

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/0225/FULL

WELWYN RUGBY FOOTBALL CLUB, HOBBS WAY, WELWYN GARDEN CITY
AL8 6HX

RETENTION OF 4 X 15M HIGH FLOODLIGHT COLUMNS AND LAMPS

APPLICANT: Mr M Elliott

(Howlands)

1 Site Description

- 1.1 Welwyn Rugby Club comprises a large field with three rugby pitches and a clubhouse building and car park adjacent to the Hobbs Way access to the site, in the eastern corner of the premises. The site is bound on all sides by residential properties. These are screened from the rugby club by mature vegetation, though it is sparse at certain points.
- 1.2 The application is for the retention of 4 x 15m high floodlight columns and lamps serving the northern- most of the rugby pitches (adjacent to the Turmore Dale, Scotts View and Handside Lane properties). The lighting columns are sited two either side of the rugby pitch – two fairly centrally located within the site and two adjacent to the boundary of the site with Scotts View. The closest of these two is around two metres from the rear boundary of 3 Scotts View.
- 1.3 The floodlights are typically used on Tuesday, Wednesday and Thursday nights from 7pm to 9pm during the months of October to March.

2 The Proposal

- 2.1 Planning permission is sought for the retention of the re- sited 4 x 15m high floodlight columns to the pitch used for training purposes. Each of them has two floodlights measuring a further 0.5m high. The number of pitches on the site has remained unchanged.
- 2.2 The application was submitted further to the grant of permission for the replacement of 8 floodlights in July 2016 under ref. 6/2016/0910/FULL. The lights installed following that permission were not installed in the approved location. The company undertaking the installation sited the new columns

away from the previous existing ones to avoid having to break out the existing concrete foundation bases. The installed lights are between 2.5m and 6m from their approved positions but are the same height as those approved.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called in by Cllr Bromley. She states;

'The new floodlights are significantly higher than the ones which they replaced, by some 7m, and they are also in different positions to the original lights. This has caused significant harm to the residents and the general amenity of the area. The original application did not mention the floodlights being in different positions. This is impacting upon the Conservation and the EMS area. There is substantial visual intrusion day and night. At night, the light spill is far worse than previously, despite the rugby club saying it would be less. This is not the case. The club also seems to be contravening the permission given as to when they may be used'.

4 Relevant Planning History

- 4.1 6/2016/0910/FULL Replacement of 8 floodlights. Granted. This permission granted permission for two floodlights each on 4 x 15m high columns.
- 4.2 N6/2008/0264/FP Installation of 4 floodlights. Granted.

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)

6 Site Designation

- 6.1 The site lies within Welwyn Garden City Conservation Area within the built up area of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.
- 6.2 The site is designated as Urban Open Land in the District Plan.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and a site notice and a press advert. Eleven letters of objection have been received from the occupiers of nos. 2, 3, 4 and 9 Scotts View and nos. 131, 137, 139 and 143 Handside Lane;

- The lamps cause light spill, particularly from their rear, and are visually intrusive. The level of light spill contrasts dramatically with the planning application which advised that light spill would be reduced;
- The old posts were 8m, and were below the trees and both the visual and light impact was negligible;
- The 'as installed' location has increased the visual impact of the columns and the impact they have had on the amenity of nearby homes as they are closer together and nearer to the homes. This has increased the visual impact and the level of light spill;
- As a consequence of the 'as installed' locations of the columns closer together, the evening training sessions (three times a week) take place closer to the centre of the pitch: this has had a greater noise impact for the residents of 2, 3 and 4 Scotts View;
- The columns should be returned to their original positions which would be in accordance with the Rugby England guidance 'Floodlighting Installation and Management Guide', which advises that in a four lighting column arrangement, the columns should be aligned with the 22 yard pitch lines, and not where the columns are currently placed;
- The increased height of the columns has had an adverse impact upon the Conservation Area, contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The columns have failed to preserve or enhance the Conservation Area and are entirely inappropriate to the area;
- The columns should be reduced to 8m or 10m In height: the manufacturers of the columns have advised that this can be achieved and has been done at other clubs;
- The National Planning Policy Framework advises by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light in local amenity, intrinsically dark landscapes and nature conservation. No consideration has been given to this guidance in the original application or to the amenity of local residents;
- Although a cowl has been suggested as a way of reducing light spill from the columns, there is concern regarding the visual impact of them;
- The lights are only used for training purposes and do not need to generate the light intensity required for matches. This would reduce light spill for the neighbours whilst still providing much improved lighting for the club;
- The lighting columns are dangerous as they have unprotected metal edges;
- While we support the rugby club to upgrade their facilities and maintain a thriving sports facility for the community to enjoy, this should not be done at the expense of the nearby residents;
- The hours of usage of the lights have exceeded the hours permitted by condition;

