

**Application Number**

P/2017/0964

**Site Address**

Brixham Rugby Football Club  
Astley Park  
Rea Barn Road  
Brixham  
TQ5 9ED

**Case Officer**

Gary Crawford

**Ward**

Berry Head With Furzeham

**Description**

Erection of sports field floodlight (retrospective).

**Executive Summary/Key Outcomes**

The application seeks retrospective planning permission for the erection of two floodlights mounted on a single pole at Astley Park in Brixham. The floodlights provide additional lighting for the training facilities of Brixham Rugby Club. The height of the floodlight is 6 metres. It is proposed that the floodlights will only be used on Wednesday evenings from 17:45 to 20:00.

The floodlight is sited on the boundary of the playing field with properties in Poundsgate Close, specifically adjacent to a two storey building containing a number of flats, which has windows facing towards the floodlights. The floodlights are sited eight metres from these properties. It should be noted that there are five other floodlights in the playing field to the west of the application site.

The proposal is considered to be acceptable in this location and without any overriding detriment to residential amenity by reason of the limited hours that the lights would be used, biodiversity or the character and appearance of the locality. Consequently, the proposal meets Local Plan policy requirements, specifically Policies DE3 (Development amenity), NC1 (Biodiversity and geodiversity) and DE1 (Design). The proposal would also contribute to increasing the opportunity for sport provision which is consistent with Policies SC1 (Healthy Bay) and SC2 (Sport Leisure and Recreation).

**Recommendation**

Conditional approval (condition at end of report).

**Statutory Determination Period**

8 weeks, the determination date was 18th December 2017. However, the applicant has agreed to an extension of time until 10th January 2018 to allow the proposal to be determined by the Development Management Committee. As the development is on Council owned land and we have received objections to the application, the application has to be referred to the Development Management

Committee for determination.

### **Site Details**

The site, Astley Park, Brixham, is a playing field located to the rear of properties in Higher Ranscombe Road on its northern side and Hill Park Close, Hill Park Road and Poundsgate Close on the southern side. Access to the site is from the car park adjacent to the swimming pool in Higher Ranscombe Road and via a footpath from Centry Road. The playing field is currently used as training facilities by Brixham Rugby Club. There are five existing sets of floodlights around training field 1 in Astley Park, in addition to the new floodlight, which is adjacent to training field 2. The site is designated as an Urban Landscape Protection Area in Policy C5 (Urban Landscape Protection Areas) of the Torbay Local Plan 2012-2030. The application site lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC.

Between the application site and the adjoining flats, there is a hedge which screens the ground floor windows of the flats from the playing field.

### **Detailed Proposals**

The application seeks retrospective planning permission for the erection of two floodlights on the southern side of the field, at the rear of the properties in Poundsgate Close. The floodlights are 6m in height and comprise a steel post with two lights on top. The applicant has detailed that the floodlights would be used on Wednesday evenings only from 17:45 to 20:00.

A specification of the level of illumination from the lights and their light spill has been requested from the applicant.

### **Summary Of Consultation Responses**

Brixham Town Council: Recommend approval.

Natural England: No comments to make on the application.

Natural Environment Services consultee: The location of Brixham Rugby Football Club lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC. However, the installation of additional sports field lighting is unlikely to impact on the greater horseshoe bat population or the integrity of the South Hams SAC. Further ecological assessments are not required in relation to the present development. There is little potential for enhancement of this development in relation to biodiversity.

Torbay Coast & Countryside Trust: While an Ecological Assessment has been submitted in support of the application, this document has only considered potential impact on Greater Horseshoe Bats. While the Trust does not dispute the

assessment's conclusions, we are concerned that there has been no consideration of the impact of the additional floodlighting on other bat species. Given that, without the proposed lighting the training pitch provides a dark area within the urban area of Brixham, the large gardens adjacent to the training pitch are highly likely to offer significant foraging habitat for other species of bats. As all bats are protected under European legislation, appropriate assessment of the impact of the additional lighting on other light-sensitive bat species is required.

Senior Environmental Health Officer: Verbally confirmed no objections subject to a condition controlling the hours of use of the floodlight.

### **Summary Of Representations**

Nine representations of objection and two letters of support have been received. Issues raised:

- Impact on bats and other wildlife
- Light pollution
- Noise nuisance.

