

PLANNING COMMITTEE – 4 FEBRUARY 2020

Application No:	19/01824/S73M	
Proposal:	Application to vary conditions 4 and 5 attached to planning permission 17/01268/FULM to exclude the six lights serving the circulation areas that replaces the lights previously in place.	
Location:	Southwell Racecourse Station Road Rolleston NG25 0TS	
Applicant:	Arena Racing (Southwell) Ltd	
Agent:	WYG Planning - Mr Matthew Pardoe	
Registered:	06.11.2019	Target Date: 01.01.2020 EOT: 05.02.2020
Link to application documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZ29V6LBLPE00	

The application is referred to Planning Committee due to an objection received from Southwell Town Council which is contrary to the views of the Officer. Approximately one third of the west part of the site is located within the administrative boundary for Southwell Town Council with the remaining part including the grandstand located within the administrative boundary for Rolleston Parish Council.

The Site

Southwell Racecourse is a horse racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the north and south respectively and the town of Southwell to the west. The site area equates to 64 hectares in area. The River Greet runs to the north of the site and is linked to various dykes surrounding the site, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within flood zones 2 and 3 of the Environment Agency's flood maps. The site also includes a biological SINC within the racecourse track. A public right of way runs along the western and northern boundaries of the site. The site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton. One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site.

Relevant Planning History

17/01268/FULM Erection of directional lighting [55 columns] – permission 07.11.2017

15/01292/FULM Flood alleviation scheme – permission 13.06.2016

In addition to this, there are approximately 60 planning applications associated with the site, most

of which relate to the erection of new buildings or extensions of existing buildings within the site and the variation of conditions to allow Sunday racing to take place under temporary permissions between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

The Proposal

The application seeks full planning permission for the variation of conditions 4 and 5 attached to 17/01268/FULM which relates to planning permission for the erection of directional lighting [55 columns]. The purpose of these columns was to provide floodlighting to the racecourse to allow races to take place until 2130h. No additional meetings are proposed per year.

The lighting columns which were erected on site between September 2018 and April 2019 measure between 21m and 30m in height and are constructed of galvanised steel with LED lights. They are situated around the racecourse, grandstand, paddock and car parking areas.

The aforementioned conditions constrain the use of the lighting not only for the track but also the circulation areas which the Racecourse have confirmed raises health and safety implications that (in retrospect) should have been excluded from the controls agreed for the new lighting to the track.

Condition 4 states:

'The lighting columns hereby permitted shall be switched off within 30 minutes of the last race or by 2130h, whichever is sooner. The lighting columns shall not be illuminated except during race meetings.'

Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.'

However, the racecourse state that there is a need for patrons to be able to move between buildings and return to their cars safely after this time and the short timeframe is causing them health and safety issues. They are therefore asking for permission for the circulation lights (namely P01 – 06) **and** the rear facing lights on Poles A23 and A24 to be left on longer than the time period currently specified by this condition. The events are limited by and often do not extend for the full licenced hours (which are 1 am).

It was originally requested that the circulation site simply be excluded from the condition – however the Officer advised that that the circulation lights should not be left on all night if this was not necessary. It was therefore agreed with the Agent during the lifetime that the condition be amended as follows:

'The track lighting columns comprising poles A1-24, B1-B22, C1 and C2 and POH1 (other than the two low level rear/south facing lights on A23 and A24) shall be switched off within 30 minutes of the last race or by 21:30 hours, whichever is sooner. The track lighting columns shall not be illuminated except during race meetings.'

The circulation lighting columns comprising poles P01 – 06 and the two low level rear/south facing lights on poles A23 and A24 shall be turned-off within 30 minutes of the last patron's departure from race meetings or other function/event taking place at the site.

Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.'

Condition 5 states:

'The number of evening race meetings where the floodlights are in operation in any calendar year shall not exceed 20.'

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.'

It is proposed that this condition be amended to refer specifically to the track flood lights.

