

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (WEST) - 9 February 2016**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Test Playing Fields, Lower Brownhill Road, SO16 6BP			
<b>Proposed development:</b> Variation of condition 10 of planning permission ref 09/00191/FUL to allow the use of a public address system.			
<b>Application number</b>	15/01267/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	12/02/2016 (extension of time)	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr McEwing Cllr Whitbread Cllr Pope
<b>Referred by:</b>	Cllr Pope	<b>Reason:</b>	Impact on residential amenity

<b>Applicant:</b> Southampton Solent University	<b>Agent:</b> Pope Priestley Architects LLP
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The key issue of the schemes impact on neighbouring residential amenity has been properly considered as reported to the Planning and Rights of Way Panel on the 9<sup>th</sup> February 2016. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Noise Management Plan

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

1.1 This application relates to the Southampton Solent University Test Park community sports facility. More specifically, this relates to the floodlit football pitch in this location. This is located in the northern part of the site, adjacent to the boundary between the site and the Holy Family Catholic Primary School. There are 2 existing stands on site; each for a maximum of 50 people. This site is designated as open space under saved policy CLT3 of the City of Southampton Local Plan Review Adopted Version 2nd Revision (2015).

#### 2.0 Proposal

2.1 Permission is sought for 8 x horn speakers positioned on 4 poles (2 per pole) along the north western boundary of the southern football pitch. This is a requirement of the Wessex League which the club have recently been promoted to.

#### 3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### 4.0 Relevant Planning History

4.1 In 2015, conditional approval (ref.15/01177/FUL) was granted for the erection of a standing football stand to accommodate 120 people.

4.2 In 2011, conditional approval (ref.11/01352/FUL) was granted for alterations including the formation of a turnstile entrance shed, relocation of two dug out shelters and erection of two 50 person seated/standing grandstands in connection with sport playing field use.

4.3 In 2009, conditional approval (ref.09/00191/FUL) was granted for the formation of two sports pitches, a floodlit soccer pitch and a floodlit multi-use games area synthetic pitch with a new single storey building to be used as changing facilities and teaching/social space with associated fencing, parking and vehicular/pedestrian access from Lower Brownhill Road.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (25/06/2015). At the time of writing the report 0 representations have been received from surrounding residents. An objection and subsequent referral request has however, been received from Ward Councillor Pope. The following is a summary of the points raised:

5.1.1 The proposed PA system would give rise to additional noise which would be detrimental to the residential amenities of neighbouring occupiers.

*Response: The proposed PA system has been assessed by the City Council's Environmental Health team. A significant separation distance of 85m would be retained between the proposed PA system and the nearest residential properties. Provided that adequate conditions are imposed to restrict its use so that it is (a) in accordance with the submitted noise management plan (see Appendix 2) and (b) only used within specified hours, it is not considered likely to be harmful to residential amenity. The PA system will only be used during the agreed hours to limit its impact (see condition 7). The clubhouse has hours beyond the restricted hours for the PA system.*

5.1.2 Floodlighting associated with late night games would have a detrimental impact on the residential amenities of neighbouring occupiers.

*Response: This scheme seeks permission for a PA system only and does not include additional floodlighting. Planning permission has already been granted for the use of floodlighting on site – this formed part of the original planning permission in 2009 for 2 sports pitches. The floodlighting is subject to a condition restricting its operation to the following times:*

*Floodlit grass football pitch*

*Monday to Friday: 0900 – 2200.*

*Saturday – 0800 – 2200.*

*Sundays and Public Holidays – 0800 – 1800.*

*As such, the impact of floodlighting does not form a material planning consideration for this scheme. The PA system will be restricted to the same hours.*

## **5.2 Consultation Responses**

### **5.2.1 Environmental Health – No objection.**

Please condition in accordance with the bullet points in the report (report produced by Amtec Integrated Solutions Ltd and dated 6<sup>th</sup> December 2015), but to substitute the first condition to read:

*'Prior to the use of the system, set up the system to provide a maximum noise level of 60 dB(A) at the most sensitive site boundary'.*

The noise management plan is appended at appendix 2 and includes this change.

