

**REPORT TO THE AREA HUB PLANNING COMMITTEE**

Report No.3

<b>Date of Meeting</b>	22 <sup>nd</sup> August 2013
<b>Application Number</b>	E/2012/1566/FUL
<b>Site Address</b>	Marlborough College Marlborough Wiltshire SN8 1PA
<b>Proposal</b>	Erection of floodlighting on hockey pitches
<b>Applicant</b>	Marlborough College
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	418472 168739
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rachel Yeomans

**Reason for the application being considered by Committee**

This application has been called to Committee at the request of Councillor Nick Fogg.

**1. Purpose of Report**

To consider the recommendation that the application be approved with conditions.

**2. Report Summary**

The key issues in determining this application are considered to be;

- The impact of the proposed floodlighting upon the visual amenities of the area, the character and appearance of the conservation area and upon the North Wessex Downs Area of Outstanding Natural Beauty.
- Whether the proposed floodlighting would result in significant harm to the amenities of neighbouring occupiers both in terms of the proposed lighting and any additional noise.
- Whether the recreational, community and health benefits of floodlighting the pitch to allow its use during darker periods are sufficient to override resulting harm.

**3. Site Description**

To access the site, when approaching from the Devizes direction along the A4, after proceeding through the College buildings turn left at the mini-roundabout into Marlborough High Street and take the first left turning after the church into Back Lane. The site can be found on the left hand side after approximately 250 metres, just after the buildings, opposite the entrance to Hughenden Yard car park.

The application site lies close to the town centre of Marlborough (to the south/ south-east) and to the north and east of College buildings. Its borders onto Marlborough College playing fields and open countryside beyond to the north. To the south lies the Marlborough Conservation Area from which and within the context of which the proposed lighting columns and floodlighting would be visible. To the east of the site lies Back Lane along which a number of private residences are situated, the nearest being c.23 metres away. The land slopes upwards to the north and the site currently comprises of two existing games pitches; the first, an existing floodlit hockey pitch at the west of the site and the second, to the east and nearer the private residences, an unlit Multi Use Games Area. The eastern pitch is situated at a higher level than the road, separated by a grass banking and an elevated footpath.



*Site Location Plan*

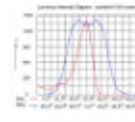
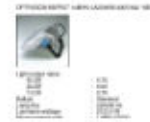
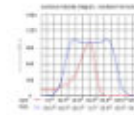
#### **4. Planning History**

- K/36740 Covered swimming pool with associated changing rooms, stores and plant.
- K/12824 Construction of new sand filled artificial turf playing surface
- K/79/0444 All weather playing surface
- K/86/1140 8 no. floodlight columns 16m high

#### **5. The Proposal**

The application comprises of two parts. The first part proposes the replacement of the existing 8 x 16 metre high floodlighting columns, each with 4 x 1500W metal halide lights on the western pitch with 8 x 15 metre high lighting columns with 3 x 2000W metal halide lights on each. These lights will be mounted horizontally rather than at the existing 60-70 degrees to reduce light spillage whilst meeting light level requirements for certain competitions including Hockey England Class II Ball Training, Junior and Low Grade Club Competition which requires a lighting level of 500lux.

The second part is to install 8 x 15 metre floodlighting columns with corner posts having two mounted 2000W metal halide lights and the others having three mounted 2000W lights and will also be horizontally mounted. This lighting will meet a lower lighting standard of 300lux for Class II Recreational/ Local/ Training purposes. The lux levels would be adjustable to enable these levels to be reduced according to use requirements. The floodlights will enable students and other organisations to better utilise this second pitch during darker winter months for the purposes of training and winter matches.



## 6. Planning Policy

Kennet Local Plan 2011 policies PD1 (Development and Design), NR6 (Sustainability and Protection of the Countryside) and NR7 (Protection of the Landscape) are applicable.

The National Planning Policy Framework is relevant, with particular regard to Chapter 7: Requiring Good Quality Design Chapter 8: Promoting Healthy Communities, Chapter 11: Conserving and Enhancing the Natural Environment and Chapter 12: Conserving and Enhancing the Historic Environment.

