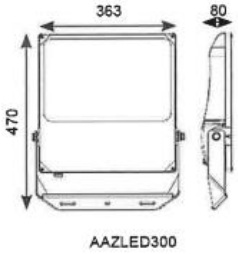
DELEGATED REPORT

Application Reference:	PL/2023/09184
Application Type:	Planning permission
Site Address:	Sutton Benger Recreation Ground, Sutton Benger, Chippenham
Proposal:	6 No. Training Flood Lights
Recommendation:	Planning Permission be GRANTED subject to conditions

PROPOSAL

This application seeks permission for 6 floodlights to be erected in the recreation ground to the rear of the village hall. The lights are stated to be 6m high, with the poles being of metal construction, finished in green.





^^ *Originally proposed lamps, with dims in mm*

Each pole would have a single lamp atop. The originally proposed lights (above) were not suitable (in the context of Ecology comments, discussed later) and as such the light pictured (below) which has a visor on the back to minimise light spill has been proposed.



The size of the light unit is length 500mm x width 180mm x height 150mm. Luminaire 34482, watts 250.40.

The lights are to replace the current, temporary lighting system comprising of 8 movable battery-operated pole lights which the applicant states are costly to run and do not provide adequate lighting levels. The application is submitted on the



basis of the lights being used for rugby club training, but documentation also indicates it would be able to be used by other uses of the village hall and recreation ground, including the football club, cricket club, personal training groups, children's events, village hall events, BBQs, wedding parties and so on.

The lights are positioned to the rear of the village hall, with 3 to the northern boundary, behind the children's play area, and 3 along the western boundary, set close to the established tree planting.

SITE DESCRIPTION/CONTEXT

The application site is within the village of Sutton Benger, in the Conservation Area, towards the eastern edge. It forms part of the larger Recreation Ground, where the village hall is located, and it is laid out to grass.

Surrounding development is residential to the east and west with football and rugby pitches. The village hall, tennis courts and school lie to the north/northeast, with further residential development across the road further north.

The site is largely grassed, with hedgerows and some mature trees, to the boundaries.

PLANNING HISTORY

- 2021/11419 - Works to trees in the conservation area. Approved.
- 00/02088/FUL- Erection of storage shed to the recreation grounds. Approved.
- 99/02705/FUL - New village hall to replace existing building with associated parking and landscaping. Approved.
- 93/0143/573 - Permanent retention of existing carpark and land adjoining the village hall. Approved.

POLICIES

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1 Settlement Strategy
Core Policy 2 Delivery Strategy
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscape
Core Policy 57 Ensuring High Quality Design and Place Shaping

Core Policy 58 Ensuring the Conservation of the Historic Environment

North Wiltshire Local Plan 2011
Policy CF2 – Leisure Facilities and Open Space
Policy NE18 – Noise and pollution

Sutton Benger and Draycot Cerne Neighbourhood Development Plan
Status last updated 12.12.2024: Referendum due to take place on the 27th February 2025. Due to its current stage of preparation, the neighbourhood plan carries limited weight in decision making.

National Planning Policy Framework
Section 2: Achieving sustainable development
Section 4: Decision Making
Section 12: Achieving well designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

ISSUES

- Principle of Development
- Design, landscape and visual impacts
- Heritage
- Residential amenity
- Ecology

CONSULTATION

Sutton Benger Parish Council: Supports the application.

Council Archaeologist*:* No objection:

> *There are no archaeological issues that I would wish to raise in this instance.*

Council Conservation Officer: No objection:

> *On balance, the works are considered to be acceptable.*
>
> *Whilst a perceived degree of harm could be argued whilst the lights are in operation to the character and appearance of the Conservation Area this harm would be at the lowest end of less than substantial harm, and thus considering para 208 the harm would be outweighed by the public benefits of the scheme.*

The degree of harm could be further mitigated via the limits being imposed on the hours of operation of the lighting and limit of the lux level of the lighting to suitable level to avoid excessive light spill/contamination.

Council Ecologist: Initial objection to the proposals due t additional information being required:

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.
The following submitted documentation was reviewed to inform this response:

- *Design and Access Statement. August 2023. A1 Planning Services.*
- *Site Location Plan*

Protected Habitats/Species

We note the proposlas to erect flood lighting on the recreational ground at Sutton Benger Playing Fields to be used throughout the year and up to 11pm. No ecological information has been submitted in support of this application to date. However, the edge habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. The location of the lighting in close proximity to existing trees/hedgerows in combination with the length of time the lighting is proposed to be used could therefore impact significantly upon ecology at the site.

