

Applicants:

Northamptonshire
County Cricket Ground.

Application No:

10/0097/FULWNN

Date Registered:

08/07/2010

Expiry Date:

02/09/2010

Grid Ref:

477171 (E)

261737 (N)

Ward: Abington

Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 5th October 2010

Agenda Item: 5

Description: Retention of Six Floodlight Columns (48 metres in Height) and a GRP Switch Cabinet.

Address: County Ground, Abington Avenue, Northampton, Northamptonshire, NN1 4PR.

1. Recommendation

- 1.1 That the application be **APPROVED** for the following reason:
- 1.2 The development is required in order to modernise and update the County Cricket Ground in order to provide facilities that are compatible with current television and spectator requirements for televising County level cricket matches. In this regard, the proposals are consistent with the aims of promoting high level sport within Northampton. Furthermore, the impact of the proposals on the wider landscape, adjacent listed buildings, and the character and appearance of the Abington Conservation Area are considered to be acceptable. Subject to the imposition of appropriate conditions, any impact upon neighbouring amenity can be controlled to an acceptable level.

Therefore, following an assessment of the material planning considerations, it is considered that the proposal accords with

guidance within PPG17, and saved policies E1, E9, E20, E26 of the Northampton Local Plan.

2. Summary

- 2.1 In September 2009, a report was placed before WNDC's Northampton Area Planning Committee regarding an application from Northamptonshire County Cricket Club (NCCC) for the erection of six floodlight columns, along with various internal alterations to the cricket ground. Members resolved to approve the application, subject to a number of conditions to mitigate the impact of the scheme. For reference, a copy of the officer report to the September 2009 meeting is attached at Appendix A. Following the approval, the floodlights were subsequently erected in the early part of this year.
- 2.2 Following complaints to Northampton Borough Council's (NBC) enforcement team and to officers at WNDC, it was established that the floodlights had not been erected in the position shown on the approved plans. Therefore, the lights, as erected, do not have the benefit of planning permission because they are not compliant with the details previously approved by this Committee. Consequently, a planning application has now been submitted for the retention of the floodlights and associated attachments. This application has been submitted by Musco Sports Lighting - the company that erected the floodlights.
- 2.3 Comments on the merits of the scheme in planning terms are set out further in this report. However, it is stressed that the authority of WNDC, under its statutory function, is limited to the determination of the planning application. Issues of enforcement of planning controls rest with NBC. A number of additional complaints have been received by NBC regarding the operation of the floodlights during the course of the season, in relation to alleged breaches of the conditions attached to the previous scheme, particularly with regard to the hours restriction under condition 2. There is clearly a close relationship between decision making and future enforceability of any conditions attached. Further comments on this issue are set out below. At the present time, the conditions attached to the previous consent cannot be enforced by NBC because the floodlights have not been erected in accordance with that consent. In simple terms, the conditions attached cannot be applied to an unauthorised development.

2.4 In view of the above, the recommendation in this report is to approve the retrospective application subject to the conditions as set out. It is considered that the principle of the floodlights is acceptable but only on the basis of an approved scheme with conditions to mitigate any inappropriate impact upon neighbouring amenity. It is considered that the conditions are enforceable and will enable the enforcement authority to adequately control the impact of the scheme.

3. Description of Site

3.1. The application site relates to the Northamptonshire County Cricket Ground, located within Abington, approximately 2km east of the town centre. The site has a long history of sporting use and has accommodated the cricket club, and formerly Northampton Football Club, since the late 19th Century.

3.2. As with many traditional sports facilities of this kind, the site is well integrated with the surrounding built up area and is surrounded on all four sides by residential properties. The ground has vehicular entrances from Abington Avenue to the north (with car parking next to the new cricket school) and Wantage Road to the south (which gives access to the pavilion and associated car park). The terraced properties at Clarke Road back onto the western boundary and the Victorian/ Edwardian villas of Wellingborough Road wrap around the south-east corner of the ground. Aside from the Cricket Ground, the area is predominantly residential.

3.3. The houses fronting onto Wellingborough Road are included within the Abington Conservation Area due to their relationship with Abington Park which is a mature urban park stretching away to the south and east of the cricket ground.

3.4. Within the ground itself, is a combination of spectator stands and cricketing facilities. The largest building is the relatively new indoor cricket school on the Abington Avenue side of the ground. The main pavilion is in the south-west corner, with smaller stands along the Clarke Road boundary and two new stands sit adjacent to the cricket school to the north-east (approved by NBC under ref: N/2009/0214). Although no longer used, the bowling green is still situated to the eastern side of the ground, running up to the boundary with Abington Cottages – grade 2 listed dwellings.

4. Description of Proposal

- 4.1 The proposals seeks retrospective planning permission for the retention of 6 floodlight columns at the County Cricket Ground, in addition to an electricity switch cabinet, which is located in the south east corner of the ground adjacent to the Wantage Road/ Abington Road. Attached to each column are a number of ballast boxes at a height of 3m from ground level.
- 4.2 The floodlights are located at intervals around the perimeter of the ground. The current application seeks the retention of all six floodlights and measurements taken by NBC and WNDC officers on site demonstrated that none of the lights was in the position as shown on the approved site plan. However, the discrepancy for each light was different. The two lights furthest from the approved location are noted as P1 and P4 on the site plan. P1 is adjacent to the indoor cricket school on the northern side of the ground and P4 is adjacent to the switch cabinet in the south-east corner of the site. Both of these columns were around 10m from the approved position, when measured from adjacent buildings.
- 4.3 The reason given in the planning statement for the position of the lights is that the lighting engineers discovered practical difficulties when setting out the position of the lights on site, due to the location of roads and buildings. It was considered that the floodlights foundations which are on a 5m x 5m pad would undermine some of the adjacent buildings. The construction team on site erected the lights to take account of these constraints without the benefit of planning consent. The statement therefore suggests that there were a number of flaws in the design stage resulting in discrepancies between the architects drawing and the on-site engineering requirements. Clearly, the correct approach would have been to halt construction and apply for an amended planning application prior to construction. In this case, that didn't happen and the result is the unauthorised scheme that is the subject of this application.

5. Policy Considerations

5.1 WNDC Purpose:

- 5.2 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

5.3 **National Policy:**

5.4 The following Planning Policy Statements / Guidance should be taken into consideration in the determination of this application.

PPS1: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPS5: Planning for the Historic Environment

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPG23: Pollution

PPG24: Planning and Noise

5.5 **Development Plan:**

NBC Local Plan (1997): Saved Policies E1, E9, E20, E26.

5.6 **Other non statutory documents:**

5.7 WNDC Planning Principles (2009): Set out in this document are WNDC's three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

6. **Representations (summarised below):**

6.1 **NCC Sustainable Transport** : no comments

6.2 **NBC Planning**: A report will be taken to NBC's Northampton Planning Committee on 30th September to seek members views on the proposal. The comments of NBC are not therefore available at the time of writing and will be presented to members in an update prior to committee. Comments have been received from individual officers/ departments at NBC and these are summarised below:

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.

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.

6.6 A joint response from **Cllr B. Hoare** and **Cllr Markham** has been received. Object to the application on the following grounds:

- Impact upon visual amenity of the Abington Conservation Area and wider landscape
- The noise nuisance that will be experienced by local residents

- The light pollution that will be experienced by local residents
- The conditions attached to the application are unenforceable.

