

Reference:	17/00213/FULM	
Ward:	St Laurence	
Proposal:	Install six 8m floodlights to multi-use games area	
Address:	RBS Card Transactions Centre, Thanet Grange, Westcliff-On-Sea, Essex, SS0 0EN	
Applicant:	RBS	
Agent:	Oswick Ltd	
Consultation Expiry:	10/05/17	
Expiry Date:	16/06/17	
Case Officer:	Ian Harrison	
Plan No's:	17-061-AS-01, 17-061-AS-02, 17-061-AS-03, 17-061-AS-04, 196883e-01 and Safeguarding Aerodromes Advice Note No2 – Lighting near Aerodromes (August 2016)	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission for the installation of six floodlights at a multi-use games area that exists within the curtilage of the RBS Transactions Centre at Thanet Grange.
- 1.2 The site currently includes a sports facility that measures 35 metres by 20 metres with 3.3 metre tall enclosures. The proposal is to erect six floodlights at the sports facility, three to each side. Each lighting column would measure 8 metres tall and include a light that would be installed 'flat-to-ground' to ensure that light is not unnecessarily spilt.

2 Site and Surroundings

- 2.1 The application site is located to the north of Thanet Grange, east of Nestuda Way, south of London Southend Airport and to the west of St Laurence Park. The closest dwellings to the site are located 92 metres to the south east of the existing sports pitch.
- 2.2 The site is allocated as employment land and is included within the area of the Southend Airport Joint Area Action Plan.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, the visual impact of development, public safety and any impact on neighbouring properties.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP4 and CP7, Development Management DPD Policies DM1, DM3, DM10 and DM11 and DM15

- 4.1 The site is designated as an employment area in the Development Plan and as such it is noted that policy CP1 states that "*The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.*"
- 4.2 Policy CP1 also states that "Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area."

- 4.3 DM11 (Employment Areas) states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where it conforms with one of four criteria, one of which is the following:

“D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate’s working population and will not result in a material change to the Class B character and function of the area.”

- 4.4 The site already contains a sports facility that is used for purposes that are ancillary to the use of the business that operates at the site, being a sports facility that is available for use by the employees of the premises. The proposal would be ancillary to the existing facility at the site and can therefore be supported under the terms of the abovementioned policy. The proposal does not change the use of this part of the application site, but would enable its use for a longer period of time and as such the development would not result in the loss of land that would otherwise be used for employment purposes. The principle of the development is therefore acceptable and compliant with the objectives of the development plan.

Design

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3 and SPD1

- 4.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 The proposed lighting columns would be well screened from the public domain by virtue of the presence of significant boundary landscaping at the RBS site, the buildings at that site and the changing ground levels which prevent views into the site from the north. As such it is considered that the proposed installations would have little impact on the character and appearance of the site and the surrounding area.
- 4.7 No objection has been raised to the proposal by the Council’s Design Officer and it is considered that the proposals would not have a harmful visual impact that would justify the refusal of this application or conflict with policy objectives.

Impact on Neighbouring Properties

NPPF; DPD 1 (Core Strategy) Policies KP1, KP2, CP1 and CP4; Development Management DPD Policy DM1, DM3, DM10 and DM11 and SPD 1 (Design & Townscape Guide (2009))

- 4.8 Policy DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.9 The proposed floodlights would be installed in a location that is over 90 metres from the closest dwelling to the south east. The equipment would be installed flat-to-ground to ensure that there would be no unnecessary light spillage and this could be secured through the imposition of a condition. As such it is considered that the proposed development would not cause light pollution that would materially harm the amenity of the residents of the wider area.
- 4.10 The proposed lighting development would enable increased use of the site for hours which would otherwise be prohibited by darkness, particularly during winter. During winter, doors and windows within neighbouring properties are most likely to be closed and outdoor space would be little used, therefore the impact of the intensified use or residential amenity is unlikely to be significant. Conversely, in summer the use would already be able to occur to later hours and windows within neighbouring properties are more likely to be open and in that regard it is considered that the floodlight use of the facility would not be materially different to the existing situation. The distance between the floodlighting and neighbouring properties would also significantly mitigate any impacts and it is considered that the noise generated at the site would be no worse than the noise generated by the surrounding highways and the adjacent airport. It is however considered appropriate to limit the hours of use of the facility to ensure that residential amenity is maintained.

Public Safety

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.11 The proposed development would have no impact on highway safety.
- 4.12 It is however necessary to consider the impact of the development on the safe operation of the adjacent London Southend Airport and in this regard it is noted that no objection has been raised to the proposal by the airport within the response to the consultation that has been received and is set out below. London Southend Airport has however requested the imposition of a condition to limit the height of the lights and during the course of the application the applicant has provided additional details to demonstrate that it would be possible to comply with this condition. From this basis and subject to the imposition of conditions, no objection should be raised to the proposal on the grounds of safety.

