

Application Number

P/2018/0684

Site AddressFoxhole Community Association
Belfield Road
Paignton
TQ3 3UZ**Case Officer**

Gary Crawford

Ward

Blatchcombe

Description

Installation of 10m lighting column for use by Devon Air Ambulance.

Executive Summary/Key Outcomes

The application seeks permission for the installation of a 10m high lighting column adjacent to the playing field at the Foxhole Community Centre in Paignton. The proposal would provide emergency lighting for the Devon Air Ambulance and would enable the Devon Air Ambulance to extend its emergency service provision up until midnight every day. The lighting would be controlled by a remote switch activated via a call-in/call-out system during an emergency, allowing the playing field to be used as a community landing site.

The proposal is considered to be acceptable in this location and without any overriding detriment to residential or visual amenity, subject to the use of planning conditions. Consequently, the proposal meets Local Plan policy requirements, specifically Policies DE3 (Development amenity) and DE1 (Design).

Recommendation

Conditional approval (condition at end of report).

Reason for Referral to Development Management Committee

As the development is on Council owned land and an objection has been received, the Council's constitution requires the application to be referred to the Development Management Committee for determination.

Statutory Determination Period

The determination date is 3rd September 2018.

Site Details

The site, the playing field at Foxhole Community Centre, Paignton, is located to the rear of residential properties in Belfield Road on its south eastern side and Pimm Road on its south western side, and adjacent to Kings Ash Academy. There is a multi-use games area immediately to the north west of the application

site which features two existing floodlights. Access to the site is from a driveway off Belfield Road or from Pimm Road.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

Material Considerations

- Emerging Paignton Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Detailed Proposals

The application seeks permission for the installation of a 10m high lighting column adjacent to the playing field at the Foxhole Community Centre. The lighting would comprise a steel column with two 150 watt LED floodlights on top. The proposed lighting would provide emergency lighting for the Devon Air Ambulance and would be controlled by a remote switch activated via a call-in/call-out system during an emergency allowing the playing field to be used as a community landing site. The applicant has detailed that the floodlights would enable the Devon Air Ambulance to extend its emergency service provision up until midnight every day and will be operational for the minimum time required to deliver the emergency service.

Summary Of Consultation Responses

Senior Environmental Health Officer: No objections, the submitted lighting plan shows that the illumination is not particularly significant.

Summary Of Representations

One letter of objection and 14 letters of support have been received.

Issues raised by the objector:

- Impact on residential amenity
- Impact on the playing field

The comments in support of the application include:

- It provides facilities for an air ambulance to land in the event of an emergency at night

Relevant Planning History

P/2009/0993: Demolition of Foxhole Community Centre and sports changing room annex. Formation of single storey modular community centre building with external shared multi use games area and associated external works with vehicular and pedestrian access. Approved 5/11/2009.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of the development
2. Impact on amenity
3. Visual impact
4. Biodiversity

1. Principle of the development

Policy SC1 (Healthy Bay) of the Torbay Local Plan specifies that all development should contribute to improving the health and well-being of the community. The proposed development involves the installation of a lighting column that would provide emergency lighting for the Devon Air Ambulance during the hours of darkness up until midnight. The submitted Design and Access Statement details that the proposed lighting would help reduce the risks associated and time taken when landing at a site and would help paramedics when assessing and loading a patient into the aircraft. The lighting would be used in emergencies and would be operational for the minimum time required to deliver the emergency service.

Given the benefits of improvements to the emergency services and the local community, it is considered that the proposal would be consistent with Policy SC1 and the principle of the proposed lighting column is acceptable, subject to its impacts upon residential and visual amenity.

2. Impact on amenity

Policy DE3 (Development amenity) of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding uses and that the impact will be assessed using criteria which includes the impact of noise, nuisance and light pollution. The proposed lighting column would be positioned approximately 60m from the nearest residential property in Pimm Road and approximately 70m from the rear boundaries of the properties in Belfield Road.

It is acknowledged that there would be some disturbance from noise and activity associated with an emergency helicopter landing upon neighbouring residential

properties. However, the landings would only occur during emergencies and such noise and disturbance is unlikely to be on a regular basis. The applicant has confirmed that the air ambulance has landed on the playing field twice in the last 12 months.

The proposed lighting would be controlled by a remote switch activated via a call-in/call-out system during an emergency allowing the playing field to be used as a community landing site. The applicant has detailed that the floodlights would enable the Devon Air Ambulance to extend its emergency service provision up until midnight every day and will be operational for the minimum time required to deliver the emergency service. The submitted lighting details that the light spillage from the proposed lighting would be approximately 40m. Although the proposed lighting column would be positioned facing towards the rear gardens of the properties in Belfield Road, due to the approximate 70m distance between the proposed lighting column and the rear boundaries of the properties in Belfield Road, it is considered that the proposal is unlikely to result in any significantly harmful impacts upon neighbouring residential properties in terms of light pollution. In addition, it is recommended that a condition is included with any permission which states that the lighting column shall only be used by Devon Air Ambulance in emergencies and shall only be operational for the time required to deliver the emergency service.

As such, subject to the recommended condition regarding the use of the lighting column, it is deemed that the proposal would comply with Policy DE3 of the Torbay Local Plan.

3. Visual impact

The proposed lighting column would be positioned on the north west side of the playing field, close to an embankment and a multi-use games area. The multi-use games area is situated at a higher level to the playing field and features a boundary fence and two existing floodlights, which would help to reduce the visual impact of the proposed lighting column. As such, the proposed lighting column would be read in the context of the existing recreation facilities and it is considered that the proposal would not result in a significantly adverse impact on the character and appearance of the area, and would accord with Policy DE1 of the Torbay Local Plan.

4. Biodiversity

The application site lies outside of a greater horseshoe bat sustenance zone/area and strategic flyway. Given the suburban location of the application site where there are a number of existing street lights and given that the lighting would only be used in an emergency, it is considered that the proposal is unlikely to result in any adverse biodiversity impacts.

Neighbourhood Plan

The Paignton Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application

The proposal accords with the emerging Paignton Neighbourhood Plan, including Annex 1 and Annex 2 (Design Guide) to Policy PNP1.

S106/CIL

Not applicable for this type of development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Conclusions

The proposal is considered to be acceptable in terms of residential and visual amenity. The proposal is therefore appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

The lighting column hereby approved shall only be used by Devon Air Ambulance in emergencies and shall only be illuminated for the time required to deliver the emergency service.

Reason: To ensure that the lighting is only used during emergency situations and for no other purpose in the interests of residential amenity in accordance with Policy DE3.

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

SC1 - Healthy Bay

DE1 - Design

DE3 - Development Amenity

NC1LFS - Biodiversity and Geodiversity_