

P/12/0936/VC

LOCKS HEATH FOOTBALL CLUB

TITCHFIELD COMMON

AGENT: LOCKS HEATH
FOOTBALL CLUB

VARIATION OF CONDITIONS 1 & 2 APPLIED TO P/01/01387/VC TO ALLOW USE OF FLOODLIGHTS FOR TRAINING AS WELL AS MATCHES AND ON 72 OCCASIONS PER ANNUM

LOCKS HEATH SPORTS & SOCIAL CLUB 419 WARSASH ROAD FAREHAM
HAMPSHIRE PO14 4JX

Report By

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Site Description

The application site comprises the northern half of the recreation ground located between Hunts Pond Road and Warsash Road. The recreation ground, together with the allotments along Hunts Pond Road to the immediate north, is designated within the borough proposals map as being Existing Open Space whilst also being within the urban area.

The northern half of the recreation ground includes a football pitch which is surrounded by low level barriers. A total of eight flood lights mounted on 15 metre high poles are located at points with two on each side of the pitch.

Immediately adjacent to the application site to the north are allotments and to the south the remainder of the recreation ground, including a cricket square, a sports and social club building, pavillion and small hall as well as a car park. A public footpath runs around the north and eastern sides of the recreation ground.

To the immediate west of the recreation ground lie a number of residential properties within The Farthings and Poundgate Drive. To the east of the ground are houses on Warsash Road and Hunts Pond Road as well as infill development at the rear of those dwellings.

Description of Proposal

Permission is sought to vary conditions 1 & 2 of planning permission P/01/1387/VC to allow the use of the flood lights at the ground for training as well as matches and on up to 72 occasions each year.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS21 - Protection and Provision of Open Space

Relevant Planning History

The following planning history is relevant:

P/11/0980/VC

**VARIATION OF CONDITIONS APPLIED BY REF P/01/1387/VC TO
FACILITATE INCREASED HOURS OF FLOODLIGHT OPERATION**

WITHDRAWN 06/12/2011

<u>P/01/1387/VC</u>	Variation of Condition 4 of P/99/0298/FP (Hours and Occasions when Floodlights may be Used)
	PERMISSION 19/02/2002
<u>P/99/0298/FP</u>	Erection of Eight 15 metre high Floodlighting Columns.
	PERMISSION 07/03/2000

Representations

Fifteen letters have been received, predominantly from residents living near to the recreation ground, objecting to the application on the following grounds:

- Light and noise nuisance
- Use of offensive language
- Vehicle nuisance from car park
- Inconsiderate parking in nearby roads
- Increased traffic
- Litter
- Poor condition of pitch
- Will make the ground unavailable to other users

Twenty-six letters have been received from elsewhere in the borough and the wider area in support of the application with the following comments:

- Benefit to whole community
- Positive effect of football on health and providing activities for young people
- Necessary for the club's future success and development
- Will help prevent anti-social behaviour in the car park
- Football pitch was there before nearby houses

Consultations

Director of Planning & Environment (Highways) -

As there are no implications for transport or highways, no highway objection is raised to this proposal.

Director of Regulatory & Democratic Services (Environmental Health) -

Until very recently the use of the flood lights has not been a source of nuisance complaint to this department. However, a current complaint relates to the flood lights being left on after a match for the purposes of pitch maintenance. This case will be closed shortly as nuisance monitoring forms have not been returned.

There is no objection to the use of the flood lights for training. However, to increase the permitted number of times threefold to 72 occasions may result in complaints particularly in respect of noise. Complaints may arise associated with the entry and exit of cars, referees/training whistles, voices, cheering, etc. and possibly the lighting levels. From experience the types of noise mentioned are less able to be defined as a statutory nuisance enforceable by local authorities than say loud amplified music but they may cause similar annoyance and distress to local residents. The increased intensity of use may well stretch the tolerance of local residents who up until now have not complained.

Director of Community (Leisure) -

The Leisure & Community Team have been involved in ongoing dialogue with the Locks Heath football Club Chairman with regards to the clubs ambition to progress to a higher league. The main issue being that the league regulations require development of the infrastructure to create a more formal football stadium facility.

While the Council is seeking to support the club with their ambitions, the problem has been that as public open space, there is limited opportunity to redevelop the Locks Heath Recreation Ground without compromising public access to the site and inconveniencing local residents.

It is understood that the original planning application for floodlighting on the site was granted with restrictions to take account of the fact that the site was public open space and had adjacent residential neighbours.

It is not unreasonable that the club should have the opportunity to extend the number of occasions that the floodlighting can be used, however it would be appropriate to have conditions that specified the extent of the use permitted. This would allow residents to understand the extent of the use and help to manage the more intensive use of the pitches, the maintenance of which remains a Council responsibility.

