



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
5 AUGUST 2020**

Application Number	20/00404/FUL
Location	Dengie Hundred Sports Centre, Burnham-On-Crouch
Proposal	Section 73A application for installation of 4no. eight-metre-high lighting stantions for occasional sports field illumination.
Applicant	Mr Neil Murray - Burnham Sports Club
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	07.08.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Council Owned Land

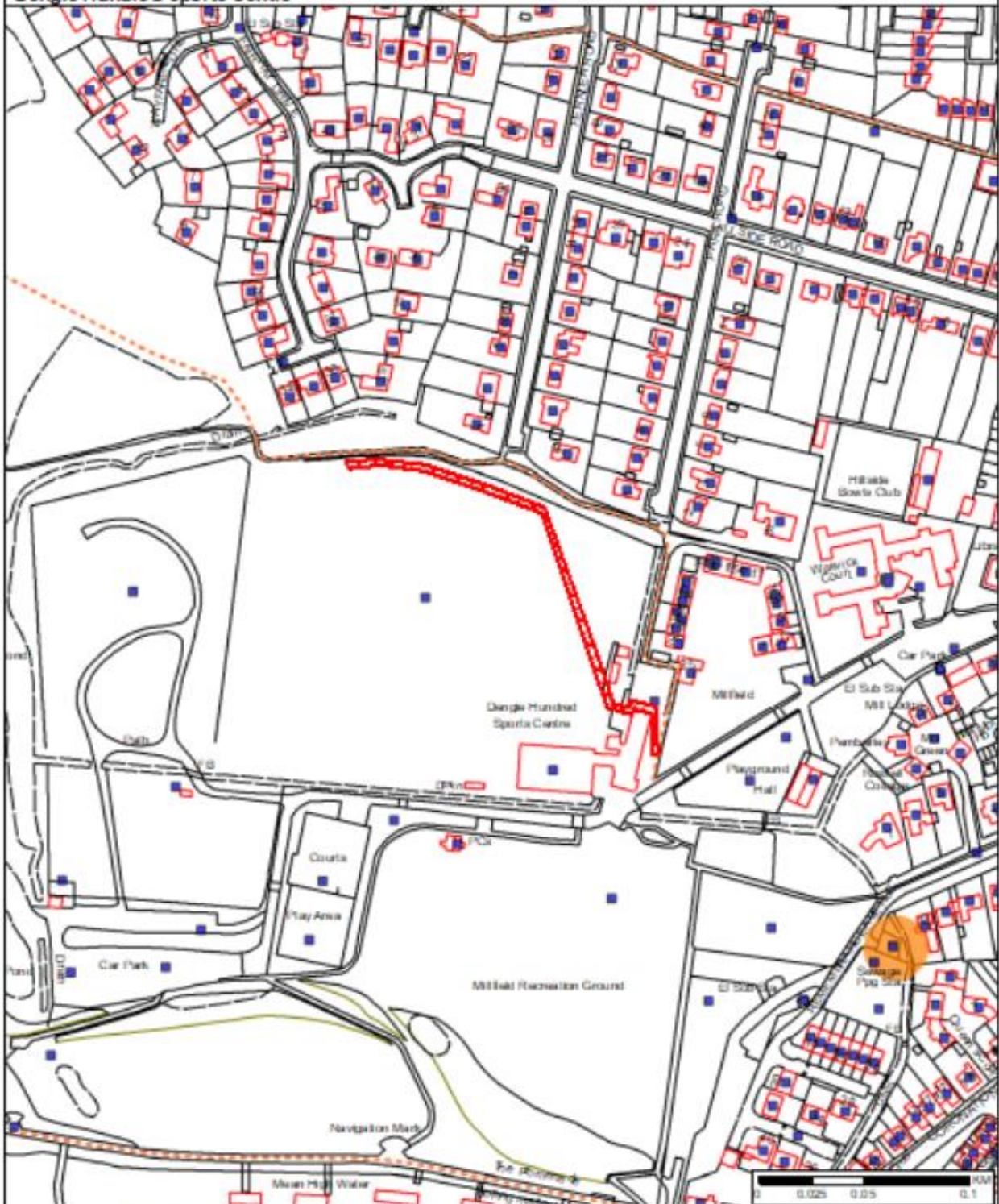
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

20/00404/FUL
Dengie Hundred Sports Centre



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		Organisation: Maldon District Council
		Department: Department
		Comments: SEAC
		Date: 23/07/2020
www.maldon.gov.uk		MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located outside of the settlement boundary of Burnham-On-Crouch. The site is located on the western side of, and accessed from, Station Road. The proposed development will be located on the wider site of Dengie Hundred Sports Centre, which contains playing fields and a clubhouse, which is a designated playing pitch and park within the Local Development Plan (LDP). The wider surrounding area consists of residential development to the north and east, with Millfield Recreation Ground lying to the south and grassland to the west.
- 3.1.2 The proposal is for 4 floodlights which will be located on 8-metre-high poles, positioned along the northern boundary of the sports centre site. It is proposed that the lighting will be used between 17:00 and 21:00 on Mondays-Thursdays, between October and March. The lighting will face south to illuminate the playing fields only.
- 3.1.3 It is noted that the poles have already been erected and therefore the application is partially retrospective.
- 3.1.4 It is noted there is already flood lighting on the site which has been approved under applications 95/00754/FUL and 96/00547/FUL and therefore the proposed lighting will be additional to this. The lighting approved under 95/00754/FUL is permitted to be operated between 06:00 and 22:00 hours each day and the lighting approved under 96/00547/FUL is permitted to be used between 17:00 and 21:30 on Tuesdays and Wednesdays.