8 Consultations Received

- 8.1 Welwyn Hatfield Borough Council – Public Health and Protection, Sport England, Hertfordshire Transport Programmes & Strategy and Herts Biological Records Centre have no objections to the application.

9 Analysis

9.1 The main planning issues to be considered are:

1. **The quality of design and impact on the character and appearance of the area and on the Welwyn Garden City Conservation Area**
 2. **The impact on the living conditions of neighbouring occupiers and future occupiers**
 3. **The impact on Urban Open Land**
 4. **Highway safety, car and cycle parking**
 5. **Other considerations**
 - i) **Ecology**
1. **The quality of design and impact on the character and appearance of the area and on the Welwyn Garden City Conservation Area**

9.2 The National Planning Policy Framework (NPPF) emphasises the importance of good design in context. The relevant policy of the Council's Local Plan, D2, is broadly consistent with the aspirations of the NPPF. The policy requires proposals to feature high quality design and is specifically supplemented by the Council's Supplementary Design Guidance (SDG). With regards to Conservation Areas, paragraph 196 of the NPPF states,

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

9.3 Section 72 of the Listed Buildings and Conservation Areas Act (1990) states that *'Special attention shall be paid to the desirability of preserving or enhancing the character or the appearance of that area'*.

9.4 The principle of the columns and the lights was considered acceptable at the time of the application in 2016 (ref. 6/2016/0910/FULL) and the only element that has changed about them is their location (between 1.5m and 6m from their approved positions). The columns and the lights are no taller than those approved in 2016. The re-sited columns have not harmed the character and appearance of the rugby club, the street scene or the wider area. They are not materially more prominent within the area than if they were in their approved locations and accordingly, objection is not raised to them. The columns have caused less than substantial harm to the significance of the Welwyn Garden City Conservation Area as it is only their siting that has changed from the approved scheme on the site. The re-sited columns have preserved the character and appearance of the Welwyn Garden City Conservation Area. Their benefit outweighs any limited harm caused by their relocation. The floodlights are therefore considered acceptable in accordance with Policy D2 of the Local Plan and the NPPF.

9.5 The comments received from the neighbours regarding the old columns being 8m high with negligible visual and light impact are noted. However, permission was granted in 2016 for the lighting columns of the same height

as in this application. The issue being considered in this application is the acceptability of the re-sited columns and not their height. It is not considered that the floodlights have had a materially greater visual impact in their as built locations than they would have had in their approved locations.

