

Planning Committee

27 May 2020



Application No.	20/00058/FUL
Site Address	Laleham Recreation Ground, The Broadway, Laleham, TW18 1RZ
Applicant	Staines Lammas Football Club
Proposal	Installation of 6no. 15m high floodlight columns with 2 no. LED floodlights per column.
Case Officer	Matthew Clapham
Ward	Laleham and Shepperton Green
Called-in	Cllr Attewell – citing concerns over noise. lighting and the impact upon the Conservation Area

Application Dates	Valid: 10.02.2020	Expiry: 06.04.2020	Target: Extension of Time agreed (29.5.20)
Executive Summary	<p>The application seeks to install 6 no. 15m high floodlight columns with 2 no. LED lights per column around an existing football pitch located on the Laleham Recreation Ground, off the Broadway, Laleham.</p> <p>It is considered that the proposed floodlighting columns would not have a detrimental impact upon the character and appearance of the Laleham Conservation Area, nor any adjoining Listed or Locally-Listed buildings. Nor would the proposal have any harmful impact upon the openness of the Green Belt.</p> <p>The level of lighting from the columns, subject to limitations on their use, would not be detrimental to the residential amenity of any adjoining properties. An independent lighting consultant has reviewed the lighting assessment submitted with the application and raised no concerns. The level of noise arising from the use of the floodlights provided for an existing football pitch on a public recreation ground, is also not considered to be of detriment to residential amenity.</p> <p>No parking concerns are considered to arise in association with the floodlighting. The County Highways Authority has not raised any concerns regarding highway safety.</p>		
Recommended Decision	Approve the application subject to conditions set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

EN1 – Design of New Development

EN4 – Provision of Open Space and Sport and Recreation Facilities

EN5 – Buildings of Architectural and Historic Importance

EN6 – Conservation Areas, Historic Landscapes, Parks and Gardens

EN11 – Development and Noise

EN13 – Light Pollution

LO1 – Flooding

CO1 – Providing Community Facilities

CC3 – Parking Provision

'Saved' Local Plan Policy GB1 – Green Belt

2. Relevant Planning History

- 2.1 The site has the following planning history:

09/00295/FUL

Erection of 4 No. Lighting columns of approximately 18m high to the Staines Lammas Football Club first team pitch for a temporary period of 2 years.

Refused 10.08.2009

3. Description of Current Proposal

- 3.1 The application proposes six floodlights columns, each 15m in height and housing 2 no. LED lights on each column. The lights would facilitate the use of an existing football pitch located within the Laleham Recreation Ground for Saturday afternoons in the winter months and any evening matches. The columns would be located on each four corners of the football pitch, with two located either side of the halfway line at the centre of the pitch.
- 3.2 The site is located within the Green Belt. It is also located within Flood Zone 2 with an up to 1% chance of flooding in any one calendar year. The pitch and the environs are largely located within the Laleham Conservation Area, with the south eastern 'slice' of the pitch being located outside of the Conservation Area. Four of the six floodlight columns fall within the Conservation Area, with two located outside of it.
- 3.3 There are a number of Listed Buildings adjoining or within the vicinity of the site, the most significant being the Grade I Listed Church of All Saints to the West.

