

34/09/0007

MR E HAWKINS

VARIATION OF CONDITION NO. 5 OF APPLICATION 34/07/0057 AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, STAPLEGROVE (FLOODLIGHTING SCHEME TO BE SUBMITTED AND APPROVED BY LOCAL PLANNING AUTHORITY AND THEREAFTER MONITORED)

321829.126466

Removal or Variation of Condition(s)

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PROPOSAL

The proposal seeks a variation to condition 05 which states:

“Prior to the installation of the proposed floodlights details of a scheme to provide shields to all existing floodlights to prevent lights shining into adjacent residential properties shall be submitted to and approved in writing by the Local Planning Authority and such scheme as approved shall be implemented. Within four weeks of installation and following supervised testing by the Local Planning Authority any further modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties. Such shields shall be maintained thereafter.”

The applicant wishes to alter that condition to read:

“The flood lighting on the existing hockey pitch A.T.P shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority and shall thereafter be monitored and maintained strictly in accordance with the approved scheme.”

SITE DESCRIPTION AND HISTORY

Taunton Vale sports centre is located in the Staplegrove green wedge to the west of the settlement limits of Taunton. It lies at a lower level than the properties in Whitmore Road, which are to the east of the sports centre a field away (283m) from the site. To the south of the site lie a series of dwellings which also back onto the sports facility.

In 2000 Planning permission was granted for the erection of a clubhouse, provision of sports facilities (including 2 all weather hockey pitches, 6 permanent Cricket nets and 6 temporary Cricket nets, greenkeeper’s store and floodlighting) with access arrangements and car parking at Land to the North of Gypsy Lane, Staplegrove

In 2007 planning permission was granted for the erection of building to house indoor netball/tennis court, formation of three outdoor netball/tennis courts, one outdoor netball court and synthetic turf pitch for football and hockey all floodlit by 16 x 10m high floodlight columns at Taunton Vale Sports Club, Gypsy Lane, Staplegrove

In October 2008 a Breach of Condition Notice was served on the sports club for their failure to submit and implement a scheme for the installation of shields to the floodlights on the original hockey pitch. To date no scheme has been received.

On 3rd December 2008 a site visit was undertaken to reassess the impact of the floodlights on residential properties in Whitmore Road since completion of the

construction of the indoor tennis building between the hockey pitch and the rear of Whitmore Road.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - No comment

STAPLEGROVE PARISH COUNCIL - support the application on the understanding that the wording of the new condition will continue to minimise the effects of the lighting on local residents.

Representations

8 letters of objection have been received raising the following points:- The original lights are much higher than the new lights and they shine directly into the back of residential properties and when the original lights are on as well as the new lights they completely negate the effect of hooding of the new lights; if changing the position of the original lights remedies some of this light over spill then this will be an improvement but this needs to be monitored closely; no one has ever measured the lights from our garden or any one else's that we know of; measuring the light at the club does not show the effects on the neighbours; the club should be required to do the job properly within a reasonable amount of time; when all the lights are on, which is nearly every day of the week, it is very intrusive on our life; the sports club have chosen to ignore the condition for the shielding of the lights which was suggested by the consultants back in 2001 when the original lights were first switched on; in 2008 the sports club again ignored the requirement to shield the floodlights; the condition to shield the lights is not too onerous and the sports club, yet again propose to ignore the requirement and ask the planning committee to accept a variation of the condition required by that same planning committee previously; the previous application would not have been approved without the shielding of the floodlights; the sports club are in breach of the planning condition and Taunton Deane should enforce their compliance; the club should be prosecuted for non compliance and no further permissions considered until they have complied with all conditions; the lights are causing inconvenience as they shine into bedroom windows at night and the new, ugly, building has not reduced this at all; sometimes a light is left on all night which contravenes the 10.00 condition; at the site meeting in December the sports club representative agreed to look again at the floodlights and to alter the car park lights which also caused a problem for residents but nothing has been done; an injunction should be served to prevent the new lights being used until the problems with the original flood lights and the new car park lights have been sorted out.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The original planning permission for the sports club included the provision of a floodlit all weather hockey pitch with the floodlights being switched off by 10.00pm. A condition of the permission was that the source of light for the floodlights should not be visible

from neighbouring properties. When the floodlights were commissioned the source of the light was not visible from the residential properties but the level and intensity of light shining on the rear of Whitmore Road was still considered to be unacceptable. In 2007 a further application was submitted for additional development and a retrospective planning condition was attached to the approval requiring the submission of a scheme to provide shields to the original hockey pitch floodlights in order to minimise the overall impact of the lighting from the site.

The indoor tennis and netball court building has now been erected on the site between the Hockey pitch and the rear of Whitmore Road and has reduced the effect of the most of the floodlights on the dwellings.

On the 3rd December 2008 a site visit was undertaken by Officers of the Council in order to make an assessment of the light shining on the rear of the dwellings in Whitmore Road. At this time it was noted that whilst light still shone to the rear of the properties the impact of the floodlights was significantly reduced and it is my opinion, taking into account the 10.00pm deadline for the lights, that the impact is now an acceptable one.

If granted this application would replace the planning condition for the shielding of the lights, with an alternative condition:-

"The floodlights on the original hockey pitch shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to within one month of the date of this permission and approved by the local Planning Authority and shall thereafter be maintained strictly in accordance with that scheme"

The aim of the replacement condition would be to control any future changes to the lighting so that it is maintained at or below its current impact on this basis.

The proposal is therefore considered acceptable.

RECOMMENDATION AND REASON(S)

The proposal would enable the Local Planning Authority to ensure that the floodlights do not have an unacceptable impact on the residential amenities of occupants of nearby dwellings in accordance with the requirements of Taunton Deane Local Plan policies S1 and S2

Recommended Decision:

RECOMMENDED CONDITION(S) (if applicable)

1. The floodlights on the existing hockey pitch shall be positioned and where necessary adjusted in accordance with a detailed scheme to be submitted to (within one month of the date of this permission) and approved by the local Planning Authority and shall thereafter be maintained strictly in accordance with that scheme

Reason: In order to protect the amenity of occupiers of nearby residential properties on accordance with Taunton Deane Local Plan policy S1(E) and

S2(F)

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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