

BOSTON BOROUGH COUNCIL

Planning Committee – 15 January 2019

Reference No: B/18/0454

Expiry Date: 02-Jan-2019 (Extension of Time 18th January 2019)

Application Type: Full Planning Permission
Proposal: Erection of 3 no. 8m high lighting columns with 300w LED floodlights

Site: Peter Paine Performance Centre, Rosebery Avenue, Boston, PE21 7QR

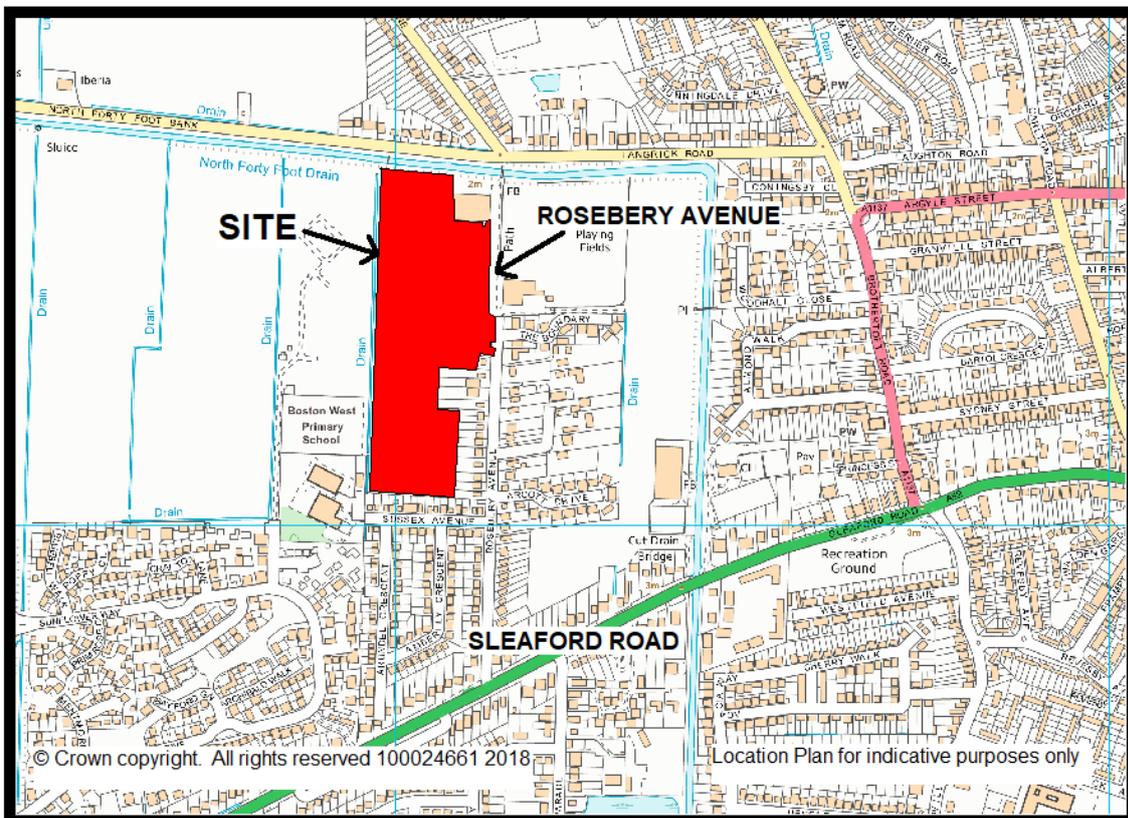
Applicant: Mr Shawn Thomas, Boston College
Agent:
Ward: West
Parish: BTAC

Case Officer: Stuart Thomsett

Third Party Reps: Four

Link to Planning Record: [B/18/0454](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application is presented to Planning Committee at the request of Councillor Stephen Woodliffe who was concerned that '*nearby residents may not appreciate the impact of such bright lamps prior to installation. However, once approved there is really no way back for affected residents. Also, the affected residents are not really those on Rosebery Avenue, as shown on the plans. It will be those residents on Harrow Place, not shown on the plans, who will be facing the lights that will be directly affected.*'