## **6.0 Planning Consideration Key Issues**

6.1 The key consideration for this scheme relates to the impact of the proposed PA system on the residential amenities of surrounding residents.

### **6.2 Residential Amenity**

6.2.1 The nearest residential dwellings are located in Porlock Road (no.70, 70a, 70b, 72, 72a and 72b). These are located approximately 85m away from the proposed floodlights. They are therefore, a significant distance away from the site. These properties were consulted on this planning application and no representations were made.

6.2.2 The applicant has submitted a noise report (produced by Amtec Integrated Solutions Ltd. and dated 29th October 2015). This states that:

- (a) The system is set up with a maximum volume of 60db at the site boundary. The audibility of this would be less than that of a football game in progress with players shouting etc.
- (b) The system is designed to have no volume controls for the user.
- (c) The system is never to be used for music playback and does not have any facility to do so.
- (d) The system is only ever used for essential announcements relating to the game in progress.
- (e) The system has a locked isolator and cannot be used by unauthorised personnel.
- (f) The system is installed on the opposite side of the pitch to the boundary and has only two speakers.

According to this report, the maximum sound level would be approximately 50db at the boundary however this would be affected by atmospheric conditions including wind direction.

6.2.3 The City Council's Environmental Health team are satisfied that a planning condition can be imposed to ensure the proposed PA system is operated in accordance with this report. They have however, advised that point (a) (as outlined in paragraph 6.3.1) should be amended to state the following: *'Prior to the use of the system, set up the system to provide a maximum noise level of 60 dB(A) at the most sensitive site boundary'*.

6.2.4 The email from the agent enclosing the noise report (dated 18th November 2015) also indicates that:

- (1) Test Park currently play in the Sydenhams (Wessex) League whose rules require the introduction of a PA system. Should the team be relegated to a lower division there would be no current requirement for a PA system. The requirement for a PA system stands for higher leagues, however the team are at the highest level they can achieve under the current FA rules.
- (2) The PA system will not be used for the purposes of raffles or the like.
- (3) The PA system would need to be available for all Sydenham (Wessex) League games played mid-week and weekends, subject to the fixture list.

It would also need to be available for any matches in the FA Cup, FA Vase competitions.

- 6.2.5 To ensure the PA system is operated at reasonable times only, the conditions restricting hours of operation on the original permission (ref.09/00191/FUL) will be imposed. This will ensure that the PA system does not operate outside of the following hours:

*Monday to Friday: 0900 – 2200.*

*Saturday – 0800 – 2200.*

*Sundays and Public Holidays – 0800 – 1800.*

## **7.0 Summary**

- 7.1 The proposed PA system would be located at a substantial distance from neighbouring residential properties. This, combined with the use of appropriate planning conditions to restrict the hours of operation of the PA system and to ensure that they are operated in accordance with the submitted management plan (Amtec Integrated Solutions Ltd. and dated 29th October 2015) would ensure that the proposed scheme would not be harmful to residential amenity. As this application requires a fresh grant of planning permission, all relevant conditions from the original scheme (09/00191/FUL) have been re-imposed or amended as required.

## **8.0 Conclusion**

- 8.1 This scheme is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 6(a) and 6(b).

#### **LAUGRI for 09/02/16 PROW Panel**

### **PLANNING CONDITIONS**

#### **1. APPROVAL CONDITION - Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **2. APPROVAL CONDITION - Approved Plans (Performance)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below and implemented in accordance with the Community Use Agreement and Sports Development Plan adopted through the S106 agreement for 09/00191/FUL unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

### **3. APPROVAL CONDITION 2 - Details of materials (Performance)**

For continued compliance, the development shall be undertaken in accordance with the materials agreed under 10/01828/DIS.

Reason:

In order to control the appearance of the development in the interests of visual amenity.

### **4. APPROVAL CONDITION - Landscape design/implementation (Performance)**

For continued compliance, the development shall be undertaken in accordance with the landscaping details agreed under 10/01828/DIS.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

### **5. APPROVAL CONDITION - Sustainable measures (Performance)**

For continued compliance, the development shall be undertaken in accordance with the sustainability details agreed under 10/01828/DIS.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

### **6. APPROVAL CONDITION – Public Address system Operation Restriction (Performance)**

The Public Address system hereby approved shall relate to the football pitch only and shall be set up to provide a maximum noise level of 60 dB(A) at the most sensitive site boundary. Furthermore, the Public Address system shall at all times, be operated in accordance with points B to F of the noise management plan produced by Amtec Integrated Solutions Ltd. and dated 29th October 2015 as clarified by Dennis Priestley in email dated 18/11/2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the residential amenities of neighbouring occupiers.

### **7. APPROVAL CONDITION – Hours of operation (Public Address system) (Performance)**

Unless otherwise agreed in writing by the Local Planning Authority, the Public Address system hereby approved shall not be operated outside of the hours specified below:

Monday to Friday

09.00 hours to 22.00 hours (9.00am to 10.00pm)

Saturday

08.00 hours to 22.00 hours (8.00am to 10.00pm)

Sunday and Public Holidays

08.00 hours to 18.00 hours (8.00am to 6.00pm)

Reason:

In the interests of the residential amenities of neighbouring occupiers.

**8. APPROVAL CONDITION - Hours of operation (clubhouse) (Performance)**

Unless the Local Planning Authority otherwise agree in writing the club house pavilion forming part of this proposal and to which this permission relates shall not be open for use by club members, patrons, associate users, visitors or other groups or individuals outside the hours specified below:-

Monday to Friday

09.00 hours to 23.00 hours (9.00am to 11.00pm)

Saturday

8.00 hours to 23.30 hours (8.00am to 11.30pm)

Sunday and recognised Public Holidays

08.00 hours to 23.00 hours (8.00am to 11.00pm)

Use in relation to this condition includes any activity involving access or egress from the site.

Reason:

To safeguard the amenities of nearby residents.

**9. APPROVAL CONDITION - Floodlight system installation (Performance)**

For continued compliance, the floodlighting system approved under 11/00980/DIS in accordance with the approved Logik operating manual (particularly page 22) shall be maintained and fixed in the agreed position at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of protecting residential amenity, safeguarding highway safety and not causing undue distraction to aircraft approaching Southampton Airport.

**10. APPROVAL CONDITION - Floodlight illumination restriction (Performance)**

The floodlit all weather surface Multi Use Games Area (MUGA) shall be used between the hours of:-

Monday to Friday

09.00 hours to 22.00 hours (9.00am to 10.00pm)

Saturday

08.00 hours to 22.00 hours (8.00am to 10.00pm)

Sunday and recognised Public Holidays

08.00 hours to 21.00 hours (8.00am to 9.00pm)

- and the floodlit grassed football pitch shall ordinarily be used between the hours of:-

Monday to Friday

09.00 hours to 22.00 hours (9.00am to 10.00pm)

Saturday

08.00 hours to 22.00 hours (9.00am to 10.00pm)

Sunday and Public Holidays

08.00 hours to 18.00 hours (9.00am to 6.00pm)

- unless any scheduled league or cup competition football match runs to extra time. In such exceptional circumstances, a manual override switch for the automatic floodlight timer device will be permitted to be used, to only permit the grass floodlit pitch to stay illuminated until 22.45 hours (10.45 pm).

Outside of these periods the floodlighting shall not be used and only maintenance activities shall take place on the pitch and playing areas.

Reason:

To safeguard the amenity of nearby residential properties from light spillage, light glow, and activity generated noise, having regard to the advice of Planning Policy Guidance Note No. 24 (Planning and noise).

### **11. APPROVAL CONDITION - Gate security (Performance)**

The main access gate to the site from Lower Brownhill Road and to any pedestrian gates to Lower Brownhill Road, shall be locked shut to prevent unauthorised vehicular/pedestrian access to the site 30 minutes after the closure of the pavilion building as specified in the hours of use in this planning permission and thereafter remain locked shut until 20 minutes before the opening times of the pavilion unless otherwise agreed in correspondence with the Local Planning Authority.

Reason:

To protect the residential amenities of the properties leading to and in the area of the site and to prevent unauthorised vehicular access to the site.