6.7 Additional comments in the letter are summarised as follows:

- The letter states that the assessment of the application in 2009 was inadequate in that there was no visual impact assessment submitted at the time. The intrusive nature of the towers is now evident and members should reconsider the impact on the landscape.
- The residents' fears of adverse impact have been realised since the lights have been in operation, games have proceeded beyond the agreed time and the cricket club have no motivation to comply with the condition and will rely on the condition not being effective.
- The light levels were considered appropriate and were assessed by a quality engineer. Experience of local residents and members is that the reality is unacceptable. Members need to be convinced that the approved light spill levels are appropriate and should undertake a site visit to assess this.
- NBC Environmental Health has received a number of complaints regarding noise impact during floodlit matches. The committee should reflect on its earlier assessment of noise impact and has a responsibility to local families and children. Unless noise can be controlled, the committee should not approve the development.
- The use of generators has caused further nuisance when the lights should have been connected to the mains. Whilst we believe the lights should be refused, if members are minded to approve, they should impose a condition stating that they should be connected to the mains supply before 1st May 2011.
- The existing conditions are poorly worded and difficult to enforce. They should be reviewed with the enforcement authority to ensure that residents can be protected.
- Members should recognise that a mistake has been made and take the opportunity to rectify this mistake. It would be a difficult decision to remove the floodlights but if this is the correct decision in planning terms, then that is the right decision.

6.8 An addendum is attached to the letter, stating that the applicant has provided misleading information with regard to the application, has failed to provide sufficient

information to enable a proper assessment of the application, and has failed to act as a responsible developer when implementing the planning permission. Particular reference is made to the fact that the lights have not been connected to the mains, contrary to statements in the planning permission, and the fact that no visual assessment/ montage was provided at the time of the previous application. It is suggested that the club continued to erect the lights, after realising they were in the wrong position, because no-one would dare to ask them to take them down.

7. Notifications and Responses

7.1 10 site notices were erected within the vicinity of the ground, neighbour letters were posted to surrounding residents and a press notice was issued.

7.2 In response, we have received letters of support from 3 residents, individual letters/ e-mails of objection from 74 addresses (some have sent multiple letters), and a letter written by David Lock Associates on behalf of 14 residents.

7.3 The following is a summary of the main comments:

In Support:

- I am a local resident and have noticed the lights but feel the benefits of the lights outweigh the negatives. The ground attracts visitors from afar who have a positive impact on the town
- Resident of Wantage Road states that there have been no problems with light spill from the lights since they were erected. Improvements to the ground should be encouraged
- Point out that local pubs close at 11.30, later than any noise generated by the cricket club.
- disturbance in terms of noise and light is negligible and quite acceptable for the minimal number of nights the floodlights are used
- the county ground was in existence long before all of the residents who live nearby
- the scheme to allow parking in Abington Park has been successful in alleviating parking problems
- Allowing matches to start later under floodlights will allow residents to get home from work and park, thus avoiding peak hour traffic.

- The lights are designed to beam light onto the pitch and reduce spill into residential properties.
- if the lights are refused, there is a real possibility of the cricket club not being able to survive economically. The income generated from the lights will be used to support grass roots cricket, providing young people with physical and personal development opportunities

In Objection:

- the lights are visible from across the town and ruin the skyline of the surrounding area.
- they completely alter the view from adjacent residential properties
- why can't the club have retractable lights?
- the light spills out into bedrooms and neighbouring properties disturbing sleep and amenity
- when cricket games are on, it is difficult to park in surrounding streets
- after one game, fireworks were set off at 11.00pm at night
- after cricket matches, the streets are full of litter and empty bottles (mainly alcohol)
- quality of life and property values have been diminished by these monstrosities
- planning conditions regarding times of operation have already been broken
- the lights were supposed to be connected up to the grid but a generator is still used causing noise and pollution
- the lights contravene all quality issues relating to planning permission and are environmentally disgraceful
- the lights should be removed outside of the cricket season
- request that parking permits are provided for residents only
- the lights show that the cricket club is not part of the community but is a blatant commercial enterprise
- the lights impact upon children sleeping in the area
- what is the point of having a conservation area if planning permission is given to these lights
- they are totally out of scale with their surroundings
- the diameter of the lights is greater than was stated due to the ugly grey boxes attached to them

- the mobile generator has spilled fumes into adjacent properties
- if the floodlights were the same height as the Saints or Cobblers there would be no objection but there is no rationale for them to be 48 metres
- No objection to the visual impact of the lights but when they are switched on, the light spill is unbelievable
- the loud music associated with the cricket matches is very disturbing
- insufficient notice was given regarding the erection of the original lights
- the lights are a danger to drivers
- the lights are of industrial proportions and not appropriate in a residential area
- the decision to approve the lights was undemocratic and failed to take account of residents' views
- the temporary floodlights and other inconveniences of living next to the cricket ground were just about acceptable but the permanent additions are a step too far.
- radio reception has been affected by the lights
- the impact of the lights on Grade II listed buildings at Abington Cottages is unacceptable
- the lights have changed the atmosphere of the Abington Park Conservation Area
- the scheme was only approved on the basis of conditions which have not been met by the cricket club
- the cricket club should have been relocated at the same time as the football club
- why are these lights higher than any other ground in the country?
- WNDC's handling of the application looks to be another shambles
- The light spill plans submitted for the previous approval will be rendered inaccurate due to the lights being in the wrong place
- the impact on sleep patterns affects a basic human right
- if permission is granted, the height of the lights must be significantly reduced
- the light spill is very intimidating for old people living alone
- the noise associated with T20 matches is a complete change from traditional cricket
- the light pollution is in breach of PPS23 and The Clean Neighbourhoods Act 2005
- any decision to grant planning permission should be granted subject to a condition that the lights must first be connected to the mains supply
- the actions of NCC have demonstrated that they will ignore any conditions
- question why the switch box is located in its current position

- the long term benefit of the town would be better served by retaining the area as a nice place to live.
- views of residents should take precedence over an inconsiderate cricket Chief Executive

7.3 Letter from David Lock Associates. A summary of the points made on behalf of 14 residents is set out below:

- Despite the applicant's claim that the application is simply to regularise the current situation, it is put forward that this is an opportunity to reconsider the proposal in the context of actual experience and the impact of its use.
- The wider benefits to the area are recognised but the scheme does not represent a reasonable balance between these benefits and the amenity of local residents
- The duty to pay regard to the setting of listed buildings and the character and appearance of the conservation area may not have been properly satisfied when considering the original application
- The original application documentation was misleading and there was no proper visual assessment of the proposal
- The availability of alternative solutions that would have less impact was not considered.
- The ballast boxes on the columns were not part of the previous application but are obtrusive at eye level.
- The mobile rig that was used to assess the scale of the application was not representative of the actual lights and was misleading.
- An independent lighting assessment should be obtained due to concerns that the mitigation in association with light spill has been ineffective
- The temporary generator has caused problems and the lights should be connected to the mains
- The lights have impacted negatively on the setting of adjacent listed buildings and the character and appearance of the Conservation Area.
- The case for granting the application relied upon the use of conditions to control the impact of the lights. These conditions have not been enforced by the LPA and the wording of these conditions is too imprecise to control the impact of the scheme. Without conditions that are enforceable, the application should be refused.

7.3 **Planning Statement Addendum.** In response to the comments received as a result of consultation/ notification, the applicants have submitted an addendum to the planning statement addressing light spill readings, connection to the electricity supply, responding to the comments from the Environmental Health Officer (EHO), and making general comment on the application. The points made are summarised below:

- Light Spill. A full light survey was conducted on 31st August 2010 to compare actual light spill levels on the boundary of the site against predicted levels on the submitted drawings (ref: 135673G Final_Boundary Vertical Spill). The results of these readings are attached to the addendum and highlight that the actual readings are below the level predicted on the spill plans submitted with the application and those approved under the previous scheme. The conclusion of the survey is that the revised locations of the columns do not impact upon light spill readings. A copy of this report was also sent to NBC Planning and Environmental Health.
- Electricity Supply. A letter from statutory undertaker EON has been provided confirming an agreement with the Cricket Club to provide a connection to the mains supply. The addendum states that work on this connection will commence on January 10th 2011 and that work will be complete prior to the 2011 cricket season.
- Response to EHO comments. The addendum notes the comments made by the EHO but suggests that the existing conditions are adequate to control the amenity of adjacent residents with regard to amplified music. It is stated that the television screen used at matches does not require planning permission and falls outside the scope of this application.
- Other representations. Responses are made with regard to visual and appearance, essentially reiterating comments made in the original planning statement.