2.0 Application Site and Proposal

- 2.1 The application site is the Peter Paine Sports Centre and playing fields situated to the rear of Rosebery Avenue and Sussex Avenue within the Boston town Development Boundary. The site is not within a conservation area or close to any listed buildings.
- 2.2 The site has been occupied by Boston College since 2011 and comprises a large sports centre at the front of the site accessed from the foot of Rosebery Avenue with concrete and astro pitches to the north and four grass football pitches to the west.
- 2.3 There are residential dwellings to the east of the site on Rosebery Avenue, west of the site on the recently constructed Harrow Place and Charterhouse Court and south of the site on Sussex Avenue.
- 2.4 The area lies within an area designated as Flood Zone 3.
- 2.5 It is proposed to locate 3 No. 8m high lighting columns with 300w LED floodlights to light one of the four football pitches to the rear of four dwellings on Rosebery Avenue, namely No. 82 – 90. The columns will be located between 50 -70m from the rear elevations of the four dwellings, 100m. + from the dwellings on Harrow Place to the West and 150 m. + from the dwellings on Sussex Avenue to the South.
- 2.6 The applicants have confirmed that the lights will only be used on a Tuesday night from 17.30 to 19.00 and are only going to be used for training as they will not illuminate the full pitch width and therefore not suitable for match use.

3.0 Relevant History

- 3.1 B/16/0417 Construction of concrete sectional garage for mini bus – approved.
- 3.2 B/16/0113 Erection of 2no. football dugouts of brick/block and 1no. storage building for football club. Approved 28 April 2016
- 3.3 B/11/0176 – Application for a change of use from D2 to joint D1 and D2 – approved.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The Development Plan consists of the saved policies of the Boston Borough Local Plan (adopted 1999). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2 This site is within the Boston development boundary.
- 4.3 The saved Local Plan Policies of relevance to this application are as follows:
- G1 (Amenity)
 - G3 (Foul and surface water disposal)
 - G6 (vehicular and pedestrian access)
 - G10 (external lighting schemes)
 - R1 (protection of existing recreational open space)

National Planning Policy Framework (NPPF) (2018)

- 4.4 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Chapter 8 (Promoting healthy and safe communities) is also relevant in the broader policy intention of supporting the use of the site.

South East Lincolnshire Local Plan 2011-2036

- 4.5 The site is included within the Boston town development boundary within the South East Lincolnshire Local Plan (SELLP).
- 4.6 Paragraph 48 of the NPPF states:
- Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) 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
 - c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.7 It is anticipated that the South East Lincolnshire Local Plan will likely be adopted at the beginning of 2019. Therefore, the policies contained within this document are attracting increasing weight. Objections have not been received in relation to

the relevant draft policies and therefore weight can be attributed to Policy 2 (Development Management) and Policy 32 (Community, Health & Well-being) as set out within the Main Modifications.

5 Representations

- 5.1 Following publicity but prior to the submission of further supporting information from the applicant, 3 letters of representation were received from 62 Rosebery Avenue, 16 Harrow Place and 17 Sussex Avenue. All three letters raised the same concerns that the proposed lights could have a detrimental impact upon their amenities. These concerns are addressed within the main report.
- 5.2 A further letter was received from 68 Rosebery Avenue, confirmed as being a comment not an objection. This highlights that access to the playing fields has been permitted for residents historically. The respondent acknowledges it is in the owner's gift to determine who has access but considers prevention would have a profound impact on many families.

6 Consultations

- 6.1 Environmental Health (EH) originally had concerns about possible impact upon neighbouring amenity but following the provision of further information and assurances from the applicant, EH wished to raise no objections.
- 6.2 Sport England does not wish to object: -

'It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or that has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the following link: www.sportengland.org/playingfieldspolicy

Proposal and Assessment Against Sport England Policy

The development would involve the installation of three, 8 metre high lighting columns on the eastern edge of the playing field for the purpose of providing artificial lighting to an existing, full sized (adult) natural turf football pitch. The positioning of the columns would not appear to affect either the positioning or size of the training pitch, nor to have any significant negative impact on the flexibility of use of the overall playing field area at the site.

Prior to preparing this response, I have consulted with the Football Foundation/Football Association, from whom the following comments have been received, together with the attached lighting guidance:

According to Lincolnshire FA Whole Game System data, the site is used for Match day & Training ground by Boston College (First's & Reserves) and for training only by Boston International FC First. The benefit of lighting the pitch will mean more hours of usage. This should however be balanced with the fact that there will be a requirement for more maintenance of the pitch due to any increased usage.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of its playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

*This being the case, Sport England **does not wish to raise an objection** to this application.*

However, based on the information so far provided, it is difficult to gauge the extent of sports benefits that would be delivered by the scheme, given that there is only limited detail of the lighting specification, and there are no proposals set out in respect of any pitch improvements or enhanced maintenance regime to support more intensive use associated with the introduction of the lighting. Furthermore, there is no indication given of intended hours of operation of the lighting, and it is noted that the Council's Environmental Health Officer has raised a query around this, whilst also expressing a need to better understand the potential risk of light spillage.

