
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 24th July 2014

Subject: APPLICATION: 14/00667/FU - Variation of condition 2 (hours of lighting) of approval 31/301/01/FU to allow use of floodlights between 0800 - 2200 Monday to Friday and 0900 - 2100 Saturday, Sunday and Bank Holidays at Wetherby High School, Hallfield Lane, Wetherby.

APPLICANT

Wetherby High School

DATE VALID

12 February 2014

TARGET DATE

31st July 2014 (Agreed Extension)

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

1. Temporary permission (12 months).
2. Restriction on use of lighting to the hours applied for (between 0800 - 2200 Monday to Friday and 0900 - 2100 Saturday, Sunday and Bank Holidays).

1.0 INTRODUCTION

- 1.1 This report relates to an application for planning permission to vary the hours of operation of an approved floodlighting scheme on an approved all-weather pitch at Wetherby High School. The application is brought to Plans Panel at the request of Ward Councillor John Procter.

2.0 PROPOSAL

2.1 The application seeks planning permission for the variation of Condition 2 of planning permission reference 31/301/01/FU, under which eight 15m high floodlights were approved to serve an all-weather sports pitch at Wetherby High School. Condition 2 *currently* restricts use of the floodlights to between the hours of 0900 hours and 2100 hours Monday to Friday, and 0900 hours and 1800 hours Saturday and Sunday.

2.2 The application seeks a variation to allow the use of the floodlights between 0800 hours and 2200 hours Monday to Friday, and 0900 hours and 2100 hours Saturday to Sunday and on bank holidays.

3.0 SITE AND SURROUNDINGS:

3.1 The application relates to the site of the synthetic turf pitch which is located to the west of Wetherby High School. The pitch measures 97.4m x 61.0m with a 3m path at the ends and a 2m path at the sides. Morrisons supermarket and car park are located to the west, southwest and south. To the southeast is the school car park and to the north are dwellings on 'The Moorlands' and Moorlands View. In between the houses to the north and the school playing pitch is a landscaping area which varies in depth from 15 -20m and acts as a screen/buffer between the school and residential dwellings. The school tennis courts and main school buildings are located immediately to the east.

4.0 RELEVANT PLANNING HISTORY:

4.1 14/00660/FU – Replacement fencing – Included on this agenda.
31/301/01/FU - Eight 15m high floodlights to all weather sports pitch – Approved 28.11.01
31/364/98/FU - Laying out of all-weather floodlit pitch. Approved - 19.06.01

4.2 There is an extensive history of permissions for various extensions and alterations to the school, including the provision of indoor sporting facilities.

5.0 HISTORY OF NEGOTIATIONS:

5.1 There have been no pre-application discussions as such in this case, though advice has been given procedurally on the form the application should take. The agent has indicated post-submission that they would agree to the use of conditions to restrict the permission to one that is temporary in nature, to allow time for the Council to assess any potential impact of the variation of condition on local residential amenity, and they are agreeable to an extension in time to allow for consideration by Plans Panel at the 24th July 2014 meeting.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notices which were placed at the front of the site on Hallfield Lane, North Street, The Moorlands, and Moorlands View/Moorlands Court. On 14th March 2014 the time for comment expired and at the time of writing this report no third party letters of comment or objection had been received.

7.0 CONSULTATIONS RESPONSES:

7.1 Sport England – *Sport England supports the proposal to vary condition 2 of 31/301/01/FU. The increase in the hours the floodlights will be operational will allow*

greater participation in sport to both the school curriculum and local community use. The proposals will help meet Sport England objectives and national health and well-being objectives.

- 7.2 Environmental Protection Team – *I am not aware of any complaints being made to this Department about the existing use of the floodlighting. Although clearly the existing permission should mean that they have not been operating into the late evening as proposed. It may be that a 12 month temporary permission is the best way of determining the impact on houses the rear.*

8.0 **PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Local Planning Policy

- 8.2 The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). Relevant policies contained in the UDPR are listed below:

GP5: – Seeks to deal with matters of detail at the planning application stage.

LT1: - Seeks to prioritise the provision and siting of new leisure facilities and enhancement of existing facilities, in areas with poor access to facilities, and at locations accessible to all sections of the community.

LT2: - Support the fullest possible public use of the District's leisure facilities.

N7A: - Encourages the provision of new playing pitches and more effective layout or enhancement of existing pitches where there is a recognised shortfall.

SA6: - Strategic goal seeks, inter alia, to encourage provision of facilities for leisure activities.

- 8.3 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications.

- 8.4 In reflecting the Core Strategy's Spatial Vision, Place Making Objective 11 seeks to support the provision of community infrastructure that is tailored to meet the needs of the community, including high quality health, education and training, cultural and recreation, and community facilities and spaces [my emphasis]. Core Strategy Design Policy P10 (Design) is relevant. Policy P10 (Criterion (i)) states that proposals will be supported where their size, scale and layout is appropriate to its location and they respect the character and quality of the external spaces and wider locality. Criterion (ii) requires that development protects the visual, residential, and general amenity of the area.

