

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2353/OF1	
2.	Proposed Development:	INSTALLATION OF 10 SOLAR LIGHTS	
3.	Location:	PLAYING FIELD, MILLOM SCHOOL, SALTHOUSES ROAD, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to the existing playing fields located to the north of Millom School. The site is located off Salthouse Road and is located within flood zones 2 & 3.	
	Relevant Planning History		
		4/20/2287/OF1 – Install a multi-purpose sports track around the perimeter of the school playing field – Withdrawn	

4/20/2390/OF1 - Install a multi-purpose sports track around the perimeter of the school playing field 1k length x 2.5m wide plus extra 4.82m x 130m sprint track (Resubmission) – Approved

4/21/2138/OA1 – Advertisement consent for the erection of two signs on existing post – Approved

4/21/2288/OF1 – Solar lighting to the multi purpose sports track (11 in total) – Approved

### **Proposal**

In December 2020, planning permission (ref: 4/20/2390/OF1) was granted for the installation of a multi-purpose sports track around the perimeter of the school and a sprint track. Planning permission was subsequently granted (ref: 4/21/2288/OF1) for the erection of 11 solar lighting adjacent to part of the track.

Planning permission is sought for the installation of 10 solar lights around the perimeter of the track. Six of the proposed lights will be installed within the southeastern corner of the track and the other four lights in the northern corner within the darker areas of the field to create peace of mind and security for those using the community track. This will create 21 lights in total at this site. The solar panel LED lights are positioned on galvanised mild steel on 6m high columns.

It is proposed that the lights will be set to an automatic ambient status of 30% at dusk for a maximum of 6 hours. The lights will detect movement and rise to 100% output when triggered. After 6 hours, and not beyond 10pm, the lights will turn off.

### **Consultation Responses**

#### Millom Town Council

No objections in principle to this application.

#### Cumbria County Council – Cumbria Highways & LLFA

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

If you have a particular aspect of this application, you wish us to consider, please feel free to contact me direct.

#### Environment Agency

No objections to the proposal as submitted.

Copeland Borough Council – Scientific Officer

Further to the above planning application, I have no objection to this proposal subject to the usual and obvious condition on external lighting proposed.

- Artificial Lighting (External) – Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations For Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes For the Reduction of Obtrusive Lighting GN01 dated 2005.

Reason: To safeguard the amenities of nearby residential occupiers.

If the development is approved and there is problematic intrusion of light to nearby property, the EH can work with the school to resolve any issues.

The design statement of the lighting looks of good quality and I am in favour of the daily 22.00 hours deadline to turn off all lights.

You may perhaps wish to condition this also, for example all lighting should be off between the hours of 22.00 – 07.00 each day.

Copeland Borough Council – Flood and Coastal Defence Engineer

No comments to make on the application.

Sports England

Having assessed the application Sport England is satisfied that the proposed development is for ancillary facilities supporting the use of the site as a playing field, it doesn't affect the quantity, quality, or adversely affect the use of playing pitches and therefore meets Exception 2 of our Playing Fields Policy. It is also considered that the development broadly accords with Chapter 8 (promoting healthy and safe communities) of the National Planning Policy Framework in that the development would encourage active and continual use of a community sport facility designed to support active, healthy lifestyles. This being the case, Sport England does not wish to raise an objection to this application.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to fifteen properties. One letter has been received offering a neutral response including the following comments:

- This is not an objection or a support for extra lighting, the concerns is the sky glow along the tree line above Combe View.
- The planning application states bat shaped deflectors, which we assumed on the last

application would reduce the sky glow. These don't seem to have been fitted?

- We are fully aware of the usage of the new track and the value to a sector of the community and support this, but light pollution has to be a factor too, as is the affect to wildlife.
- These lanterns just look straight, with little upward protection for sky glow.
- Concerns from neighbour properties which will be affected most by the development especially with leafless trees in the winter giving little protection from the additional light generated.
- As you will be fully aware of the sky glow affects to wildlife especially migrating birds and insects, adding to their challenges.

One letter of support has also been received offering the following comments:

- I live opposite to the running track and regularly use this excellent facility.
- I fully support the application to add additional lighting to enhance safety of users during non-daylight hours.
- The school do not use the facility during 3pm – 6pm. The school should therefore revisit their reserved track times and consider allowing the community to use the track earlier to enhance the usage of the facility.

## **Development Plan**

### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principle Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy SS4 – Community and Cultural Facilities

Policy SS5 – Provision of Access to Open Space and Green Infrastructure

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2021)

Wildlife and Countryside Act 1981.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

Strategic Policy DS8PU: Reducing Flood Risk Policy DS9PU: Sustainable Drainage

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2PU: Hierarchy of Town Centres

Strategic Policy R4PU: The Key Service Centres

Policy R5PU: Retail and service provision in rural areas

Strategic Policy SC1PU: Health and Wellbeing

Policy SC2PU: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC3PU: Playing Fields and Pitches

Policy SC4PU: Impact of new development on sporting facilities

Policy SC5PU: Community and Cultural Facilities

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks Strategic

Policy N3PU: Biodiversity Net Gain

### **Assessment**

The key issues raised by this application relate to the principle of the development, impact of the development, ecology, and flood risk.