*'The number of evening race meetings where the **track** floodlights are in operation in any calendar year shall not exceed 20.'*

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.'

The application has been accompanied by the following documents:

- Covering Letter Dated 04.10.2019
- SS-01 Rev A Site Location Plan
- 180859L1-A Pole Location Plan
- 180859E-C Equipment Layout

Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice was displayed 19.11.19 and a press notice published 24.10.2019.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD (2013)

Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM8: Development in the Open Countryside
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Newark and Sherwood Landscape Character Assessment SPD December 2013

Consultations

Rolleston Parish Council – support proposal.

Southwell Town Council – Southwell Town Council considered application 19/01824/S73 Southwell Racecourse Station Road and agreed by majority to object to this application due to increased and extensive light pollution.

Upton Parish Council – we have no objections to the application except we would request a cut-off point of the lights at 11 pm.

NATS – no safeguarding objection.

Trent Valley Internal Drainage Board – The site is within the Trent Valley Internal Drainage Board district. There are a number of Board maintained watercourses in close proximity to the site. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

NCC Highways Officer – Variation of condition 4 will not have any impact on the public highway. Hence there is no objections to this. It is unclear if condition 5 requires variation and, if so, no proposal is put forward for a new limit on the number of floodlit events. If the previous limit of 20 is to be increased, this Authority would wish to review the potential traffic impact that that may have.

NSDC Environmental Health Officer -

Comments received 19.12.2019:

Environmental Health would be happy with the suggested to the condition that requires the lighting is turned-off within 30 minutes of the last patron's departure.

Comments received 01.11.2019:

I refer to the above application and cannot see what times the six lights serving the circulation are to be left on for safety purposes. I would have concerns if the lights are left on over-night.

No representations have been received from local resident/interested parties.

Appraisal

Principle of Development

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, as appropriate. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The principle of the development has already been established through the granting of the permission for the development in November 2017. The Amended Core Strategy was adopted in March 2019 since the determination of the application. However, there has been no significant material change in the Development Plan context relevant to the consideration of the amendment to the plans condition since this time.

In terms of other material considerations, a revised NPPF was published in 2019. Again, it is not considered that this revision results in any material change to the national planning context relevant to the consideration of the amendment to the plans condition since the determination of the original application.

The submitted application form confirms that development was commenced in September 2018 and completed in April 2019. All of the relevant condition discharged in November 2017.

The main issue to consider is whether it is appropriate to allow the variation of the conditions to enable the 8 circulation lights to be left on for a longer duration than the track lighting with their switch off required within 30 minutes of the last patron's departure. In reality, the circulation lights would be operational only when there are events taking place which often do not extend for the full licenced hours (which are 1 am). Condition 4 currently requires them to be switched off within 30 minutes of the last race or by 2130h, whichever is sooner which the Racecourse have stated is causing them health and safety issues.

