



PLANNING COMMITTEE: 3 September 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0527 **Variation of Conditions 1 and 2 of Planning Permission N/2012/0085 to allow the lights to be used during the holding of outdoor concerts (2 per year) and to extend the time when the lights can be used by 15 minutes to 22.30 hours on 6 occasions per year. After 22.30 hours the lights to be dimmed to 100 Lux until 23.00 hours and then switched off. Northamptonshire County Cricket Club, Wantage Road, Northampton**

WARD: Abington

APPLICANT: Mr D. Smith; Northamptonshire County Cricket Club

AGENT: Mr S. Shardlow; Design-Ex Exhibition Architecture

REFERRED BY: Cllr. I. Choudary

REASON: Due to the potential impacts arising from the use of the lights and people leaving the ground

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposed revisions would not unduly impact upon the amenities of the occupiers of surrounding properties and as such is compliant with the requirements of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks permission to vary Conditions 1 and 2 of Planning Permission N/2012/0085. These conditions and associated reasons for the conditions currently read:

1. *The floodlights shall be used for a maximum of 15 days per year (between 1st April and 30th September only) to enable the staging of cricket matches and shall not be used for any other purpose.*

Reason: To control the number of night time cricket matches and to ensure that the floodlights are used in connection with the sporting use of the ground, in the interests of the amenities of the surrounding occupiers, in accordance with Policy E20 of the Northampton Local Plan.

2. *The floodlights shall not be switched on between the hours of 23:00 and 9:00. In between the hours of 22:15 and 23:00, the floodlights shall only operate at a maximum of 100 Lux (as shown on the submitted revised plans entitled “illumination summary – existing and work spill 135673GFinal”, received on the 8/7/10). In the event that the match finishes before 22:15, the floodlights shall be turned down to operate at a maximum of 100 Lux, immediately upon the completion of play.*

On no more than six occasions in any calendar year (which for the avoidance of doubt shall be included within the 15 days permitted within Condition 1 of Planning Permission 10/0097/FULWNN), the lights shall operate at the levels specified within Condition 3 of Planning Permission 10/0097/FULWNN until 22:15. At 22:15, the lights shall operate at no more than 100 Lux and in accordance with the plan entitled “illumination summary – existing and work spill 135673GFinal”, received on the 8/7/10. The Local Planning Authority shall be notified in writing at least seven days in advance of such a game.

Reason: To maintain the amenities of adjacent residential properties in line with the requirements of PPS23 – Planning and Pollution Control.

2.2 The applicant seeks permission to vary Condition 1 of the existing planning permission to allow the existing lights to be used additionally during the holding of concerts for a maximum of two occasions per annum. These two occasions would be included within the 15 permitted days not in addition to these.

2.3 The applicant also seeks permission so that on a maximum of six occasions per year, that the lights could be used until 22:30 irrespective of when the event finishes. At this time, in line with the requirements of Condition 2, the lights would have to be reduced in intensity to 100 Lux until 23:00, at which time they would be extinguished. On all other occasions, the lights would be turned down to 100 Lux on the completion of play or at 22:15 (whichever is the earliest) and extinguished at 23:00.

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 wider area is 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.

- 3.2 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. RELEVANT PLANNING HISTORY

- 4.1 09/0061/FULWNN – Erection of two Commentary Boxes, Camera Gantry, extension to Pavilion and installation of six floodlights (48m in height) – Approved
10/0097/FULWNN – Retention of six floodlights (48m in height) columns and a GRP Switch Cabinet – Approved
N/2012/0085 – Application to vary condition 2 of planning permission 10/0097/FULWNN to allow operation of floodlights after completion of play until 22:15 on 6 occasions per calendar year – 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 for this part of the Borough comprises of the saved policies of the Northampton Local Plan 1997.

5.2 National Planning Policy Framework (NPPF):

Within the NPPF, Paragraph 17, which requires that new developments are of a good standard of design and secure a good standard of amenity and Paragraph 125, which requires light pollution to be minimised, are of particular relevance.

5.3 Northampton Local Plan:

E1 – Landscape and Open Space
E20 – New Development

6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Environmental Health (NBC)** – On the basis that the number of instances when the lights will be used will not increase and use for concerts will substitute for the use for cricket games there is no objection to the proposals.