### **Relevant Planning History**

14373: Floodlights. Approved 14/3/1973.

P/1993/1097: Erection of 2 Additional 10m High Floodlights. Approved 3/11/1993.

P/2006/1731: Reposition 2 Sets Of 9.3M High Training Lights. Approved 16/1/2007.

### **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. Biodiversity
4. Visual impact.

#### **1. Principle of the development**

Part of Astley Park is already in use as a rugby training pitch and is artificially lit by five floodlights. Although the site is designated as an Urban Landscape Protection Area (ULPA) in Policy C5 of the Torbay Local Plan, given the presence of five existing floodlights, it is considered that the proposal would not undermine the value of the ULPA. Furthermore, 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 and Policy SC2 (Sport, leisure and recreation) of the Torbay Local Plan details that the Local Plan has an important role in supporting the development of new sport, leisure and recreation facilities. Given that the new floodlight would provide Brixham Rugby Club with another training facility which can be used during the winter and, it would contribute towards improving the health and well-being of the community, it is considered that the principle of an additional

floodlight in this location is acceptable.

## **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. It is acknowledged that use of the pitch when the floodlight is on may result in some noise, nuisance and light pollution upon neighbouring residential properties. However, the applicant has detailed that the floodlight would be used on Wednesday evenings only from 17:45 - 20:00. As such, it is recommended that a condition is included with any permission which states that the floodlight shall only be used on Wednesday evenings between these times. The council has requested the submission of information regarding light spill from the floodlights and subject to this being acceptable, it is deemed that the proposal would comply with Policy DE3 in the Torbay Local Plan. These details will be reported at Development Management Committee (DMC).

## **3. Biodiversity**

The application site lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC. An Ecological Impact Assessment has been submitted which concluded that it is unlikely that greater horseshoe bats are likely to enter the site and there is a negligible chance that its breeding success would be compromised due to the following observations:

- o There is no suitable feeding habitat for greater horseshoe bats to forage in the training ground.
- o There are no suitable aids to navigation that greater horseshoe bats could use to reach suitable foraging.
- o There are no suitable foraging grounds that can be reached effectively by passing through the site.

In terms of the impact of the proposed development on greater horseshoe bats, the proposal is deemed acceptable. There would be no likely significant impact on the Berry Head components of the South Hams SAC. It is noted that the submitted Ecological Impact Assessment has only considered the impact of the development on greater horseshoe bats. The council has requested the submission of information with regards to the impact of the proposed development on other species of bats. These details will be reported at Development Management Committee (DMC).

## **4. Visual impact**

The site is designated as an Urban Landscape Protection Area (ULPA) in Policy C5 (Urban Landscape Protection Areas) of the Torbay Local Plan and the floodlight may be visible from within the South Devon Area of Outstanding Natural Beauty

(AONB), for example, from Centry Court. However, given the presence of five existing floodlights in Astley Park and given that the floodlight is in a built up area with existing streetlights, it is considered that the proposal would not undermine the value of the ULPA and it would not result in a significantly adverse impact on the character and appearance of the surrounding area or South Devon AONB.

### **Brixham Peninsula Neighbourhood Plan**

Policy S&L1 (Increase available space for outdoor sport and leisure) of the Brixham Peninsula Neighbourhood Plan details that it would not be appropriate to introduce flood-lighting into dark areas. This policy should be given limited weight in determining this application as the Neighbourhood Plan has only recently completed its consultation stage, has not yet been the subject of an independent examination and there are objections to this policy.

### **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 - The proposal would provide an ancillary self-contained unit for a disabled person.

### **Conclusions**

In conclusion, on the basis of the limited hours that the floodlights would be used the proposed development would not have an adverse effect on the amenity of nearby occupiers or biodiversity and would not harm the appearance and character of the area, therefore the proposed development is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

01. The floodlights hereby approved shall only be used between 17:45 to 20:00 on Wednesdays.

### **Relevant Policies**

C5 - Urban landscape protection areas  
SC1 - Healthy Bay

SC2 - Sport, leisure and recreation  
DE3 - Development Amenity  
NC1LFS - Biodiversity and Geodiversity  
DE1 - Design  
SDB3 - Brixham urban fringe and AONB