8. Site History

8.1 N/2009/0214 – Erection of two new spectator stands. Approved by NBC.

8.2 09/0061/FULWNN - Erection of two commentary boxes, camera gantry, extension to pavilion and installation of Six 48m Floodlights. Approved 6th October 2010.

9. Evaluation

- 9.1 The current application is a full planning application for the retention of the six floodlights and associated equipment that have been erected at the cricket ground. In this sense, many of the material considerations that were previously considered are still relevant to this application. The previous report (attached at Appendix A) noted that the principal issues for consideration were; impact upon the viability of the cricket club; visual impact on the surrounding area; impact upon the character and appearance of the Abington Conservation Area; impact upon the setting of the Grade II Abington Cottages; impact upon residential amenity as a result of noise and light spill; and impact upon highway safety and car parking.
- 9.2 These issues are still relevant to the application and further comments will be set out in relation to these matters below. In addition, responses from residents and the EHO have commented upon the impact of the temporary generator that has been needed to power the lights due to the failure to connect to the mains supply. Comments will also be made in respect of this issue.
- 9.3 However, in assessing all of these issues, it is important to note that the current application should not be seen as the opportunity to re-evaluate the basis upon which the previous decision to approve floodlights was made. Officers maintain that the evaluation of the previous scheme was thorough and appropriately addressed the relevant issues. The decision to approve the floodlights was taken and that permission is still a valid consent. In other words, the principal of floodlights at the ground has been established and the 'fall-back' position for the cricket club would be to erect the floodlights in the position as approved under the previous application (ref:09/0061/FULWNN). Any decision taken on the current application does not rescind the previous approval.
- 9.4 Therefore, the appraisal of the current scheme must consider the fall-back position as a material consideration in the decision making process. In this regard, the current assessment is not intended to review the merits of the previous decision but must essentially compare the variation in impact between the approved scheme and the scheme as it has been constructed.
- 9.5 As noted above, WNDC is not the enforcement authority for planning control and this rests with NBC. If members were minded to refuse the current application, the same consideration would need to be taken into account by the enforcement authority in

determining whether it was appropriate to enforce against the position of the floodlights. Whilst officers acknowledge the frustration of local residents with regard to the process in terms of established planning practice, members must be mindful of the previous decision and precedent that has set in making a decision on the current scheme.

- 9.6 The report below will seek to address the key planning issues in relation to the scheme, whilst being mindful of the precedent of the previous approval:

Visual Impact and Impact Upon the Character and Appearance of The Abington Conservation Area

- 9.7 The floodlights as erected are clearly of a significant scale and can be seen from various vantage points in and around the town both in the local area and further afield. This was acknowledged in the report to committee in relation to the previous application. The comments made in that report are repeated below and are still considered to be relevant and valid in terms of the current scheme:

The visual impact can be categorised into three areas – immediate impact when viewed from dwellings directly along the boundary of the cricket ground, medium range impact when viewed from surrounding streets and vantage points, including Abington Park and Conservation Area, and the long range impact from more distant areas in the town.

With regard to the immediate impact from the dwellings backing directly onto the ground, the primary view in the normal eye line would be of the columns, rather than the lighting heads, due to the height of the structures. The columns are relatively slender structures with a maximum width of just over 1 metre at the base. For those dwellings that immediately back onto the columns, this should not cause any significant overbearing impact, or lead to any undue loss of outlook. Whilst they would be clearly visible from this aspect, it is not considered that this would have an unreasonable impact on views from the rear of adjacent dwellings.

The medium range views of the lights would effectively come from the residential areas surrounding the site, and from within Abington Park. A number of residents have raised concerns that the proposal is out of scale with the surrounding buildings and would dominate the skyline, to the detriment of the character of Abington Park Conservation

Area. In his assessment of the proposal, NBC's Conservation Officer noted that the lights would only be visible from selected vantage points within the Conservation Area, for example in gaps through buildings and trees in the Park. In his opinion, the lights would not dominate the Conservation Area and the impact would be neutral. Saved Policy E9 of the Northampton Local Plan identifies Abington park as a locally important landscape area and, consequently, any proposals must be judged against their potential impact on this landscape. WNDC officers agree with the assessment of NBC's Conservation Officer and do not feel that the proposals would significantly alter the character of the landscape in and around Abington Park. The floodlights would be viewed from vantage points within the area but would not dominate the skyline. The existing character of mature parkland, surrounded by sizeable Victorian and Edwardian development would remain.

The same principle is relevant when viewing the proposal from the surrounding residential streets. Due to the high density terraced layout of the surrounding area, the lights would not be readily visible from most aspects within surrounding streets. They would be visible from certain fixed vantage points, such as at gaps between buildings, street corners etc. Although visible, they would not dominate the street-scene.

In terms of long range views, the floodlights are likely to be visible from higher vantage points within the town, for example, the temporary lights were clearly visible from certain aspects on Kettering Road as it rises up to the north. Although visible from wider viewpoints, the lights would not appear as an unusual feature in the middle of a large urban area. Most large towns have floodlit facilities of one form or another and at wider vantage points, the proposal would not therefore appear as an incongruous feature.

- 9.8 The Conservation Officer has re-stated his view in relation to the current application and does not consider that the floodlights have a negative impact upon the overall character of the Conservation Area. The lights are visible from areas within Abington Park but the lights tend to be viewed at glimpses between mature trees rather than as an ever present and over-bearing feature. Officers do not feel that they are the dominant feature from within the Conservation Area, or that they have detrimentally affected its character or appearance.

9.9 In terms of the current application, it is not considered that the change in position of the lights on the site has materially altered the visual impact in the surrounding area. The impact amended position of the lights is noticeable at close hand, within the ground and from properties immediately adjacent but this is not considered to impact upon the overall appearance in a wider sense.

Impact Upon Abington Cottages (Grade II Listed Buildings)

9.10 As above, the current position of the floodlights is not considered to have a materially greater impact upon the setting of the listed buildings at Abington Cottages and the previous assessment is still considered to be valid. The Conservation Officer notes that the setting of the Cottages has altered significantly since their construction and that they are now surrounded by Victorian and Edwardian development, including the cricket ground. He considers that the lights are an extension to this historical use and that they do not therefore have a negative impact upon the status or special character of the listed building.

Residential Amenity

9.11 The primary concerns of residents in this regard relate to increased noise and disturbance from night matches and objections to the level of light spill into their properties as a result of the lights. In addition, complaints have been received regarding the generator that has been used to power the lights, due to noise and emissions.

9.12 With regard to the lighting scheme, the previous scheme was approved subject to a detailed set of light spill drawings demonstrating the maximum permitted light levels into adjacent properties. This was discussed with the EHO who confirmed that the impact would be acceptable subject to a condition to ensure compliance with the scheme and an additional condition to limit the hours of operation.

9.13 Concerns were raised by a number of residents that the lights would no longer conform to the light spill standards as approved due to the fact that the position of the lights has now been amended. In response to this, the applicants have undertaken a light spill survey, based upon the submitted light spill drawings and have submitted the results in an addendum to the Planning Statement. This shows that the light levels on the ground are below the predicted levels on the spill drawings and therefore, that the lights are

within the parameters previously agreed. The EHO is satisfied with the amended position of the lights in this respect and has requested that on-going monitoring and compliance is ensured through conditions, as previously attached.