- 3.4 The site itself is an area of open land lying south of The Broadway, Laleham, which is a publicly accessible area used for recreational purposes for the general public. It is understood to have been 'gifted' to the public by the owners, the Lucan family, for public use. The pitch itself is currently being and has previously been used, as a football pitch for use by Staines Lammas Football Club. The pitch itself has 'dug outs', around the pitch barriers, markings and goal posts. The football pitch utilises the existing changing facilities and parking arrangements that already exist for the use of the Lucan Pavilion adjoining the pitch, which also serves as a social club/function room and coffee shop.
- 3.5 The football club itself is currently playing within the Surrey Elite Intermediate League, which is at Level 7 of the non-league pyramid. The applicant has stated that the floodlights are required to allow further progress within the football pyramid, having been automatically demoted from their previous league due to a lack of floodlighting. Staines Lammas FC are currently well below leagues compared to other football clubs in the Borough, namely Staines Town, Ashford Town (Middx) and Spelthorne Sports.
- 3.6 The applicant has confirmed the periods of use for floodlighting throughout the year, this has been assumed as derived from Football Association requirements. The latest time floodlighting would be on is 22.00 hours, this is limited to 15 fixtures on weekdays, which will take place sporadically during the period from September to April in the next year. The applicant has confirmed that floodlighting will not be used to facilitate training sessions and that alternative facilities are used for training.
- 3.7 The applicant has confirmed in the supporting statement that in terms of use of the floodlights, the following principles apply:
Saturday Afternoon Fixtures
This is the predominant day for football matches, with a customary kick off time of 15.00 hours. In the period from mid-August to the end of October (in the same year), there is no need to use floodlights because there is sufficient natural light up to when a fixture is due to end i.e. 16.45 hours.
Around the time clocks go back, it becomes necessary to use floodlights and this usually commences on the last Saturday in October. This continues until the middle of February the following year, when ordinarily sufficient natural light exists to complete fixtures by 16.45 hours. The floodlights are then only switched on around half time because there is sufficient natural light for the first half i.e. around 15.45 hours.
From mid-February to the end of the season floodlighting is not required because there is sufficient natural light up to when a fixture is due to end i.e. 16.45 hours.
The scope of use is therefore:
1. Mid-August to the end of October (11 weeks) – floodlights are not required.
2. End of October to mid-February (16 weeks) – floodlighting generally required from half time (a period of normally 45 minutes).
3. Mid-February to the end of the season (13 weeks) - floodlights are not required.

After every fixture that has required the use of floodlights, it is normally the case that they are left on for a short period of time (about half an hour) for safety reasons and to allow cleaning and tidying up to take place. This means lights are normally turned off at around 17.30 hours.

In summary, the time when floodlights will be in use is during the 16-week period from the end of October to mid-February and specifically between 15.45 hours and 17.35 hours. The only time these periods are likely to be exceeded is in the rare event of very bad natural light conditions and/or extra time having to be played in cup fixtures.

Mid-Week Fixtures

Mid-week fixtures are played in the evening and as such require floodlighting. The kick off time is generally 19.45 hours, which means lights will normally be turned off by 22.00 hours. This will only be extended in the event of extra time and/or a penalty shootout in cup fixtures.

Unlike Saturday fixtures, it is not possible in any given football season to say from the outset how many evening fixtures will take place. This depends on postponements; cup runs and other factors such as League requirements but as a general rule it would be appropriate to assume that around 15 fixtures will take place and sporadically during the period from September to April the following year.

Sundays - No use required

Pitch lighting will be turned off by 2200 hours,

4. Consultations

4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
SBC Heritage Consultant	No objections on heritage grounds
County Highway Authority	No highway requirements
Environmental Health	Pollution Control – No comments
Environmental Health	Lighting – Requested condition

5. Public Consultation

5.1 33 letters of notification were sent to adjoining properties and a Statutory Site Notice and a Newspaper advert were also displayed. 16 letters of objection were received, raising the following concerns:

- Parking pressures
- Highway Safety and access arrangements
- Noise
- Light pollution
- Potential future expansion of the football club
- Impact upon the Conservation Area / adjoining listed buildings
- Visual amenity
- Green Belt
- Bats

6. Planning Issues

6.1 The main planning matters are:

- Impact upon the Conservation Area and adjoining Historic Buildings
- Impact of Lighting upon adjoining residential properties
- Impact of noise and disturbance upon adjoining residential properties
- Impact upon the openness of the Green Belt
- Provision of community facilities
- Parking and highway safety
- Flooding
- Other matters

7. Planning Considerations

Impact upon the Conservation Area and adjoining Historic Buildings

- 7.1 The site is mainly located within the Laleham Conservation Area, with 4 of the 6 floodlight columns being located inside of the Conservation Area. Paragraph 196 of the National Planning Policy Framework (2019) (NPPF) states that *‘where a development 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’*.

The comments from the Councils Heritage Consultant are also noted. These comments were:

I recall commenting on a previous application in 2009. I stated that the columns would be visible to a greater or lesser extent from parts of the surrounding area, possibly from certain listed buildings. It was also apparent that parts of the conservation area could be affected as well as private properties in close proximity. Predicting the extent of any actual visual harm or nuisance would be difficult.

