Item No.



PLANNING COMMITTEE: 30th September 2010

DIRECTORATE: Planning and Regeneration

HEAD OF PLANNING: Susan Bridge

N/2010/0646: Retention of six floodlights (48m in height)

columns and a GRP Switch Cabinet

Northamptonshire County Cricket Ground,

Abington Avenue, Northampton

WARD: Abington

APPLICANT: Mr J. Brown – Musco Sports Lighting
AGENT: Mrs S. Tagg – Foxley Tagg Planning Ltd

REFERRED BY: Head of Planning

REASON: Application previously considered by

Planning Committee

DEPARTURE: No

APPLICATION FOR CONSULTATION BY WNDC:

1. RECOMMENDATION

1.1 That the Council raise NO OBJECTIONS for the following reason:

The proposed lighting would not lead to a significant impact upon visual or residential amenity of the surrounding area and would provide some benefits in terms of the promotion of high level sport within the Northampton area. Furthermore, the development is of a comparable nature to that considered and approved in 2009. The proposal therefore complies with the requirements of PPS1, PPS5, PPS23, and PPG24 and Policies E19, E20 and E26 of the Northampton Local Plan.

- 1.2 WNDC is also requested to consult with Northamptonshire County Council as Highway Authority in order to ensure that there would be no undue detrimental impact upon highway safety as a result of permitting this proposal and to ensure that the scheme complies with PPG13 Transport.
- 1.3 If WNDC is minded to approve this application, it is requested that the following matters are secured by condition.

- That the use of the lights is limited to a maximum of 15 days per annum and only between the months of April to September inclusive.
- That the light levels are reduced at the conclusion of play or 22:15 hours (whichever is the earliest) and that a detailed plan identifying the spill levels associated with this lower level of light shall be submitted to and approved in writing by the Local Planning Authority prior to their next use.
- A scheme requiring the applicant to undertake regular surveying of the light levels in order to ensure that they do not exceed the levels submitted as part of the application.
- That the lights are not used until they have been connected to a mains electricity supply in order to avoid the continued need to operate a generator, which has and could continue to harm residential amenity. Alternatively, a reasonable timetable for this works to be carried out to be agreed prior to the lights being next used and secured by condition if the first option cannot be secured prior to April 2011.
- In order to minimise the impacts on surrounding properties, a condition requiring that use of public address systems cease following the conclusion of play for the purposes of commentary and the playing of music in keeping with the requirements of PPG17 and PPG24, which state that negative impacts on residents from such equipment should be minimised in order to protect residential amenity.

2. THE PROPOSAL

- 2.1 The application follows the approval of an earlier planning permission (WNDC reference: 09/0061/FULWNN) for similar lighting and other works within the ground. However, the lighting columns were not installed in the approved location. The current planning application seeks permission for the retention of the columns in their current location.
- This application seeks retrospective planning permission for the retention of six floodlight columns with a height of 48m topped by a grid of lights known as an 'array'. Four columns located at the northern and southern ends of the pitch, which have a maximum column width of 1080mm. The lighting array for these columns has a width of 4.95m and a height of 4.42m. The remaining two columns, which are located closest to the centre of the pitch, have a maximum column width of 1040mm. The lighting array for these columns is 5.64m in width and 6.63m in height.
- 2.3 The supporting information for the application states that the lights are needed in order to take advantage of the growth in popularity of

Twenty-Twenty cricket. In order to take advantage of the relatively short game duration (approximately three hours) and the television demand for this type of cricket, evening matches have had an increased role within the cricket season. Prior to the installation of the current lights that are the subject of this application, temporary floodlighting was used under permitted development rights (to a maximum of 28 days per calendar year). As a result of this, the Local Planning Authority had no control over lighting levels, hours of use or noise levels.

- 2.4 In terms of the relative positions of the lights as proposed compared to as approved in 2009, the light located in the north eastern corner of the site is now sited approximately 7m further north than previously approved; the light on the eastern side of the pitch is resited approximately 4m further south; the light to the south east of the pitch is moved approximately 8m in a north easterly direction; the installation situated to the south west of the pitch is resited approximately 9m in a south westerly direction; the light to the west of the ground is moved approximately 6m in a northern direction and the light located to the north west of the pitch is moved approximately 12m in a north easterly direction. The applicant has highlighted a number of site constraints and operational issues, which prevented the lights being located in their approved location.
- 2.5 Each lighting column would also have a number of ballast boxes positioned some 2.5m above ground level to help counteract the effect of wind of the structures.

