

COMMITTEE REPORT

Date: 4 July 2019
Team: Major and Commercial Team
Ward: Rural West York
Parish: Upper Poppleton Parish Council

Reference: 19/00186/FUL
Application at: Poppleton Community Centre Main Street Upper Poppleton York YO26 6JT
For: Installation of 8 no. floodlights at Poppleton Lawn Tennis Club.
By: Mr J Lister
Application Type: Full Application
Target Date: 28 June 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is the existing outdoor tennis courts at Poppleton Community Centre, located to the south west of Main Street, Upper Poppleton. The site forms part of an area containing a number of community and leisure facilities including a children's play area, community centre and also Poppleton Ousebank Primary School and Library. There are two sets of tennis courts at the site and this application is for the courts in the north east corner of the site, adjacent to Main Street.

1.2 Opposite the site to the east are residential dwellings along Main Street. The children's play area is north west of the courts and the Poppleton Community Centre is to the south west. A lawn bowls green lies to the south east. There are existing floodlights to the other tennis courts at the site.

1.3 Planning permission is sought for the erection of 8 no floodlights to the tennis courts. The pylons for the floodlights will measure eight 8 metres in height and will floodlights will consist of twelve lamps in total, with one lamp fitted to each corner pylon and two lamps fitted to the central pylons.

1.4 The application was called in for determination at Planning Committee by the local ward member at the time Councillor Steward , who shared the concerns raised by local residents with regard to light and noise pollution

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy (saved policies)

YH9(C) Green Belts
Y1 (C1 and C2) York Area sub area policy

Application Reference Number: 19/00186/FUL

Item No: 4d

Page 1 of 12

2.2 Poppleton Neighbourhood Plan

PNP1 Green Belt Policy
PNP4 Village Design Statement

2.3 2018 Publication Draft Local Plan

GB1 Development in the Green Belt
HW3 Built Sport Facilities
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Areas
GI2 Biodiversity and Access to Nature
ENV2 Managing Environmental Quality

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 No objection

Public Protection

3.2 From the report the levels suggested at the nearest residential properties are maximum surface illuminance of 2.35 lux and maximum intensity cd 509. I would advise that the area is classed as Environmental zone E3 and therefore if the maximum surface illuminance is 2.35 lux and maximum intensity cd 509, then provided the lights are off by 2300 hours these levels would be acceptable. I would however request confirmation from the applicant that my interpretation of their report in terms of these levels at the nearest receptors is correct.

Design Conservation and Sustainable Development (Ecology)

3.3 In reviewing the flood lighting scheme I have referred to guidance produced by the Institution of Lighting Professionals and the Bat Conservation Trust (Bats and artificial lighting in the UK, 2018).

3.4 The proposed scheme is based on eight 8 metre columns and twelve 2kW Philips Optivision MVP507 using the 2kW MHN metal halide lamp, with a colour temperature of 4500K. Technical information on the lighting has been provided which shows the

illuminance (lux) levels, at ground level. In terms of wildlife this shows fairly significant light spill beyond the edge of the tennis courts.

3.5 However, there is limited semi-natural habitat surrounding the tennis pitches that would be impacted by increased light spill. Boundary vegetation along Main Street includes several conifer trees that are a species and form unlikely to support roosting bats, and a short stretch of neatly maintained Hawthorn hedgerow. At the corner of the tennis court and play area are an Hornbeam tree and Ash, again of a form and structure unlikely to provide any roosting opportunities for bats, and here there is also a well maintained leylandii hedge. The remaining areas are the club buildings, bowling green and further tennis courts. There is higher quality foraging habitat in the wider surrounding area. It is therefore considered that the impact of the light spill would not be significant.

3.6 A better design of lighting would reduce the column height to 5m and use LED lights for greater directionality, and be of a warm white <2700k to reduce the blue light component.

EXTERNAL

Upper Poppleton Parish Council

3.7 Object. Adverse impact on immediate neighbours of excessive and intrusive light pollution and noise which would result in the loss of quiet enjoyment of their homes during evening hours.