Therefore, whilst Sport England does not wish to raise an objection to the application, and indeed, is supportive of the proposal in principle, at this stage it cannot offer its full support for the project given the points identified above in respect of the detailed design and delivery of the scheme. In addition to the attached FA guidance, the applicant/agent may also find Sport England's guidance on artificial sports lighting of assistance, which can be accessed via the following link: <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-facilities/>

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding

application, or as may be required by virtue of any pre-existing funding agreement.'

7 Planning Issues and Discussions

7.1 The main planning issues to consider are the principle of the use, the impact on neighbouring residents and wider visual amenity.

7.2 It is made clear in the relevant sections of the NPPF and Adopted Local Plan Policy R1 that measures to ensure that this well-used sporting and social facility is enhanced and maintained should be supported by local planning authorities for the benefit of communities and residential environments. The Peter Paine Sports Centre and associated playing fields have operated successfully for quite some time by Boston Borough Council and Boston College and does so in harmony with the adjacent residential properties.

7.3 Saved adopted Local Plan Policy G10 states that: -

'Full planning permission will not be granted for developments which include a scheme of external lighting, unless the proposed lighting scheme:

- 1) is the minimum required to undertake the task;
- 2) will not prejudice highway safety;
- 3) will not substantially harm the amenities of nearby land-users; and
- 4) will not substantially harm the character of the area

Where necessary to safeguard amenity or to prevent the wasteful use of energy resources, conditions will be attached to planning permissions, requiring the extinguishment of lights not required for safety.'

7.4 The proposed lighting columns will be located between 50 - 70m from the rear elevations of the four dwellings to the East on Rosebery Avenue, 100 m + from the dwellings on Harrow Place to the West and 150m + from the dwellings on Sussex Avenue to the South and would be set away from the dwellings so as to not to have an impact on the amenity of the occupiers. No letters of representation have been received from those properties nearest to the proposed lighting columns.

7.5 Other letters of concern were understandably raised about the propensity of the 300w lights to have an impact upon amenity not only in terms of light pollution but increased hours of activity. Indeed, the case officer and Environmental Health shared the same concerns.

7.6 Due to these concerns, the case officer requested the applicant to clarify the extent of lighting and the number of hours that the lighting would be used. The applicants have confirmed that the lights will only be used on a Tuesday night from 17.30 to 19.00 and are only going to be used for training as they will **not illuminate the full pitch width** and therefore not suitable for match use. However, the case officer considered that to restrict the hours of lighting operation would be too restrictive. The agreed hours were Monday – Friday 16.00 - 19.30 which will

ensure that in the unlikely event that any impact occurs upon the amenity of nearby properties, it will not occur beyond unreasonable times. This has been conditioned and although the cost of illumination means that it should be self-regulating, the lights shall not be illuminated when the training pitch is not in use. Furthermore, during the majority of the year, lighting will not be required.

7.7 In the unlikely event that the attached conditions are breached, the Council would be in a position to take enforcement action to stop any breaches. Moreover, it would be a very simple breach to assess. Following the submission of this information in writing, Environmental Health wished to raise no objections.

7.8 In relation to the comment from the resident at 68 Rosebery Avenue, this is not a planning consideration that can be considered as part of this application. Notwithstanding this, it is not anticipated the development would, in itself, prevent access by adjoining residents to the open space.

8.0 **RECOMMENDATION**

8.1 GRANT Planning Permission subject to the following conditions and reasons:-

1 The works must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Site Location Plan – drwg no. 001/051118
- Site Plan – drwg no. 002/051118

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Boston Borough Local Plan 1999, Policy G1.

3. The 3 no. 300w lights hereby approved shall not be illuminated except between the hours of 16.00 and 19.30 Monday to Friday and at no other time. The lights shall not be illuminated when the training pitch is not in use during these times.

Reason: In the interests of the amenities of adjoining residential properties and to accord with Boston Local Plan 1999 Policy G1.

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Growth Manager