

PLANNING COMMITTEE: 16th March 2021
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1482

LOCATION: The Racecourse, Kettering Road

DESCRIPTION: New floodlights (10M in height) to existing basketball court

WARD: Trinity Ward

APPLICANT: Northampton Borough Council
AGENT: Archi-tec Architectural Design

REFERRED BY: Director of Planning and Sustainability
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would enhance and support existing sports facilities at The Racecourse and would not result in undue harm to surrounding residential amenity or heritage assets. The proposal thereby complies with the National Planning Policy Framework; Policies RC2, BN1, BN5, BN9 and S10 of the West Northamptonshire Joint Core Strategy and saved Policies E20 and E26 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The proposal is for the erection of 10no floodlights some 10m in height at the basketball court within the area of public open space known as The Racecourse.

3 SITE DESCRIPTION

3.1 The site comprises an existing surfaced basketball court in the southern area of The Racecourse and within Kingsley Conservation Area. The site is close to an existing car park, tennis courts and a play area within The Racecourse and to the west of the Grade II listed Racecourse Pavilion. There is path running south of the basketball courts and beyond this the boundary to rear gardens of residential properties on Colwyn Road. To the north is a large area of open space.

4 PLANNING HISTORY

4.1 None relevant.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

6.1 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 11 – Sustainable Development
Section 8 – Healthy and Safe Communities
Section 9 – Sustainable Transport
Section 12 – Well-Designed Places
Section 15 – Natural Environment

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10 – Sustainable Development Principles
Policy RC2 – Community Needs
Policy BN1 – Green infrastructure
Policy BN5 – The Historic Environment and Landscape
Policy BN9 – Pollution Control

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight

Policy E26 – Conservation Areas

6.4 Supplementary Planning Documents

7 CONSULTATIONS/ REPRESENTATIONS

7.1 Comments received are summarised as follows:

7.2 **NBC Environmental Health** – No objections subject to planning conditions requiring that the lighting scheme should be undertaken in accordance with the approved details; all lighting should be connected to a timer device and switched off by 22:30.

7.3 **NBC Conservation** – No objection on conservation grounds. The proposed floodlight columns will not harm the setting of the nearby grade II listed Pavilion or the character or appearance of Kingsley Conservation Area. Suggest that the lighting columns be painted rather than have a galvanised finish, as indicated in the submission; dark green or black to match the lampposts on footpaths would be likely to reduce their intrusion in views across The Racecourse.

7.4 **Northamptonshire Police** – No objection to what is proposed but requested more information about the management of when the court will be operational in the hours of darkness. Following additional information submitted by the applicant, confirmation that the controls for this installation are to be located within the changing rooms. There is far less likelihood of it being abused and overridden in that location.

7.5 6 third party objections (from 4 addresses) have been received on the following grounds:

- Increase in antisocial behaviour will arise.
- Previous focus group undertaken for NBC has not reported back feedback or recommendations.
- Is there not sufficient daylight during the year.
- Why not invest in the tennis court area instead?
- Increased usage at night will result in increased litter.
- No public toilets.
- No prior engagement with residents to discuss the proposition.
- Increase in noise – ball and music.
- Disturbance to residential properties.
- Objects to the existing basketball court location and requests its relocation away from homes.
- Burglaries in gardens.
- Damage to garden walls.
- Why encourage people to play during the dark hours.

8 APPRAISAL

8.1 The site is an established basketball court within an area of public open space. The addition of floodlighting would benefit the local community by improving existing facilities in accordance with Policy RC2 of the JCS. The principle of the addition of floodlighting is therefore acceptable within such designated areas of open space, subject to an acceptable impact on neighbouring amenity and heritage assets.

8.2 Policy BN5 of the JCS requires that designated heritage assets & their setting will be conserved and enhanced. Whilst the proposed floodlighting is clearly a modern addition to The Racecourse and this part of the Conservation Area, the proposed floodlights would be viewed in the context of existing sports facilities. NBC Conservation has assessed the proposal and conclude that the proposed floodlight columns will not harm the setting of the nearby grade II listed Pavilion or the character or appearance of Kingsley Conservation Area. A condition is proposed for the lampposts to be painted black to accord with appearance of existing lampposts within the park and reduce the visual impact on the Conservation Area. As such it is not considered that there would be an unacceptable impact on the setting of heritage assets.

- 8.3 Saved Policy E20 of the Local Plan and the guidance in the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. The nature of flood lighting is such that it has the potential to be intrusive upon residential properties. The closest residential properties are those on Colwyn Road which have large rear gardens in excess of 24m bordering The Racecourse and the application site. There are also mature trees running in line with the boundary of The Racecourse adjacent to the existing basketball court. Whilst there are views between properties and the existing court, the applicant has submitted a lighting report which details horizontal illuminance levels reaching up to the boundary with rear gardens on Colwyn Road. As such, it is not considered the light from the proposed 10m high floodlights would be unduly intrusive upon residential properties to the south. In addition, Environmental Health has assessed the scheme and raise no objection subject to conditions ensuring the scheme is undertaken in accordance with the submitted details and that the lighting is switched off no later than 22:30 each day.
- 8.4 The applicant proposes 21:00 as a cut off time, with the lighting set up to automatically turn off at this time. It is noted that comments regarding noise pollution from use of the basketball court have been raised and as such it is reasonable to assume that the use of floodlighting will increase usage of the courts in the evenings particularly in the winter months. Taking into account comments to this effect from both Northamptonshire Police and local residents, it is considered 9pm would be a suitable time for the floodlights to turn off to ensure residential amenity is safeguarded whilst still providing a benefit to local residents utilising the sports facilities.
- 8.5 The proposal is some distance from the road and has no parking or highway safety implications.
- 8.6 Northamptonshire Police have assessed the proposal and, subject to the location of the timeclock within the secure changing facilities as discussed with the applicant; has raised no safety objections. To ensure that the timer is not overridden, a condition to this effect is proposed to ensure the lighting is installed in accordance with the submitted information and proposed timings.

9 CONCLUSION

- 9.1 To conclude, the proposal would support and enhance the ongoing use of an existing sports facility and would not result in unacceptable harm to residential amenity or the setting of heritage assets. As such, as part of a balanced assessment, it is considered that the application is acceptable, and it is recommended that planning permission be granted subject to conditions as below.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan 1:1250, Block Plan 1:500, A160/E-01, Sabre documentation October 2019, Typical Column, Horizontal Illuminance Plan 20-15399-1A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The floodlights hereby permitted shall only be in use between the hours of 08:00 to 21:00 and at no other time.

Reason: In the interests of the protection of residential amenity in accordance with Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

4. Notwithstanding the submitted plans, the lighting columns hereby approved shall be painted in black prior to the installation hereby approved coming into use and retained in that form thereafter.

Reason: In the interests of visual amenity and the preservation of the setting of heritage assets in accordance with the requirements of Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy.

5. The development hereby permitted shall be carried out in accordance with the following documents: Outdoor lighting report - September 2020, Proposed Floodlighting Report Issue 2 15/02/2021, Floodlighting Installation Specification 23/11/2020.

Reason: In the interests of the protection of residential amenity in accordance with Policy S10 and BN9 of the West Northamptonshire Joint Core Strategy.

11 BACKGROUND PAPERS

- 11.1 N/2020/1482

12 LEGAL IMPLICATIONS

- 12.1 The development is CIL liable

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **The Racecourse, Kettering Road**

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Date: 05-03-2021

Scale: 1:1,250

Drawn by: -----