

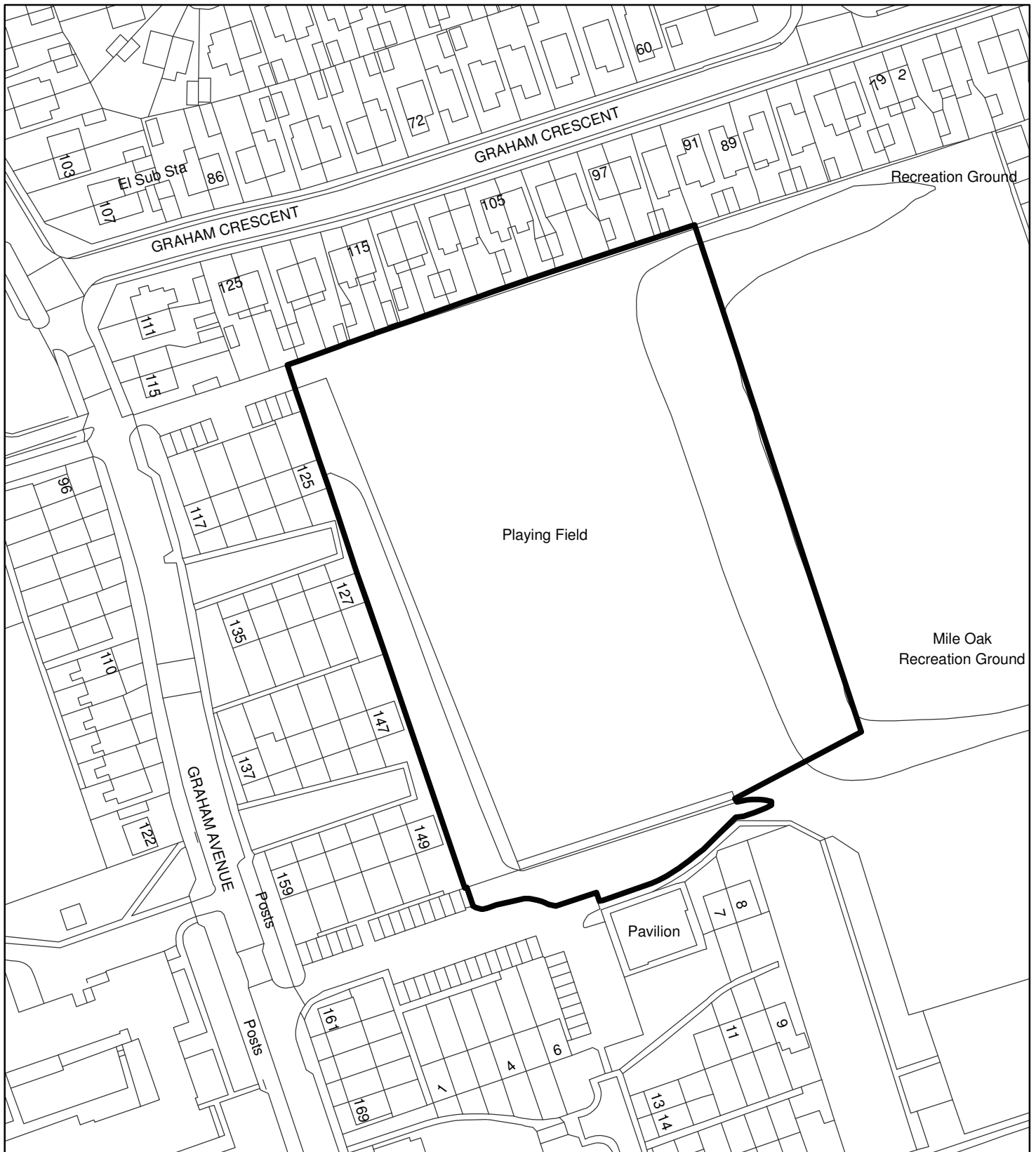
**PLANS LIST
ITEM F**

**Mile Oak Recreation Ground, Graham
Avenue, Portslade**

**BH2012/02815
Removal or variation of condition**

12 DECEMBER 2012

BH2012/02815 Mile Oak Recreation Ground, Graham Avenue, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/02815	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Mile Oak Recreation Ground, Graham Avenue, Portslade		
<u>Proposal:</u>	Application for variation of condition 3 of application 3/95/0255(F), (Erection of eight 16 metre columns each carrying two lamps to provide floodlighting of pitch), to allow floodlights to be used on Saturdays and Public Holidays between 2.30pm and 6pm and for one evening game a week between 6pm and 10pm.		
<u>Officer:</u>	Clare Gibbons, Tel: 292454	<u>Valid Date:</u>	24/09/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19/11/2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mile Oak Football Club, Mr Leslie Hamilton, 6 Nursery Close, Portslade		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 Mile Oak Recreation Ground is owned by the City Council and this application relates to the western part, which is laid out as a football pitch and used by Mile Oak Football Club. It is bounded to the north and east by the backs of two storey residential buildings in Graham Crescent and Broomfield Drive. To the west are the flank walls of two storey terraced residential properties in Graham Avenue. To the south is a sports pavilion and two storey residential units in College Rise with the remainder of the recreation grounds opening out onto Chalky Road.
- 2.2 The ground slopes upwards from west to east so that the football pitch is approximately level with the first floor windows of the terraced properties in Graham Avenue. It is then level with the ground floors of the properties in Graham Crescent. To the east of the pitch there is a bank that rises to a playing area level with the ground floor of the rear of the properties in Broomfield Road.
- 2.3 The football ground is bounded by wire fencing (that varies in height from 2m to approximately 3m) and a mix of vegetation, including mature hedging and trees. There is a shelter along the eastern side of the pitch and an outbuilding on the southern side. Each side of the football pitch are four 16 metre high columns each with two floodlights (a total of 8).

3 RELEVANT HISTORY

BH2010/01326: On 15th July 2010 planning permission was granted for the erection of a spectator stand to the South of the football pitch.

BH2009/02521: On 5th March 2010 an application seeking planning permission for the removal of the existing stand and erection of two spectator stands to the South and East of the football pitch was withdrawn.

BH2003/00358: On 11th April 2003 planning permission was granted to form a new pitch access with steps, new gate and fencing. New hardstanding to 3 sides of pitch. Replacement of two windows with doors to pavilion changing rooms. External lighting to pathway and stairs.

BH1999/01091: On 29th June 1999 it was determined that planning permission was not required for the installation of 15m free-standing pole supporting 3 cross-polar antennas, up to one microwave dish and existing floodlighting equipment. Installation of underground equipment cabinet approx. 34 cubic metres in volume.