9.14 It is therefore considered that the impact of this retrospective application in terms of light spill is acceptable and can be controlled adequately by condition.

9.15 With regard to noise, a number of residents have objected primarily due to the impact of loud music associated with the cricket matches and also due to fireworks being set off after the completion of a match during the course of the summer. As a result of complaints, the EHO has requested a condition to require a survey of the noise levels of equipment used in connection with the cricket matches. A condition was attached to the previous consent with regard to amplified music as follows:

No amplified music shall be played at the ground between the hours of 22:15 and 09:00. In the event that the match finishes prior to 22:15, any amplified music shall be turned off immediately upon the completion of play. Thereafter, the PA system shall only be used for the purpose of emergency or public safety announcements.

9.16 This is considered to be a reasonable and enforceable condition in planning terms that would protect the amenity of adjacent residents by preventing music being played outside of reasonable hours. This is in addition to a restriction of no more than 15 matches per season. Officers are of the view that the current conditions, as proposed are adequate to protect amenity in relation to this planning consent. Clearly, there is a dual system of control and noise nuisance issues are covered under Environmental Health legislation. The planning permission for the use of floodlights and night-time cricket does not permit the club to contravene other legislation in place and does not automatically deliver the right to play music at volumes that would impact upon public health.

9.17 In terms of the mobile generator that has been used to power the lights, the club have confirmed that a contract has now been signed with EON, the statutory undertaker, to connect the lights to the mains supply. The club have stated that this will be undertaken in January 2011 and completed prior to the next cricket season. Once this work is completed, the need for the generator will be removed.

- 9.18 In the view of WNDC officers, the impact of the scheme can be adequately controlled through the imposition of conditions as recommended in this report. These conditions meet the legal tests for planning conditions and are considered to be enforceable in relation to the future operation of the cricket ground. Comments and complaints have been received stating that the Cricket Club has already breached conditions and is unlikely to comply with these conditions in future.
- 9.19 As discussed above, at present, the lights do not benefit from planning consent and thus, the conditions attached to the previous planning consent do not apply to the scheme. It simply represents an unauthorised development in planning terms. This presents difficulties for the enforcement authority in the ability to serve breach of condition notices. However, should members resolve to approve the application subject to the conditions set out the approved scheme and its conditions would be enforceable in future should any breaches occur.
- 9.20 In view of the above, it is considered that the impact of the scheme as erected would not have any greater impact upon residential amenity than the previously approved development. Officers are happy that the suggested conditions are adequate to control the impact on neighbouring amenity to an acceptable level.

Traffic/ Car Parking

- 9.21 Issues of traffic and car parking were addressed in the previous report attached at Appendix A. The current application will not alter the context of the previous assessment which is still valid in this respect.

10. Conclusion

- 10.1 On balance, it is considered that the retrospective application should be approved on the basis that the scheme will bring benefits to the wider area in terms of improved County level sports facilities and that, although the lights form a prominent feature within the town, this is not to the detriment of the adjacent Conservation Area, Listed Building, or the wider character of the town.
- 10.2 Local residents have expressed genuine concerns regarding the impact of the lights and the ability to enforce any conditions that may be attached to the planning permission. However, officers are of the view that the recommended conditions are enforceable and will provide adequate protection to ensure that the use of this facility does not

have an unsuitable impact within the local area. It is therefore recommended that the scheme is approved subject to the following conditions:

II. 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 cricket matches and shall not be used for any other purpose.

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

2. The floodlights shall not be switched on between the hours of 23:00 and 09:00. 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 plans entitled “Exiting and Work 100Lux 135673E- rev1 Glare and Worklights” and “Exiting Work and Spill 135673E- rev1 Spill”). In the event that the match finishes before 22.15, the floodlights shall be turned down to operate at a maximum of 100Lux, immediately upon the completion of play.

Reason: To protect the amenities of adjacent residents and to ensure the safety of spectators and club officials when exiting the ground.

3. The levels of light spill into adjacent properties shall be in accordance with the levels shown on the approved light spill plans numbered; 135673E – rev1 “Illumination Summary”. 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 prior to the commencement of work on the development. 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

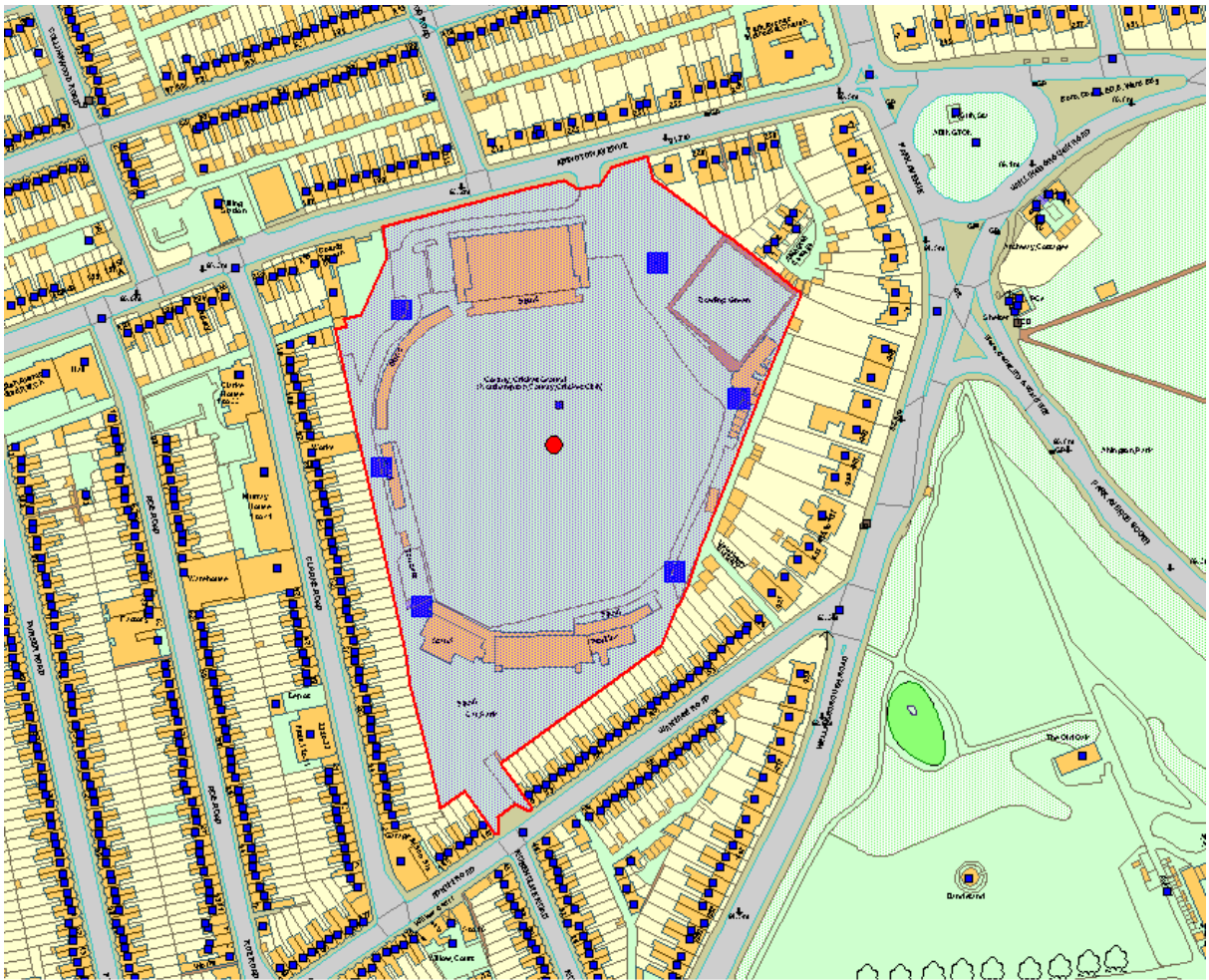
submitted to the Local Planning Authority. If the on-site Lux values exceed the figures in the approved plans, a scheme identifying measures to address the light spill shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the floodlights shall not be used until any proposed mitigation measures implemented in full, in accordance with the approved details.

Reason: To ensure that levels of light spill are controlled to an acceptable degree, in the interests of residential amenity.

4. No amplified music shall be played at the ground between the hours of 22:15 and 09:00. In the event that the match finishes prior to 22:15, any amplified music shall be turned off immediately upon the completion of play. Thereafter, the PA system shall only be used for the purpose of emergency or public safety announcements.

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

Site Location Plan.



 = Indicates position of lights



Applicants:

Northamptonshire
County Cricket Ground.

Application No:

09/0061/FULWNN

Date Registered:

02/06/2009

Expiry Date:

28/07/2009

Grid Ref:

477171 (E)

261737 (N)

Ward:

Northampton UDA Planning Committee Paper

Report by Director of Planning and
Development

Date of Committee Meeting: 29 September 2009

Agenda Item: 5

Description: Erection of Two Commentary Boxes, Camera Gantry, Extension to Pavilion, and Installation of Six Floodlights (48 metres in Height).

Address: County Ground, Abington Avenue, Northampton, Northamptonshire, NN1 4PR.

1. Recommendation

1.1 That the application be **APPROVED** for the following reason:

1.2 The development is required in order to modernise and update the County Cricket Ground in order to provide facilities that are compatible with current television and spectator requirements for televising County level cricket matches. In this regard, the proposals are consistent with the aims of promoting high level sport within Northampton, as outlined in Policy 41 of the East Midlands Regional Plan. Furthermore, the impact of the proposals on the wider landscape, adjacent listed buildings, and the character and appearance of the Abington Conservation Area are considered to be acceptable. Subject to the imposition of appropriate

conditions, any impact upon neighbouring amenity can be controlled to an acceptable level.

Therefore, following an assessment of the material planning considerations, it is considered that the proposal accords with policies.

3. Summary

2.5 This application proposes a number of minor extensions and alterations to existing structures within the County Cricket Ground, in addition to the erection of 6 new floodlighting columns around the perimeter of the ground, at a height of 48 metres. The internal changes do not impact upon the wider area, or residential amenity and do not raise any particular planning issues. However, in assessing the impact of the floodlights consideration must be given to the delicate balance between the needs of the club/ wider benefit of improving the regional sporting facilities and the impact upon local residents. In this regard, it is considered that any local impact can be adequately mitigated through the imposition of conditions to ensure that residential amenity is adequately protected. Subject to these conditions, it is considered that the proposed scheme is acceptable.

6. Description of Site

6.1. The application site relates to the Northamptonshire County Cricket Ground, located within Abington, approximately 2km east of the town centre. The site has a long history of sporting use and has accommodated the cricket club, and formerly Northampton Football Club, since the late 19th Century.

6.2. As with many traditional sports facilities of this kind, the site is well integrated with the surrounding built up area and is surrounded on all four sides by residential properties. The ground has vehicular entrances from Abington Avenue to the north (with car parking next to the new cricket school) and Wantage Road to the south (which gives access to the pavilion and associated car park). The terraced properties at Clarke Road back onto the western boundary and the Victorian/ Edwardian villas of Wellingborough Road wrap around the south-east corner of the ground. Aside from the Cricket Ground, the area is predominantly residential.

- 6.3. The houses fronting onto Wellingborough Road are included within the Abington Conservation Area due to their relationship with Abington Park which is a mature urban park stretching away to the south and east of the cricket ground.
- 6.4. Within the ground itself, is a combination of spectator stands and cricketing facilities. The largest building is the relatively new indoor cricket school on the Abington Avenue side of the ground. The main pavilion is in the south-west corner, with smaller stands along the Clarke Road boundary and two new stands sit adjacent to the cricket school to the north-east (approved by NBC under ref: N/2009/0214). Although no longer used, the bowling green is still situated to the eastern side of the ground, running up to the boundary with Abington Cottages – grade 2 listed dwellings.

7. Description of Proposal

- 4.4 The application proposes some relatively minor extensions and alterations to existing buildings within the ground, in addition to the erection of 6 permanent floodlights. These would be used to allow night matches, primarily in connection with the changing format of the County game to accommodate more “Twenty-Twenty” televised Cricket. A brief description of each of these elements is given below:

Commentary Boxes and Camera Gantry

- 4.5 Two new commentary boxes are proposed on the roof of the indoor cricket centre, one on the western edge of the building, and one on the east. Each box is effectively a square “pod” with a footprint of 25 square metres, positioned on the roof of the cricket centre, next to the existing staircase and service pods. Each pod would be finished in white cladding to match the existing materials.
- 4.6 An existing service walkway runs along the front of the roof and this would be widened to create room for a camera gantry.

Extension to Pavilion

- 4.7 The existing pavilion is a three storey structure, with the main bar/ function area - The Long Room - on the second floor. This area presently opens out onto a terrace, above which is the third storey of the building, supported by steel columns. The current proposal is to enclose the terrace with glazed sliding doors to create a more flexible internal space. The columns supporting the third storey would be removed and replaced

with reinforced steelwork to enable clear views of the playing area from the enclosed space. The area to be enclosed covers 37m².

Floodlights

- 4.8 Six floodlights are proposed, each with a height of 48m. A single column would be used to support the lights, with a width of 1.04metres at the base, tapering to 450mm at the top of the column. Above 41metres in height, the column, and attached floodlights, angle forwards towards the pitch by 15 degrees.
- 4.9 In terms of location, the lights would be evenly spaced around the ground with one to the north and south of the indoor cricket school; one to the rear of the west stand on the Clarke Road side of the ground (numbers 68-70); one in the south-west corner next to the changing rooms; one to the north of the pavilion, to the rear of numbers 53-57 Wantage Road; and one on the eastern edge of the paying area to the rear of 435-437 Wellingborough Road.
- 4.10 In terms of comparison, the mobile rig erected for the member's site visit was 40metres in height.
- 4.11 number of conditions are put forward by the Cricket Club in relation to the use of the floodlights, including:
- Proposals to limit the use of the floodlights to 15 matches per season, in-between 1st April and 30th September.
 - A match curfew time of 10.15pm when the lights would need to be turned down to "evacuation" levels until 11.00pm to allow spectators to leave the ground safely.
 - A condition preventing amplified music after 10.30pm
 - A monitoring condition to ensure that the light spill into residential properties is controlled at the levels suggested within the planning submission.

These issues will be considered in more detail later in this report.

4.12 None of the proposals will result in the loss of car parking spaces within the ground.

8. Policy Considerations

7.1 WNDC Purpose:

7.2 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

7.3 National Policy:

7.4 The following Planning Policy Statements / Guidance should be taken into consideration in the determination of this application.

PPS1: Delivering Sustainable Development

PPS1: Delivering Sustainable Development: Planning and Climate Change

PPG13: Transport

PPG15: Planning and the Historic Environment

PPG17: Planning for Open Space, Sport and Recreation

PPG23: Pollution

PPG24: Planning and Noise

5.5 Development Plan:

East Midlands regional Plan (2009): Policies 1, 2, 27, 41 and Policy MKSM SRS Northamptonshire 2 – Northampton Implementation Area.

NBC Local Plan (1997): Saved Policies E1, E9, E20, E26.

5.8 Other non statutory documents:

5.9 WNDC Planning Principles (2009): Set out in this document are WNDC’s three corporate objectives: 1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester; 2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre

regeneration; 3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

10. Representations (summarised below):

10.1. **NCC Sustainable Transport** : Transport issues relate as much to the previous application to erect new spectator stands as they do to this application (a Travel Plan was secured for that application which has now been approved by NCC).

10.2. The aspects of light spill would be satisfactory given the improvement from the temporary lights and the restriction to 15 days per year. The lights will also be used after peak travel times.

10.3. No other observations.

10.4. **NBC**: A single response as received from NBC following internal consultation with EHO's, planning officers and a report to the Planning Committee.

10.5. Raise no objections to the proposals but the Planning Committee expressed concern regarding a number of matters including:

- the level of noise that could be generated by the public address system and use of such equipment
- stress the need to control the impact of the lights, as much as possible, when used late in the evening
- that a travel plan for the club should include strategies for improving public transport

Request a meeting between officers to discuss proposed conditions if the WNDC is minded to approve the scheme in order to address these concerns.

6.8 A number of responses were sent directly to NBC, as summarised in their officer report to committee but have not been copied or forwarded to WNDC. For information, the summary in NBC officer report is reproduced in relation to these matters:

6.9 **Sally Keeble MP** – The proposal will generate noise pollution, especially within 20/20 matches. The use of floodlights will create light pollution and the proposal will increase

demand for parking spaces, heightening existing problems with lack of space and congestion.

6.10 **Cllr B. Hoare** – The needs of the local community should be considered and there is no reference as to how these needs are being considered. A key consideration for this application is the additional use that the floodlights will enable at the cricket ground and in particular for late night cricket more often. The lack of information regarding the “intensity of late night activity” at the cricket ground makes it impossible to assess the impacts on the residential amenity of local residents. This is fundamental to the planning process and therefore must be demanded before you can reasonably advise the planning committee of the merits of the application.

6.11 A joint response from **Cllr B. Hoare** and **Cllr Markham**. Express support for the development of the Cricket Ground but feel that the proposals do not strike the right balance between the needs of the cricket club and local residents. The Ground is surrounded by residential properties literally backing onto the ground. The proposal is to erect 6 floodlights which will impact on the skyline for 365 days of the year. The lighting gantries will create a massing in the sky which needs careful consideration.

6.12 The style of cricket significantly increases noise levels to the detriment of residential amenity. Loud speakers are used during less sociable hours. There is potential for light pollution into residential properties. The floodlights enable use into the evening when normal transport services cease.

11. Notifications and Responses

7.4 4 site notices were erected within the vicinity of the ground, neighbour letters were posted to surrounding residents and a press notice was issued.

7.5 In response, we have received letters of support from 3 residents, individual letters of objection from 35 residents (some have sent multiple letters), A standard pro-forma objection letter signed by 60 residents and 6 objections received on-line.

The following is a summary of the main comments:

In Support:

- I have lived in the area all my life and can remember the football floodlights which were not as intrusive as people fear. Most people can buy black out blinds if they are bothered.
- As Abington Park is now used for parking at major matches, cannot see any problem.
- Biggest fear is that the club is forced to relocate due to resident's objections, leading to redevelopment
- In mid-summer, the lights will only really be needed for about an hour in any event and disruption will therefore be minimal.
- Allowing matches to start later under floodlights will allow residents to get home from work and park, thus avoiding peak hour traffic.
- The lights are designed to beam light onto the pitch and reduce spill into residential properties.

In Objection:

- The proposals take no regard to the impact upon adjacent listed buildings (Abington Cottages) or the impact upon the skyline of the Abington Conservation Area.
- Even though they are only needed for 15 days a year, residents will have to put up with the visual intrusion for 365 days of the year.
- The lights will be very intrusive, impacting on amenity and preventing adjacent residents, particularly children, from sleeping.
- The club is not doing anything to address the issue of car parking at matches.
- This will make the already bad car parking situation worse.
- They will have a negative impact upon house values.
- It is a huge, unsustainable, waste of electricity.
- The late night matches will generate a huge increase in noise at anti-social times.
- Transport links need to be improved to aid the parking situation.
- Why can't the lights be removed when they are not being used over winter.
- Retractable lights, such as those used at other cricket grounds i.e. Lords should be investigated to reduce the impact.
- Is it appropriate to use Abington Park for overspill car parking?
- The cricket ground is important but not at the expense of resident's quality of life.

- Why can't match day parking permits be introduced for residents surrounding the cricket ground?
- The light spill from floodlights will cause harm to physical health.
- There will be disturbance from people leaving the ground late at night.
- The music associated with 20/20 cricket matches is not appropriate in a residential area.
- The visual impact of the lights themselves will be substantial.
- People will not be able to enjoy privacy in their back gardens.
- This application changes the nature of the use at the cricket ground substantially.
- Conditions attached to floodlights at other grounds, including Lords, are more stringent than those proposed here.
- The cricket club has not done a thorough assessment of the proposals
- An independent review should be undertaken regarding light spill and impact upon the Conservation Area.
- The number of columns could be reduced.

12. Site History

8.3 N/2009/0214 – Erection of two new spectator stands. Approved by NBC.

8.4 A long history of planning applications for redevelopment and extension of buildings at the site is recorded.

13. Evaluation

9.1 It is clear from the consultation and public responses that the primary issues with regard to this application relate to the proposed installation of six floodlights. A number of factors are relevant in this respect, including:

9.2. The principle of development

9.3. The financial position of the club and its continued viability

9.4. The wider benefits of the proposals in terms of improved sports facilities

9.5. The visual impact of the proposals in the wider area

9.6. The impact upon the Abington Conservation Area and adjacent listed buildings

9.7. The impact upon residential amenity

9.8. Highway issues.

9.9. The issues listed above will be considered further on in this report. However, the application also proposes a number of alterations and extensions to existing buildings within the ground and these must also be considered within this report. I shall cover these matters below before moving on to assess the key issues in relation to the floodlights.

Commentary Boxes and Camera Gantry.

9.10. The extension to the Indoor Cricket Centre to provide these additional facilities will have a minimal impact upon the overall appearance of the site, particularly when viewed from public vantage points and residential properties. The impact of the camera gantry will be negligible and is considered to be a significant improvement upon the existing situation whereby temporary gantries need to be erected each time a game is televised.

9.11. The commentary pods would add a contemporary design element to the cricket school, improving facilities and enhancing the appearance of the structure, especially when viewed from inside the ground. Matching materials are proposed and the structures will give interest to a relatively bland elevation.

9.12. Although the top of the pod would be 1.5 metres higher than the existing roof of the building, the position of the pods, on the elevation furthest away from residential properties, ensures that there would be no overbearing impact or loss of amenity. Similarly, due to the significant height and depth of the existing building, the pods would not have any impact when viewed from the surrounding street-scene.

9.13. In view of the above, this element of the scheme is considered to be acceptable and in line with Local Plan Policy E20.

Pavilion Extension

9.14 The proposal to enclose the existing terraced area would provide greater flexibility to the inside space, improving the facilities on offer to the club, with minimal impact upon the external appearance of the building. This is considered to be an acceptable improvement, in line with design policies contained within the Northampton Local Plan.

Assessment of the Proposed Floodlights

9.15 The assessment of the proposed floodlights essentially needs to be viewed in terms of the potential for localised impacts upon residential amenity, traffic and the character of the area whilst also considering the potential wider benefits of improving sports facilities at the club for the town and its hinterland. It is clear that this is a delicate balance. Further consideration of these issues is set out below:

The Cricket Club's Position/ Financial Viability

9.16 The information provided by the club with the application explains the changing nature of domestic county cricket, particularly with regard to the 20/20 format and the requirements of sports broadcasters for greater television coverage. A letter from the Club's Chief Executive outlines the proposals for next season's cricket calendar to include a greater number of home 20/20 matches (8), with fewer matches in other formats. The letter explains that gate receipts from the 20/20 matches account for 75% of the Club's annual gate revenue and that this format is essential for their continued viability.

9.17 The floodlights would have an overall cost of £650,000 and this would be subsidised with a grant of £500,000 from the England and Wales Cricket Board. The Club argue that the use of permanent floodlights will enable them to stage games in line with television requirements but also at times that are most accessible to the public, particularly Friday evenings. The current solution of temporary floodlights costs £25,000 per day and this cost limits the ability of the club to maximise the opportunity for evening matches, at the most attractive times for the viewing public. Without the floodlights, they fear that the viability of the club will be prejudiced.

9.18 The Club have also responded to suggestions that alternative lighting solutions should be investigated, including demountable lights, which could be removed at the end of the season and stored, or retractable lights which reduce in height when not in use. They make it clear that the option put forward is the only solution that is viable for them in terms of cost. The retractable floodlights at Lords were installed at a cost of £2.5million in comparison to the £650,000 for the proposed scheme. As a small county club, they have made it clear that they cannot meet the cost of retractable lights, or the cost of removing lights at the end of each season. Members are therefore advised to consider the application on the merits of what is being proposed in the current scheme.

9.19 The validity of arguments regarding the on-going viability of the club are recognised. It is clear that television revenue and increased gate revenue from 20/20 matches are a

significant factor in allowing the club to operate and compete with other counties. The benefits of the Cricket Club to the wider community are also recognised and Northampton, as an area of significant growth, will need to retain and enhance its sporting facilities to meet the needs of this expanding population. In this sense, the proposal is consistent with the aims of Policy 41 of the East Midlands Regional Plan which seeks to ensure that there is adequate provision of sports and recreational opportunities within urban areas.

9.20 However, this general support for the principle of achieving improved sports facilities for the wider area is just one of the material considerations that need to be balanced in making judgement on this application. This benefit must be weighed against the potential impact upon the local community and environment. In this respect, the key issues are considered to be the visual impact of the proposals, both on the wider landscape and upon the character and appearance of the Abington Conservation Area, the impact upon residential amenity, primarily from noise and light spill, and the impact upon the local car parking and traffic situation.

Visual Impact and Impact Upon the Character and Appearance of The Abington Conservation Area

17.21. Clearly, in terms of height, the proposed floodlights are significantly higher than other structures within the surrounding area. They would form a permanent and noticeable addition to this part of the town. Whilst no specific visual impact assessment has been provided with the application, officers and members have had the opportunity to visit a mobile rig, which was installed to enable an impression of the finished scale of the floodlights, and NBC and WNDC Officers also undertook a visual assessment of the temporary floodlights for a recent evening match, examining the impact at close quarters and from more distant views around the town. Although it is recognised that the temporary lights are not of the same height as those proposed, it was clearly possible to use the temporary lights as a benchmark to gain a visual impression of the impact of the proposed scheme, in much the same way as officers assess and visualise most planning applications.

17.22. The visual impact can be categorised into three areas – immediate impact when viewed from dwellings directly along the boundary of the cricket ground, medium range impact when viewed from surrounding streets and vantage points, including Abington

Park and Conservation Area, and the long range impact from more distant areas in the town.

17.23. With regard to the immediate impact from the dwellings backing directly onto the ground, the primary view in the normal eye line would be of the columns, rather than the lighting heads, due to the height of the structures. The columns are relatively slender structures with a maximum width of just over 1 metre at the base. For those dwellings that immediately back onto the columns, this should not cause any significant overbearing impact, or lead to any undue loss of outlook. Whilst they would be clearly visible from this aspect, it is not considered that this would have an unreasonable impact on views from the rear of adjacent dwellings.

17.24. The medium range views of the lights would effectively come from the residential areas surrounding the site, and from within Abington Park. A number of residents have raised concerns that the proposal is out of scale with the surrounding buildings and would dominate the skyline, to the detriment of the character of Abington Park Conservation Area. In his assessment of the proposal, NBC's Conservation Officer noted that the lights would only be visible from selected vantage points within the Conservation Area, for example in gaps through buildings and trees in the Park. In his opinion, the lights would not dominate the Conservation Area and the impact would be neutral. Saved Policy E9 of the Northampton Local Plan identifies Abington park as a locally important landscape area and, consequently, any proposals must be judged against their potential impact on this landscape. WNDC officers agree with the assessment of NBC's Conservation Officer and do not feel that the proposals would significantly alter the character of the landscape in and around Abington Park. The floodlights would be viewed from vantage points within the area but would not dominate the skyline. The existing character of mature parkland, surrounded by sizeable Victorian and Edwardian development would remain.

18.25. The same principle is relevant when viewing the proposal from the surrounding residential streets. Due to the high density terraced layout of the surrounding area, the lights would not be readily visible from most aspects within surrounding streets. They would be visible from certain fixed vantage points, such as at gaps between buildings, street corners etc. Although visible, they would not dominate the street-scene.

18.26. In terms of long range views, the floodlights are likely to be visible from higher vantage points within the town, for example, the temporary lights were clearly visible from certain

aspects on Kettering Road as it rises up to the north. Although visible from wider viewpoints, the lights would not appear as an unusual feature in the middle of a large urban area. Most large towns have floodlit facilities of one form or another and at wider vantage points, the proposal would not therefore appear as an incongruous feature.

Impact Upon Abington Cottages (Grade II Listed Buildings)

9.27 Concerns have been expressed by the residents of Abington Cottages that the floodlighting columns would have a negative impact upon the setting of their property which is a Grade II listed building. However, the closest column is situated approximately 60 metres from the cottages and would be read as part of the general make up of the adjacent sports ground. It is not considered that this would detract from the setting of the dwellings at Abington Cottages, or impact upon their special character.

Residential Amenity

9.28 The primary concerns of residents in this regard are two-fold, relating to increased potential for noise and disturbance from night matches and objections to the level of light spill into their properties.

9.29 With regard to the lighting scheme, the applicants have responded to comments received from NBC's Environmental Health Officer and have amended the set up of the lights to reduce the amount of light spill into residential properties. This has been achieved primarily by re-aligning the columns to reduce the boundary light level. In effect, the aim of the scheme is to direct light onto the playing area to meet television requirements, without causing a high degree of spill into residential properties.

9.30 The technical information submitted with the application identifies light spill in terms of Lux levels which are the method of calculating the amount of light (measured in Lumen) for each square metre. The revised scheme has reduced both the average spill level and also the maximum spill level that would affect certain properties. The maximum vertical spill readings (those likely to impact on rear windows) would be in certain properties on Clarke Road, Wantage Road and Wellingborough Road with a maximum figure of 167.68 Lux to the rear of 62 Clarke Road.

9.31 To provide a comparison, actual light readings were taken by the applicant at the recent floodlit match and spill levels from the mobile lights ranged between 300 and 400 Lux. According to information provided by the applicant's lighting engineers standard Lux

levels on a bright sunny day would be 80,000 Lux, a cloudy day 40,000 Lux and Street lighting can create levels of up to 150 Lux.