2. The impact on the living conditions of neighbouring occupiers and future occupiers

- 9.6 The NPPF, Policy D1 of the District Plan and the SDG require development to be of a high standard of design and to have an acceptable impact upon the amenities of the adjoining properties and to maintain residential amenity. The re-sited columns are of the same design as those approved under the 2016 permission and are therefore of the same high standard of design, in accordance with relevant policy and guidance.
- 9.7 Policy R19 of the District Plan refers to noise pollution and states '*Planning permission will be refused if the development is likely*
- i. To generate unacceptable noise or vibration for other land uses; or*
 - ii. To be affected by unacceptable noise or vibration from other land uses'.*
- 9.8 While concern has been raised that the re-sited lighting columns have resulted in the players training closer to the centre of the pitch in the evening sessions and this has resulted in a greater noise impact for the residents of 2, 3 and 4 Scotts View, it is not considered that such an impact is material. The noise levels generated by the players and their impact upon the neighbouring properties cannot reasonably be considered to be materially different due to the re-sited location of the columns. The noise impacts of the development were considered acceptable at the time of the 2016 permission and they are considered to be so now, in accordance with Policy R19 of the District Plan.
- 9.9 Policy R20 of the District Plan refers to light pollution and states '*External lighting scheme proposals will only be approved where it can be demonstrated that all of the following criteria can be satisfied;*
- i. The scheme proposed is the minimum needed for security and operational purposes or to enhance the external appearance of the building to be illuminated;*
 - ii. Glare and light spillage are minimised;*
 - iii. The amenity of residential areas is not adversely affected;*
 - iv. The visual character of historic buildings and conservation areas are not adversely affected;*
 - v. There would be no adverse impact upon the character or openness of the countryside and green belt;*
 - vi. There would be no adverse effects on ecology and the natural environment including wildlife; and*
 - vii. There would be no dazzling or distraction of drivers using nearby roads'.*
- 9.10 The level of light spill from the lights is the same as that under the approved columns as it is only the siting of the lighting columns that has changed since the previous, approved application. The columns are not sited materially

differently with regard to the neighbouring Scotts View properties. The columns to the rear Scotts View have not been installed closer together: while the column to the rear of nos. 2 and 3 Scotts Views has been installed 1.5m to the north east of the approved location, the column to the rear of nos. 4 and 5 has been installed 4m to the north east of the approved location. These columns as installed are therefore not closer together than as approved. The columns on the far side of the pitch from Scotts View have been sited closer together though. While the siting of the floodlights may have an impact upon where the training on the pitches occurs, it is not considered that this has had a material impact upon the levels of noise experienced by nos. 2, 3 and 4 Scotts View (or any of the other surrounding properties) as the noise arising from the use of the site with the rugby players closer together on the pitches would not be materially different than if the players were slightly further apart on the pitches.

- 9.11 The level of lighting provided by the columns is the necessary level for training pitch purposes and the individual lights are pointed towards the pitch, away from the neighbouring residential properties. The glare and impact upon the Scotts View properties is not materially different than if the columns were in their approved locations and is acceptable. Environmental Health Officers have raised no concerns to the re-sited columns and the lights with regard to impact upon the neighbouring residential properties.
- 9.12 The impact upon the Welwyn Garden City Conservation Area is also acceptable as the re-sited columns have preserved the character and appearance of the conservation area. The columns and lights have not had any materially different impact upon ecology or the natural environment and are not dazzling or distracting to drivers. The development is therefore considered to accord with Policy R20 of the District Plan, the NPPF and the SDG with regard to impact on the neighbouring properties.
- 9.13 Whether the permitted hours for the floodlights are or have been exceeded with the corresponding impact upon the neighbouring properties is not known. However, this may be investigated and the appropriate action taken accordingly.

3. The impact on the Urban Open Land

- 9.14 The Rugby Club is designated as an area of Urban Open Land within the residential area of Welwyn Garden City. Local Plan Policy OS1 states that land designated as Urban Open Land is vital to the form, character and quality of the built up areas of the district. Planning permission for development within these areas will not be granted unless it would:
- i. Assist in the maintenance or reinforcement of their function as essential open areas;*
 - ii. Be of a scale which does not compromise the value of the Urban Open Land or use of the open space as defined in terms of its criteria; and*
 - iii. Not result in the loss or reduction in size of any playing pitches, if the open land is for formal recreation purposes, subject to the consideration set out in policy OS2.*