Publicity and Neighbour Notification

3.8 The Chair of the Poppleton Centre Trust (the parent body of bowls, tennis and football at the Poppleton Centre) advised the Trust objects on grounds of light and noise pollution. They also question whether the lights are necessary given the existing floodlit courts have been observed as underused by Centre staff.

3.9 Objections were received from 8 individuals. The objections covered the following matters

- Light intrusion into properties
- Noise nuisance particularly at night
- Levels of lighting creating a health and safety risk for road users at night
- Existing floodlights are already a nuisance and the new ones would be closer
- The nearest pylon would dominate the view from living room (no 98 Main Street)
- Ambient lighting levels in the village are very low which will further compound the impact of the proposals in such a rural setting
- Concern over light and noise until 10pm

- Doesn't appear to be significant demand for use until 10pm
- The lighting report doesn't indicate how the design will mitigate light spill
- No reference to how glare will be controlled
- Existing floodlights visible from bedroom due to glare against the dark surroundings
- View of clear sky from living room directly over tennis courts, existing landscaping would not block the view and is deciduous
- Brightness of the lights is excessive
- Concerns over light intrusion, spill, source intensity and direct upward lighting
- Bats are seen at dusk and this should be a matter for consideration
- High localised lighting levels may be a highway concern
- Site adjacent to the boundary of the conservation area.
- Village is a dark rural village with low ambient light levels, however on Main Street we have (all night) the whole school lit up, library and bowls club house added to this existing tennis court lights, Poppleton Centre with associated path/car parking lighting
- Existing issues with the site in terms of theft, vandalism and large groups of youths gathering in the playground. Further activity beyond 10pm will cause more problems.

Councillor Hook

3.10 objected to the application on the grounds of noise and light pollution, having an impact on the residents living on Main Street.

4.0 APPRAISAL

4.1 Key Issues

- Policy Context
- Green Belt assessment
- Provision of sports facilities
- Impact on the streetscene
- Character of the Nether Poppleton conservation area
- Impact on neighbour amenity
- Impact on local wildlife
- Highway safety

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt and the Poppleton Neighbourhood Plan.

Saved Policies of the Yorkshire and Humber RSS

4.3 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. Figure 6.2 of the RSS illustrates the general extent of the Green Belt.

Poppleton Neighbourhood Plan

4.4 The Upper Poppleton and Nether Poppleton Neighbourhood Plan was formally adopted or 'made' on 19 October 2017. The application site lies within the Neighbourhood Plan boundary.

National Planning Policy Framework (NPPF) (February 2019)

4.5 The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

4.6 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. The NPPF sets out in paragraph 11 the presumption in favour of sustainable development which applies unless the application of specific policies in the NPPF indicate development should be restricted.

Publication Draft Local Plan (2018)

4.7 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

Application Reference Number: 19/00186/FUL

Item No: 4d

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Development Control Local Plan (2005)

4.9 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Green Belt Assessment

4.10 The NPPF advises in paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

4.11 Paragraph 134 sets out the five purposes of Green Belts.

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.13 There is no definition of 'openness' in the NPPF, but it is commonly taken to mean the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt.

4.14 Paragraph 145 advises that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this includes the provision of appropriate facilities (in connection with the existing use of

land or a change of use) for outdoor sport or outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.15 Neighbourhood Plan Policy PNP1 states that within the general extent of the Green Belt, inappropriate development will not be supported except in very special circumstances. Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in paragraph 89 of the National Planning Policy Framework (2012 version).

4.16 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

4.17 The proposed development of floodlights for the existing outdoor tennis courts is not inappropriate in the Green Belt so long as the openness of the Green Belt is preserved and there is no conflict with the purpose of including the land within the Green Belt.