3. SITE DESCRIPTION

- 3.1 The application site has been in use as a sports ground / venue by Northamptonshire County Cricket Club since 1885. In addition to cricket, the venue has been used for football, tennis and bowls. On account of this, the styles and form of buildings within the ground are varied in design and this reflects the gradual development of the site as an important local and national sports ground. The Cricket Ground currently holds games that are part of the highest tier of the domestic game and has held other matches of a high profile.
- The wider area is identified within the Local Plan as being an existing residential area. Typically the types of dwelling within the area are relatively small terraced houses to the south and west of the site, with larger dwellings on the northern side of Abington Avenue. Dwellings in Wellingborough Road are also of larger proportions, although some of these have been converted to commercial uses. The majority of the roads around the ground are of a narrow nature, with both sides of the street generally being used for car parking. Abington Avenue is a more widely used road, although cars being parked on the street are a common occurrence. There is a significant demand for car parking within the Abington area.

The eastern boundary of the site marks the boundary of the Abington Park Conservation Area. This area extends to the east to include the park and also the south, which incorporates part of Wellingborough Road. Immediately to the east of the site are Abington Cottages, which are Grade II Listed Buildings and date from the mid 19th century and are constructed in a Tudor style.

4. PLANNING HISTORY

4.1 210/50 - Stand - Approved

85/60 – The erection of four pylons for floodlighting football pitch – Approved

185/78 - New Pavilion and Club House - Approved

95/0858 – Extension to terracing to the existing Spencer Pavilion – Approved

59/86 – Demolition of existing west stand and erection of replacement – Approved

86/1019 – Extensions and alterations to new pavilion – Approved

89/0035 – Kitchens and bar extension to new pavilion – Approved

90/0666 – Extensions and alterations to old pavilion – Approved

96/0874 – New indoor cricket school – Approved

97/0080 – Centre of Excellence for the training and development of cricketers together with 5no. hospitality suites and associated accommodation – Approved

99/0100 - Extension to visitors reception - Approved

99/0396 - Permanent terrace building - Approved

N/2005/0630 – 10.7m high replacement score board and associated works - Approved

N/2008/0634 — Change of Use of Bowls Club to teaching accommodation, including new ramped approach and additional WC extension — Approved

N/2009/0214 – Proposed Erection of 2no. Spectator Stands – Approved

09/0061/FULWNN – Erection of two Commentary Boxes, Camera Gantry, extension to Pavilion and installation of six floodlights (48m in height) – Approved

5. PLANNING POLICY

5.1 **Development Plan**

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 current Development Plan comprises of the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 **Local Plan Policy**:

E1 – Impact on character and structure of landscape

E9 – Locally important landscaped areas

E19 – Implementing development

E20 - New development

5.3 **National Policies**:

PPS1 – Delivering Sustainable Development;

PPS5 – Planning for the Historic Environment

PPG13 – Transport

PPG17 – Planning for Open Space, Sports and Recreation

PPS23 - Planning and Pollution Control

PPG24 - Planning and Noise

6. CONSULTATIONS/REPRESENTATIONS

6.1 **Public Protection (NBC)** – The proposed lights comply with the Condition set down on the 2009 permission and therefore although the lights have not been located in the locations as originally agreed, it would appear that the stipulation of the original condition is being met. Condition 3 of the original 2009 permission should be amended to provide further clarification as to the location in which light levels are to be measured. *Condition 3 concerned reducing light levels to 100 lux upon the completion of play.*

The long term of the use of the generator would amount to a loss of residential amenity on account on increased levels of noise, odours and fumes. Furthermore, other methods of powering the lights exist without these negative impacts upon residential amenity, such as mains power. It is therefore recommended that any approval be subject to a condition requiring that lights are connected to a mains source prior to their further use.

By providing floodlights, the hours of operation of the ground have been extended. As a result of this residential amenity appears to have been affected and therefore additional controls should be placed on the playing of music and use of the public address system, which could be achieved through a survey of the existing facilities. It is recommended that the large television screen is subject to controls over use in order to encourage crowd dispersal at the end of matches.

6.2 **Conservation (NBC)** – Due to the scale of the floodlights they are visible from numerous locations within the conservation area. However, the cricket ground has existed in this location since the end of the 19th century, it should be able to contribute to the wider historic environment. It is considered that the floodlights contribute to the way in which this part of the town is understood by locals, and visitors alike. Therefore whilst the lights are visible, they do not detrimentally impact upon the character of the conservation area.