- 9.15 The NPPF seeks to encourage multiple benefits from the use of land in urban areas and recognises that some open land can perform many functions (such as for wildlife and recreation). Furthermore, paragraph 96 of the NPPF acknowledges that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. The development at the rugby club does not seek any alterations to the site itself, with all pitches being retained. The re-sited lighting columns are 15m high as approved and are directed towards the training pitch.
- 9.16 With regards to Policy OS1, it is considered that the development complies with parts i) & ii) as it assists in the maintenance and reinforcement of the site's function, and is of a scale that does not compromise the value of the Urban Open Land or the use of the open space. The re-sited lighting columns have not adversely impacted upon the land: they have maintained the open characteristic of this Urban Open Land. The development has also not impinged on the existing practice and playing pitches at this site and as such, the proposal has not resulted in the loss or a reduction in the size of the playing pitches. The development is therefore considered to be compliant with part iii) of Policy OS1 as well.

4. Highway safety, car and cycle parking

- 9.17 The re-sited lighting columns have not had a materially different impact upon highway safety than if they were in their approved positions as they have no distracting or dazzling impacts for drivers on the surrounding residential roads.
- 9.18 The re-sited columns have also had no impacts upon the car parking or cycle parking provision for the rugby club. The development was found to be acceptable in terms of parking provision at the time of the 2016 application and this remains the case with the re-sited columns.

5. Other considerations **i) Ecology**

- 9.19 Hertfordshire Ecology raised no objections to the development at the time of the 2016 application on the site and there have been no significant alterations to the development between that application and the current proposal.
- 9.20 The neighbour comments stating the columns should be reduced to 8m or 10m in height and that the manufacturers of the columns have advised that this can be achieved and has been done at other clubs are noted. However, the agent for the application advises that the floodlights are required at the height as installed for health and safety reasons. The Rugby Football Union advises that the quality of lighting for rugby pitches is based upon Lux (how bright the lighting is) and Uniformity (how consistent the lighting is). For training pitches, the recommended figures are 100 lux and 0.5 uniformity. The lighting columns at the rugby club meet these requirements.

- 9.21 Moreover, the height of the columns is as approved under the application 6/2016/0910/FULL.
- 9.22 The Rugby England guidance 'Floodlighting Installation and Management Guide' does not specifically advise that lighting columns should be aligned with the 22 yard pitch lines. It advises that four, six or eight column systems at 13, 14, 16 or 18m in height may be used but does not state that the columns in a four light system should be aligned with the 22 yard pitch lines. Moreover, the location of the columns is not significantly different from their approved positions so the impact upon the levels of light across the pitch is not considered to be material.
- 9.23 While it is realised that the level of light for training pitches need not be as high as for match pitches (according to the Rugby England guidance 'Floodlighting Installation and Management Guide'), the Council has to consider the application as submitted. However, the lights as installed as are those approved in 2016 (subject to their having been re- sited); the level of light has not altered. It is therefore not considered necessary to require the floodlights to be of a lower level of luminance.
- 9.24 The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not fall within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the development would take place on a site less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwellinghouse development. An EIA is therefore not required.

10 Conclusion and planning balance

- 10.1 The proposed development has been assessed against the policies of the Development Plan and the guidance contained in the Supplementary Design Guidance and the National Planning Policy Framework. It has been found to be acceptable, subject to conditions, in terms of impact on the character of the area, the living conditions of neighbouring occupiers, highways and parking and ecology.

11 Recommendation

- 11.1 It is recommended that planning permission be approved subject to the following conditions:
1. The floodlights hereby approved shall only be used between the hours of 19:00 and 21:00 on Tuesday, Wednesday and Thursday evenings in the months of October to March and shall provide no form of illumination outside of those hours.