With this in mind a temporary permission would be supported which would enable a trial period after which any issues and concerns could be considered and addressed accordingly.

Planning Considerations - Key Issues

i) Existing terms of use of flood lights

Planning permission was originally granted in March 2000 for the erection of the eight 15 metre high columns and flood lights (ref P/99/0298/FP). Subsequent permission was granted in February 2002 for an increase in usage of the lights from 15 to 25 occasions per calendar year, the conditions imposed at the time still being in effect today (ref P/01/1387/VC).

Condition 1 restricts usage of the flood lights for football matches only (and explicitly states that they shall not be used for training or any other purpose).

Condition 2 limits the number of occasions the lights can be used during any one calendar year to 25.

Condition 3 gives the permitted hours of operation of the lights to be between 1530 - 2200 hours.

Condition 4 caps the use of the lights to three and a half hours at a time.

Condition 5 states that the luminance levels from the flood lights should not exceed that set out in the original planning permission.

The comments received from the Council's Environmental Health Officer above note that, with the exception of a recent complaint relating to the flood lights being left on after a match for the purposes of pitch maintenance, the lights have not been a source of nuisance complaints to the Council.

ii) Proposed flood light usage

This planning application has been submitted on behalf of Locks Heath Football Club. The planning statement submitted by the club in support of their application explains that, following the club's development and expansion to four teams in recent years, the restrictions placed on the use of the flood lights are making it increasingly difficult for the club to function properly.

The proposal is to increase the use of the flood lights so it can be used for training purposes as well as football matches. It is understood that, due to the restrictions in place, the teams currently use alternative facilities nearby. To be able to use the flood lit ground at Warsash Road for training sessions would be of obvious financial and practical benefit to the club.

It is also proposed to increase the number of times the lights may be used from 25 occasions a year to 72. This is in part due to the desire to use the pitch and lights for training purposes. It is also a result of issues to do with the number of matches each of the four teams play throughout the year and the occasional need to reschedule matches to be replayed on an evening, for example due to bad weather or pitch conditions.

The club have not submitted details of the exact dates and times when they intend to use the flood lights as this would obviously vary from season to season and cannot be anticipated far in advance. Instead the club's proposal is intended to offer flexibility in order to be able to respond to the changing needs of the club in the future. However, as an example the proposed usage would equate to the flood lights being used on 2 - 3 occasions per week through the months of October to March inclusive. The club's website indicates that matches played on Saturdays typically begin at 1330, 1400 or 1500 meaning that over the course of a 90 minute match the flood lights would most likely be needed at certain times of the year. It is therefore not anticipated that the flood lights would only be used in the evenings during the mid-week.

iii) Recreational function of the site

The site forms part of the designated open space of the recreation ground and adjacent allotments. Policy CS21 (Protection and Provision of Open Space) of the adopted Fareham Borough Core Strategy sets out the Council's position to "safeguard and enhance existing open spaces... to add value to their recreational functions". The proposal therefore is considered to accord with this policy in that the flood lights at the recreation ground allow it to be used more intensively and at times when ordinarily such use would not be possible. It is acknowledged that football is just one of the many types of activity which could take place on the recreation ground. Notwithstanding, the proposal itself aims to bring the ground into use when it is too dark for most other uses to occur in any case and so Officers do not see that there is necessarily any conflict between the various uses of the application site and wider designated open space.

The application has received twenty-six letters of support from members of the local and wider community. The comments made have been noted by Officers and clearly the benefit of enhanced recreational facilities to residents of the borough is an important material consideration which should be given weight accordingly.

iv) Effect on living conditions of neighbours

The proposed increase in usage of the flood lights must be considered carefully with

regards to the potential impact on those residents living nearby.

The planning conditions subject of this application refer directly to Policy DG1 of the Fareham Borough Local Plan Review which was not saved following the introduction of the Fareham Borough Core Strategy. Nonetheless, matters of noise and light pollution are still important material planning considerations as emphasised in paras 123 & 125 respectively of the National Planning Policy Framework (NPPF).

It is noted that the majority of the letters of objection received have come from those residents living closest to the recreation ground. The main concerns were over increased disturbance through the luminance of the flood lights and noise from vehicles and footballers themselves. As already noted, the Council's Environmental Health Officer has reported that to date the use of the flood lights has not resulted in any complaints to their office. Notwithstanding the letters of objection received and reports of some of the problems currently encountered, there would appear to be agreement amongst those closest that the current controls in place are "tolerable", "reasonable" and have "generally worked well in striking a fair balance". It would also appear that, with perhaps the exception of one or two properties immediately adjacent to the ground, the principal amenity issue is not light but noise. The nature of the proposal means that the lights would be used principally in the evening time at low sunlight during the late autumn/winter/early spring months. It is unlikely that residents would wish to spend a protracted amount of time in their gardens in such conditions and so would more likely be indoors.