With regards to Abington Cottages it is considered that their value in heritage terms is more related to historic character. Historic character cannot easily be eroded or damaged unless the actual features of the building are destroyed or concealed. The contribution that the cottages make to the wider historic landscape or the

conservation area is reduced due to their location to the rear of the early 20th century terraced housing that now surrounds them. As such the understanding of the area is bound up with the pace of change. Therefore the introduction of the floodlights should be considered these terms, whereby features are introduced which enable new or enhanced uses to take place. In conclusion the amended locations of the floodlights and the columns has not lead to a significantly increased level of visual impact that would warrant an objection on conservation grounds.

- As Northampton Borough Council is a consultee on this application, it has not carried out any third party consultations as this role falls to WNDC as the determining authority. However, objections have been received by Northampton Borough Council from the occupiers of 251 and 251a Abington Avenue; 1 Abington Cottages; 17 and 112 Ashburnham Road, 175 Birchfield Road East; 2, 36 and 47 Collingwood Road; 5 Lime Avenue; 114 Lutterworth Road; 3 Park Avenue; 89 Roe Road; 63 Wantage Road; 431, 453 and 508 Wellingborough Road; 11 and 22 Woodland Avenue; letters from the residents of unknown properties in Abington Avenue, Asburnham Road and Wantage Road and two unaddressed letters. Comments can be summarised as:
 - The retention of the lights in their current positions would adversely impact upon the amenity of the adjacent properties and the surrounding area; particularly as the diameter of the poles is larger than originally stated and have ballast boxes attached.
 - The visual impact of the lights is unacceptable.
 - There is excessive light spillage
 - The impact of the lights has been increased, as they are now closer to the boundaries of some properties.
 - By being situated further away from buildings, the lights are now more visually dominant.
 - The removal of lights installed by the football club were an improvement to the area's character.
 - The time of cricket being played under floodlights are closely associated with increased levels of noise, such as from music being played
 - There is a lack of evidence that the visual and physical impacts have been considered and that an assessment has been made regarding alternatives to the positioning and nature of the proposed floodlighting
 - Other grounds do not require permanent lighting systems or have a different system to that proposed
 - The proposal would lead to an adverse impact upon the character and setting of the nearby listed buildings and the Abington Park Conservation Area.
 - The proposal has an adverse impact upon the skyline
 - The proposal would create an adverse impact on the surrounding properties due to light spillage.
 - The late finishes associated with floodlit cricket creates noise

- and disturbance at unsocial hours.
- A generator is being used to power the lights, which creates a negative impact upon residential amenity due to noise and fumes
- The positioning of the generator is unsuitable due to the proximity to residential properties and gardens
- The stature of Northampton has not been increased as a result of permitting the floodlights, there has been no quantification of business improvements and match attendance has decrease.
- Conditions have not been complied with, particularly the light levels not being reduced after the cessation of play and/or 22:15.
- Disturbance is created from those leaving the ground.
- The proposal and the evening use of the ground associated with it would lead to increased demand for car parking within the vicinity, which is already in short supply leading to a decrease in highway safety.
- Cars being parked in the streets have often blocked private alleyways
- A television screen has also been installed at the ground, which creates disturbance.
- Litter is left in the streets following flood lit games
- Fireworks have been set off at the ground after 11pm (N.B. Correspondence has been received from Northamptonshire County Cricket Club stating that on the date in question that these fireworks were set off, no cricket was being played).
- Due to the ground being used on a limited basis, the impacts from the lights are disproportionate to the level of use
- The accuracy of the submitted plans is questioned.
- Concerns are raised regarding the impacts on property values
- Other events at the ground have generated excessive noise and disturbance

An objection submitted on behalf of 1 Abington Cottages; 58, 59, 61 and 65 Wantage Road and 429, 431 and 433 Wellingborough Road. A summary of the comments is as follows:

- The application should be given a full and proper scrutiny
- Whilst the sporting and economic implications of the proposal are recognised, these do not outweigh the negative impacts of the proposal.
- The submitted Design and Access Statement does not include a full visual impact assessment nor does it include a comparison of the position of the lighting columns approved in 2009 and those included within the current application.
- There are a number of other lighting solutions, which would have a smaller impact upon amenities.
- The ballast boxes are particularly intrusive given that they are located at 'eye level'.
- The visual impact of the lights is disproportionate to the level of
- The use of temporary lights would be less intrusive as