3/95/0255: On 30th June 1995 planning permission was granted for the erection of eight 16 metre columns each carrying two lamps to provide floodlighting of pitch.

4 THE APPLICATION

4.1 On 30th June 1995 planning permission was granted for the erection of eight 16 metre columns each carrying two lamps to provide floodlighting of pitch. This permission was subject to the following conditions:

(1) *The development must be begun not later than the expiration of five years from the date of this consent.*

(2) *The lights should only be lit in connection with the playing of football and for no other purpose.*

Reason: To safeguard the character and amenities of the surrounding residential areas.

(3) *The lights may only be lit on Saturdays, between 2.30pm and 6.00pm, and on not more than two other occasions per calendar month, when they may be used only between 6.30pm and 9.30pm.*

Reason: To safeguard the character and amenities of the surrounding residential areas.

(4) *Before the floodlights are first brought into use, they shall be hooded, in accordance with details which shall have been previously agreed on site with, and subsequently confirmed in writing by, the Borough Council. There shall be no subsequent alteration of this hooding without the prior agreement in writing of the Borough Council.*

Reason: To minimise any glare or disturbance from the lights.

4.2 This application seeks to vary condition 3 above to allow:

(i) the lights to be used on public holidays in addition to Saturdays from 2.30pm to 6.30pm,

(ii) the lights to be used until 10pm instead of 9.30pm for evening matches and

(iii) the lights to be used one evening game per week rather than two per calendar month.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fifteen (15) letters** of representation have been received from (7 The Market, Upper Dive (BN3), 81 Overdown Rise (BN41), 79 Southwick Street (BN42), 15 Lodge Close (Portslade), 32 Benfleet Road (Essex), 382 Mile Oak Road (BN41), 5 Mansfield Road (BN3), 22 Sherbourne Road (BN3), 229 Valley Road (BN41), 137 Oakdene Crescent (BN41), 91 Wickhurst Rise (BN41), 60 Hallyburton Road (BN37), 290 Portland Road (BN3), 78 Applesham Avenue (BN3), 37 Carlye Avenue (BN2)) supporting the application for the following reasons: to comply with county league regulations and allow the fulfilment of the fixtures.
- 5.2 **One (1) letter** of representation has been received from **113 Graham Crescent** objecting to the application on the following grounds:
- that the condition was imposed to safeguard residential amenity,
 - in the past some concessions have been made regarding hooding etc. and since the applicant has indicated that there would be no increase in the number of games,
 - there is no justification for the proposed change.
- 5.3 **Sport England:** Support this application as it is consistent with their Planning Policy Objective 20: To support the installation of floodlighting of sports facilities where this will lead to a significant increase in opportunities for sport.

Internal:

- 5.4 **Environmental Health:** Support with an informative.
- 5.5 **Highway Authority:** No objection as the floodlights are not adjacent to publicly adopted highway.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan comprises:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
 - Brighton and Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF) March 2012

Brighton & Hove Local Plan 2005:

TR1	Development and the demand for travel
TR7	Safe development
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD26	Floodlighting
QD27	Protection of Amenity
SR17	Smaller scale sporting and recreational facilities

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the impact on the amenity of the surrounding area.

Principle of development

- 8.2 The football pitch is located on the western side of the recreation ground and is used by Mile Oak Football Club as their home ground. The Mile Oak Pavilion to the south of the application site is also used as changing rooms for players and toilet facilities for spectators on match days. There are eight existing floodlights (four each side of the football pitch). These floodlights were granted planning permission on 30th June 1995 and are subject to two ongoing conditions as follows:
- (i) The lights should only be lit in connection with the playing of football and for no other purpose.
 - (ii) The lights may only be lit on Saturdays, between 2.30p.m. and 6.00p.m., and not more than two other occasions per calendar month, when they may be used only between 6.30p.m. and 9.30p.m.
- 8.3 Section 73 of the Town and Country Planning Act 1990 (as amended) allows applications to be made to remove or modify conditions previously applied to a planning permission. This application seeks to alter the second condition above to allow the lights to be used on Bank Holidays and on one occasion per week up to 10pm. When determining this application, consideration can only be given to the question of the conditions and not the floodlights themselves.
- 8.4 In support of this application, it has been outlined that the intention of the extended hours is not to increase the number of games played but to allow greater flexibility. However, by allowing the increased frequency of the operation of the floodlights, it would be difficult to control the number of games played. The application should therefore be considered as if the increased hours of operation would enable extended/more football games to be played.

- 8.5 The proposal would help meet the objective of making best use of the playing fields and providing improved facilities. 15 letters of support have been received and Sports England has expressed their support for this application. Policy SR17 states that planning permission will be granted for smaller scale new sporting facilities provided that intensification would not have a harmful impact on the local environment either visually (including artificial lighting) through additional noise and disturbance or impact on the natural environment. The key consideration is therefore the impact of the additional hours of operation on the amenity of neighbouring residential occupiers.

Impact on the amenity of the surrounding area

- 8.6 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The nearest effected residential properties in Graham Avenue are less than 5 metres away and the back of properties in Graham Crescent are approximately 25 metres away from the pitch and its associated floodlights. The proposal could affect residential amenity by: (i) the noise and disturbance from people arriving and leaving and taking part in the sport and (ii) the light emitted from the floodlights.
- 8.7 One letter has been received expressing concern that the proposal is contrary to the spirit of the original hours of operation (which were imposed following an initial recommendation to refuse permission) and that no clear justification has been provided for the proposal. The proposal would enable matches to be played on Bank Holidays and two extra occasions each month. This could amount 32 extra occasions that the floodlights would potentially be on. This is a maximum number and it is anticipated that the use of the floodlights would vary throughout the year. Also the proposal would enable the floodlights to be on for an extra half-an-hour until 10pm for evening matches. There are many residential properties in very close proximity to the application site. Environmental Health has indicated that they have received no complaints relating to disturbance caused by the use of the floodlights. At the time of undertaking the site visit in respect of this application, a match was underway and vehicles in connection with the match appeared to be parked in the car park adjacent to the pavilion with no spillage out onto the surrounding roads. With the amended condition that still restricts the hours of operation and number of occasions that the floodlighting can be used, it is considered that there is no evidence that the additional hours of operation would result in significantly more disturbance to residents than the existing situation. It is still considered pertinent to impose a condition restricting the use to football games only as a use that serves the local community.

9 CONCLUSION

- 9.1 The proposal involves extending the hours of operation for the floodlighting of the football pitch on Mile Oak Recreation Ground to include bank holidays, two additional occasions a month and an extra half an hour for evening matches. Thus up to 32 extra occasions each year (including an extra half hour for

evening matches). At present it is floodlit for up to 76 occasions throughout the year.

- 9.2 The floodlights are in close proximity to surrounding residential properties and could raise amenity issues in respect of noise disturbance and light spillage. There is no evidence to demonstrate that the proposal would cause a material increase in disturbance over the existing situation and with the recommended conditions would comply with the spirit of policy QD26.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. The lights should only be lit in connection with the playing of football and for no other purpose.
Reason: To safeguard residential amenity and to comply with policies QD26 and QD27 of the Brighton and Hove Local Plan 2005.
2. The lights may only be lit on Saturdays and Bank Holidays between 2.30pm and 6.00pm and on not more than four other occasions per calendar month, when they may be used only between 6.30pm and 10pm.
Reason: To safeguard residential amenity and to comply with policies QD26 and QD27 of the Brighton and Hove Local Plan 2005.

11.2 Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposal would enable the best use of the football pitch and subject to the conditions imposed would not cause significant harm to the amenity of neighbouring residential occupiers.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Health & Licensing Department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.