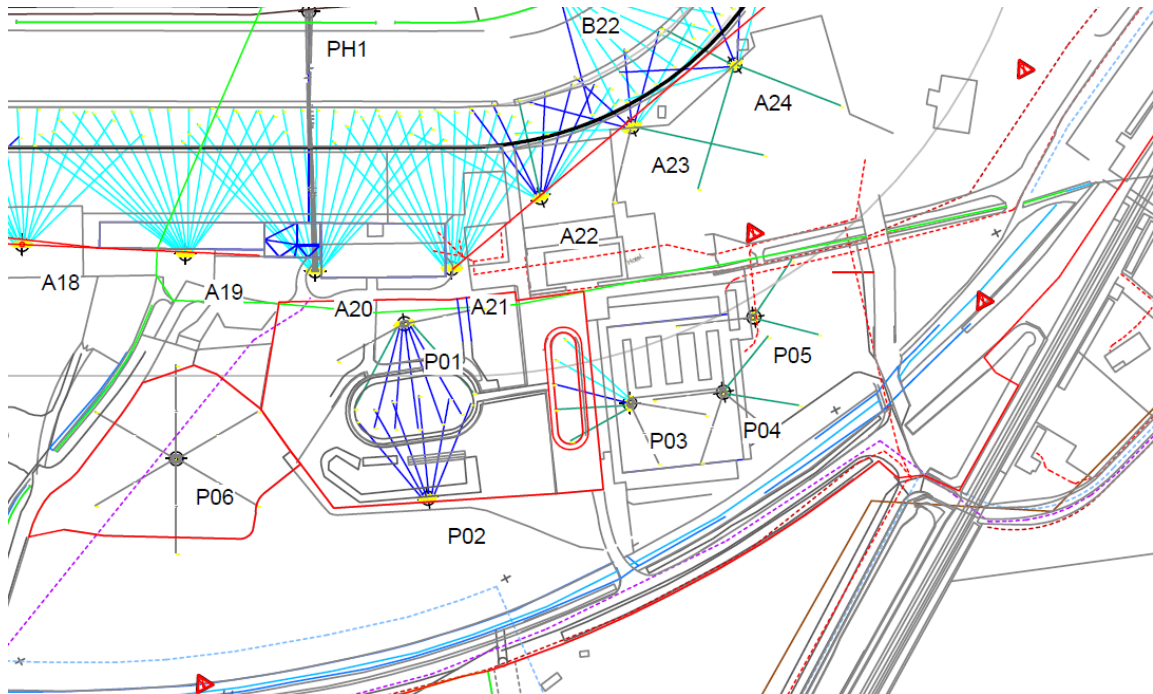
Impact on Visual Amenity including Heritage Assets

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

In this particular case, the impact to be considered is whether or not the increased duration of the use of the circulation lights would result in any material adverse increase in light pollution.

Eight out of the 55 lighting columns would potentially be illuminated for longer should this application be approved (instead of 2130 hours this would be 30 minutes of the last patron leaving

which is likely to be around 01:30 at the latest given the licensed hours are until 01:00 hours). These circulation lights would also be utilised for other functions (non race meeting events). The applicant has stated that the number of occasions this would occur are limited and that events often do not extend for the full licenced hours. These columns are shown on the plan and summarised in the table below:



Extract from Equipment Layout Plan Drawing No 180859E_C 10-May-17

LOCATION	MAX. HEIGHT	LUMINARE TYPE	QUANTITY
A23	21.33m	TLC-LED-1150	2 rear facing
A24	21.33m	TLC-LED-1150	2 rear facing
P01	21.34	TLC-LED-1150 and TLC-LED-400	9
P02	21.34	TLC-LED-1150	6
P03	18.29	TLC-LED-1150 and TLC-LED-400	7
P04	15.24	TLC-LED-1150 and TLC-LED-400	5
P05	15.24	TLC-LED-1150 and TLC-LED-400	3
P06	18.29	TLC-LED-400	3

The applicant has stated that the circulation lighting ‘comprises the latest technology, which reduces light spill preventing spread outside the circulation areas. As these areas are principally enclosed, or to the rear of the racecourse building, the lighting in these areas will not be apparent in the wider area. As such, there is a neutral change over the existing situation’. Some of the lighting around the track has a higher luminaire type (TLC-LED-1400). The lighting around the circulation areas is either TLC-LED-1150 or TLC-LED-400.