- although light levels would be higher, the structures would be only in place for a maximum of 28 days per annum.
- The lights are of a considerably high intensity
- An independent lighting appraisal should be carried out assessing current light levels and this should be the subject of regular surveying.
- If the application were to be approved, it be subject to a legal agreement preventing the lights from being operated until such times as the generator has been removed and a connection to the mains electricity supply has been established.
- English Heritage should be consulted on the application
- The proposal fails to comply with the requirements of Policy E9 of the Northampton Local Plan with regards to the impact upon the special character and appearance of the Abington Park.
- The former lights installed at the football ground do not set a precedent for approving this application.
- From past experience, there are doubts that the Cricket Club would comply with any conditions imposed.
- 6.4 Letters from the residents of **110 Lutterworth Road**, an unknown property in **Abington Park Crescent**, and one unaddressed letter have been received in favour of the application. Comments are summarised as follows:
 - The floodlights do not dominate the skyline
 - It is still possible to control the light levels
 - The ground attracts visitors, which has a positive impact upon the town.
 - If Northamptonshire County Cricket Club cannot sustain themselves financially, there is the possibility that the club would be lost
 - A lack of finance may curtail funding of 'grass routes' cricket
 - In the only game when play has been delayed (8th June), the match finished at 22:15 and lights immediately turned down
 - Fireworks have not been set off on dates with cricket matches.

7. APPRAISAL

Principle of the Development

- 7.1 Northampton Borough Council's Planning Committee at its meeting held in August 2009 considered the principle of installing floodlights within the County Cricket Ground and deemed it acceptable. The proposal was subsequently granted planning permission by the WNDC in October 2009. As the proposed floodlights are very similar to those previously considered and approved, the principle of the proposal has been established.
- 7.2 It should also be borne in mind that there remains in excess of two years in which the 2009 planning permission (09/0061/FULWNN) can be lawfully implemented.

7.3 The impacts of the proposal need to be balanced against the wider benefits offered by the scheme to the town in terms of the promotion of sport and cricket. The application has identified that the proposed floodlights are required in order to create a more viable cricket club for the future through the facilitation of first class cricket matches, which are popular with members of the public. Given the aspirations for Northampton to develop into a city, the continued development of a cricket club, which participates at the national level, supports this ambition. The playing of such cricket matches, combined with other sports played within Northampton can help develop the town's (and future city) distinct identity

Impacts upon residential amenity

- 7.4 In terms of the visual impact of the lights on the neighbouring properties, the columns are located between 19m and 55m from the nearest house / building. The general separation distances for the majority of the lights are consistent with that of the scheme approved in 2009 although the buildings to which the separation distance is measured differ. The exceptions to this are the columns located in the north western corner which is now approximately 39m away from the nearest building (as opposed to 29m in the 2009 application) and the light located by the south western corner of the pitch which is now approximately 20m away from the nearest building (as opposed to 26m in the 2009 application).
- 7.5 For these reasons, it is considered that there is no greater overall impact on neighbour amenity than that of the approved 2009 scheme. Moreover the current proposal has been assessed by the Council's environmental health service and subject to appropriate controls, which can be secured by condition, no objections have been raised. Therefore, it is considered that there would be no undue detrimental impact on residential amenity from the resiting of the lights in accordance with Policy E20 of the Local Plan.
- Pyreason of the lights being of the same specification to those previously permitted in 2009, the levels of light spill would not be significantly different to that previously deemed acceptable and the subject of a live planning permission. As a result of this it is considered that the proposal would not impact on residential amenity to a substantially greater degree than that previously considered. In order to ensure that residential amenity levels are maintained, WNDC is requested to ensure that any approval be subject to a condition requiring that the lights be subject to a regular surveying process with the results being reported to the Local Planning Authority in order to ensure the impacts of the lights are monitored and continue to accord with the permitted terms of use.
- 7.7 In order to manage the impacts of the lights, WNDC is requested to ensure that suitable planning conditions are placed on any approval requiring that the lights cannot be used outside of the cricketing season (which runs from April to September). In addition, controls

over the hours when the lights may be operated are warranted in order to minimise the impacts on residential amenity. The applicant has suggested that the lights operate until 10.15 pm (at the latest) at their full level at which time light levels would be reduced before being switched off at 11.00 pm in order to provide lighting for spectators leaving the ground. In the event that the match finishes before 22:15, the lights should be dimmed at the close of play. WNDC is therefore requested to ensure that a condition is placed on any approval to secure these measures.