3.2 Conclusion

- 3.2.1 Overall, it is considered that, subject to appropriate conditions, the proposal would not result in a detrimental impact on the character of the area, the residential amenity of neighbouring sites or highway safety. The proposal is therefore considered to be acceptable and in line with the policies contained within the LDP and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Maldon District Design Guide SPD (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018) (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The principle of constructing development in relation to the lawful use of the site is considered acceptable. The lawful use of the site is as a sports centre which is part of Millfield Recreation Ground Riverside Park Playing Pitch, which is designated under policy N1 of the LDP. The Planning Statement states that the Rugby Youth Squad has grown to a size where they struggle to find areas to train midweek due to a lack of floodlit training areas and therefore the lighting is proposed so that they can all train midweek during winter months. Weekend use occurs in the daytime so additional lighting is not required for this.
- 5.1.3 The implementation of the lighting will therefore enhance the site by enabling additional rugby training to occur and therefore there are no objections to the principle of the development as it would align with the policies contained within the LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning, and recognised principles of good design seek to create a high-quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.2.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 The proposed lighting is considered to have a typical appearance for this type of development. When not illuminated, the development would have a minimal impact on the character of the area. When illuminated, the development would have more of an impact on the visual amenity of the surrounding rural area however the lighting would be viewed within the context of the wider sports centre site and will therefore not have a significant impact on the character and appearance of the area. Furthermore, a condition will be included to restrict the hours the lighting will be in use, which will protect the amenity of the area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported

by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

- 5.3.2 The closest neighbouring dwelling, No.2 Fernlea Road is located 21.6 metres to the north. It is noted that there could be an impact on the neighbours if the lighting were to be approved unrestricted however with appropriate restrictions including not allowing lighting past 21:00, luminescence levels and restricting the direction the light shines, it is not considered the proposal would have a harmful impact on residential amenity to an extent that would justify the refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards, which are expressed as minimum standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.4.2 The proposal will have no impact on parking or access arrangements.
- 5.4.3 The lighting will be positioned along the northern boundary of the site and will face south, towards the centre of the application site. Due to the separation distance of 18 metres from the nearest road, it is not considered that the lighting will result in any harm to highway safety.

5.5 Other Material Considerations

- 5.5.1 It is noted the site is located within flood zone 2 and 3 however due to the nature of the development, it is not considered that it would have a harmful impact in terms of flood risk.

6. ANY RELEVANT SITE HISTORY

- **93/00004/TEL** - Erection of freestanding tubular telecommunications mast/pole 15m high on top of which will be installed 2no. omni-directional antennae. Installation of equipment cabin – Prior approval not required
- **94/00004/TEL** - Erection of freestanding telecommunications mast/pole maximum 15m high on top of which 2no. omni-directional antennae and 1no. dish antenna will be installed - Prior approval not required
- **95/00754/FUL** - Floodlighting to multi-games area – Approved
- **96/00547/FUL** - Floodlighting and proposed go-store – Approved
- **00/00400/FUL** - Proposed porch to existing external door – Approved
- **02/00565/FUL** - Replacement temporary building – Approved
- **07/00224/FUL** - Temporary building (renewal of planning permission FUL/MAL/02/00565) – Approved

- **12/00694/FUL** - Retention existing storage container used for playing and maintenance equipment for Croquet Club – Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-On-Crouch Town Council	Support – subject to a condition ensuring no lighting is lit after 9pm.	Comments noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Sport England	<p>No objection – The proposal is ancillary to the principal use of the site as a playing field and does not affect the quality or quantity of pitches or their use.</p> <p>Support the proposal – it is advised that the use of sports lighting on rugby sites typically extend until 9pm on weekday evenings which is consistent with the hours of use that are being sought.</p> <p>Guidance on lighting is available from Sport England’s ‘Artificial Sports Lighting’ guidance notes and RFU’s Floodlighting Installation and Management Guide. The recommended maintained average lux levels (horizontal) for rugby training is 100 lux.</p>	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections – the position and orientation of the lighting columns do not give rise to significant concerns from the impact of obtrusive light on nearby receptors. Care should be taken in the selection of luminaries and their final positioning.	Comments noted.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received at the time of writing this report.

8. **PROPOSED CONDITIONS**

- 1 The proposed development shall be carried in complete accordance with the following plans and documents: 20-06-00Lp Rev A – Location Plan, 20-06-001 Rev A – Existing Block Plan, 20-06-002 Rev A – Proposed Block Plan, Planning Statement & Appendices.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 2 The lighting hereby approved shall only be in operation between the hours of 17:00 to 21:00 Monday to Thursday inclusive, between October and March each year. The lighting shall not be in use outside of these times.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 3 Prior to the erection of the lighting heads and the first use of the lighting hereby approved, a time switch, to extinguish the lights at 21:00 hours on Monday to Thursday, shall be installed. Evidence that the time switch has been installed shall be submitted to the local planning authority for approval prior to the first use of the lighting hereby approved. This shall be retained and used as such thereafter.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 4 The maintained illuminance levels of the proposed lighting shall at no time exceed 100 lux.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 5 The lights shall be positioned facing south towards the playing fields at an angle no greater than 70- degree of vertical (the lighting column) and shall be retained as such in perpetuity.

REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

INFORMATIVE:

1. The applicant should have regard to BS EN 12193:2018 *Light and lighting: Sports lighting* and the Institute of Lighting Professionals Guidance Notes for the reduction of obtrusive light 2020 in the selection of luminaries and installation of the lighting scheme in order to manage the risk to local residential receptors and reduce the likelihood of sky glow being produced by the development.