

ITEM: 07

Application Number: 10/01267/FUL

Applicant: Elburton Villa FC

Description of Application: Variation of condition 2 of planning permission 06/01737/FUL, to allow floodlights at pitch no 2 to operate until 2200 hours

Type of Application: Full Application

Site Address: ELBURTON VILLA FOOTBALL CLUB, HAYE ROAD
ELBURTON PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 12/08/2010

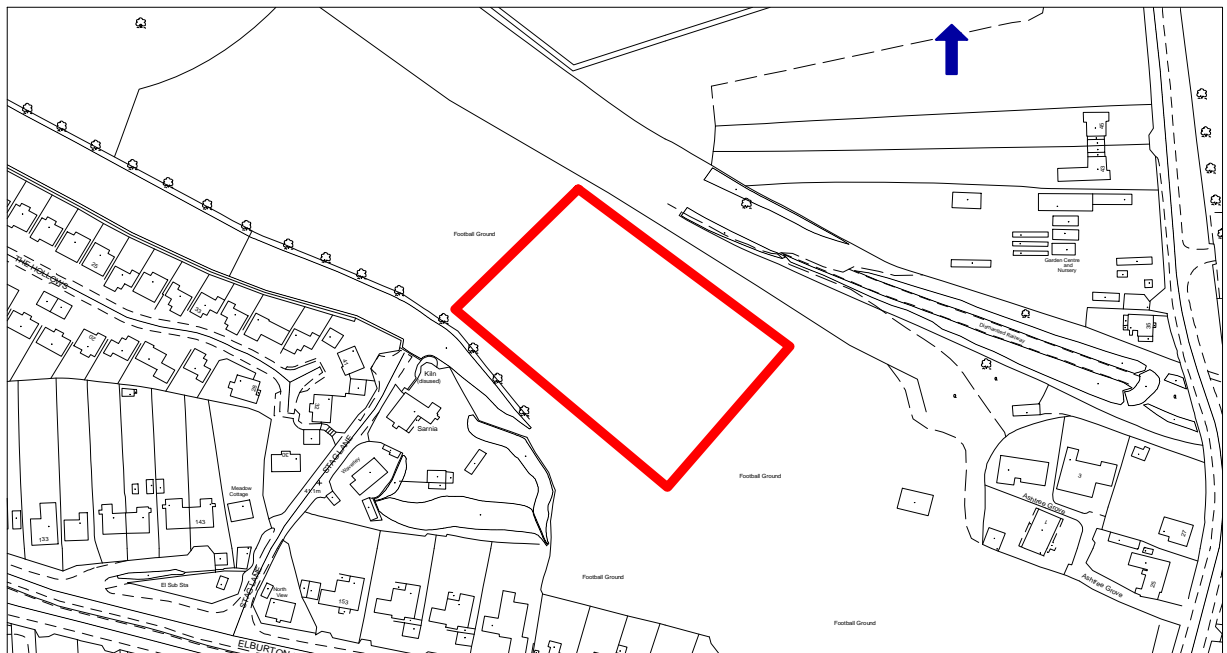
8/13 Week Date: **11/11/2010**

Decision Category: Major Application

Case Officer : Stuart Anderson

Recommendation: Grant Conditionally

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OFFICERS REPORT

Site Description

Elburton Villa Football Club is accessed from Hays Road. The site comprises three training pitches, a clubhouse and associated car parking.

The site is bounded by residential properties to the south, and Moorcroft Quarry to the north. Pitch 2 is bounded by the other training pitches to the east and west.

Proposal Description

Variation of condition 2 of planning permission 06/01737/FUL, to allow floodlights at pitch no 2 to operate until 2200 hours.

Condition 2 of 06/01737/FUL requires that the floodlights are turned off at 2100 hours.

Relevant Planning History

06/01737/FUL - Covered spectator stands (with associated re-grading works) and installation of floodlights, at pitch number 2 – granted

96/00262/FUL – Erection of 5.5m high fences comprising 1.8m green wire mesh with green netting above – granted

88/02234/FUL – Formation of football pitches with associated car park and erection of changing rooms and showers - granted

Consultation Responses

Transport Officer – no comments

Public Protection Service – regard must be had to the guidance notes for the reduction of obtrusive light. Consideration must be had for the design and direction of floodlights to reduce the potential for obtrusive light. In particular the direction of floodlights should seek to reduce the potential for light spill that may impact on local residential properties. Also, floodlights must be turned off no later than 2200 hours. Artificial light during night-time periods will have a more significant potential to cause annoyance or nuisance to people living in the vicinity of the ground.

Representations

Three letters of representation have been received. These are from persons living in the nearby residential streets, The Hollows, and Elburton Road. Two of the letters object to the proposal, on the following grounds:

1. Noise, shouting and bad language from the football pitch,
2. The extended playing time would further extend the nuisance created by this club,
3. Impact on privacy and security,
4. Noise from generators,

5. The letter notifying neighbours of the development does not seem to have been targeted at those closest to the football ground,
6. Light pollution.

Point 1 is not a material planning consideration, other than in respect of noise generally. Point 3 is not considered to be applicable to this application. With regard to point 5, the letters that have been sent are consistent with those sent on 06/01737/FUL and meet the requirements of the Council's Publicity Code. The other points are addressed in the following report.

The other letter writes in support of the proposal, stating that the club runs a number of teams including youth teams and is a valuable asset in the community.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The relevant policies are CS22 and CS34 of the Core Strategy. The issue on the case is whether the proposal to allow the floodlights to operate an extra hour, until 2200 hours, would cause disturbance to the residential properties near to the site.

The floodlights have not yet been installed. There would be six floodlighting columns, one being situated in each of the four corners of the pitch, and the remaining two being situated on the southern and northern sides of the pitch. The columns would be 16 metres in height.

The reason for putting this proposal forward is that the Football League would not be able to support a 21:00 hours curfew for the lights, as the Football Association competitions department are very clear that light curfews should be 22:00 hours. Midweek games must kick off at 19:45 hours with extra time available.

The nearest residential properties to pitch 2 are Sarnia, in Stag Lane, and 41 The Hollows. These properties are approximately 20 metres from the pitch edge, and are at a lower ground level. In the report for application 06/01737/FUL, it is noted that these dwellings would be shielded from direct light, and that the floodlights are designed to direct the light towards the pitch. The proposal was not considered to be harmful in terms of light pollution.

The representations on noise and nuisance from players, noise from generators, and light pollution are noted. However, the grant of planning permission reference 06/01737/FUL has found floodlights to be acceptable

here in principle. Due mainly to the separation distance between the pitch and the residential properties, it is considered that it would be difficult to argue that the floodlights would be harmful to residential amenity through operation for an additional hour. This stance is supported by the absence of concern from Public Protection Service in their consultation response.

On the basis of these observations, it is considered that it is acceptable for the floodlights to operate until 2200 hours, but no later.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

The proposal is recommended for approval.

Recommendation

In respect of the application dated **12/08/2010** and the submitted drawings, **as submitted in application 06/01737/FUL**, it is recommended to: **Grant Conditionally**

Conditions

FLOODLIGHT HOURS

(1) Condition 2 of planning permission 06/01737/FUL is hereby varied to read "The floodlights hereby permitted shall be turned off by no later than 2200 hours every day, and shall not be turned on before 1500 hours on any day."

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at, using, and leaving the facility, and to avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact on residential and general amenity, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified condition, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control

CS34 - Planning Application Consideration
CS22 - Pollution