Draft Wiltshire Core Strategy Policies are not being afforded significant weight at this stage, as the Inspector has not yet reported on the examination in public, though the document does indicate the direction the Council wishes to take. Notwithstanding this, it is not considered that the proposed policies differ significantly in content such that this would warrant a different recommendation.

## 7. Consultations

**Wiltshire Council Environmental Protection Officer** – Initially raised no objections to the proposals. However, following significant concerns expressed by neighbours, including that of noise, neighbours commissioned and submitted a noise report which highlighted the potential noise levels created by hockey. This was considered key because, being a winter sport, the potential for this to be played on winter darker evenings would be much greater if facilitated by floodlighting of the second pitch. The applicants subsequently provided their own noise report and both of the reports have been scrutinised by Environmental Protection Officers.

In addition, The Environmental Protection Officer's original conclusions in respect of direct impact from the illumination of the Milford pitch still stand.

The comments from the Environmental Protection Officer sets out this position as follows;

'The applicant has submitted an acoustic assessment in regards to the increase of noise that may occur due to increased use of the pitch. The College hopes to leave the lights on until 22:00, therefore increasing the use of the pitch during the darker months of the year.

The two conditions recommended in our response dated 6<sup>th</sup> March 2013 should still be included with any planning permission granted as below. The submitted documentation classifies the area as Environmental Lighting Zone E1. This class denotes intrinsically dark environments such as national parks. In our opinion this area would more likely be classed as E2 which is low district brightness such as relatively dark outer suburban locations. On the basis that the area is E2, the lighting scheme complies with the Institute of Lighting Engineers guidance and we therefore do not object to the lighting scheme in principle subject to the two conditions set out below:

- Illuminations not to be used after 22:00hrs or before 08:00hrs in the morning.
- Lighting to be installed as per the information provided in the application (see document dated 20/12/12 Vector Lighting design Proposals for Hockey and MUGA)

Two noise assessments have been submitted; one produced by Ian Sharland Ltd behalf of some local residents and one by Acoustic Air on behalf of the applicant. It has been accepted that hockey is the noisiest sport likely to be played on the pitch. Both assessments agree on the background noise measurements and sound levels produced through playing hockey.

Having assessed the information supplied I recommend conditions are included in any planning permission granted that ensure the recommendations made in sections 4.17, 4.18, 4.19 and 4.20 of the Acoustic Air Assessment are put in place. To be clear the following matters should be conditioned:

- Goal backboards at the eastern end of the pitch should be lined with a resilient rubberised surface that will absorb sound energy and reduce peak noise levels by around 20dB.
- Resilient rubberised material to line the base of the pitch fence along the boundary closest to the dwellings and either side of the goal, to the height of where balls rise above ground level.
- No goal mouth practice sessions to take place at the eastern end of the Milfords Pitch.

In addition to this, having considered the difference between the background noise levels after 20:00 and both equivalent continuous and maximum sound levels measured of hockey playing I have to recommend that a condition is included in any planning permission granted to the following effect;

- Hockey will not be played on the Milfords pitch between 20:00 and 22:00.'

The applicants have advised that they would be agreeable to this recommendation.

**Marlborough Town Council** - Marlborough Town Council have no objection to this application subject to reassurance that there will be a reduction in light spillage, making them less intrusive to near-by properties and that they are low energy use. In an updated response, they comment that they would like to see a reduction of light pollution to the lower pitch and that before the lights are installed on the upper pitch a test is carried out to ensure that there is as little light pollution as possible so that local residents are not affected. [Officer note: the lighting plans and details are sufficient to demonstrate that the lights have been designed to minimise lightspill over the current situation. The installation of lights as a 'test' is not considered reasonable to include as a planning condition, or necessary in view of the lux plans provided]. In response to the latest noise reports, the Town Council note their contents but have not provided any additional comments.