Taking the above points into account Officers consider on balance that, subject to conditions being imposed in mitigation, the effect of the increased usage of the lights would not be materially harmful to the living conditions of residents over and above the level of disturbance already being experienced. Full details of the conditions suggested by Officers are given below. By restricting certain aspects of the increased use other than the number of occasions and type of use, the effect on residents nearby can be reduced to the extent that it would still be unlikely to result in any complaints to the Council which could be identified as relating to a statutory nuisance.

v) Parking congestion

A number of neighbours living close to the recreation ground have raised the issue of parking congestion with the suggestion being that people attending football matches have used nearby roads to park in to the inconvenience of residents.

The recreation ground has a car park available for use. The car park is of a reasonable size and the Council's Highways adviser has not raised any concerns over its capacity. It is noted that residents claim that on some occasions the car park has not been made available during football matches as the barrier has been in place however Officers consider there is no reason why it should not be used to its full extent which would consequently reduce any pressure for street parking in the vicinity. It is acknowledged that the car park is used by others however it is unlikely that the times when the football club are making use of the flood lights in the evening would frequently coincide with other uses which themselves would attract large numbers of vehicles. Furthermore, it is anticipated that the use of the pitch for training sessions would be less likely to generate large numbers of vehicles than matches.

vi) Other issues

Several other issues raised in the representations received are worthy of explanation.

One such matter related to the illumination of the car park which was said to help deter anti-social behaviour. Whilst this may be an unintended consequence of usage of the flood lights it cannot in this instance be taken to be a positive one. The lights are intended to illuminate only the football pitch and any light spillage has potentially adverse implications for the living conditions of nearby residents.

Numerous letters received made reference to the use of offensive language, shouting and swearing by footballers. Whilst noise nuisance is a material planning consideration which is examined above, it is beyond the planning system to be able to deal with the issue of bad language.

vii) Conclusion and suggested conditions

On balance Officers consider that the proposed increase in usage of the flood lights is acceptable subject to further conditions being imposed to mitigate the effect on the living conditions of neighbours. Officers have discussed with the applicant what conditions would be reasonable for the club to be expected to work within.

The following draft conditions are put forward for members to consider imposing on any forthcoming permission:

1) The flood lights shall be used on no more than 72 occasions during any one calendar year, of which no more than 46 occasions shall be matches with the remainder being for training sessions.

Officers consider it is important to make the distinction between matches and training sessions since it is held that training sessions would have fewer implications in terms of neighbour amenity and parking congestion simply because they would usually involve less people and cars. The condition is worded so that whilst 46 matches a year would be permitted the club can choose instead to use some of those occasions for training sessions instead.

2) The flood lights shall not be used on more than two occasions from Monday to Friday during any one week.

This condition is to ensure that the clustering of occasions when the flood lights are used does not occur since such frequent usage within a short space of time would have an unacceptable cumulative effect on neighbouring amenity.

3) The flood lights shall not be used at any time on a Sunday or recognised public holiday.

This condition is also designed to ensure that the clustering of occasions when the flood lights are in use does not happen, for example on occasions each day from Thursday one week through to Tuesday the next. It is also acknowledged that on such days it would be reasonable that residents could expect some respite from the effects of the flood lights.

4) The flood lights shall not be switched on before 1530 hours and, with the exception of matches, when the flood lights shall be switched off by 2200 hours, they shall be switched off by 2115 hours on that same day.

It is understood that there is no need for training sessions to go on as late as matches. With this condition in place the flood lights would be turned off by 2115 hours on at least 26 of the 72 occasions.

5) No grounds maintenance machinery, including lawnmowers shall be used whilst the flood lights are in use.

There is no need for such maintenance to be carried out under flood lit conditions when such noise would be harmful to the amenities of neighbours.

It is also suggested that amended versions of conditions 4 & 5 of the 2002 permission be reimposed:

- During the permitted occasions and hours referred to in conditions 1, 2, 3 & 4 the flood lights shall not remain illuminated for a cumulative period in excess of three and a half hours.

- The luminance levels arising from the use of the flood lights shall not exceed those set out in the plan received 24th February 2000 in association with P/99/0298/FP.

In order to ascertain the effectiveness of these conditions and to fully assess the suggested balance between the needs of the football club and the amenities of neighbours, Officers consider a temporary period of one year would be suitable. A twelve month period would be sufficient in which to monitor the increased usage of the flood lights and take into account any complaints received during this time should the club wish to then apply for the arrangements to be made permanent.