Community Infrastructure Levy

- 4.13 As the development creates no new floorspace at the application site and represents a change of use from one commercial use to an educational use, the development is not CIL liable.

5 Conclusion

- 5.1 For the reasons set out above, it is considered that the proposed development can be found acceptable in principle, the proposed development would have no materially harmful impacts on the character of the area, the amenity of residents or public safety and it is therefore considered that the development can be approved subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP7 (Sport, Recreation and Green Space)
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

7 Representation Summary

Environmental Health Officer

- 7.1 The Council's Environmental Health Department raise no objection subject to the following conditions:
1. The location of the lights, the height, brightness, type and pattern of light should not be directed or pointed towards any aircraft and must adhere to the Lighting near Aerodromes Advice Note 2 submitted in support of this application.
 2. The design of lighting should be in accordance with BS 5489 (Code of Practice for Design of Road Traffic Lighting).
 3. All lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into neighbouring properties and in accordance with "The Institution of Lighting Engineers guidance for the reduction of Obtrusive Light". <http://www.britastro.org/dark-skies/pdfs/ile.pdf>.
 4. Hours of use 8am – 10pm Monday - Friday, 10am – 10pm Saturday - Sunday.

London Southend Airport

7.2 No objection is raised provided that the following conditions are imposed:

1. The maximum height of each of the floodlights is as follows:

FL1 (51.563781N 0.684070E - 27m AOD
FL2 (51.563673N 0.684246E - 29m AOD
FL3 (51.563553N 0.6844191E - 32m AOD
FL4 (51.563446N 0.684183E - 32m AOD
FL5 (51.563553N 0.684022E – 29.5m AOD
FL6 (51.563659N 0.683873E – 27.5m AOD

2. The lighting must be EASA compliant given its proximity to the aerodrome. The lighting should be full cut off and mounted horizontally so that light is not emitted above the horizontal (<http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-2-1-Lighting-2016.pdf>)

Sport England

7.3 It has been advised that the proposal does not fall within their criteria for consultation. Generic advice has been provided in relation to the loss of sports pitches that is not considered to be applicable to this proposal.

Public Consultation

7.4 79 neighbouring properties were notified of the proposal and a site notice was posted at the site. Two letters of objection have been received from one person which objects on the following grounds:

- The proposal will create additional light pollution which will prevent the enjoyment of the dark night sky.
- The impact on an astronomical observatory that is reasonably close to the site (1280 metres from the site) and the impact on this should be minimised.
- The floodlighting should not be used in the late evening, overnight or in the early morning.
- The lighting should not be used between 21.30 and 07.00 the following day.
- The lights should be installed in accordance with guidance that aims to prevent light pollution.

Conditions are recommended below that will limit the hours of use and the direction of the lighting to ensure that light pollution is minimised as far as is considered to be reasonable and appropriate in this setting.

8 Relevant Planning History

8.1 Planning permission for a '5-a-side' football pitch at the site was granted under the terms of application 03/00806/FUL. A condition of that permission prevented the installation of floodlighting.

8.2 The remainder of the application site is the subject of a lengthy planning history that is considered to be of little relevance to this application.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01 Condition: The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 17-061-AS-01, 17-061-AS-02, 17-061-AS-03 and 17-061-AS-04

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 Condition: Notwithstanding the details shown on the plans submitted and otherwise hereby approved The maximum height of each of the floodlights erected under this consent shall not exceed the following:

**FL1 (51.563781N 0.684070E - 27m AOD
FL2 (51.563673N 0.684246E - 29m AOD
FL3 (51.563553N 0.6844191E - 32m AOD
FL4 (51.563446N 0.684183E - 32m AOD
FL5 (51.563553N 0.684022E – 29.5m AOD
FL6 (51.563659N 0.683873E – 27.5m AOD**

Reason: In the interests of public safety due to the proximity of London Southend Airport.

04 Condition: The lighting shall only be installed in full compliance with the content of the Airport Operators Association document titled “Safeguarding of Aerodromes – Advice Note 2 – Lighting Near Aerodromes (August 2016).” The lighting shall be installed to be ‘full cut off’ and mounted horizontally so that light is not emitted above the horizontal.

Reason: In the interests of public safety due to the proximity of London Southend Airport.

05 Condition: Illumination from the floodlighting hereby approved shall only occur between the hours of 08.00 to 22.00 Monday to Friday and 10.00 to 22.00 on Saturdays and Sundays.

Reason: To protect the amenities of neighbouring residents in accordance with the National Planning Policy Framework and policy DM1 of DPD2 (Development Management)

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

You are advised that as the proposed development creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL