Report

Description

1. The site is 14.2 hectares and comprises the XCel Sports Hub which was formally the Walton Casuals FC football ground and open land.

2. To the north-west of the site is an embankment leading down to the northern section of Waterside Drive which serves The Weir Hotel, Rose Cottage and the Sunbury Lock Gas Works which is classified as a COMAH site. Beyond a narrow strip of land, which includes Rose Cottage, is the River Thames and tow path. The tow path forms part of the Thames Path National Trail and part of the Sustrans National Cycle network. The area on the opposite side of the River is within Lower Sunbury and mainly falls within the Borough of Spelthorne.

3. To the west of the site is the existing Xcel Leisure centre and associated car park, and artificial football pitch, which comprises a changing block, fencing and flood lights. Adjacent to this is Waterside Drive and further to the south-west are residential properties and the Queen Elizabeth II (BP) Oil Storage Terminal which is classified as a COMAH site. Apps Court Farm is to the east and Hawks End Farm to the south.

4. The site is located within the Metropolitan Green Belt, Thames Policy Area, potential contaminated land, partly within Flood Zone 2 and has a number of existing pipelines within close proximity. The site was identified as an area for the provision of an improved, accessible open space in Policy CS14 of the Core Strategy as shown on the proposals map. The River Thames is designated as a Site of Nature Conservation Importance. The Lower Sunbury Conservation Area lies on the northern side of the river within which there are a number of Listed Buildings, including the Church of St Mary the Virgin, which is Grade II* listed.

Constraints

5. The relevant planning constraints are:

- Green Belt
- Flood Zone 2
Policy

6. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS1 – Spatial Strategy
CS3 – Walton on Thames
CS12 – The River Thames Corridor and its tributaries
CS14 – Green Infrastructure
CS15 - Biodiversity
CS16 – Social and Community Infrastructure
CS17 – Local Character, Density and Design
CS25 – Travel and Accessibility
CS26 – Flooding
CS27 – Sustainable Buildings

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 - Design and Amenity
DM4 – Comprehensive development
DM5 - Pollution
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant
DM9 – Social and community facilities
DM12 - Heritage
DM13 – Riverside development and uses
DM17 – Green Belt (development of new buildings)
DM20 – Open space and views
DM21 – Nature conservation and biodiversity
DM22 – Recreational use of waterways

Surrey Waste Plan 2008
WD7 - Disposal by Landfilling, landraising, engineering or other operations
WD8 – Landfilling, landraising and engineering or other operations

7. The following SPDs are material considerations to be taken into account:

Flood Risk SPD 2016

Design & Character SPD 2012

Developer Contributions SPD 2012
8. The National Planning Policy Framework and the Planning Practice Guidance are important 
material considerations.

9. Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016/3371</td>
<td>Development comprising new football and athletics stadium with spectator seating and detached two storey building incorporating changing facilities, storage, function and club rooms; ancillary spectator shelter, floodlighting, car park lighting, football and sports pitches, new car park and access road, hard &amp; soft landscaping, dog walking area, play equipment, gas vents and new electric substation following demolition of existing football club and facilities</td>
<td>Granted</td>
</tr>
</tbody>
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Proposal

10. An application has been submitted to confirm compliance with Condition 16 (Lighting Strategy) of planning permission 2016/3371. The wording of the condition was:

"Prior to first use of the development, a lighting strategy to strictly control (or avoid) light spill from the site shall be submitted to and approved by the Local Planning Authority, in consultation with Natural England, Surrey Wildlife Trust and Surrey Bat Group and following consideration by the Planning Committee. The lighting strategy shall include the recommended limitation on hours of floodlighting between 22:00 and 07:00 except for the car park which should be limited between 22:30 and 07:00. Consideration shall also be given to further restrictions on hours of use. The details shall provide for a monitoring and review process to demonstrate compliance with the lighting strategy. The development shall be carried out in accordance with the approved lighting strategy.

Reason: To limit the impact of light pollution from artificial light on the character and amenity of the area and wildlife with particular reference to birds and foraging bats, in accordance with paragraph 125 of the National Planning Policy Framework and Policy DM5 of the Elmbridge Development Management Plan 2015."

11. The submission includes a Lighting Strategy Report by Designs for Lighting Ltd dated July 2017, Bat Activity Survey by the Ecology Consultancy dated 5th July 2017 and drawings HLS00578/REV29V (Vertical Spill at 2.5m), HLS00578/REV29V (Vertical Spill at 1.5m) and HLS00578/REV29 (Horizontal Spill).

Consultations

12. Surrey Wildlife Trust – No objection. Provided the applicant undertakes their lighting strategy as described in the submitted report and drawings, with the on-going monitoring as described, then risk from proposed external lighting adversely affecting legally protected bat species should be significantly reduced and the requirements of Condition 16 would be appropriately addressed.

13. Natural England – No objection. Based on the documents submitted, Natural England considers that the proposed development will not have likely significant adverse impacts on bats.

14. Surrey Bat Group – No comments received.
15. Environmental Health – No objection. The lighting strategy and proposed hours of use for the Sports Hub provide a level of control that should ensure no nuisance is caused. The monitoring and review system proposed in the strategy should ensure compliance with the strategy.

Positive and Proactive Engagement

16. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development. Ongoing dialogue has been carried out through the application process.

Planning Considerations

17. The lighting strategy sets out the key areas requiring lighting which include the pitches, athletics track, car park and pavilion. It also sets out details of lighting controls, maintenance and the monitoring and review process to ensure ongoing compliance with the strategy.

18. The application proposed that the hours of floodlighting to the athletics and football pitches would be limited to 07:00 hrs to 22:00 hrs and to 22:30 hrs for the car park. These hours were considered acceptable by the Council’s Environmental Health team at the time of the application to avoid adverse impact on the amenity of surrounding properties. These hours are confirmed in the proposed lighting strategy.

19. The condition included reference to consideration to be given to further restrictions on hours of use. No further restrictions have been proposed within the Lighting Strategy. However, some further detail has been provided under Condition 35 – Hours of Opening of the Pavilion which is also under consideration on this agenda. This indicates that the proposed operating hours represent the maximum permitted hours of use but do not mean that the track and pitches will be in full use for these periods. The hours of use of the sports lighting is indicated to be to dusk to 22:00 hrs Monday to Friday and dusk to 21:00 hrs on Saturday and Sunday. It also states that early morning use of the athletics track between 06:30 to 08:00 would be limited and floodlights will not be used during these periods. The lighting within the pavilion is indicated to be 08:00 to 23:00 Sunday to Thursday and 08:00 to 00:00 Friday and Saturday. This is more limited than proposed under the Lighting Strategy report. Earlier cessation of use on the weekends is considered to be beneficial having regard to amenity of neighbouring residential properties.

20. Following consultation responses from Natural England and Surrey Wildlife Trust on the original application, a lighting strategy condition was imposed to limit the impact of light pollution on the character and amenity of the area and wildlife. In their consultation response on 2016/3371, Surrey Wildlife Trust were concerned that artificial lighting should not disrupt the likely bat activity and flight lines occurring along the adjacent River Thames. In particular they wanted to ensure that light levels are not exceeded on the SNCI and that the proposed restriction on floodlighting times are strictly enforced. An additional Bat Activity Survey has been carried out which identified a number of different bats commuting and foraging. The results confirm that there is likely to be a locally significant minor adverse effect on populations of light-sensitive bat species using the site where lighting levels exceed 1 lux. In their consultation response on 2016/3371, Natural England referred back to their comments on a previous application (2015/0949) where they requested a condition for a lighting strategy to minimise the effects of light spill on bird activity in the area, as the nearby reservoirs are designated for aggregations of overwintering shoveler and gadwall. They also advised the use of directional lighting designed to minimise upward and horizontal light spill.

