

10th August 2011 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
23	Blatchington Mill School, Nevill Avenue	BH2011/01264	<p>There is a typing error in the main report – the objections received are from a total of 135 individuals/addresses with representations from different individuals within the same households and some individuals submitting than one letter. 95 and 101 Holmes Avenue should be removed from the list of support and the number of supporters is now 322.</p> <p>Letter of the 28th July from the applicant responded to additional technical queries about the proposed floodlighting and this has been noted. Environmental Health continues to raise <u>no objection</u>. The response from the applicant also clarifies by “commercial use” what is meant is third party (e.g. public) hire of the pitches.</p> <p>Letter of the 4th August from the applicant addressing neighbour concerns and this has been noted. The applicant anticipates there will be no coaches parking at the school and that there will be few if any spectators for either hockey of other pitch users.</p> <p>Letter of the 5 August from the applicant advising that for the purposes of hockey matches the England Hockey Board require a minimum brightness of 500 Lux on the pitches and in the Floodlighting Strategy submitted 505 Lux is shown. Under the Sustainable Transport section of the main report a figure of 120 people plus spectators is quoted and this figure comes from the Travel Plan submitted but the applicant anticipates there will be few if any spectators as per their letter of 4 August.</p> <p>Officer Response: This does not affect the assessment of the lighting impact undertaken because this is based on the Floodlighting Strategy submitted and the subsequent details provided by the applicant in response to neighbour concerns, however the figure of 500 Lux in condition 3 of the recommendation is amended 505 Lux. Similarly the transport assessment is unaffected but the applicant is keen to point out the proposed pitches would not attract many spectators.</p> <p>Cllr Phillips objects to the application (letter attached).</p>

Late representations have been received from 3 and 6 Frant Road; 61, 65, 99, 117, 121 and 123 (x3) Nevill Avenue; 95 (x 2), 99, 101 (x2), 103 (x2), 105, 109 (x2) and 123 Holmes Avenue, objecting to the application. A copy of a letter from residents to School Governors has been submitted also.

The reasons for the objections remain predominantly as summarised in the main report, as well as:

- Contrary to Human Rights Act 1998.
- Contrary to policy HE3 of the Local Plan.
- Travel Plan survey data out of date.
- The development will cause the existing medical conditions of local residents to deteriorate further.
- Health and Safety issues with use of retained playing field land for archery.
- Overshadowing from pitch fences.
- Use of pitches should be reduced at weekends to give neighbours respite.
- Contrary to planning policy, e.g. SR20, QD20.
- Harmful to ecology of nearby hedgerow.
- Environmental pollution from lighting.
- Benefits hockey club and commercial users more than school.
- Represents change of use to leisure facility.
- Most supporters of the application are not local.
- Will not serve local community.
- Most objectors are local residents directly affected by the proposal.
- Poor quality visualisation submitted, which lacks detail and context.

An objection containing visuals was delivered by hand on 5 August from an anonymous person:

- Noise and policy SU10 of the Local Plan.
- Of the top 100 boys hockey teams 95 are from private schools, 17 of these have 2 pitches and 11 are floodlit. They are not near residential properties. The 5 remaining teams are state schools and 2 of these have a floodlit hockey pitch.

- Only 1 pitch should be permitted.
- Hours of use should be reduced to 8am until 8pm weekdays, 10am until 5pm at weekends and no use on Bank Holidays.
- A noise management plan should be submitted prior to commencement of development.
- Lighting columns should be retractable.
- Lux level should be restricted to 350 Lux.
- Confirmation of dedicated drop off zones is required.
- A school representative should be on site when the pitches are in use.

Officer Response:

Policy HE3 and the effect of the development on the setting of West Blatchington Windmill (Listed Grade II*) is not material due the separation distance between the sites (in excess of 110m) and there being existing development between such that the application site is neither within nor adjoining the curtilage of the listed building. The 2006 application for hockey pitches at Cardinal Newman School (ref. BH2006/01110) was not submitted with a Travel Plan as such and the data being referred to as being out of date above is thought to be the Brighton and Hove Hockey Club Members map. Although not identical, this map has varied a little, but this is not considered unusual as it shows where the homes of hockey club members are concentrated. The comments in relation to the archery club have been noted and a response from Health, Safety and Wellbeing is on file. The archery club is governed by their own 'Rules of Shooting'. There are no concerns.

Due regard has been given to the noise impact of the proposal in the main report and a condition recommended in order to safeguard residential amenity if the proposal is approved. The mitigating suggestions submitted are noted.

Legal advice has been sought on the reference to peaceful enjoyment of property and whether the development, if permitted, would contravene this right. The advice is as follows;

Although Article 1 of the First Protocol to the European Convention on Human Rights states that individuals are entitled to peaceful enjoyment of their possessions this is a qualified right and the courts will balance the general interest of the

			<p>community against the need to protect an individual's rights. This allows public authorities to justify their actions on a broad range of grounds and the courts have held planning policy to be one such ground. The application is supported by the Council's adopted planning policy and conditions are recommended that will protect amenity. That being the case it is not considered that the proposed development would infringe the Article 1 right.</p> <p>Legal advice has been sought on the effect of the development on health conditions. The advice is as follows;</p> <p>Any claim would need to be proved via the courts which would take into account, in considering the claim, the planning conditions imposed to protect amenity.</p> <p>Cllrs Smith and Mears <u>object</u> to the application please see attached email</p>
111	Trinity House, Roedean Vale	BH2011/01399	

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).