### **12. APPROVAL CONDITION - Access and parking (Performance)**

The coach set-down drop-off point, facilities for the loading/unloading/turning of vehicles and for the parking of 71 cars (to include 3 spaces marked for disabled drivers) and a proper vehicular access relating to it, including the securing of 2.4m x 70m visibility splays to the access / egress point over public land shall be retained for use in association with the sports pavilion hereby approved and shall not be used for any trade, business or industrial use at any time.

Reason:

To prevent obstruction to traffic in neighbouring roads, to ensure provision of vehicular access, car parking and servicing, to avoid congestion in the adjoining area and to protect the amenities of the area, in the interests of highway safety.

### **13. APPROVAL CONDITION – Dragons teeth or similar bollards (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00980/DIS.

Reason:

To prevent unauthorised parking or access onto land forming the visibility splay to the vehicular entrances or to open land forming the sports pitches or associated run-over or amenity areas.



**14. APPROVAL CONDITION - Bicycle parking (Performance)**

The cycle storage approved under 09/00191/FUL shall be retained on site for that purpose.

Reason:

To encourage cycling as a sustainable form of transport.

**15. APPROVAL CONDITION - Refuse storage/recycling facilities (Performance)**

The refuse and recyclable materials storage facilities shown on the approved plans and stated within the design and access statement shall be retained at all times.

Reason:

In the interests of visual amenity.

**16. APPROVAL CONDITION – Wheel cleaning during construction (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00980/DIS.

Reason:

In the interests of highway safety.

**17. APPROVAL CONDITION – Means of enclosure (Performance)**

The cycle storage approved under 09/00191/FUL shall be retained on site for that purpose.

Reason:

In the interests of crime prevention and to ensure the health and safety of the Holy Family RC Primary School.

**18. APPROVAL CONDITION – Crime prevention measures (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00980/DIS.

Reason:

In the interests of crime prevention, given the isolated nature of the site and lack of any natural surveillance when the sports facilities are not in use.

**19. APPROVAL CONDITION – Surface Water Drainage (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To avoid flooding downstream.

**20. APPROVAL CONDITION – Deliveries restriction / method statement (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To safeguard children at the nearby Holy Family RC Primary school.

**21. APPROVAL CONDITION - Submission and implementation of Travel Plan**

Notwithstanding the submission of a 'framework' travel plan by the applicant, within a period of 6 months from this decision, the developer shall submit a formal travel plan for agreement in writing with the local planning authority. This shall set realistic targets for the reduction of travel to the site by private cars and shall be implemented in full and subsequently reviewed on at least yearly basis, with a report prepared and submitted to the local planning authority's Travel Plan Officer - or other appointed person - whereby targets are monitored, the plan and targets reviewed on at least yearly rolling basis.

Reason:

To ensure all efforts are taken to achieve sustainable forms of travel to the site during the life of the development.

**22. APPROVAL CONDITION – Addendum to arboricultural report (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality and to ensure the protection and long term health of nearby trees of amenity value to the site and the wider surroundings.

**23. APPROVAL CONDITION – Arboricultural method statement (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 09/00191/FUL.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality and to ensure the protection and long term health of nearby trees of amenity value to the site and the wider surroundings.

**24. APPROVAL CONDITION - Arboricultural Protection Measures (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality and to ensure the protection and long term health of nearby trees of amenity value to the site and the wider surroundings.

**25. APPROVAL CONDITION – Tree safeguarding (Performance)**

No trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced by the owners of the site with two trees of a size, species, and type, and at a location and before a date to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

**26. APPROVAL CONDITION – Land Contamination investigation and remediation (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

**27. APPROVAL CONDITION - Use of uncontaminated soils and fill (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00980/DIS.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

**28. APPROVAL CONDITION - Unsuspected Contamination (Performance)**

If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment

**29. APPROVAL CONDITION - Construction access and routing (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

In the interests of highway safety.

**30. APPROVAL CONDITION - Construction details access/parking (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00980/DIS.

Reason:

To ensure that the roads and parking areas are constructed properly.

**31. APPROVAL CONDITION – Archaeological investigation (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 10/01828/DIS.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

**32. APPROVAL CONDITION - Archaeological work programme (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 09/00191/FUL.

Reason:

To ensure that the archaeological investigation is completed.

