

# TORBAY COUNCIL

Application Site Address	Land At Barton Cricket Club Playing Field Barton Road Torquay TQ2 7NY
Proposal	Installation of 10m high, emergency landing illumination beacon for Air Ambulance.
Application Number	P/2021/0561
Applicant	Mr Toby Russell – Devon Air Ambulance
Agent	Not applicable.
Date Application Valid	30/06/2021
Decision Due date	25/08/2021
Extension of Time Date	Not applicable.
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	Emily Elliott

## Location Plan:



### **Site Details**

The site is Barton Cricket Club Playing Field. The proposed lighting column is located along the western boundary of the cricket pitch adjacent to a large, level open area forming part of the cricket pitch outfield which is the prime location for the proposed landing site. This site offers good access by air and good access to the local community. There is also parking at the site suitable for a land ambulance and/or other emergency services. The site forms part of the built-up area but is not otherwise subject to any designations within the Torbay Local Plan.

### **Description of Development**

The proposal seeks permission for the installation of 10m high, emergency landing illumination beacon for Devon Air Ambulance.

### **Pre-Application Enquiry**

None sought.

### **Relevant Planning 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")
- The Adopted Torquay Neighbourhood Plan 2012-2030

### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice 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.

### **Relevant Planning History**

No previous relevant planning history relating to the site.

### **Summary of Representations**

The application was publicised through site notice and neighbour notification letters. 1 letter of support and 1 letter of representation has been received.

Concerns raised include:

- Light levels
- Privacy/overlooking

Comments include:

- It provides facilities

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum:**

No response received.

## **Planning Officer Assessment**

### **Key Issues/Material Considerations**

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Flood Risk and Drainage

#### **1. Principle of Development**

The proposal is for the installation of 10m high, emergency landing illumination beacon for Air Ambulance. To support night-time operations, Devon Air Ambulance is working with communities and organisations across Devon to develop a network of surveyed floodlit “community landing sites” that can be used during the ‘hours of darkness’ and over 167 of these sites have already been established. Using sites like this when it’s dark means Devon Air Ambulance can land in the heart of a community and reach patients more quickly and safely than if they had to land in a ‘dark field’. One of the most important components of these sites is the use of remotely controlled floodlighting: as well as making landing and take-off easier and safer, this lighting also helps paramedics and other emergency service personnel as they move on/off a site and as they assess and load a patient into the aircraft.

The site is within a designated Local Green Space as defined by Policy TE2 of the Torquay Neighbourhood Plan. Policy TE2 states that development is ruled out, other than in very special circumstances. It is considered that the proposal does not appear to have an impact on the Local Green Spaces and does not impinge on the designation as it is de minimis in nature.

In the context of development within the built-up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Impact on Visual Character**

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The lighting design of the proposal consists of a 10 metre painted steel column (hinged to enable lowering/raising for maintenance), 2 x 150 Watt LED Floodlights (dimensions 220mm H / 250mm D / 330mm W), 'T' shaped bracket for floodlights (700mm W), GSM switch (to remotely operate the lights), low voltage PVC armoured cable and assorted electrical fittings.

The layout and positioning of the lighting column has been carefully considered and has taken into account various factors: a) aviation safety - not creating glare for the aircrew when they approach to land under predominant wind conditions from the SW, b) practical / land use - not creating an inconvenient obstacle for those using / managing the cricket pitch, c) access - it is near to the main access point onto Barton Road and from that Cricketfield Road and d) visual - it is by a hedge with taller trees which will help to create a backdrop. The column will be painted a green colour so that it will more easily blend into the surrounding environment, a planning condition is recommended to ensure that the column is RAL6009 Fir Green to blend in with the surrounding environment.

It is considered that the proposal is acceptable with regards to its impact on the character and appearance of locality. Subject to the aforementioned planning condition, the proposal is considered to be in accordance with Policy DE1 of the Local Plan, and Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

## **3. Impact on Residential Amenity**

Paragraph 130 of the NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development should not unacceptably impact upon the amenities of neighbouring occupiers in terms of their outlook, privacy, or access to natural light.

A letter of representation has raised concerns regarding residential amenity, in particular light levels and privacy/overlooking. It is important to note that the lights would only be used in the case of an emergency situation, when the Air Ambulance was required to land on the fields. These lights would be controlled by telephone and would be switched off as soon as they were no longer required. It is therefore unlikely that they will be used regularly, and for prolonged periods of time.

Given the separation distance between the site and residential properties and limited periods of operation Officers do not consider that the proposal would have an unacceptable impact on the amenity of any nearby residents. A planning condition is recommended to ensure that the proposed development shall only be used for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Subject to the aforementioned planning condition, the proposal is not considered to result in any serious detriment to amenities of neighbours by loss of privacy, outlook or access to natural light and therefore the proposed alterations are considered acceptable given the context. The proposal is considered to comply with Policy DE3 of the Local Plan.

#### **4. Impact on Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. As the proposed development would not result in an increase in the impermeable area on the site, the proposal is deemed acceptable in terms of its impact on surface water flooding. Given the nature of the proposal, the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

#### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

### **Local Finance Considerations**

S106: Not applicable.

CIL: Not applicable.

### **EIA/HRA**

ERA: 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.

HRA: Not applicable.

### **Planning Balance**

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and the scheme will provide significant public benefit. As such it is in accordance with the Development Plan, including the Torquay Neighbourhood Plan. It is concluded that the planning balance is in favour of supporting this proposal.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to flood risk. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendation**

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

### **Conditions**

#### **Materials**

The column of the development hereby approved shall be externally finished in RAL6009 Fir Green and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030.

### **Usage**

The development hereby approved shall be used only for operations by the Devon Air Ambulance and other emergency services and for no other purposes.

Reason: In the interests of residential amenity, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

### **Lighting Use**

The light on the lighting column hereby approved shall only be switched on when needed to guide the landing or taking off of Air Ambulances and during activity at the site associated with the emergency situation. The light shall be switched off at all other times.

Reason: In the interest of amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030

### **Informative(s)**

1. 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.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

TE2 – Local Green Spaces

TH8 – Established Architecture