NG17 7DJ.

WEB-LINK https://www.google.com/maps/@53.0956619,-1.24724,343m/data=!3m1!1e3?entry=ttu&g_ep=EgoyMDI0MTAwNy4xIKXMDSOASAFQAw%3D%3D

BACKGROUND PAPERS A, B, E, & K

App Registered: 23/08/2024 Expiry Date: 17/10/2024

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to the Planning Committee as Ashfield District Council is the applicant.

The Application

This is a full planning application to replace the existing flood light fitting on the top of the existing lighting columns, which are to be retained.

Consultations

A site notice has been posted, together with individual notifications to surrounding residents and statutory consultees.

The following representations have been received:

Ashfield District Council Environmental Health:

- The lighting design will satisfy the requirements of the Guidance Note GN01/21 on the Reduction of Obtrusive Light produced by the Institution of Lighting Professionals.
- Support the approval of this application subject to the approved lighting scheme being implemented in full before the lighting is first used.

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002) as amended by ‘saved policies’ 2007:

ST1 – Development.

ST2 – Main Urban Area.

RC3 – Formal Open Space.

National Planning Policy Framework (NPPF) (December 2023):

Part 2 – Achieving sustainable development.

Part 8 – Promoting healthy and safe communities.

Part 9 – promoting sustainable transport.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed and beautiful places.

Part 14 – Meeting the challenge of climate change, flooding and coastal change.

Part 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.

Nottinghamshire Highway Design Guide (2021).

Planning (Listed Buildings and Conservation Areas) Act 1990.

Bat Conservation Trust: Guidance Note 08/23 – Bats and Artificial Lighting at Night.

Relevant Planning History

V/1980/0132 - Construct hard porous playing pitch - Unconditional consent.

V/1980/0187 - Floodlighting to two pitches - Conditional Consent.

V/1980/0419 - Erection of fence around tennis court + cricket pitch - Conditional Consent.

V/2001/0225 - Demolition of Existing Pavilion and Cricket Pavilion. Construction of New Pavilion with Cafe. Replacement All-Weather Playing Surface. New Grass Pitch, New Floodlighting, New Footpaths and Landscaping, Rebuild Gateways - Full Reg 3 Conditional Consent.

V/2016/0471 - Fencing and Access Gates - Full Conditional Consent.

V/2020/0778 - Installation of a Shed to be used as a Match Day Ticket Kiosk, Covered Spectator Stands and Privacy Screening Along the North and East Side of the Pitch Perimeter Fencing - Full Conditional Consent.

V/2024/0154 - Construction of New Bowls Pavilion and Changing Rooms, Partial Demolition of Existing Changing Rooms and Upgrading/Extension of Existing Car Park - PENDING.

Material Considerations:

1. Principle of Development.
2. Visual Amenity.

3. Historic Environment.
4. Residential Amenity.
5. Ecology.
6. Sustainability.
7. Conclusions.

Principle of Development

At a national level, paragraph 96 of the NPPF (December 2023) sets out that decisions should enable and support healthy lifestyles, whilst paragraph 102 recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities.

Policy ST1 of the Ashfield Local Plan Review 2002 states that development will be permitted where, amongst other things, it does not conflict with other policies in the Local Plan.

The application site is located within the main urban area (ALPR Policy ST2) where the principle of development is acceptable. The application site is part and parcel of Kingsway Park, designated Formal Open Space. As defined by paragraph 8.21 of the Ashfield Local Plan Review 2002, Formal Open Space is maintained for organised sport and recreation, play space for youths and children, and as formally landscaped open space. The construction of Policy RC3 (ALPR 2002) is clear; there is a general presumption against the loss of formal open space. However, this presumption is rebuttable by the exceptions criteria set out between (a) – (e).

Nevertheless, the proposed development does not result in the “loss” of formal open space and does not, therefore, require further examination of Policy RC3. Rather, the proposal seeks to replace the light fittings on nine existing floodlight columns, in order to facilitate a recreational use; a use which, in any event, is compatible with Policy RC3.

The existing floodlights are spread across two pitches; an artificial grass pitch and a grass pitch. The existing flood lights were granted planning permission pursuant to application references V/1980/0187, and then again under V/2001/0225 as part of wider development works at Kingsway Park. No restrictions are currently in place with regards to the operating hours of the flood lights.

Visual Amenity & Historic Environment

Policy ST1(b) (ALPR) (2002) sets out that development will be permitted where it will not adversely affect the character, quality, amenity or safety of the environment. Paragraph 2.20 of the policy subtext makes it clear that the Authority will not accept any development which adversely affects the local environment. Reference to the “environment” applies to both the natural and built environment.

This application seeks to replace the light fittings on nine existing floodlight columns which currently serves two pitches.

As regards character and appearance, the existing floodlights comprise traditional 2,000-watt metal halide stadium floodlights. The proposed development comprises new LED light fittings with Asymmetrical Lenses to project a directed photometric to the desired areas, eradicating any direct upward light or light spill. There is also extensive tree cover around the pitches.

Overall, it is considered that the proposed development would result in little visual change from the fittings to the character and appearance of the area, and as such, would not cause any detrimental harm to the visual amenity of the locality. The improved lighting however reduces light spill when switched on and therefore there are significant benefits to this proposal as explained below.