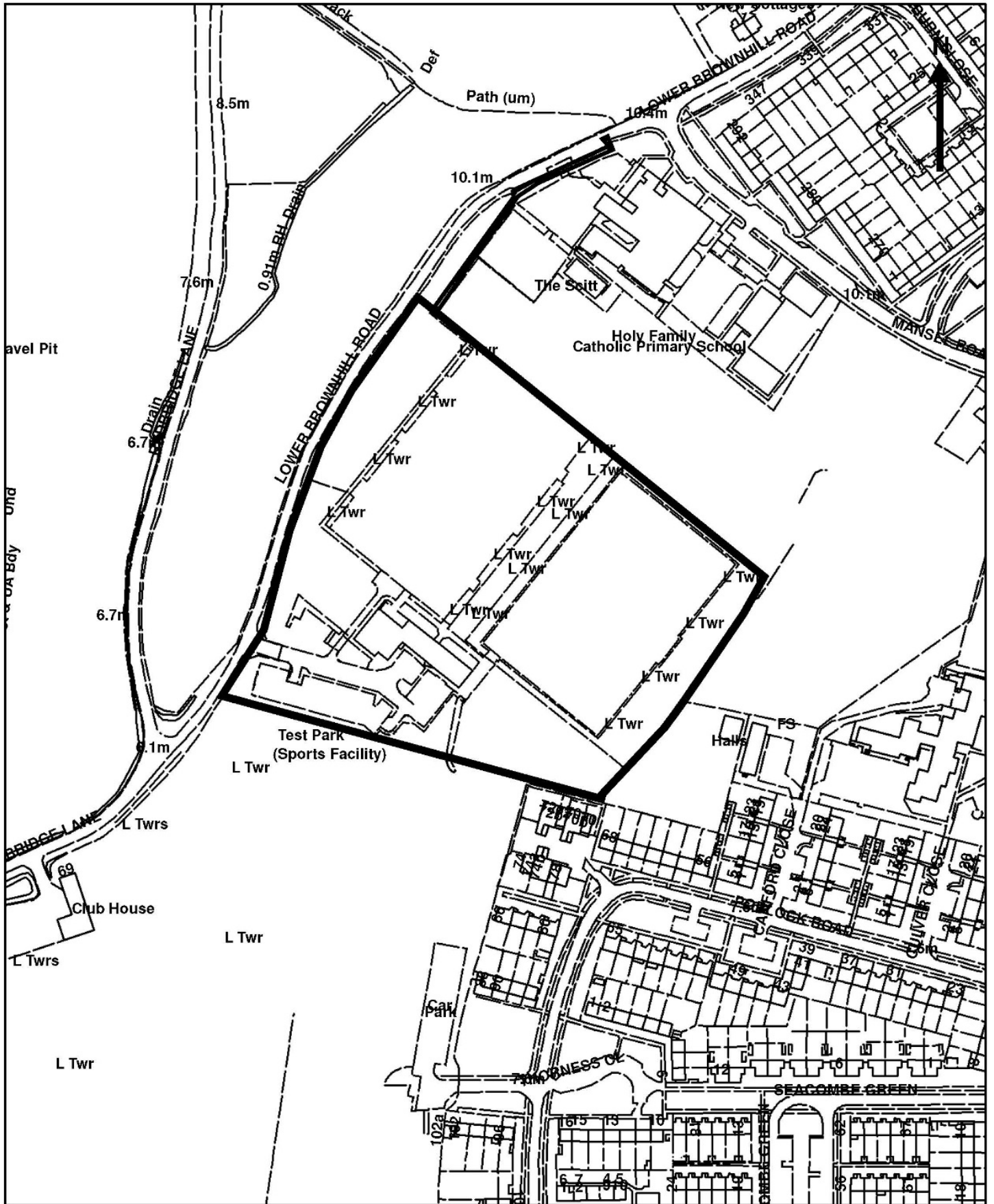
**33. APPROVAL CONDITION – New footway (Performance)**

For continued compliance, the development shall be undertaken in accordance with the details agreed under 11/00786/DIS.

Reason:

To secure safe and sustainable means of travel into the site from the housing area located north of the site and to/from bus stops in Mansel Road West.

# 15/01267/FUL



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