- 6.2 **Northamptonshire Police Crime Prevention Design Advisor** – No objections.
- 6.3 Objections from the occupiers of **88 Ashburnham Road; 50 Roe Road, 65 Wantage Road** and **429 Wellingborough Road**. Comments can be summarised as:
- The proposed variation would result in disturbance and disruption caused by the lights to garden areas and rear facing rooms
 - The proposed lights are invasive.
 - The use of the site for concerts and other events is disruptive due to noise, the behaviour of some people and parking
 - Evening matches are noisy, but past concerts have generated greater levels of noise
 - The proposal is an erosion of the original planning permission
 - The lights have an adverse impact upon the Conservation Area
 - Planning conditions have been breached in the past.
 - Other grounds feature lights that are smaller and feature less invasive lighting
- 6.4 A letter from the representatives of the occupiers of **431 Wellingborough Road** objecting to the proposed variations on the grounds that the lights have extended the hours of usage of the ground beyond its established use, with the use of lights likely to generate additional noise, disturbance and intrusion from the lights. It is considered that the proposal fails to accord with the requirements of the NPPF and the Local Plan. It is also considered that insufficient technical evidence has been submitted in respect of the proposed variations. Concerns are also raised regarding previous breaches of planning control.
- 6.5 **37 standard letters** (i.e. of the same content) from residents of Roe Road, Wantage Road and Clarke Road objecting to the proposal due to the brightness of the lights shining into gardens and detrimentally affecting living conditions due to impacting on bed times.
- 6.6 **Cllr. I. Choudary** – Requesting that the application is determined by the planning committee due to the impacts of the lights and people leaving from the ground on the surrounding residential area.
- 6.7 **Cllr. T. Ansell** – Supports the application. Previous applications have attracted people from nationwide and have certainly promoted the venue.

7. APPRAISAL

- 7.1 The established use of the application site falls within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (defined as being for assembly and leisure type uses). As a result of this, the holding of concerts within the ground does not constitute a

change of use and therefore does not require planning permission. It is understood that separate licencing controls are in existence over the holding of such events. As a consequence of this, the matters for consideration within this planning application are the impacts of the lights being used for concerts in addition to the permitted use to facilitate the playing of cricket and the impacts of the lights being used for an additional 15 minutes on six occasions per annum.

- 7.2 It is accepted that the floodlights were granted planning permission in order to enable the Cricket Club to respond to changes in the game (i.e. an increase in the number of shorter matches, played during the evening periods); however, it is considered that the limited use of the floodlights for non-cricketing functions could also support the viability of the cricket club by increasing the range of activities that would take place at the site, which would, in turn, assist in the promotion of the town and would facilitate the provision of a greater leisure offer.
- 7.3 In respect of Condition 1, the applicant has not applied to vary the technical elements of the lights. As a consequence of this, it is considered that the impacts of the lights being used for the staging of concerts would be neutral as their specification (e.g. intensity) would be unchanged between both types of events and has previously been deemed acceptable. It should also be noted that concerts could be held at the ground that are illuminated by temporary lighting structures, without requiring planning permission, as took place last year.
- 7.4 Regarding the wider potential implications of varying both conditions as proposed, the current planning permission permits the lights to be used at their full level until 22:15 or until the cessation of play in a cricket match (whichever is the earliest); however, on a maximum of six occasions per year, the lights can operate at their full level irrespective of when the cricket match finishes. The applicant proposed that this time be varied until 22:30. The existing restriction over the operating times is intended to ensure that the use of the lights would have a neutral impact upon the occupiers of neighbouring properties. Given that the proposed change to the operating hours is of a limited nature (i.e. 15 minutes) and would only take effect on six nights per year, it is considered that the overall effect on residential amenity would be limited in terms of light impact.
- 7.5 As part of the application process, the Council's Environmental Health section has been consulted and no objections to the proposed extension of operating hours have been received. In order to secure a satisfactory standard of development, it is recommended that conditions are applied to any approval requiring that the applicant gives prior notification to the Council of their intention to utilise the lights until 22:30. Furthermore, conditions requiring that the lights are operated at their lower level until 23:00 should be retained in order to protect amenity levels.
- 7.6 Representations have been made that comment on the absence of technical data in support of the application. Although this is factually

correct, the initial applications for the installation of the lights included this information and it informed the determination of the applications and the detail of the conditions in question. It is recommended that these wider conditions are carried forward in order to maintain neighbour amenity levels.