Reasons For Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. Subject to the imposition of conditions, the proposed increase in usage of the flood lights would not materially harm the amenities of residents living nearby nor would it have any adverse implications on the availability of street parking nearby. The proposal is considered to make a positive contribution towards enhancing the recreational value of the site. There are no other material considerations judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

PERMISSION: flood lights used on up 72 occasions (46 matches) per calendar year; flood lights used no more than two occasions mid-week; no use of flood lights on Sundays/public holidays; operating hours of flood lights 1530 - 2115 (2200 for matches); no grounds maintenance machinery whilst flood lights in use; maximum cumulative period of flood lights use 3.5 hours; luminance levels in accordance with details of P/99/0298/FP; temporary period of one year

Background Papers

P/12/0936/VC

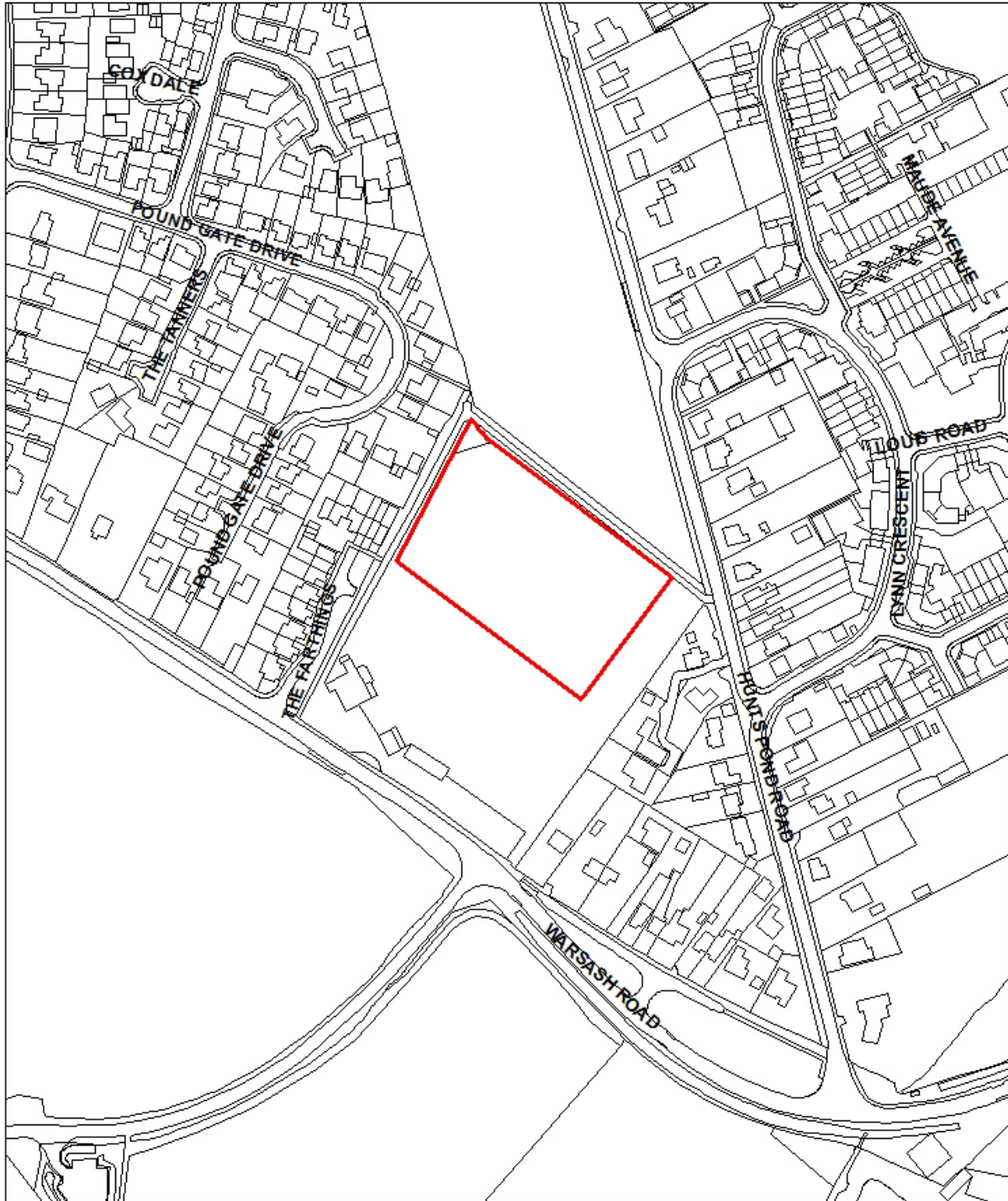
Updates

Members are asked to note that at paragraph 3 of section iv) of the Officer report reference

is made to no complaints having been received by the Council's Environmental Health office in relation to the use of the lights. For the avoidance of doubt it should be clarified that this is with the exception of a recent complaint relating to the flood lights being left on after a match for the purposes of pitch maintenance. This complaint is mentioned in the comments received from the Environmental Health officer.

FAREHAM

BOROUGH COUNCIL



Locks Heath Sports & Social Club
Scale 1:2500

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