- 7.8 During 2010, the lights have been powered by a generator that is bought onto the site when required to power the lights. It is removed after each match. This contradicts the information submitted with the original application, which stated that the lights would be powered through mains electricity. The current application states that the reason for the use of the generator is due to the works that need to be carried out in terms of upgrading the power supply system, which have been delayed as they may prejudice the further renovation of the Wantage Road End pavilion. The developer contends that the use of the generator falls outside of planning control.
- 7.9 Officers accept that the generator does not constitute 'development' (i.e. because it is bought onto the site temporarily and then removed) and as such does not require planning permission in its own right. Nonetheless, it is considered that the means of power represents a material consideration in the determination of this application as without the availability of power the lighting could not be used. Therefore it is reasonable and necessary to consider the impacts of the generator. Due to the proximity of the site to residential accommodation and private gardens, it is likely that the prolonged use of the generator would give rise to a detrimental impact on residential amenity as a result of increased noise and odour levels. Therefore, having regard to the advice of the Council's Environmental Health service, in order to ensure compliance with the requirements of PPS23 - Planning and Pollution Control and PPG24 - Planning and Noise, it is requested that if WNDC is minded to approve this application, it be subject to a condition preventing the lights from being used until an electricity supply has been established or a reasonable and enforceable timetable for the works to be carried out has been agreed.
- 7.10 The use of the lights would increase the level of activity at the ground during times when cricket has traditionally not been played. Twenty-Twenty cricket is also associated with the playing of music over public address systems. The limited use of the lights in terms of number of days that they could be operated and the restricted length of cricket season (April to September) reduces the impacts of the proposal is terms of noise and this can be limited / controlled by condition as set out previously.
- 7.11 In order to minimise the impacts on surrounding properties, a condition requiring that use of public address systems cease

following the conclusion of play for the purposes of commentary and the playing of music should be attached to any approval by WNDC. Such a condition would be in keeping with the requirements of PPG17 and PPG24, which state that negative impacts on residents from such equipment should be minimised in order to protect residential amenity.

Impact upon the surrounding area

- 7.12 The lighting columns have ballast boxes attached approximately 2.4m above ground level, which were not illustrated on the plans submitted and approved in 2009. However, given their limited size (between 2.4m and 3.4m in height) and small projection it is considered that the impacts of these boxes are not significant within the context of the lighting columns and do not unduly impact upon visual amenity as required by Policy E20 of the Local Plan.
- 7.13 The application site is adjacent to the western boundary of the Abington Park Conservation Area. The historical significance of the area is derived from the relationship of a public park dating from the turn of the 20th century, incorporating remnants of earlier 18th century parklands and the residential dwellings from the Victorian and Edwardian eras that surround the park. Furthermore, PPS5 states that whilst an area may have a high degree of historical significance. it does not follow that each site within the area would have the same significance. The lights / columns are visible from a number of points within the Conservation Area, however, these views are broken and limited by the general topography of the area combined with the presence of trees and a variety of buildings such that there is no detrimental impact on this heritage asset. Therefore the overall impact upon the character and appearance of the Conservation Area is neutral and compliant with the requirements of PPS5 – Planning for the Historic Environment and Policy E26.
- 7.14 Local Plan Policy E9 identifies Abington Park as being a *locally important landscape area* with the important landscape features being defined as the formal landscaping of the park combined with its undulating character and significant mature trees. The lighting columns although visible, would not erode this distinctive character due to the separation distance of some 90m and the intervening built form (Wellingborough Road and the residential properties to the south of the ground) and therefore Policy E9 has not been breached.
- 7.15 In addition, it should be recognised that the lights are extremely similar to that considered with the 2009 proposal. Therefore although there are some deviations within the positioning of the lights, the overall visual impacts when viewed from the Conservation Area is comparable to that previous deemed acceptable and therefore objections on these grounds would be unreasonable.
- 7.16 Abington Cottages (Grade II Listed Buildings) are located to the east of the site and date from the 19th century, when they were

constructed as almshouses. The historical significance of these buildings is derived from the former use of the buildings, combined with their appearance and internal layout. However, the contribution of these buildings to the character of the wider area is limited due to the development of the land in the intervening period resulting in a lack of visibility of these buildings from public areas. Notwithstanding this, the buildings are distinctive in nature and whilst it is recognised that the lights are visible from these properties, the lighting columns would not impact upon these points of historical significance and when combined with the separation distances involved it is considered that there would not be a significant impact upon these heritage assets.