To the south east of the application site is the Grade II Listed Kingsway War Memorial and Boundary Wall (Listing No. 1221364), and accompanying Cemetery Keepers Cottage (Ref: 535), a Non-designated Heritage Asset (NDHA). Beyond this is the Kingsway School NDHA (Ref: 534). To the east is St Thomas' Church, also identified as a NDHA (Ref:539).

The Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 16 and 66) places a general duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting, or any features of special architectural or historic interest which it possesses.

In addition, Paragraph 209 of the NPPF (December 2023) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The setting of a heritage asset is accepted as the surroundings in which the heritage asset is experienced, bearing in mind that those surroundings may change over time.

Due to intervening trees/planting and other built features such as existing dwellings, there is limited intervisibility between the heritage assets and the application site. Although in any event it is considered that the change brought about by the proposal would preserve the setting of the heritage assets, and as such, would result in no harm to their significance.

Residential Amenity

Paragraph 191 of the NPPF (December 2023) sets out that new development should be 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.

The nearest neighbours to the application site are those properties to the north and west, with further residential dwellings located to the east and south, on the other side of Kingsway Park. Residents were consulted on the application, and a site notice erected. No written representations have been received from residents.

A 'Lighting Report' (Dated August 2024, Prepared by 'CEMA Lighting', Received 22/08/2024) has been submitted in support of the application. The agent has also confirmed that 18 x 600 watt floodlight fittings are to be installed on the existing columns serving the astroturf pitch, with 12 x 900 watt floodlight fittings to be installed on the existing columns serving the grass pitch.

The Council's Environmental Health (EH) Team have been consulted on this application. They raise no objections to the proposal and consider that the submitted report demonstrates that the lighting design would satisfy the requirements of the Guidance Note GN01/21 on the Reduction of Obtrusive Light, produced by the Institution of Lighting Professionals.

The proposed replacement light fittings have been designed to be a significant improvement to the current lights in terms of light spill, with the fixtures being designed to minimise both light spill and glare, whilst also providing better lit coverage of the pitches to the recommended standards of the FA. Based on the submitted information, it is considered that the proposal would represent a betterment for residents within the vicinity of the application site.

The use of the current flood lights on site are not restricted by any planning conditions. As this proposal indicates a reduced level of light spill from the floodlights, and is thus considered to represent a betterment over the existing situation, the imposition of a condition restricting their use is considered not to be necessary in this instance.

Given the existing site layout and the nature of the proposed development, officers are satisfied that there would be no adverse impact on residential amenity.

Ecology

Paragraph 186 of the NPPF (December 2023) sets out that, in determining planning applications, local planning authorities should apply the following principle: that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 4.18 of Guidance Note 08/23: Bats and Artificial Lighting at Night (by the Bat Conservation Trust) sets out that sources of lighting which can have the potential to disturb bats can include sporadically operated lighting such as floodlights.

The floodlights are an existing feature at the site, with this application only seeking permission to change the light fittings. The proposed LED fixtures are designed specifically to minimise light spill and glare, and to provide more focused light coverage. The lighting design will therefore reduce light pollution in the immediate area, to the benefit of the local environment.

Furthermore, the frequency and duration of the use of the floodlights will differ seasonally. For instance, during the summer months, prolonged use would be superfluous. The lighting would typically be used for longer durations during the colder months when the days are shorter and that, in such cases, bats will likely be dormant for most of this time. In addition, the activity levels of other nocturnal wildlife can reduce during periods of cold weather.

Sustainability

The existing 2000-watt light fittings are high energy consumption, and only have a lifespan of 15,000 hours. The proposed LED light fittings have a higher output of 150 lumens per watt, with a lifespan of 300,000 hours. This equates to the lighting consuming 68% less energy whilst increasing light levels.

The proposal therefore provides an improved light quality, a significant reduction in energy consumption, reducing their carbon footprint and running costs.

Conclusion

The proposed development seeks permission for the replacement of the flood light fittings on the existing lighting columns, and results in an improvement over the existing light fittings in terms of both their energy efficiency, light output and light spill, bringing the lighting columns up to modern standards.

Additionally it is considered that the upgrade to the light fittings would result in little visual change to the character and appearance of the area, and as such, would result in no adverse to the residential amenity of neighbours.

Therefore based on the above, it is recommended that this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission, subject to the below conditions:

Conditions

1. The development hereby approved shall be begun before the expiration of the 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - a. Site Location Plan, Drawing No.001, Received 22/08/2024.
 - b. Proposed Block Plan, Drawing No.003 Rev.Abc, Received 10/10/2024.
 - c. Proposed Elevations, Drawing No.600W and 900W, All Four Plans Received 22/08/2024.

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The materials and finishes to be used for the proposed floodlights shall match those outlined in the submitted details.
4. The development hereby permitted shall be carried out in accordance with the details and specifications set out in the submitted 'Lighting Report' (Dated August 2024, Prepared by 'CEMA Lighting', Received 22/08/2024).

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To safeguard the amenities of residents living in the vicinity of the application site, and nocturnal wildlife.