4.18 The proposed floodlights will be on previously developed land and the site forms part of an existing cluster of community facilities including a community centre, bowling green and existing floodlit courts. The site lies between the highway and the existing community centre and is seen within this context. There are existing floodlights to the other courts at the site and street lighting on Main Street. Given this, the provision of additional floodlights is not considered to impact adversely on the openness of the Green Belt.

4.19 The site is previously developed land and the proposed development would is not considered to conflict with the purposes of the Green Belt set out in 4.11 above, including the historic setting of York's villages.

Provision of Sports Facilities

4.20 Paragraph 96 of the NPPF stresses that opportunities for sport and physical activity are important for the health and well-being of communities. Policy HW3 of the 2018 Draft Plan states the Council will support development that enables residents to enjoy and make use of built sports facilities. The proposed development would allow for an increase to the hours of operation of the existing tennis courts to 2000 hours, 7 days a week. The proposal would therefore accord with national and local planning

policy with regard to the provision of sports facilities by enabling residents to enjoy and make use of the facilities.

Setting of the Conservation Area

4.21 Paragraph 192 of the NPPF states that with regard to heritage assets, when determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.22 Paragraph 196 goes on to state that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.23 Policy D4 of the 2018 Draft Plan states proposals affecting the setting of a conservation area will be supported where they:

- i. are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;
- ii. respect important views; and
- iii. are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.24 The application site lies adjacent to the south western boundary of the Nether Poppleton conservation area which was designated in 1993. The Conservation Area statement identified the main elements of the character of and appearance of the area as. The relevant elements include the continuity of Church Lane and Main Street, linking areas of historic and rural character through a series of curves and changes in level, revealing a pleasant sequence of views. Also relevant are the landscape elements - trees and grass verges - and the way they unify areas of different character.

4.25 The proposed development will be seen within the existing cluster of community facilities including the community centre, courts and the primary school and library beyond. There are existing floodlights at the site and although the proposed floodlights will be closer to the boundary they will be partially screened by existing greenery and will not impact adversely on views into the conservation area, for example from the south east of the site along Main Street. It is also noted there is

existing street lighting on Main Street and on the access road to the community centre.

4.26 Given the above it is considered that any impacts of the proposed development would have a minimal effect on the character of the conservation area and very little, if any harm, has been identified. As per paragraph 196 of the NPPF, where less than substantial harm to a heritage asset is identified this should be weighed against the public benefits of the proposal. There are identifiable public benefits to the proposal in the form of extended opening hours to the tennis courts which, as previously stated would be in support of paragraph 96 of the NPPF and Policy HW3.

Impact on the Streetscene

4.27 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, Development proposals that fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.28 The site sits within an existing cluster of buildings and facilities, many of which have a sporting use. The siting of floodlights is therefore an appropriate addition. Floodlights by their design are slender and especially when turned off, have a minimal impact on the local streetscene. They will be set back from the public highway and partially obscured by existing trees. Given the location and the design of the floodlights the proposed development is considered to be acceptable in terms of the impact on the character of the area subject to a condition ensuring the development is carried out in accordance with the approved plans.

Impact on Neighbour Amenity

4.29 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise and light pollution without effective mitigation measures. Policy D1 seeks to ensure design considers residential amenity so that residents living nearby are not unduly affected by noise and disturbance,

4.30 The key concerns set out by residents relate to light pollution from the floodlights and noise pollution from the resultant increased operational hours of the site. The closest dwellings are 96 and 98 Main Street. The front elevations of these dwellings facing the tennis courts are approximately 28 to 30 metres distant from the proposed site of the nearest floodlight (eastern corner of the courts).

4.31 With regard to light, a contour survey and assessment has been submitted by the applicant, which considered the impact on the relevant elevations of 96 and 98 Main Street. This information has been considered by the Council's Environmental Health Officer.

4.32 Light pollution is measured by surface illuminance and by luminaire intensity. Surface illuminance is the amount of light striking a surface and is measured in lux. Luminaire intensity is a measure of brightness and is measured in candelas.