**AONB Officer** - raise no comments in respect of this application but do request a number of planning conditions as stated below should the Council be minded to approve this application. The AONB is recognised for its dark landscape and the dark night skies should be protected from new sources of light pollution. However, it is accepted that subject to careful design, location and a limitation on hours of use the impact can be mitigated against in some cases. In coming to our decision we have noted the location is close to existing street lighting, the Marlborough urban area and there is existing floodlighting on site.

The planning conditions requested are to ensure the proposed floodlighting is of the proposed design that ensures cut off to the level of light overspill and that the lighting is positioned downward correctly. A further planning condition is requested to agree when the lights should be turned off at night, to ensure the lights are not left on late into the night.

**Neighbour Representations** – A total of six letters of objection have been received in respect of the application including two from a planning agent acting for the two of the neighbour objectors. None of the objectors are primarily concerned with the proposed replacement of the floodlights to the western pitch, though the planning agent recommends the opportunity be taken for imposing an hours restriction to 8pm on this pitch.

The concerns can be briefly summarised as follows;

- The introduction of floodlights to the currently unlit MUGA raises different questions and would be better dealt with through a separate application.
- Floodlighting of the MUGA will undoubtedly introduce significantly greater levels of light pollution which will lead to a loss of amenity to the neighbouring residents.
- Floodlighting of the MUGA would facilitate the playing of team sports/ games during hours of darkness in the winter months and there is a strong likelihood this would result in greater noise levels and associated disturbance which would result in a severe loss of amenity to neighbouring residents. This is due to the noisy nature of many team sports and the associated coming and going of those taking part and supporting the players. The impact of such disturbance is currently limited by the hours of daylight and is tolerable. The removal of this natural restriction will extend the impact and result in loss of amenity. Both this and the previous point would be contrary to the criteria in policy PD1 and high quality design criteria within the NPPF
- Further lighting, however limited and the likely increase in noise disturbance would spoil the character of the lane and be most unwelcome.
- Please note that noise disturbance is already at a high level and is not limited to when lights are turned off and local residents can be subject to further inconvenience after this happens. As residents close to the MUGA pitch (approximately 40 metres away) we can verify that the sound of hockey balls striking the goal backboard, and shouting from general team play, causes considerable noise during weekend daytime. The proposal that allows for such activity in the evening by installation of new floodlights is of particular concern to us and is unacceptable having regard to jobs which require different sleeping patterns and young children.
- Any planning benefits attributed to and for the college should not outweigh or be at the expense of the environment or the local residents.
- The proposed floodlighting would be harmful to the special character and setting of the conservation area which lies immediately adjacent and would consequently be contrary to policy PD1 of the KLP and the NPPF. The floodlighting would harm the intrinsically dark character of a rural nature notwithstanding its proximity to the town centre.

The planning agent acting for the neighbours subsequently submitted a detailed noise assessment which sets out that *‘.. a simple prediction of likely noise from hockey, for example, indicates that residual noise levels at the adjacent houses would exceed British Standard and World Health Organisation guideline values for residential occupation. Furthermore, peak noise levels would be twice as loud as currently experienced in the evening on Hyde Lane.*

*The outline assessment detailed herein concludes that there would clearly be a loss of*

*residential amenity and that, of more concern, there is a risk that justifiable complaint would then be forthcoming.'*

This report was based upon background noise level readings taken at the site from Monday 18th March to Wednesday 20th March.

The additional comments received from the agent acting on behalf of two neighbours raises the following points;

- His clients' objections remain in relation to noise and light pollution and therefore unreasonable loss of their amenity
- The Noise Impact Assessment highlights that there would be an adverse impact and suggests further measures to be put in place in order to make this proposal acceptable to nearby residential properties.
- There is an inconsistency in the lighting information. The report states MUGA lit to 300Lux but on appendix plans, calculations are based upon 350 Lux. Clarification is needed to properly assess.
- Lux levels at neighbouring properties would be >1 Lux, and up to 22 Lux to the south of the pitches. This would significantly impact upon residential amenity.
- The floodlighting of Hyde Pitch should be restricted to 20:00 hours on light pollution grounds by condition
- The acoustic report by the applicants indicates strong agreement with neighbour commissioned noise report, though the interpretation and expected impact reported are slightly different.
- It is of note that most properties in the area are owned by the applicant and therefore the lack of complaints to existing pitch or this application should not be taken as any indication.
- Both reports identify an adverse impact which could be mitigated through engineering noise control measures and limitation on the hours of use.
- The letter goes on to critique the noise report submitted by the applicant in some detail. The letter can be viewed in full under the application details on the Council's website.
- The letter summarises that peak noise levels will be higher and more numerous than peaks currently experienced, and, in absolute terms, of a magnitude which reaches the threshold for night time disturbance.