### **Principle of Development**

Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

In December 2020, planning permission (ref: 4/20/2390/0F1) was granted for the installation of a multi-purpose sports track around the perimeter of the school and a sprint track. This running track has improved the existing facilities at this site used by the school and local groups and has provided an accessible facility for all member of the community. Planning permission was also granted (ref: 4/21/2288/0F1) at this site for the erection of 11 solar lighting, to allow all year-round use of the facility. This current application seeks permission for the installation of 10 additional solar lighting around the track to further identified dark areas improving safety for this facility. This will create 21 lights in total at this site. This will further enhance the facility and will make it more accessible to all members of the community, increasing health and well-being in the South of the Borough.

Sports England have confirmed that the proposed ancillary facilities supporting the use of the site as a playing field does not affect the quantity, quality, or adversely affect the use of playing pitches and therefore meets Exception 2 of our Playing Fields Policy. Sports England have also confirmed that the development broadly accords with Chapter 8 of the NPPF in that the development would encourage active and continual use of the community sport facility designed to support active, healthy lifestyles and therefore offers no objections to the development.

On this basis, the proposed works are considered to comply with Policies ST1, ST2, SS4 and SS5 of the

Copeland Local Plan and Section 6 and 8 of the NPPF.

#### Impact of Development

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The running track has been constructed around the perimeter of the school playing field. The site already benefits from 11 solar lights located around the running track; an additional 10 lights are now proposed in order to address additional dark spaces now identified. As the proposed lights are to be located near to residential properties it is proposed that they will be set to an automatic ambient status of 30% at dusk for a maximum of 6 hours with the lights turning to 100% once they detect movement. After 6 hours, and not beyond 10pm, the lights will turn off. A condition is proposed to ensure that the lights are operated as outlined within the submitted design and access statement to limit the impacts on the surrounding area and amenity of neighbouring dwellings. The Council's Environmental Health Team have stated that they have no objections to the proposal subject to conditions and have confirmed that they will deal with any problematic intrusion of light to nearby property via their legislation.

On this basis, the proposed works are considered to comply with Policies ST1 and DM10 of the Local Plan and section 12 of the NPPF.

#### Ecology

Policies ST1, ENV3, and DM25 seeks to ensure that new development will protect and enhance biodiversity and geodiversity.

The application site is located within an area identified as a potential area for Natterjack Toads. Any potential ecological issues have been addressed as part of the previous planning approval (ref: 4/20/2390/0F1) for the construction of the running track. A desk-based study was submitted with this previous application which concluded that the site itself does not offer suitable habitat for the natterjack toad.

One letter of concern has been received regarding the potential sky glow that will be created along the tree line above Combe View from the additional lights and the impact on wildlife. Permission has already been granted for 11 solar lights at this site, and an additional 10 are proposed. The proposed lights will be operated as those already approved, with the lights set at an ambient level of 30% after dusk and not operated after 10pm. This can be conditioned in order to limit the impacts of this development upon any wildlife within the area.

On this basis, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.

	<p><u>Flood Risk</u></p> <p>Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.</p> <p>The majority of the application site is located within flood zones 2 &amp; 3; therefore a Flood Risk Assessment has been submitted to support this application. This assessment refers to the previous running track proposal, identifies issues with the site, and the nearby flood defences. The installation of the solar lights on the land is not considered to increase the flood risk at this site or within the surrounding area. The Councils' Flood and Coastal Defence Engineer has confirmed that he has no comments to make on this application. The Environment Agency have also confirmed that they have no objections to the proposed development.</p> <p>On this basis, the proposal is considered to achieve the requirement of Policies ST1, ENV3 and DM25 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seek permission for additional lighting in order to further enhance this sports facility within Millom by further improving its accessibility all year round for users. Although a number of lights have already been installed further dark areas have now been identified which this application seeks to address with the overall aim of improving safety for all users. The lights will operate as those previously approved, and their use will be secured by planning conditions to limit the impact on residential amenity.</p> <p>Although concerns have been raised with regard to the impact on wildlife, the lights are to be operated for a short period of time and will only be in full brightness when in use. This will ensure that the impact on wildlife is lessened, whilst ensuring the ongoing safety of users of the running track.</p> <p>On the basis of the above this proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years</li> </ol>

from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-

- Location Plan – Plan of 21 Solar Lights and Positions, Scale 1:2500, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Location Plan – Proposed New Lights Solar, Scale 1:2500, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Site Plan, Scale 1:2500, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Site Plan – Proposed New Solar Lights, Scale 1:2500, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Prolectric Lighting Plan, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Lighting Plan, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Lighting Design Booklet, prepared by Prolectric Services Ltd, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- 6 Metre Tubular Post Top Column, Scale 1:40, Drg No 28347-1, Sheet 1 or 1, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Flood Risk Assessment, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Design and Access Statement for Additional 10 Solar Lights, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.
- Support Letter – Millom School Headteacher, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Other Conditions:

3. The development must be carried out in accordance with and implement all of the detail and mitigation measures set out within the Flood Risk Assessment, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022.

Reason

	<p>For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.</p> <p>4. The solar lights hereby approved must not be in operation after 10:00pm on any day in line with the approved plan 'Design and Access Statement for Additional 10 Solar Lights, received by the Local Planning Authority on the 22<sup>nd</sup> August 2022'.</p> <p>Reason</p> <p>To protect the amenity of nearby residential properties.</p> <p>5. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations For Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes For the Reduction of Obtrusive Lighting GN01 dated 2005.</p> <p>Reason</p> <p>To safeguard the amenities of nearby residential occupiers.</p> <p><b>Informative:</b></p> <p>The lights hereby approved should be in line with the Guidance Notes for the Reduction of Obtrusive Light produced by the Institute of Lighting Professionals.</p> <p><b>Statement:</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 12.10.22
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 14/10/2022
<b>Dedicated responses to:-</b>	