4.33 The Institute of Lighting Professionals Guidance sets out recommended obtrusive light limitations for exterior lighting installations for different environmental zones. Zone E2 is classified as rural and Zone E3 is classified as suburban. The application site is considered to be suburban, however this is disputed by a local resident who felt the location of the site meant it was more rural in nature. Zone E2 sites have lower limits and the Guidance advises a maximum 5 lux of light intrusion into windows and 7,500 candela light intensity for pre-curfew times, which is taken as prior to 2300 hours.

4.34 From the submitted report the levels at the nearest residential properties are a maximum surface illuminance of 2.35 lux and a maximum intensity candela of 509. These levels lie within the recommended limits of both Zones E2 and E3. It is also noted that the applicant has agreed to reduce the hours of the floodlights from 2200 hours finish to 2000 hours. The lights would not be turned on before 1500 hours. This can be controlled by condition and also via automatic timers to eliminate human error.

4.35 Regarding noise, the proposal would extend hours of operation to 2000 hours 7 days a week. The hours will be controlled by a planning condition if planning permission is granted. To ensure the floodlights are not used for alternative sports that may generate more noise, such as football, a condition will be imposed restricting the use to tennis only.

4.36 Given the above, the proposed development is subject to relevant conditions, not considered to protect amenity in line with the NPPF and the relevant policies in the 2018 Draft Plan.

Impact on Local Wildlife

4.37 Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Policy GI2 of the 2018 Draft Plan also seeks to conserve and enhance York's biodiversity where appropriate. The proposed floodlights have been considered in the light of possible impacts on protected species such as bats. The Council's Ecologist has noted the site's location away from the river and within the context of a number of existing lights. It is not considered that the

proposed development would have a significant impact on the natural and local environment.

Impact on Highway Safety

4.38 Paragraphs 108 - 109 of the NPPF consider highway safety for all users. Policy T1 of the 2018 Draft Plan states development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility. The proposed development will introduce additional lighting to the existing complex of sports and community facilities. There is existing lighting to the other tennis courts at the site, but this is set further back from the public highway. However there is also existing lighting to other buildings at the site and street lighting along Main Street. The nature of floodlights means the light will be static. The lights closest to the highway will also be set back approximately 8 metres. The proposal is not considered to give rise to a conflict with highway safety.

5.0 CONCLUSION

5.1 The proposed development of the floodlights to the existing tennis court is considered due to its siting and design to not harm the openness of the Green Belt or the purposes of including the application site within the general extent of the Green Belt. The proposal is also considered to be acceptable in terms of the impact on the streetscene, the impact on the character of the adjacent conservation area, highway safety and on local ecology. With regard to residential amenity, subject to conditions regarding lighting levels, restricting the use of the floodlights to no later than 2000 hours and to the use as tennis only, the proposal is considered acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

683_P11 Existing Site Plan, Existing Location Plan received 01 February 2019

683_P21 Proposed Site Plan, Proposed Location Plan received 01 February 2019

683_P22 Existing Elevation and Proposed Elevation received 01 March 2019

Poppleton LTC Lighting Report Rev A 23-5-19 by Exclusive Leisure Ltd received 24 May 2019

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The floodlights hereby approved shall only be used between 15:00 and 20:00 hours and shall be turned off by automatic timer, unless the last match finishes before 20:00 hours in which case it should be turned off promptly after the last match.
Reason: To safeguard the amenities of adjoining occupants.

4 The lighting shall be designed to achieve lighting levels at no's 96 and 98 Main Street, Upper Poppleton no greater than a maximum surface illuminance of 2.35 lux and maximum intensity of 509 candelas.

Reason: To protect the amenity of the surrounding area

5 The hereby approved floodlights shall only be used in connection with the playing of tennis on the courts and for no other sports or purposes.

Reason: In the interests of neighbour amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Further information regarding the lighting from the applicant.

Confirmation of a reduction in the hours of use of the floodlights

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