21. The revised lighting modelling now takes account of topography and landscaping, and show light levels on the north-eastern boundary of the site and along the River Thames corridor at 1 lux or lower. Some bats were recorded commuting/foraging within an area of the site adjacent to the north-east of the new sports pitches, that will be subject to higher light levels. However, the ecologist argues that due to the maintenance of adjacent dark corridors for commuting, the
small size of the area relative to the amount of local foraging habitat, the low number of only the more light-tolerant bat species recorded using this area, and given the restricted timing of the lights, this is not considered to cause a significant impact on local commuting/foraging bat populations.

22. The lighting design proposes directional lighting and does seek to minimise upward and horizontal light spill in line with the advice of Natural England. The Lighting Strategy states that the low levels and nature of the lighting within the pavilion are unlikely to affect the wider site. The floodlights for the athletics track and football pitches would be controlled via a control system that allows the floodlighting to be switched on between dusk and 22:00hrs. The spectator terrace lighting would operate from dusk to 22:00 hrs. The lighting of the spectator galleries is proposed to operate no later than 12am midnight to support functions within the pavilion. The lights to the access road and car park would be controlled via a time clock and photocell system so that lighting levels vary as follows:

06:30 - 07:00 - up to 50% of maximum output  
07:00 until dawn – 100% of maximum output  
Dawn till dusk – Off  
Dusk till 22:30 – 100% of maximum output  
22:30 – 01:00 - up to 50% of maximum output  
01:00 until 06:30 - Off

23. The strategy also states that if the site is vacated prior to the pre-programmed switch off time, the last responsible person to leave the site would ensure the lighting is switched off before leaving.

24. The monitoring includes an assessment of the lighting within one month of opening by a competent and suitably qualified lighting professional. This would include checking light spill levels are in line with the modelling and preparing a report to outline any differences between the expected and recorded levels. Should the light spill fall outside of the limits, review would be undertaken which would result in lighting being adjusted or further mitigation measures.

25. The lighting strategy has been reviewed by the relevant consultees including Natural England and Surrey Wildlife Trust and no objections have been received. Therefore it is considered that the proposed lighting strategy would limit the impact of light pollution from artificial light on the character and amenity of the area and wildlife.

Matters raised in Representations

26. None.

Conclusion

27. On the basis of the above it is considered that Condition 16 (Lighting Strategy) of planning permission 2016/3371 can be discharged.

Recommendation: Conditions - Confirm Compliance
Notes:
Floodlighting Equipment
10 x 20m Masts (M1-M10)
9 x 15m Masts (M11-M18)
Each carrying the following Floodlights
M1,M2,M5 & M6
5 x V8BD/2500W/430MAXI
M2 & M5
6 x V8BD/2500W/430MAXI
M1 & M6
4 x V8BD/2500W/430MAXI
M1,M2,M3,M4,M5,M12,M13,M14,M15,M17 & M18
2 x V8BD/2500W/430MAXI
Lamps (OSRAM)
300W HPS/HID/TEFL (300 000 INITIAL Lms)
Illuminance Levels
Athletic Pitch
Initial:
(100m) E.Iav = 272Lux
Maintained:
(4000hrs) E.Iav = 219Lux
Uniformity:
Emin/Eave = 0.83
Pitch 1
Initial:
(100m) E.Iav = 322Lux
Maintained:
(4000hrs) E.Iav = 258Lux
Uniformity:
Emin/Eave = 0.84
Pitch 2
Initial:
(100m) E.Iav = 250Lux
Maintained:
(4000hrs) E.Iav = 206Lux
Uniformity:
Emin/Eave = 0.89
Grid values in Lux (Initial)
Grid interval = 5m.
Contour values in Lux: 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000 Lux.
Maintenance Factor = 0.90
Sky Glow Calculations:
Athletics = 0.02%
Pitch 5 = 0.06%
Pitch 1 = 0.01%
Vertical overspill readings taken @ 2.5m above ground level.

PROJECT
Waterside Drive
Vertical Spill 2.5m
www.halliday-lighting.co.uk
Drawing Title
Proposed floodlighting

Drawn By (print) JS
Date 28/06/17

Project No 005789
Scale 1:250

Drawing No HL050789/REV2

Proposal