An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This could result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. It is therefore advised that a lighting scheme is submitted to ensure that the existing trees and hedge line are not impacted by the proposals.

The hedgerow and tree lines should remain as a dark foraging and commuting routes. The lighting scheme will include a lux plan overlain over the existing site layout and include light spill behind the lighting columns, demonstrating that all boundaries remain unlit with a maximum of 0.5 lux. This should be achievable through careful location of lighting, baffles and angling lighting downwards.

Further information was received October 2024 and shared with the Council Ecologist, who confirmed 10/12/24 that they raise no objection to the proposal subject to conditions:

Thank you for consulting Ecology, I have reviewed the application and supporting documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The following submitted documentation was reviewed to inform this response:

• Assessment of Flood Lighting Proposals Rev A. October 2024. Alan Tula Lighting
Protected Habitats/Species

We note the proposals to erect flood lighting on the recreational ground at Sutton Benger Playing Fields to be used throughout the year and up to 11pm. The amended lighting proposals to include hooded flood lights and warm white light is welcomed and demonstrates a reduced lighting impact along the boundary features of the site.

CONDITIONS:

1. Compliance with submitted documents The development will be carried out in strict accordance with the following documents:

• Assessment of Flood Lighting Proposals Rev A. October 2024. Alan Tula Lighting

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

Council Public Protection Officer: No objections, subject to conditions:

With regard to the originally submitted scheme requested the following condition:

"Before the first use of the lighting scheme hereby approved, the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. A letter written by a suitably qualified member of the ILP confirming this shall be submitted to the Local Planning Authority. The scheme shall thereafter be permanently retained in accordance with the details submitted.

***Reason:** Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.*

The Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" can be found free online on the following website. www.theilp.org.uk/"

The Council PPOs were subsequently re-consulted with the information submitted to address Ecology concerns and raised no objections.

REPRESENTATIONS

The application was publicised by direct neighbour letters. No representations were received.

ASSESSMENT

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

The site is located within the village settlement boundary. Core Policies CP1 and CP2 of the Wiltshire Core Strategy would generally lend support to development within a settlement.

Saved policy CF2 to the North Wiltshire Local Plan states:

"Proposals for leisure facilities and open space within or adjoining the Framework Boundaries of Towns and Villages as defined on the Proposals Map will be permitted. Proposals for the redevelopment, replacement or improvement of existing leisure facilities or open spaces, will be permitted provided that:

- *i) The replacement or improved facilities will be at least equivalent in terms of quality, quantity and accessibility, and there will be no reduction in the overall capacity of leisure facilities and/or open spaces in the area of the development to accommodate demand; or*
- *ii) The Council accepts that the loss of the existing facility or open space would not result in a deficiency, in terms of quality, quantity and accessibility in accordance with the methodology in North Wiltshire's Open Spaces Study, either now or in the foreseeable future and a clear environmental justification can be made for an alternative use; or*
- *iii) The proposed development is for outdoor or indoor leisure facilities that will be of sufficient benefit to the community to outweigh the loss of the existing facility or open space; or*
- *iv) Development proposals will improve facilities ancillary to its use."*

Accordingly, the principle of the development is therefore considered acceptable, subject to detailed assessment against other polices.

Design, landscape and visual impacts

Core Policy 57 requires development to a strong sense of place through drawing on the local context and being complimentary to the locality and must, amongst other criteria, relate positively to its landscape setting. CP51 requires development to protect, conserve and where possible enhance landscape character and negative impacts must be mitigated where possible through sensitive design and landscape measures. Section 12 of the NPPF expects a good standard of design.

The site is well enclosed with hedging and trees, set behind the village hall with the school further west.

The lighting columns are 6m high and will be largely screened from public vantage points outside of the recreation grounds by surrounding buildings, although will be viewed from gaps in the hedges, access points and some residential properties. Furthermore, it is worth noting that in addition to the existing floodlighting being replaced, the immediate area around the recreation hall has numerous streetlights, so the proposed lights will not be introducing new light sources into an unlit, dark area. The green colour of the poles themselves will assist with blending against the trees.

The lights, whilst cannot be said to be of a high-quality design, are designed to meet a functional need. It is not considered they will be unduly prominent within the landscape. It is considered that the development is of an appropriate scale and design, not visually prominent or harmful to the surrounding area.