Since then the NPPF has been published which seeks to guide decision makers. There is now a presumption in favour of sustainable development, where any harm to conservation areas or the settings of listed buildings must be balanced against any public benefit a scheme might produce.

Notwithstanding this, the planning authority has a duty under the Planning (Listed Buildings and Conservation Areas) ACT 1990 to have “Special Regard” to preserving the setting of listed buildings and the character of conservation areas, and to give this “considerable weight” when carrying out the balancing exercise. There are a number of Court of Appeal Judgements on this issue.

In the light of the above, I conclude that there will be some harm caused by the height of the poles and lights, as these will undoubtedly be visible from certain positions. This harm must then be balanced by any benefits the increased sporting and exercise activities may bring to the community.

- 7.2 Policy EN6 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) seeks to apply the Council's policies in a more flexible way where justified to ensure the preservation and enhancement of a Conservation Area.
- 7.3 Policy EN5 of the CS&P DPD seeks to require development proposals affecting the setting of a listed building to have special regard to preserving its setting.
- 7.4 Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires authorities, when determining applications which affect a Listed building and its setting, to have 'Special regard to the desirability of preserving the building or its setting or any special features of architectural or historic content which it proposes'. Furthermore, Section 72 of this Act imposes a duty on the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. Additional guidance within the NPPF 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.'*
- 7.5 It is recognised that the previous application was refused partly on the grounds of the potential impact upon the Conservation Area. However, as the Council's Heritage Consultant has stated, the National Planning Policy Framework has been published since that decision was made. This has altered the balance of decision making on such matters and is a material consideration in assessing this proposal. It is necessary to initially consider the potential impacts upon the character and appearance of the Conservation Area. Two of the columns fall outside of the Conservation Area and the remaining columns are on the periphery of the Conservation Area. There is a mobile phone mast immediately adjoining the Lucan Pavilion Clubhouse Building, also located within the Conservation Area. Since the previous proposal, while there are more columns, they are reduced in height by 3m reducing some of the visual impact.
- 7.6 Also of consideration as set out in the NPPF are the wider public benefits that a proposal may bring to a community. While it is not intended to use the floodlights for training or non-match day reasons, the floodlights would help sustain a local football club that is likely to be able to re-invest in the community by providing a local sporting facility that will encourage people to gain an interest in participating in and watching sports events. This may lead on to an additional demand for training sessions either at this site or elsewhere by the football club during the weekends and school holidays for junior teams that would benefit the wider community of Laleham and Spelthorne. The applicant has set the benefits out in its planning statement in terms of playing at a higher level, this generates more interest, better players, coaches, and more members and volunteers. Staines Lammas has a youth section which accommodates boys and girls teams and train on a Saturday morning, so would not directly need the use of the floodlights however relies upon a successful first team to sustain interest and funding. The proposals are also considered to benefit the cash flow of the Clubhouse that again provides services and benefits to the Community, where a coffee shop and

nurse already operates. It was also used by the Council as an emergency hub during the flood events in 2014.

- 7.7 With regard to the impacts upon the Listed Buildings in the vicinity, the nearest listed building is in excess of 100m away from the nearest floodlight. Due to this significant separation distance and the tree screening, in particular between the application site and the adjoining Church, it is considered that this is only of limited harm and not sufficient harm to justify refusal.
- 7.8 Therefore, on balance and taking into account the comments of the Council's Heritage Officer and the guidance contained in the National Planning Policy Framework, the wider public benefits arising from the proposals are considered to outweigh the limited harm that would occur to any adjoining listed buildings or the Conservation Area.

Lighting

- 7.9 The applicant has submitted a lighting assessment report and a plan showing the predicted lighting spill from the floodlights. The Council used the services of an independent lighting consultant to assess the applicant's report and the likely impacts of the proposals in terms of light pollution.
- 7.10 The applicant's lighting assessment demonstrated that the floodlights would meet Football Association and Sport England requirements, but that only 12 LED lights would be required in total. They have been designed to face directly down onto the pitch to provide satisfactory lighting on the pitch and minimise glare. The floodlights are required to provide lighting of 200 lux to the pitch itself, however the light overspill is reduced to 1 lux (moonlight) within a distance of 40m from the floodlights. The location benefits from having the recreation ground to the west, the former gravel works (now being restored) on farmland to the south and east and allotments to the north. Therefore no residential properties would be unduly affected by the lighting spillage, although it is recognised that the lights would be visible when turned on.
- 7.11 The Council's consultant made comments on the floodlighting design proposals to ensure compliance with limits defined within Institution of Lighting Professionals Guidance Notes for the reduction of obtrusive light 2001(1) and assessing any potential light pollution, which is a recognised statutory nuisance in the UK under the Clean Neighbourhoods and Environment Act 2005 and considered the periods that lighting will be in use that will unavoidably introduce an effect on views looking into the site. The consultants concluded that the calculation results comply with Institution of Lighting Professionals (ILP) limits for the Environmental Zone E2. The area has been considered to be designated as being within this Zone E2 (Rural - Low district brightness - Village or relatively dark outer suburban locations) as defined within ILP Guidance Notes for the reduction of obtrusive light 2001 with respect to light-trespass, and source intensity limits (assuming no curfew). Further information on sky-glow levels and any response will be reported verbally. The Council's Environmental Health Officer (Lighting) has not raised any objections.
- 7.12 The Council is therefore satisfied that the floodlights have been designed to minimise light pollution within the immediate area. A condition is recommended to control the usage of the floodlighting, which restricts the use

of the lights and accordingly the facility when dark, to no later than 22:00 for any one day in a week and not after 18:00 on weekends. The applicant has stated that the use of the floodlights will be restricted to the first team, generally Saturday afternoons, occasional midweek matches. The pitch itself, being grass, would not be able to sustain significantly more use than this. Whilst it is recognised the floodlights will still cause 'sky glow', in view of the proposed condition limiting hours of use, in addition to the separation distances to adjoining residential dwellings and the existing lights on The Broadway and Shepperton Road. The limited harm is considered to be outweighed by the benefits of the proposal. The proposed lighting is considered to have been designed so as to ensure that the proposal does not result in any material harm to the character and amenity of the area and the surrounding residents in terms of light disturbance.

Green Belt

- 7.13 Paragraph 145 of the NPPF states However the paragraph does specify a number of exceptions to this, one of which includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, are acceptable; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.14 This is supported by 'Saved' Policy GB1 of the Spelthorne Borough Local Plan (2001) which states that development will be permitted for facilities within the Green Belt for outdoor leisure and recreation.
- 7.15 While it is understood that the proposal is for lighting columns, it is considered that the use of the word buildings includes structures and that the lighting columns would meet the definition of a 'building' under planning legislation and case law. Given that the lighting columns would be directly related to the use of the pitch for sporting purposes, it is considered that they would satisfy the exception criteria and would not amount to inappropriate development.
- 7.16 In terms of the impacts upon the openness of the Green Belt, the proposed floodlights would be six 15m high columns, evenly spaced around the pitch, three on each side. In spatial terms, the floodlights would not have a substantial footprint, as they are relatively narrow. As such, they are not considered to detract from the openness of the Green Belt in this location or the purposes of including land within the Green Belt.
- 7.17 Whilst it is noted that the floodlighting proposed in the 2009 planning application was considered (unlike the current scheme) to constitute inappropriate development in the Green Belt, it is important to note that this was before the publication of the NPPF. Furthermore, the planning application was not refused on Green Belt grounds. Therefore, based on the considerations outlined in the paragraphs above, it is concluded that the provision of floodlights to constitute appropriate facilities for outdoor sport for the purposes of the framework and are acceptable in terms of the Green Belt.

Noise

- 7.18 The football pitch facility and recreation ground is an existing facility in a semi-urban area. The previous application in 2009 was not refused on noise grounds. As stated previously, there is only limited use of the football pitch currently, which would be further limited by a condition subjecting a 'curfew' on its use under floodlights for football or other sporting purposes, particularly late in the evening. There are no existing restrictions on the use of the site although the floodlights will enable additional use in evenings. The crowd attendances at this level are relatively small and the Saturday afternoon matches would take place anyway, presumably with a 2:00 kick off. The nearest residential dwellings are also some distance away. The amount of matches being played at the ground are limited by the league that Staines Lammas are playing in and associated conditions limiting matches to being Saturday afternoons and one evening per week. The Council's Environmental Health Officer for Noise has not raised an objection, subject to a time limit condition restricting hours of usage of the pitch under the floodlights. As such, there are no specific objections regarding noise disturbance.