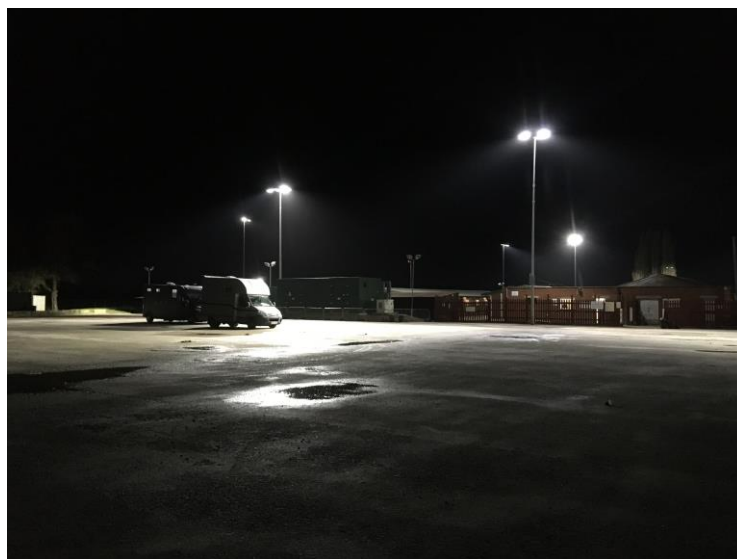
The Committee Report in relation to application 17/01268/FULM concluded that:

'The application has been accompanied by a lighting assessment which has concluded that the proposal will not have a significant impact upon surrounding dark sky landscape. I am happy to accept this conclusion based on the evening photomontage, glare impact assessment diagrams and equipment layout plan showing the direction of light spill, in addition to the fact that the Environmental Health Officer has concluded that the work undertaken to depict lighting levels appears reasonable, subject to finishing time and specification conditions'.

In relation to the impact on landscape character, the report also concluded that:

'Having reviewed the landscape character assessment submitted with the application, I am satisfied that the proposal will not have an undue impact upon the landscape surrounding the site. I accept that there would be some change in the landscape as a result of the installation of the floodlights. However, adverse effects are likely to be short term when illuminated for the 20 nights of the year. The proposed columns will be visible across the site and from the public realm, however given the slimline nature of the columns and the number of trees surrounding the site, some will be somewhat screened. Furthermore, electricity pylons cross the site which sit higher than the columns proposed and as such vertical infrastructure would not be entirely new to the area and would therefore not in my view be overly prominent. The submitted photomontages show the proposed landscape and I am satisfied that the columns would not be a dominating feature within the landscape, particularly when viewed from a distance'.

It should be noted that previous circulation lighting that illuminated this area is still in situ on the site albeit the Racecourse do not consider it to affectively illuminate circulation areas.



View west from car park towards old and new circulation lighting (P01-P06). 3 original circulation lighting columns are also shown.



View east towards A23 and A24

These photographs show that there is little light spill from the circulation lighting subject of this application e.g. there is no backwash from the rear facing lights on A23 and A24 onto the track or wider area albeit this does not mean that they cannot be seen from further afield from the direction they are facing. The track lighting when turned on at night is visible from further afield particularly when viewed from the direction they are facing. However, it is not considered that the 8 circulation lights subject of this application area are the most visible part of the overall lighting scheme due to their positioning around a much smaller part of the overall site area facing different directions.

Therefore, whilst the circulation lighting has the potential to be left on for longer (and would be used additional functions not relating to evening race meetings), I do not consider that this alters the previous conclusions in relation to 17/01268/FULM. Nor does the Environmental Health Officer raise any concerns in this respect.

In relation to nearby heritage assets, it is not considered that the extended use of the circulation lighting would result in harm to their setting.

Overall, it is not considered that any greater adverse material impact would arise from the proposed variation when compared with the extant permission. Nor is it considered that any material adverse increase in light pollution would result in accordance with Core Policies 9 and 14 and Policies DM5 and DM9 of the DPD.

Impact on Residential Amenity

Policy DM5 states that development proposals should ensure no unacceptable reduction in amenity. The existing condition limits use of the floodlighting as opposed the use of venue past 21:30 hours. As such, it is not considered that any material adverse increase in noise impacts should be generated from the extended use of the circulation lighting. Nor is it considered that the extended hours of light would impact on the living conditions of nearby residents. Overall, it is not considered that any greater adverse material impact would arise from the proposed variation when compared with the extant permission in accordance with Policy DM5.

