

<b>APPLICATION No:</b>	EPF/1703/19
<b>SITE ADDRESS:</b>	Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr John Filby
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 4 floodlights for occasional evening use, lights to be switched off by 8.30 pm
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=626093](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626093)

## **REASON FOR REFUSAL**

- 1 The introduction of 4 floodlighting columns, by reason of their location within a rural setting, would be highly conspicuous and represent a visual intrusion into the character and appearance of the area contrary to policies GB7A, CP2 and LL2 of the Adopted Local Plan and Alterations and policies DM3, DM4 and DM5 of the Local Plan Submission Version 2017.
- 2 The floodlighting, by reason of their design and position would result in a significant level of harm to the amenities and quality of life of surrounding residents by reason of light spillage and glare, contrary to policy DBE9 of the Adopted Local Plan and Alterations, and policy DM 9 of the Local Plan Submission Version 2017.

*This application is before this Committee as the application has been 'called-in' by Councillor Rolfe (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site is situated within the Metropolitan Green Belt, to the south west of Abridge Village Hall. It is not a Listed building, nor within a Conservation area. Abridge Village Hall is a community facility and the open field to the rear of it is used for a variety of recreational activities throughout the year.

### **Description of Proposal:**

Erection of 4 floodlights for occasional evening use, up to 20.30 pm (Resubmitted application to EPF/0006/19)

### **Relevant History:**

EPF/0006/19 Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU Erection of 4 floodlights for occasional evening use, lights to be switched off by 8.30 pm except on 4/5 occasions during the year for special events (Village Weekend/Firework night) where they may be required to be on for longer periods. FINAL DECISION 14-01-2019 Refuse Permission

EPF/0145/06 Abridge Village Hall Ongar Road Abridge Lambourne Erection of multi-use games area on Village Hall field, lower end. (Revised application) FINAL DECISION 25-01-2006 Refuse Permission

EPF/0124/05 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE LAMBOURNE Erection of multi-use games area adjacent to doctor's surgery and village hall. WITHDRAWN 24-01-2005 Withdrawn

EPF/0880/99 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Piers at entrance to site. FINAL DECISION 11-06-1999 Grant Permission (With Conditions)

EPF/0826/99 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Siting of air conditioning units. FINAL DECISION 04-06-1999 Grant Permission (With Conditions)

EPF/0887/98 ABRIDGE VILLAGE HALL, ONGAR ROAD, ABRIDGE, LAMBOURNE Single storey side extension for community use. FINAL DECISION 19-06-1998 Grant Permission (With Conditions)

### **DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built environment
GB2A	Development in the Green Belt
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscaping Retention
ST4	Road Safety
ST6	Vehicle Parking

### **NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)**

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

### **EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy		Weight afforded
SP1	Presumption in favour of sustainable development	Significant
SP2	Spatial Development Strategy	Significant
CP2	Protecting the quality of the rural and built environment	Significant
DM9	High Quality Design	Significant
SP6	Green Belt and District Open Land	Significant
SP7	The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
T 1	Sustainable transport choices	Significant
T2	Safeguarding of routes and facilities	Significant
DM1	Habitat protection and improving biodiversity	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM5	Green and Blue Infrastructure	Significant
DM10	Housing Design and Quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM12	Subterranean, basement development and lightwells	Significant
DM15	Managing and Reducing Flood Risk	Significant
DM16	Sustainable Drainage Systems	Significant
DM17	Protecting and enhancing watercourses and flood defences	Significant
DM18	On site management of waste water and water supply	Significant
DM19	Sustainable water use	Significant
DM21	Local environmental impacts, pollution and land contamination	Significant

### **Summary of Representations:**

LAMBOURNE PARISH COUNCIL- THE COUNCIL HAS NO FURTHER COMMENT ON THIS APPLICATION.

24 Neighbours Consulted –

Response received: 33 ONGAR ROAD – OBJECT. Proposal is out of character, cause significant harm to Green Belt, neighbouring amenity, their enjoyment of their garden. Noise nuisance and light pollution concerns. Highway safety.