## **8. Publicity**

The application has been publicised by way of a site notice installed at the site, neighbour consultations and advertisement in the local press. Re-consultation has been carried out following receipt of the noise impact assessment.

## **9. Planning Considerations**

The NPPF and the supporting text in the 'Tourism and recreation section' of the adopted Kennet Local Plan support the principle of the provision and upgrading of recreational facilities such as the proposed floodlighting, recognising the importance of such facilities in promoting balanced communities as well as health benefits. However, the desirability of permitting the upgrading of such facilities must be balanced with other local factors such as the impact upon residential amenity, the visual amenities of the area (including the AONB landscape) and the duty to preserve the character or appearance of the adjacent conservation area.

The application includes a detailed supporting statement which outlines why the upgrading of existing floodlighting and the proposed lighting of the currently unlit pitch is considered necessary. This includes the fact that the current hockey pitch lighting does not meet latest standards for certain types of matches which require 500 lux lighting levels.

### **9.1 Upgrading of lighting to Hyde Pitch**

The proposed lighting to the Hyde Pitch would replace existing lighting and due to the design of the lights should result in less light spill. The light stands would be c. 1 metre lower than existing

columns and the lights themselves, of a fairly standard appearance for this type of development. Consequently, there is no 'in principle' objection to this part of the scheme raised by neighbours, consultees or officers in terms of visual amenity, the conservation area, the AONB landscape or residential amenity. It has been suggested by objectors that the opportunity is taken to restrict the use of the floodlighting on this pitch beyond 8pm. However given that the hours of use of the current floodlighting is not restricted, and the proposals would not worsen this situation, restricting its use to before 8pm such a condition is not justifiable or reasonable having regard to this fallback situation.

#### 9.2 Proposed new lighting of Multi Use Games Area (Milford Pitch)

The Milford Pitch was granted planning permission in 1988 and objections were received at the time by one resident who was concerned about illumination, a view which was shared by Marlborough Town Council. Since this time, the needs of the College and other organisations that utilise the College facilities have expanded and the College have included a justification for the upgraded requirements. This includes meeting match criteria for various sporting organisations and the College has also provided a list of local hirers of the pitches.

It is of note that neither of the pitches, currently in situ, including the illuminated Hyde Pitch, have any conditions restricting the hours of use or the type of sports which can be played. Consequently, the only restriction of the Milford Pitch is the natural restriction of daylight, which could restrict playing times down to around 4pm in the winter months but allow play as late as 10pm in the summer months. It is also noted that due to the lightspill from the existing Hyde Pitch, the western side of the Milford Pitch benefits from a degree of illumination whenever these floodlights are in use, such that it is understood the western side of the Milford pitch is used more informally beyond daylight hours when the darker nights draw in. It is believed students are allowed to utilise this facility up until 10pm but it is noted that after daylight hours the lack of lighting would not enable match play and would largely concentrate informal play towards the western end of the pitch, furthest from the neighbours.

Neighbours raised significant concerns about the potential for increased usage during the winter months facilitated by the proposed new floodlights, and the resulting impact on their amenities caused by both the lighting and also the additional noise. Environmental Protection Officers have examined the Lux Levels plan and lighting details provided including their design to help minimise lightspill and have concluded that subject to them being turned off between 10pm and 8am, the proposed lighting would not cause significant harm to the amenities of neighbouring occupiers so as to warrant refusal of planning permission on this basis.