- 9.32 It is clear that the permanent lights provide a big improvement from temporary lighting in terms of light spill into adjacent properties. The fact that the columns are taller means that more light can be directed down onto the pitch and the lighting engineers can also tailor the direction of each light with lighting hoods to control the level of spill. It should be noted that the temporary lights could be used without planning permission up to 28 times per year.
- 9.33 In their response to the scheme NBC, after consultation with their Environmental Health Officer did not object to the proposals, providing that conditions are attached regarding hours of play, numbers of matches and to ensure that the scheme is implemented in accordance with the details submitted. These issues are considered below.
- 9.34 The request in this planning application is for the floodlights to be used on a maximum of 15 days per year, solely for the purposes of staging cricket matches. This allows for the scheduled 8 20/20 matches, 4 other one day matches and the possibility of 3 additional matches with touring teams. This is considered to be a reasonable number of games and would balance the needs of the club whilst protecting the level of disturbance to residential properties.
- 9.35 With regard to time, each floodlit match will normally be finished by 9.45pm, unless the match is affected by rain delays when an extra 30 minutes play is requested. The latest playing time would therefore be 10.15pm. At this point, the club have suggested that the lights could be reduced in intensity to evacuation level to ensure safe exit from the ground. These levels would have minimal impact in terms of spill. The lights would then be turned off completely by 11.00pm. These times could be controlled by planning condition.
- 9.36 In mid-summer, between June and August, average sunset times are around 9.00pm or later. By the end of August, this is just before 8.00pm. Therefore, when the majority of matches are likely to be played, the finish time of the game is not significantly later than the time of natural sunset. The full impact of the lights will only be felt for a relatively limited period at the height of summer when the 20/20 tournament is scheduled to be played.
- 9.37 Therefore, it is considered that the combination of the improved lighting scheme, and the control over the number of matches played/ time that the floodlights can operate will adequately protect residential amenity in this respect.

9.38 With regard to noise, the main disturbance is considered to come from the amplification of music in association with 20/20 matches. To an extent, this happens at existing games and would continue to happen whether floodlights were in situ or not. However, the current application clearly has the potential to allow a greater number of matches, at later times in the evening than is currently the case. It is reasonable therefore to impose a condition limiting the times when amplified music can be played at the ground. NBC's EHO has suggested that this cut off point is at 10.00pm. The club have requested a cut off point of 10.30pm. It is noted in the supporting statement that all play would finish by 10.15 at the latest, even accounting for weather delays. This is the point when the lighting levels will need to be reduced to allow safe evacuation of the ground. Therefore, there seems no reason for music to continue until 10.30pm. It would seem logical for music to be allowed up until the end of play at either 9.45pm in normal circumstances or at 10.15pm if the match has been subject to a weather delay. This is maximum potential time of 10.15 is marginally later than the time suggested by the EHO but, in effect, this will not be for the majority of matches played. A condition, as suggested, would keep an appropriate balance between the operation of the club and neighboring amenity.

9.39 Suggestions have been made by some residents that noise levels should be controlled by placing a decibel limit on the boundary of the site. Although this may technically be possible, it would be difficult to enforce and noise levels are, in any event, likely to be influenced by crowd levels, the nature of the game and prevailing atmospheric conditions. Consequently, it is considered to be more appropriate to limit the time at which music can be played as a mechanism for protecting neighbouring amenity.

9.40 In view of the above, and providing that suitable conditions are attached, it is considered that the proposed development would not impact upon residential amenity to a degree that warrants the refusal of this application. This view also takes into account the context of the site and the fact that evening cricket matches would continue to be played, albeit at an earlier time, even without the proposed floodlights. Temporary lights may also be used without planning permission and these have a significantly greater impact in terms of light spill.

9.41 The current application does not increase the number of fixtures that would be played at the ground but allows greater flexibility in when these matches can be staged. However, the suggested conditions regarding timing and frequency of games will balance this flexibility with regard to neighbouring amenity.

Traffic/ Car Parking

- 9.42 The local car parking situation is clearly a significant concern for local residents, as evidenced in the responses to this application. The majority of streets surrounding the ground are terraced dwellings with no dedicated off-road parking and there is no residents only scheme in place. People therefore have difficulty in parking close to their own property and this is exacerbated when well attended cricket matches are in place. The question here is whether the erection of floodlights will significantly worsen this situation.
- 9.43 As stated above, the current scheme for the erection of floodlights does not increase the number of matches that will take place at the club but will alter the times that these matches are likely to take place. Attendance figures supplied by the club reveal that 20/20 matches draw the largest crowds, with an average attendance of 4,000 spectators. The majority of these matches are presently played without floodlights. In this sense, it would be hard to demonstrate that the current application for floodlights will cause significant detriment to the existing situation. In other words, the 20/20 matches are well attended in any event and the current proposals would alter the time of matches, not necessarily the level of traffic or parking congestion.
- 9.44 The current seating capacity of the ground is 4,847, following an approval earlier this year of a scheme to install two new stands (approved by NBC earlier in 2009). It was recognised as part of that application that the increased capacity of the ground had potential to increase traffic and car parking problems in the area and, consequently, a Travel Plan was required as part of that application.
- 9.45 This travel plan has a range of measures aimed at reducing parking congestion on match days, including the promotion of more sustainable forms of transport and providing much better information to staff and visitors. The use of Abington Park for overspill parking on match nights is also promoted. This Travel Plan has been approved by NCC's Sustainable Transport section.
- 9.46 It is considered that the approved Travel Plan is the most appropriate method, in planning terms, of dealing with the traffic and parking issues in the area. The club already has an obligation to implement the Travel Plan, linked to the previous planning approval and it is not therefore necessary to replicate that for this application. Matters such as residents only parking schemes fall outside the scope of the planning system.

9.47 In their response to the current application NCC's Sustainable Transport team (i.e. Highways Officers) raised no objections and suggested that the use of floodlights allowing matches to start at 7.00pm would help to avoid increased traffic at times of peak flow. In highways terms, the benefit of avoiding travel at peak times and the provisions of the approved Travel Plan should off-set any increase in attendance at evening matches. Therefore, despite the issues raised by residents the current application will not significantly worsen the existing situation. In short, officers do not consider that the floodlights themselves will impact upon the highway network to a degree that warrants the refusal of the application.

12. Conclusion

10.3 On balance, it is considered that the proposals will improve the facilities of this County level stadium, both in terms of playing capability and spectator enjoyment. This will bring benefits to the wider community of Northamptonshire and is considered to be compatible with the aims of expanding the urban area in a sustainable manner, as set out in the East Midlands Regional Plan.

10.4 There are genuine concerns from local residents regarding the impact upon amenity. However, the use of conditions can provide adequate protection in this regard to ensure that the use of this facility does not have an unsuitable impact within the local area. It is therefore recommended that the scheme is approved subject to the following conditions:

13. Conditions

5. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. 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 ensure that the floodlights are used in connection with the sporting use of the ground, in the interests of the amenities of surrounding occupiers, in accordance with policy E20 of the Local Plan.

7. The floodlights shall not be switched on between the hours of 23:00 and 09:00. 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 plans entitled “Exiting and Work 100Lux 135673E- rev1 Glare and Worklights” and “Exiting Work and Spill 135673E- rev1 Spill”). In the event that the match finishes before 22.15, the floodlights shall be turned down to operate at a maximum of 100Lux, immediately upon the completion of play.

Reason: To protect the amenities of adjacent residents and to ensure the safety of spectators and club officials when exiting the ground.

8. The levels of light spill into adjacent properties shall be in accordance with the levels shown on the approved light spill plans numbered; 135673E – rev1 “Illumination Summary”. 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 prior to the commencement of work on the development. 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. Thereafter, the floodlights shall not be used until any proposed mitigation measures implemented in full, in accordance with the approved details.

Reason: To ensure that levels of light spill are controlled to an acceptable degree, in the interests of residential amenity.

9. No amplified music shall be played at the ground between the hours of 22:15 and 09:00. In the event that the match finishes prior to 22:15, any amplified music shall be turned off immediately upon the completion of play. Thereafter, the PA system shall only be used for the purpose of emergency or public safety announcements.

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