National Planning Policy Framework (NPPF)

- 8.5 The first bullet of paragraph 70 of the NPPF states that *“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”*
- 8.6 The NPPF sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. At paragraph 73 the NPPF states that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities....”*
- 8.7 At paragraph 125 the NPPF states *“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 8.8 The accompanying Planning Practice Guidance (PPG) advises (ID: 31): *“Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. Equally, artificial light is not always necessary, has the potential to become what is termed ‘light pollution’ or ‘obtrusive light’ and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time.”*
- 8.9 In considering what factors are relevant when considering when light shines, the PPG recognises that lighting only when light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people's ability to enjoy the night-sky. It talks of turning off lighting when not needed ('part-night lighting') to reduce any potential adverse effects and that planning conditions could potentially require this.

9.0 MAIN ISSUES

- 9.1 The main issues in considering the proposed variation of condition sought are:
- Principle of development
 - Impact on residential amenity by virtue of increase hours of lighting through pollution and increase hours of use of the sporting facility.
 - Impact of light pollution on the night-sky and wildlife.

10.0 APPRAISAL

Principle of Development

- 10.1 The principle of development of the site for a floodlit sporting facility was first established under planning application reference 31/364/98/FU, which was approved in 2001 and which included 8 lighting columns 12m in height. Subsequently planning

permission was granted for 8 lighting columns, 15m in height, under application reference 31/301/01/FU which was also approved in 2001.

- 10.2 The agent states in their submission that the purpose of the refurbishment is to improve access and opportunities for school and community club users. The proposed extension in hours has the support of Sport England who recognises that later hours of use will lead to a greater participation in sport for both the school curriculum and local community use. They comment that the proposals will help meet Sport England's objectives and national health and well-being objectives. In the same way it would support the recreation objectives of the Core Strategy's Spatial Vision, Place Making Objective 11, and the above UDPR policies, which together seek to support the provision of community infrastructure. The principle of a lighting scheme on the site that would enable wider community use is therefore acceptable.

Amenity - Light Pollution and Light Trespass

- 10.3 Perhaps the major concern surrounding the proposal is the potential for light pollution to continue later in the evenings, especially during winter months and at weekends when the extension sought is later and the pitch will be lit longer. However, the approved scheme incorporated measures to direct and shield light to address light trespass and glare concerns (use of asymmetrical lamps which focus light downwards and are shielded).
- 10.4 The lighting scheme is located within Wetherby, which although in a rural context is not at this location within a locally dark landscape - the adjacent supermarket operates similar hours on weekdays to the proposed use of lighting (being open between 0700 and 2200) and its car park is lit. There is a reasonable degree of separation between the pitch and dwellings to the north (a minimum 25m, partly planted buffer). Given these considerations it is not considered that the later use of the installed lighting scheme would necessarily give rise to any unacceptable levels of increased light pollution or light trespass. No neighbour has objected on the grounds of light pollution.
- 10.5 The Environment Protection Team suggest that a 12 month temporary permission might be a suitable way of determining definitively whether or not the proposed variation would cause an unacceptable degree of harm (7.3 above). This is a sensible precautionary approach that would allow for any impacts to be considered and assessed. The agent for the applicant has been asked if this would create any undue difficulties for them and no objection was raised.

Amenity - Noise

- 10.6 Allied to light pollution, noise generation is a consideration. The use of the field is in effect presently restricted in the darker winter months by the existing condition. The proposal would allow use for two extra hours on week days, one in the morning and one in the evening, and until 2100 on weekends and bank holidays. Prior to the installation of any lighting the use of the site was unrestricted and clearly in the lighter summer months the use of the pitch is not limited by the existing condition on lighting in any event. In view of these considerations, whilst there would be a greater use level of later in winter months that could not otherwise happen, it is not considered that the varied hours of lighting sought would necessarily lead to any unacceptable degree of disturbance for neighbours. Any increased impact needs to be considered in light of the benefits wider and greater community use would bring, and it is noted that no neighbours have objected on the grounds of noise. On

balance it is considered that the benefits would in any event outweigh any limited additional impact.

Impact on Night Sky and Wildlife

- 10.7 Wetherby is an attractive market town. The site itself is not however within an overly dark landscape within this context. Whilst naturally light pollution is of concern, it is not considered that in this instance there would be any undue level of increased light pollution of the night sky from the greater hours of use sought. Whilst insensitive lighting can impact on wildlife interests and migratory routes, in their initial installation the lighting scheme incorporated measures to minimise light spill and the site is not in an ecologically sensitive area, and it is not therefore considered that there would be any undue adverse impact on wildlife interests.