As set out earlier in the report, both neighbours and the applicants have submitted noise reports which identify that background noise levels drop off around 8pm. Both reports agree that hockey is likely to be the noisiest form of activity during the winter months with neighbours reporting high noise peaks resulting from sticks and balls hitting the backboards in addition to shouting and noise from supporters. The noise report supplied by the applicants sets out a number of proposed mitigation measures, including the installation of a rubberised surface to the backboards and goal areas to help with sound deadening and Environmental Protection Officers have concluded that such measures should be secured via planning condition in the event Members are minded to grant planning permission, in order to help limit the noise 'spikes' caused by such activities.

Furthermore, Environmental Protection Officers have carefully considered the noise data and the particular noise spikes caused by hockey activities. Having regard to this data, they recommend that the Milford Pitch is not used beyond 8pm for the playing of hockey, which is when the background noise levels noticeably reduce. Again they recommend that this is restricted via planning condition.

#### **10. Conclusion**

The proposal would not have a significant adverse impact upon the visual amenities of the area or the AONB landscape having regard to its position close to the town centre and adjacent the existing illuminated pitch and the proposed design of the lights and would have only a broadly

neutral impact upon the character and appearance of the adjacent conservation area. The lightspill resulting from the proposed floodlights has been designed such that it will not result in significant harm to neighbouring occupiers subject to limiting the hours of use via condition.

The direct lighting of the eastern pitch would facilitate the use of this pitch for training and competition use during winter evenings. It is of note that the pitch is already in existence and can be utilised for any type of play with no restrictions. The additional potential for match play and practice during darker evening hours could result in harm to the amenities of the neighbouring occupiers. The submitted acoustic reports quantify the likely resulting noise and Environmental Protection Officers are satisfied that restricting the overall use of the lights beyond 10pm and the restriction of the use of the pitch for hockey beyond 8pm would be sufficient to preserve the amenities of neighbouring occupiers to a satisfactory level. On balance, the proposed floodlights would give greater sporting opportunities for both College students and other community organisations, in an area where there are few such alternative pitches for hire. It is acknowledged that the lighting and the play they would facilitate do have the potential to cause harm to nearest neighbouring occupiers however it is considered that the recommended restrictions would mitigate this harm to an acceptable degree.

Consequently, approval of planning permission with conditions is recommended.

## **RECOMMENDATION**

Approve with conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The floodlights for the Milford (eastern) Pitch hereby approved shall not be illuminated outside the hours of 08:00 and 22:00 from Mondays to Sundays inclusive.

REASON: To minimise the impact of the floodlights upon the amenities of the area.

- 3 Following installation of the floodlights hereby approved to the Milford (eastern) Pitch, this pitch shall not be used for the playing of hockey matches or hockey training outside the hours of 08:00 and 20:00 from Mondays to Sundays inclusive.

REASON: The playing of hockey outside of these hours would be likely to give rise to concerns over residential amenity.

4. Prior to the first use of the floodlights hereby approved to the Milford (eastern) Pitch, goal backboards at the eastern end of the pitch and the base of the pitch fence along the boundary closest to the dwellings and either side of the goal up to the height of where balls rise, shall be lined with resilient rubberised material in accordance with details which have first been submitted to and approved in writing by the local planning authority. These linings shall thereafter be permanently maintained in accordance with the approved details.

REASON: To absorb sound energy to help reduce peak noise levels in the interests of preserving the amenities of neighbouring residents.

5. Following installation of the floodlights to the Milford (eastern) Pitch, no goal mouth practice sessions shall take place within the eastern half of the pitch when the pitch is illuminated.

REASON: To minimise the impact upon neighbour amenity of additional usage



facilitated by the approved floodlighting.

6. The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: Site Location Plan, Christy Lighting Ltd Pages 1 and 2 showing horizontal and vertical illuminance levels respectively, 05a-a12-0112594 and photographs confirming appearance and angle of lights, Lux Standards sheets x 4 and lighting specification report provided by Vector Design all received on the 27th December 2012.

REASON: For the avoidance of doubt and in the interests of proper planning.