- 7.7 It is likely that noise would emanate from the ground for longer periods of time as a result of the lights being used for an additional 15 minutes on six occasions per year, which would be combined with any additional noise arising from spectators leaving the ground proportionally later. Given the relatively small scale (i.e. 15 additional minutes per event) and the limited frequency of the events, it is considered that any additional noise is unlikely to be significant and therefore refusal of the application would be unwarranted. The use of amplified music is controlled through a condition that is not the subject of variation and which is recommended to be retained.
- 7.8 As the proposal does not include the provision of any new structures, it is considered that there would be no undue detrimental impact upon the character and appearance of the Abington Park Conservation Area as required by Local Plan Policy E26. On account of the use of the site being unchanged, it is considered that the proposed development would not pose an undue detrimental impact upon the highway system.

8. CONCLUSION

- 8.1 It is considered that the proposed variation of conditions would not generate any significantly greater impacts than the current levels of use in respect of the lights. It is therefore considered that the proposal variations are in accordance with the requirements of the National Planning Policy Framework.

9. CONDITIONS

(1) The floodlights shall be used for a maximum of 15 days per year (between 1st April and 30th September only) to enable the staging of 13 cricket matches and two concerts and for no other purpose.

Reason: To control the number of night time events and ensure that the floodlights are used in connection with the lawful use of the ground, in the interests of the amenities of surrounding occupiers, in accordance with Policy E20 of the Local Plan and the National Planning Policy Framework.

(2) The floodlights shall not be switched on between the hours of 23:00 and 9:00. Between the hours of 22:15 and 23:00, the floodlights shall only operate at a maximum of 100 Lux (as shown on the submitted revised plans entitled "illumination summary – existing and work spill 135673GFinal", received on the 8/7/10). In the event that a cricket match or concert finishes before 22:15, the floodlights shall be turned down to operate at a maximum of 100 Lux, immediately upon the completion of the event.

On no more than six occasions in any calendar year (which for the avoidance of doubt shall be included within the 15 days permitted within Condition 1 of this Planning Permission), the lights shall operate at the levels specified within Condition 3 of this Planning Permission until 22:30. At 22:30, the lights shall operate at no more than 100 Lux and in accordance with the plan entitled "illumination summary – existing and work spill 135673GFinal", received on the 8/7/10. The Local Planning Authority shall be notified in writing at least seven days in advance of such an event.

Reason: To maintain the amenities of adjacent residential properties in line with the requirements of the National Planning Policy Framework.

(3) The levels of light spill into adjacent properties shall be in accordance with the levels shown on the approved revised light spill plans numbered; 135673Final entitled Illumination Summary: Spill, Abington Avenue, Wantage Road, LTW Clarke Road #1, LTW Clarke Road #2, Wellingborough Road and Boundary Vertical Spill. On site readings should be within 10% (+ or -) of the specified readings to allow for operational, weather and atmospheric conditions. A scheme identifying how the light spill from the floodlights will be monitored shall be submitted to and agreed in writing by the Local Planning Authority within two months of the date of this permission. This shall include an annual monitoring report with on-site meter readings at agreed locations surrounding the ground (as compared to the levels proposed within the approved drawings). The results of this annual survey shall be submitted to the Local Planning Authority. If the on-site Lux values exceed the figures in the approved plans, a scheme identifying measures to address the light spill shall be submitted and approved in writing by the Local Planning Authority. Therefore, the floodlights shall not be used until any proposed mitigation measures implemented in full, in accordance with the approved details.

Reason: To ensure that the levels of the light spill are controlled to an acceptable degree, in the interests of residential amenity accordance with the National Planning Policy Framework.

(4) No amplified music shall be played at the ground between the hours of 22:15 and 09:00. In the event that the event finishes prior to 22:15, any amplified music shall be turned off immediately upon the completion of play in the case of a cricket match and the conclusion of the live performance in the case of concerts. Thereafter, the PA system shall only be used for the purpose of emergency or public safety announcements in accordance with the National Planning Policy Framework.

Reason: To prevent the amplification of noise at anti-social times, in the interests of residential amenity.

(5) The approved floodlights shall only be operated when connected to the mains electricity supply and shall not be powered by generator(s).

Reason: In the interests of residential amenity in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

10.1 09/0061/FULWNN, 10/0097/FULWNN, N/2012/0085 and N/2013/0527

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 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.



Name: **Planning**
 Date: **15th August 2013**
 Scale: **1:2000**
 Dept: **Planning**
 Project: **Committee**

Title

Northamptonshire County Cricket Club

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