55 ONGAR ROAD –NO OBJECTION so long as this does not increase in any way the noise and fume pollution over neighbouring properties. By noise, I mean loud car stereo systems, village hall amplified systems in hall or grounds, especially but not restricted to late at night. Fumes refer to all exhaust pollution from all but not restricted to engines including generators, car, van and lorry vehicles. The village hall does have other sides to its area which it can use.

### **Issues and Considerations:**

The main issues to be addressed are as follows:

- Green Belt
- Impact on the quality of the rural environment

- Neighbouring amenities

### Green Belt:

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. The Framework explains that the construction of new buildings as inappropriate development within the Green Belt apart from some exceptions. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives. Policy CP2 seeks to protect the quality of the rural and built environment.

The principle of the use of floodlighting could be regarded as an appropriate development in association with outdoor recreational activities and therefore not inappropriate development in Green Belt terms. Moreover, the use of the Green Belt for outdoor recreation is permitted within the National Planning Policy Framework 2019.

### Impact on the quality of the rural environment

This application is similar to a previous refusal earlier in the year. In that application the proposal included occasional usage after 20.30pm. With this application there would be no use after 8.30pm.

Policy CP2 seeks to protect the quality of the rural and built environment, and GB7A seeks to protect the Green Belt from conspicuous development harmful to the rural character or visual amenity of the Green Belt.

This proposal is considered in its context, that being the floodlight columns have been erected to the backdrop of a rural environment. Unlike conditions where they may be associated with other infrastructure for recreational use (such as formal playing ground/tennis courts and the like), these columns are free standing and therefore appear uncomfortably against the rural context and open land associated with the hall. In addition, the design of the columns are such that although they can be adjusted in terms of tilt (up to 180 degrees), they do not include cowls to manage and direct the spread of light. In this respect there is no control over light spillage from the floodlights. The applicants have not submitted a light impact assessment report to demonstrate the spread of light and how overspill could be managed, nor have they demonstrated, through evidence, that the spread of light would not impact on residential amenity or wildlife. Policy LL2 of the adopted local plan suggests that development 'respect the character of the landscape'; it is not consider that this proposal demonstrates that there is no harm nor can any harm be mitigated.

It is considered that in the winter months, when the lights would be operational, the operation of the lights to 8.30pm will have a significantly adverse impact on the nature and quality of the night time rural environment in this relatively remote locality and that the lighting will be visually intrusive, to an extent that can in no way be justified even for use in connection with football and other sporting activities for the community/public use.

The development is therefore contrary to policies GB7A, CP2 and LL2 of the Adopted Local Plan and Alterations and policies DM3, DM4 and DM5 of the Local Plan Submission Version 2017.

### Neighbouring amenities

Whilst the lighting is located some 90m away from neighbouring properties, Officers have carried out a late evening site visit and photos from neighbouring properties demonstrates significant light spillage and glare from the floodlighting. Lighting from the development reaches into the garden areas and habitable room windows of those residing along 19- 36 Ongar Road and results in noticeable harm that is considered detrimental to neighbouring amenity contrary to policy DBE9 of the Adopted Local Plan and Alterations and policy DM 9 of the Local Plan Submission Version 2017.

#### Highway Safety

No objections have been raised by the County Highway Authority on matters of Highway Safety.

#### **Conclusion:**

The addition of flood lighting can be appropriate development in the Countryside where connected with formal recreational use. Where harm can occur, good design and control of hours of use can manage that harm in some cases. However, in this case, the proposal fails to demonstrate that there is no harm nor that it can be mitigated. The development as it stands would have an unacceptable impact on the character of the Green Belt and the rural environment, contrary to the NPPF 2019, as well the adopted policies of the Local Plan and Submission Version of the Local Plan 2017. The application is therefore recommended for refusal.

Planning Enforcement will be notified of the decision to refuse planning permission

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***