7.17 It is also noteworthy that Abington Cottages were listed in 1976 at a time when there were football floodlights at the cricket ground as the ground was shared with Northampton Town Football Club. It is reasonable to assume that at the time of listing, the presence of the floodlights did not affect the setting of the Cottages to the point that listed building status would not have been justified.

GRP Cabinet

7.18 A cabinet constructed from glass reinforced plastic (GRP) is proposed to be located adjacent to the southern boundary of the site. The purpose of the cabinet is to provide a safe location for the equipment necessary to connect the lights to a power source. This structure has a height of 2.08m and therefore would not be viewed from outside of the ground resulting in a neutral impact upon visual amenity. It restricted size also ensures that there would be no undue detrimental impact upon residential amenity. Therefore this element of the proposal is compliant with Policy E20 of the Northampton Local Plan.

Transport considerations

7.19 Whilst this application does not seek consent to extend the capacity of the Cricket Ground, it is likely that the provision of enhanced facilities would increase the attractiveness of the ground to visitors. Furthermore, based upon the 2010 fixtures, the use of floodlights has been limited to the games with the greatest number of attendees (Twenty-Twenty and Pro 40 competitions). As a result of this proposal, it is likely that larger numbers of people would be visiting the ground during times not traditionally associated with the playing of cricket. It is noted that the applicant has submitted a Transport Assessment, which draws the conclusion that the lighting would not give rise to an unacceptable impact upon highway safety. However, in order to ensure compliance with PPG13 - Transport, it is WNDC is requested to recommended that consult Northamptonshire County Council as Highway Authority and ensure that all matters arising from this process are addressed prior to the determination of this application.

Other considerations:

7.20 Representations received have commented on the differing lighting solutions used elsewhere and whilst it is acknowledged that a range of differing types of lighting columns are available, some of which are retractable, the current application must be determined on what is proposed on its individual planning merits. For the reasons set out previously it is considered that lights in their current form are acceptable. Representations have also commented upon the use of a large television screen during play. However, it should be recognised that the use of this screen does not form part of this application and by reason of its temporary nature does not constitute development and as such planning permission is not required for the screen.

8. CONCLUSION

8.1 Whilst it is recognised that the proposal would have an impact on the surrounding area and residential properties, it is considered that when balanced against the benefits of the proposal, the limited use of the floodlights and their inherent similarities to those lights that gained planning permission in 2009 the proposal is acceptable and any reasons for objection could not be readily sustained.

9. LEGAL IMPLICATIONS:

9.1 None.

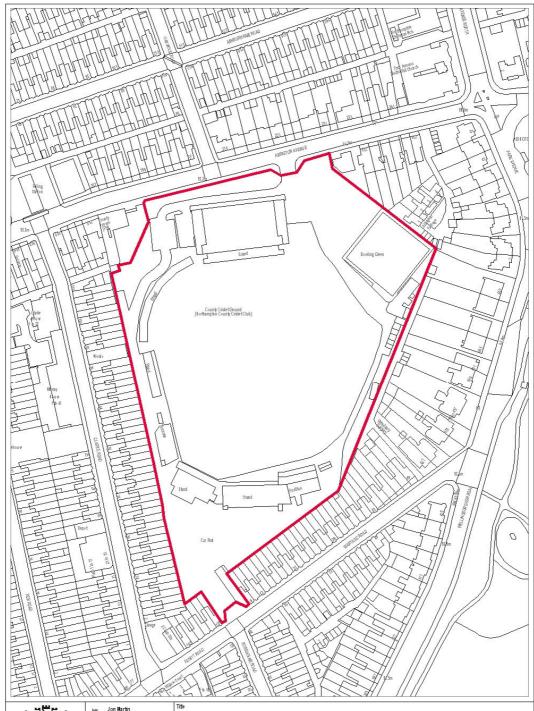
10. BACKGROUND PAPERS

10.1 N/2009/0481 and Item 12a from the Planning Committee meeting held on the 26th August 2009.

11. SUMMARY AND LINKS TO CORPORATE PLAN

11.1 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.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	09/09/2010
Development Control Manager:	Gareth Jones	16/09/2010





- 14th August 2009
- 1:1750
- jim: Ad: Ad: Agd Angd Planning Location Plan

County Cricket Club

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