Community Facilities

- 7.19 The football club was founded in 1926. It previously played at this site until 2009 and returned to this site in 2015 following a brief ground share arrangement with another football club based in the Borough of Spelthorne. Policy CO1 of the CS&P DPD – Providing Community Facilities states that the Council will seek to ensure community facilities are provided to meet local needs by 'supporting improvements to existing facilities to enable them to adapt to changing needs'.
- 7.20 Paragraph 92 of the NPPF states that Local Authorities should seek to:
- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- 7.21 The applicant has stated that they have previously had to leave this facility due a lack of floodlights and have dropped down two leagues since the previous application as their ground did not meet the ground grading requirements of the leagues and as required by the Football Association. As a result, a number of coaching and management staff and players left the club and the club has had to rebuild since then. This proposal would provide a focal point for the club with only limited evening/dusk use and provide a

community facility. As such, the proposal is considered to accord with guidance contained within the NPPF and with Policy CO1 of the CS&P DPD.

Highways and Parking

- 7.22 The County Highway Authority has not raised an objection to the proposal in terms of highway safety. As stated previously, the pitch is already in use by Staines Lammas Football Club who have limited attendances in terms of numbers of spectators. The access is existing and already serves the existing social club, coffee shop/nursey and the existing use of the site as a football/sports club and recreation ground. There is a public car park in very close proximity to the site. In any event, no additional training sessions at evenings are proposed so there would be limited increase in traffic movements and parking requirements above and beyond those that already exist. Therefore, it is not considered that the additional floodlight would result in any significant highway or parking concerns in the locality.

Flooding

- 7.23 The site is located within the Zone 2, which has a 1 in 1000 year chance of flooding. The floodlights are narrow and while they will be supported on concrete bases, there is a very limited impact upon flood risks and resilience and no significant flooding concerns are considered to arise.

Other Matters

- 7.24 The matters regarding the rights of the football club to use and enclose the pitch is a matter for the Trustees of the site and is not a material planning consideration. Spelthorne Borough Council has no legal interest in the land. The site is an open recreation ground with no obvious evidence of bat roosts in the immediate vicinity. In any event, due to the limited use of the floodlights on a maximum of two days per week and during winter months only, which coincides with the bat hibernation season, no significant adverse impacts upon bats or other wildlife are considered to arise. The potential future expansion of the club including new stands or other facilities will require planning permission and will be subject to a new and separate planning application, where any impacts will be subject to their own consideration. As a result of the decision to expunge all results at this level of football for the 2019/2020 season, Staines Lammas FC will continue playing at their current level, not requiring floodlights next season or at the time amateur sports are allowed to re-commence.

Equalities Act 2010

- 7.25 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering

of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.26 This planning application has been considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.27 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development.

Conclusion

- 7.28 The proposal is considered to be an acceptable form of development providing positive wider public benefits to the local community and to facilitate the success of a local sports club. It is considered to be acceptable on design grounds and would not have a detrimental impact upon the openness of the Green Belt nor the residential amenity of adjoining residential properties in terms of light pollution, noise and disturbance or parking and highway safety concerns. In addition, the NPPF requires that in Conservation Areas, the

impacts upon Heritage Assets is considered in relation to whether any potential harm would be outweighed by the benefits to the wider public. In this instance, the inclusion of four of the six columns within the Conservation Area is considered to have limited harm that would be outweighed by the wider benefits of supporting this local community sports club. Therefore the proposal is considered to be conform to Policies EN1, EN6 of the Core Strategy and Policies DPD, 'Saved' Policy GB1 of the Local Plan 2001 and guidance contained within the NPPF. Consequently the application is recommended for approval.

8. Recommendation

8.1 GRANT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: - This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:-
Site Location Plan; 01; D32636/TF/B
received on 10/02/2020
Reason: - For the avoidance of doubt and in the interest of proper planning
3. That the floodlights hereby approved shall only be used at the following times:
Saturdays, between 3pm and 5:45pm
On a maximum of any one weekday per week between 7pm to 10pm without the prior written approval of the Local Planning Authority.
Notwithstanding these times stated above, the floodlighting shall be extinguished at the first possible opportunity when the use of the floodlit playing surface has been concluded.
Reason:-.To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.