Impact on Highways Network

Members will recall that a Section 106 Agreement Dated 26.07.2018 secured the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing. Having sought advice from the Council's legal team, it has been confirmed that an updated Section 106 specifically linking the Transport Management Plan to this application is not required as the obligations were conditional upon 17/01268/FULM development first coming into use. This has occurred and the obligations remain in force and remain unchanged by the variation proposed by this application.

The relevance of other conditions attached to Application Number 17/01268/FULM

Condition 1 (time limit)) needs to be deleted as development has commenced.

Condition 2 (approved plans) shall be re imposed as it remains relevant.

Condition 3 (materials) shall be re imposed as it remains relevant.

Condition 4 (illuminance duration) amended to enable the circulation lights to be differentiated from the track floodlights with their switch off required within 30 minutes of the last patron's departure.

Condition 5 (no. of events) amended to enable the circulation lights to be differentiated from the track floodlights

Condition 6 (illuminance) shall be re imposed as it remains relevant.

Conclusion

Overall, the proposed variations to conditions 4 and 5 are considered to be acceptable. It is not considered that there are any other changes to circumstances which affect the consideration of this application.

It is considered that subject to the attachment of the relevant conditions addressed earlier in this report that the proposed variation is considered to be acceptable and is recommended for approval.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Location Plan - SS-01 Rev.A
- POLES(S): P04 - 180859P1 (sheet 1 of 18)
- POLES(S): P05 - 180859P1 (sheet 2 of 18)
- POLES(S): P01 - 180859P1 (sheet 3 of 18)

- POLES(S): P06 - 180859P1 (sheet 4 of 18)
- POLES(S): P03 - 180859P1 (sheet 5 of 18)
- POLE(S): A23 - 180859P1 (sheet 6 of 18)
- POLES(S): A02-06 - 180859P1 (sheet 7 of 18)
- POLE(S): A24 - 180859P1 (sheet 8 of 18)
- POLES(S): A01, C01-02, P01 - 180859P1 (sheet 9 of 18)
- POLES(S): A07-08, A22 - 180859P1 (sheet 10 of 18)
- POLES(S): A10-16 - 180859P1 (sheet 11 of 18)
- POLES(S): A09 - 180859P1 (sheet 12 of 18)
- POLES(S): PH1- 180859P1 (sheet 12 of 18)
- POLES(S): B12-17, B22 - 180859P1 (sheet 13 of 18)
- POLES(S): A17-18, A21, B05-11, B18, B20, B21 - 180859P1 (sheet 13 of 18)
- POLES(S):A19, B01-04 - 180859P1 (sheet 14 of 18)
- POLES(S): B19 - 180859P1 (sheet 14 of 18)
- POLES(S): A20- 180859P1 (sheet 15 of 18)
- Pole Location Layout - 180859L1_A

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

02

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

03

The track lighting columns comprising poles A1-24, B1-B22, C1 and C2 and POH1 (other than the two low level rear/south facing lights on A23 and A24) shall be switched off within 30 minutes of the last race or by 21:30 hours, whichever is sooner. The track lighting columns shall not be illuminated except during race meetings.

The circulation lighting columns comprising poles P01 – 06 and the two low level rear/south facing lights on poles A23 and A24 shall be turned-off within 30 minutes of the last patron's departure from race meetings or other function/event taking place at the site.

Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

04

The number of evening race meetings where the track floodlights are in operation in any calendar year shall not exceed 20.

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.

05

The luminaire of each floodlight shall be as stated on the 'Equipment Layout' plan included within Appendix 6 - Aiming Angles and Upward Light Ratio Diagrams of the Lighting Assessment undertaken by WYG dated July 2017 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.

Note to Applicant

01

This permission relates solely to the installation of lighting columns only. There will be no increase in the total number of race meetings held in any calendar year above the 80 races currently permitted under planning permission reference 54/890792.

02

This application should be read in conjunction with the Section 106 Agreement Dated 26.07.2018 (linked to the original application 17/01268/FULM) that secures the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing.

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on Ext 5793.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager - Planning Development

Committee Plan - 19/01824/S73M