REASON: In order to protect residential amenity in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

2. The development/ works shall not be retained other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
HL250D15/ 2/AL5760		Updated Existing Elevation	4 April 2017
I		Block Plan	7 February 2017
II		Location Plan	7 February 2017

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

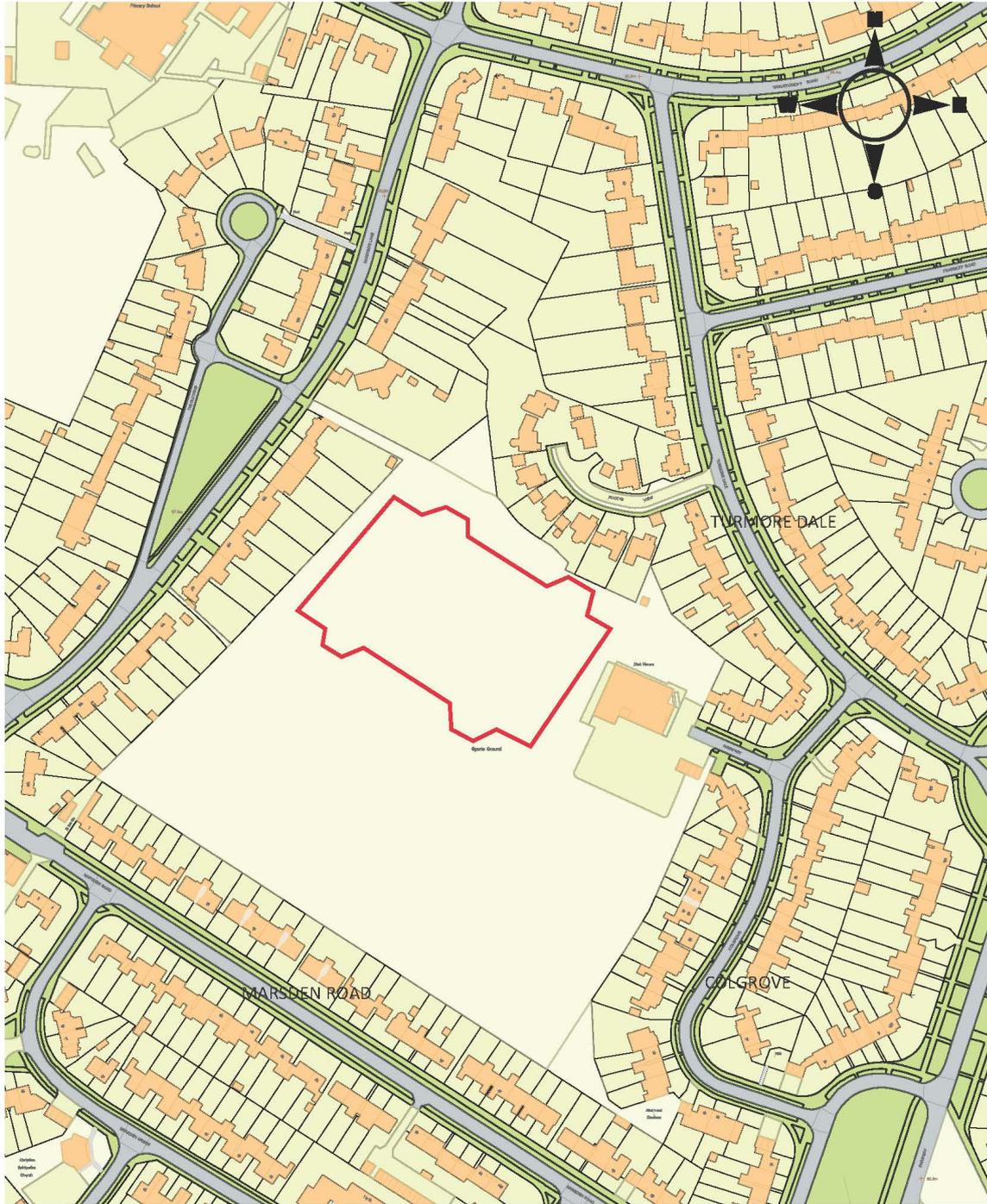
3. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

4. INFORMATIVE – OTHER LEGISLATION

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

Tom Gabriel (Development Management)
Date: 09/01/2019



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Welwyn Rugby Football Club Hobbs Way Welwyn Garden City		Scale: DNS
	Project: DMC Committee		Date: 2019
Drawing Number: 6/2017/0225/FULL		Drawn: Ida Moesner	
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