Heritage

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

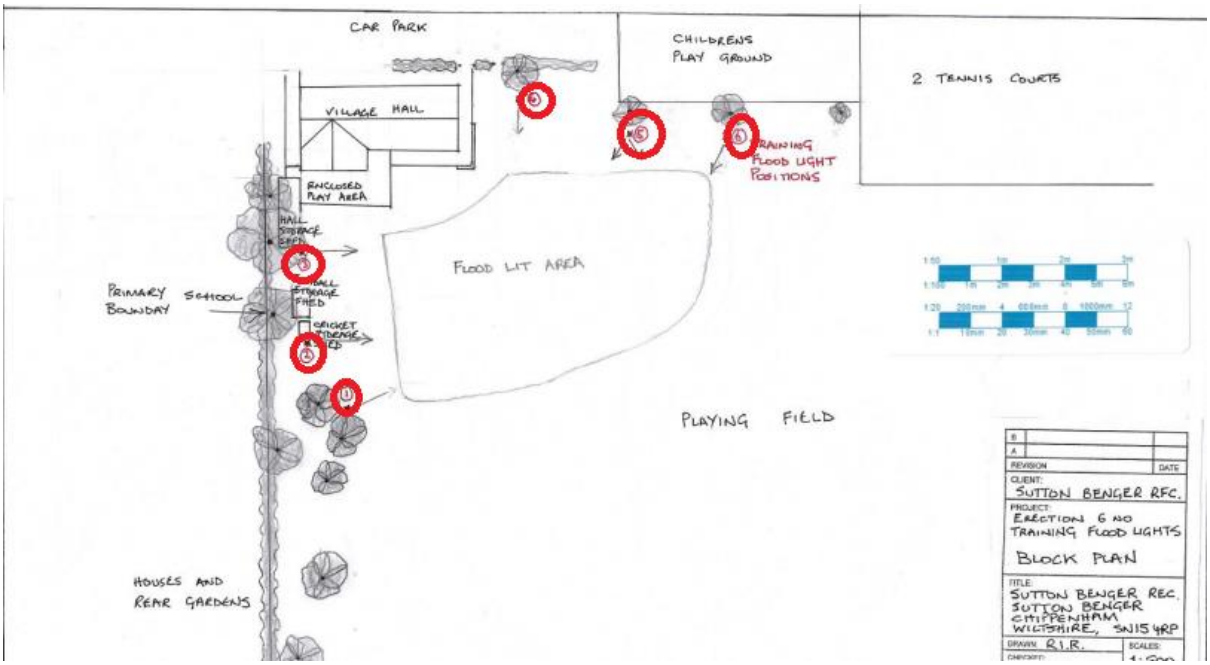
The lights are well screened behind existing buildings, trees and hedgerows. As assessed by the Conservation Officer, there is some harm, although at the lowest end of substantial harm. In such cases, the NPPF advises that where a development will lead to less than substantial harm, this should be weighed against the public benefits of the proposal. In this instance, the lighting will enable safer and more accessible use for the rugby club and wider community, bringing significant public benefit.

Residential amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

Saved Policy NE18 of the North Wiltshire Local plan refers to noise and pollution and states that "*Development will only be permitted where it would not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration."*

This submitted block plan, below, shows the position of the lighting columns (highlighting by author) in the northwest corner of the playing fields:



The GIS map extract below shows that the buildings around this corner of the recreation grounds consist of the hall/play area and sports facility associated with the recreation ground to the north, and Sutton Benger Primary School to the west. As such, it can be seen that the lights have mostly been set behind the play area, village hall and school, close to existing mature trees.

The most southerly light shown on the plan above will be some 16m from the nearest dwelling to the south, No.5 Queens Close – see plan below, with the light angled away from the dwellings and towards the training area. This location, notwithstanding ecological impacts (addressed in the next section of this report) will mitigate any light spill to the nearest residential properties.



In addressing ecological requirements, (below) the scheme ensures minimal backspill towards the trees which in turn will mean light spill towards the residential properties to the south west is mitigated – particularly with the intervening trees acting as a natural screen. The lights will, by necessity, be directed inwards to illuminate the training area.

Due to the nature of the proposal, whilst it is inevitable the lights will be visible to a degree, particularly when illuminated at night, due to the intervening trees and buildings, plus separation distances, it is not considered there would be any harm to the amenity of any neighbours.

This photograph taken during a site visit shows the trees on the western boundary of the site with the grounds of the primary school beyond the green sheds. The roofs of dwellings can just be seen. The dwellings have hedges to the rear boundaries with the playing field.