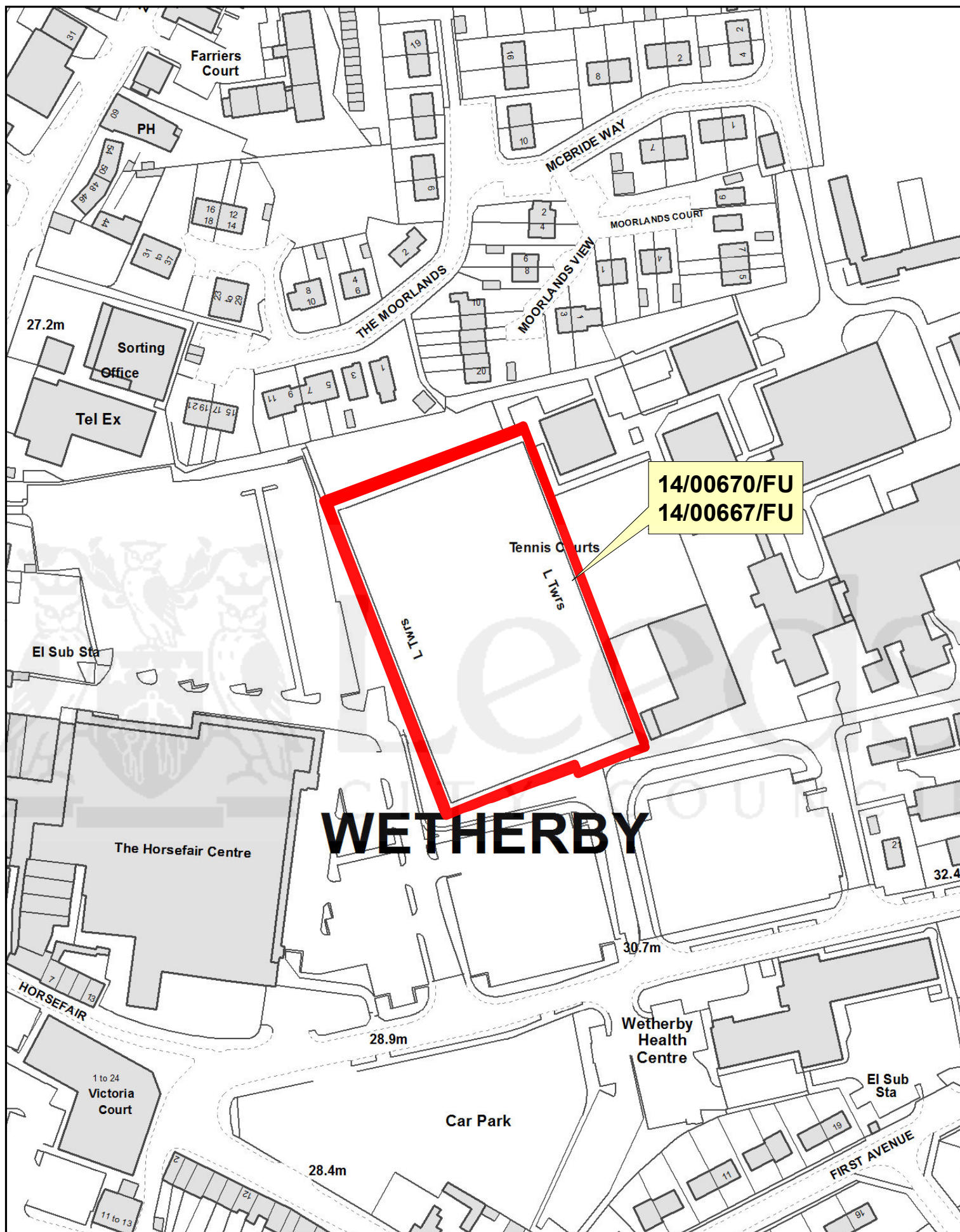
11.0 CONCLUSION

- 11.1 Whilst the existing scheme has not given rise to complaint and no objections to the current application have been received, the development could potentially give rise to increased levels of disturbance and light pollution for neighbours. Whilst the proposal is not considered to be unacceptable in principle, on a precautionary basis therefore and on the advice of the Environment Protection Team, it is recommended that a temporary 12 month variation is approved in the first instance to allow the impact of the greater hours of use to be assessed. Subject to this, and a requirement to use the lighting only for the hours sought during this time, the development would meet the policy objectives that have been identified above and would not conflict with the requirements of UDPR Policies GP5 and LT1, or relevant guidance contained within the NPPF. The application is therefore consistent with the requirements of the policy considerations above and Members are requested to accept the officer recommendation to grant permission.

Background Papers:

Application files: 14/00667/FU

Certificate of ownership: Signed by the agent on behalf of the applicant as owner



NORTH AND EAST PLANS PANEL

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