The Floodlight Assessment report (submitted with revised lighting details to address ecology concerns, and primarily considering unwanted lightspill towards the tree line) confirms that there is little rearward spill, and the western treeline is only illuminated along a short length. The report confirms that *"It can be seen that the rearward spill down to 0.5 lux extends to no more than 15m behind the column positions. However, it should be borne in mind that the floodlights will not be in constant use; only when the players are practising. I.e. there would be less visual impact than, say, car park or streetlighting which is on for much longer periods."* The Council's Public Protection team raises no objection to the proposals and can be inferred as being satisfied with the submitted assessment.

With regard to hours of use, the applicant has advised that they would like the potential to operate the lights from 5.00pm to 10.00pm weekdays and to 11.00pm for specific users of the Village Hall controlled by the Sutton Benger Village Hall Committee to include weekend functions. This is considered reasonable, and subject also to the condition suggested by the Council's Public Protection team, it is not considered the development results in detrimental conditions to neighbouring properties.

It is considered that the development would not generate harm upon *public health or cause pollution to the environment by the emission of excessive light intrusion* and therefore accords with saved Policy NE18 of the North Wiltshire Local Plan.

Similarly, Core Policy CP57, in particular criterion vii) is met, as it is considered that the proposal, has regard to the compatibility of adjoining buildings and uses, does not materially impact on the amenities of existing occupants through light intrusion or any other means.

Ecology

Core Policy 50 requires development to demonstrate how features of nature conservation and geological value will be protected as part of the design rationale. Section 15 of the NPPF requires the planning authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The Council's ecologist raised an initial concern in relation to the potential for there to be significant light spill into the mature trees, in a currently unlit area and therefore harmful for protected species, namely bats that might be foraging or perching in the trees, but also birds. Given the intended operational hours, this concern is exacerbated as lighting would be present in the summer months, when bats would be active.

In response, the applicant has submitted an "*Assessment of Flood Lighting Proposals Rev A. October 2024. Alan Tula Lighting"*. The report advises *"The floodlight is fitted with a small visor at the back to reduce reward spill. The LEDs used in the floodlights for the calculations are Cool White, 5000K. We suggest using Warm White LEDs of, say, 3000K which are more "bat friendly".*

The Council's Ecologist has since confirmed their satisfaction with the proposals, subject to the imposition of conditions which requires the implementation of the development in accordance with the submitted details and lighting assessment. Subject to the use of such condition, the proposal is considered to comply with policy CP50 to the Wiltshire Core Strategy.

CONCLUSION

The proposed development is considered to be acceptable in respect of size, scale and design. The development is not considered to impact unduly upon the character of the area, wider landscape or ecology in compliance with Policies CP50 and 57 of the WCS. There is a low degree of harm to the conservation area but the public benefits the proposal will bring are deemed to outweigh this harm, which is in accordance with NPPF Section 16 and CP58 of the WCS.

The lights are designed to meet a functional need. It is not considered they will be unduly prominent within the landscape – views of them would be with a backdrop of the existing trees and buildings. It is considered that the development is of an appropriate scale and design, not visually prominent or harmful to the surrounding area in accordance with Policy CP51.

Saved policy CF2 to the North Wiltshire Local Plan supports proposals for leisure facilities subject to three main criteria, which this application is considered to meet. In particular the development proposals will

improve facilities ancillary to its use – the lighting will improve training facilities in particular, and will be available for other uses of the village hall and recreation ground.
It is considered that the lighting, due to its siting and design would not materially impact on the public health of neighbours by way of pollution, in accordance with saved Policy NE18 of the NWLP.

Subject to conditions as discussed, it is found that the application is acceptable with regard to Core Policies of the adopted Wiltshire Core Strategy and NPPF guidance detailed above. In the absence of any material considerations indicating otherwise, planning permission should be granted.

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

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.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents

- Location Plan received 23 October 2023
- Block Plan received 9 November 2023
- Assessment of Flood Lighting Proposals Rev A. October 2024 by Alan Tula Lighting, received 30 October 2024.
- Dialux “Sutton Benger RFC Project 15.10.2024” report received 18 December 2024.

REASON: For the avoidance of doubt and in the interests of proper planning, and for the protection, mitigation and enhancement of biodiversity.

No additional external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity and residential amenity of nearby occupiers.

Before the first use or operation of the lighting scheme hereby approved, the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 or better in the ILP document “Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20. A letter written by a suitably qualified member of the ILP confirming this shall be submitted to the Local Planning Authority. The scheme shall thereafter be permanently retained in accordance with the details submitted.

REASON**:** In order to safeguard the residential amenity of the area in which the development is located.

The floodlight(s) hereby approved shall not be illuminated outside the hours of 2200 and 0800 from Mondays to Fridays and between 2300 and 0800 time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To minimise the impact of the floodlights and in the interests of the amenity of the area.