

Item No. 3

Application Reference Number P/18/0942/2

Application Type:	Full	Date Valid:	22/05/2018
Applicant:	Mr John Morfey		
Proposal:	Erection of 6 no. floodlighting columns and 3 no. additional lamps to existing columns.		
Location:	Gynsill Tennis Club Gorse Hill Anstey LE7 7AN		
Parish:	Anstey	Ward:	Anstey
Case Officer:	Steven Holmes	Tel No:	01509 634770

This item is referred to Plans Committee at the request of Councillor Taylor who is concerned about the impact of the proposal on the residential amenity of the neighbouring property

Description of the Application

The application site consists of an existing tennis club located on the corner of Gorse Hill and Gynsill Close in Anstey. The site is adjacent to unpopulated areas of land to the North, East and West, however, it is abutted by a residential property to the South; 175 Gynsill Close.

The proposal is to light two additional courts, within a group of three, Both are currently unlit although the third court in the group does have existing floodlighting. The lighting consists of the following:

- 6x new Floodlit columns
- 3x additional lamps (luminaires) to existing columns on site

The columns will measure approximately 6 metres high with a further 700mm swan-neck arm and a 300mm high lamp giving a total height of circa 7 metres. The lighting arrangements will serve courts 2 and 3 and will have lux levels of 400 to meet the Lawn Tennis Association requirements. Court 1 is already lit.

The perimeter luminaires will feature baffles to prevent excessive light spillage outside the courts.

The Planning application is supported by the following information:

- Application Form
- Site Plan – Revision A – 1:500
- Lighting Data Pack by Exclusive Leisure Ltd
- Elevation of lighting and column
- Bulb Product Data

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS13 – Biodiversity and Geodiversity – seeks to conserve the natural environment and expects development to take account of impacts on biodiversity.

Policy CS15 – Open Spaces, Sports and Recreation - seeks to support open space needs within the Borough. As part of this it supports development which contributes to sport and recreation provision.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The policies relevant to this proposal include:

Policy EV/1 – Design – seeks to ensure a high standard of design that respects the character of the area and is compatible in mass, scale and layout. It also seeks to safeguard the amenities of adjoining properties.

Other material considerations

National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para.6), fulfilling an economic, a social and an environmental role (para.8). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para.12). The NPPF states in paragraph 124 that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.

Paragraph 109 states that development should only be prevented or refused, on highway grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 180 states that new development should take into account the impacts of pollution on living conditions and the natural environment. Specific to lighting, this involves limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and ecology.

Planning Practice guidance

This is an electronic system of government guidance. Paragraph 007 deals with light pollution. It sets out factors that are relevant to determining whether light pollution would be harmful to amenity or other sensitive receptors.

ILP Guidance Notes

Provides a list of “do’s and don’t’s” for outdoor lighting and is often used as the basis for Government and Local Authority Guidance.

Supplementary Planning Document Leading In Design

This document seeks to encourage, promote and inspire higher design standards in new development.

The Draft Charnwood Local Plan 2029-2036

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. Due to the stage this has reached in the plan making process, at this time, the Draft Local Plan carries only very limited weight.

Relevant Planning History

App No.	Description	Outcome
P/86/0303/2	Construction of two all-weather courts and erection of six floodlight poles around one of these	Approved
P/03/1170/2	Installation of floodlights to one tennis court.	Approved
P/09/1522/2	Replacement of 6 floodlights to court four.	Approved

Responses of Statutory Consultees

Local Highway Authority – It raises no objection to the application but refers to its own standing advice.

Ward Councillor Taylor – expresses concern about the impact upon the amenity of the occupants of 175 Gynsill Close.

The Environmental Health Officer has no objection and has confirmed that the lighting levels would be acceptable with respect to the dwelling at 175 Gynsill Close providing a condition is imposed to include timers on lighting to prevent unintentional use.

Other Comments Received

The Occupants of 175 Gynsill Close have concerns with regard to the following:

- The omission of details to show the full extent of the buildings at No.175 Gynsill Close
- Loss of privacy due to extended hours of use
- Noise and disturbance from users of the court
- Over bearing Impact of development
- The Impact upon the environment
- The need for extra floodlights due to under use of other courts
- Impact upon the street scene
- Light spillage/pollution in to bedrooms and amenity space.
- Obstructed views of the skyline
- The use of photos taken elsewhere as examples of the design of columns lamps etc.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- The impact on the character and appearance of the street scene;
- The impact on the amenity of 175 Gynsill Close
- The impact on the highway
- The impact upon Ecology
- The enhancement of existing sports facilities

The impact on the character and appearance of the street scene

The proposed lighting columns are slim-line in construction and have very little mass to visually influence the street scene from a physical perspective. The appearance of the columns will be conditioned to be of a neutral colour, (holly green), and a matte finish. The closest floodlight would be 3.5 metres from the boundary with the public highway which has a mature hedgerow. This boundary treatment helps to break up the appearance of the proposal. Additionally, the type of development is typical and within context within a sports and recreation facility setting.

The light itself would be a more apparent feature within the street scene. However, there are existing flood lights within the site, streetlights in the immediate area and the area is not one that is intrinsically dark. The additional impact needs to be considered against this current baseline. It is not considered that there would be a material increase or large magnitude of change above this current position due to the scale of the proposal and given the limited level of light spill.

It should also be noted that impact upon the street scene from the lighting would be time limited to when the courts are in use during darker hours. This would reduce any impact on visual amenity. A condition requiring a timer to be fitted to each light and automatically turn off after a set period of time could be attached to any consent to ensure this.

The proposal is not considered to cause detriment to the character and appearance of the street scene, by virtue of the structures themselves or the light produced and is considered compliant with policies saved policy EV/1 of the Local Plan, policy CS2 of the Core Strategy and the guidance in the Framework.

The impact on the amenity of occupants of 175 Gynsill Close

The application proposes to locate two additional lighting columns along the boundary of the tennis club and this neighbouring dwelling. It also involves lighting those, currently unlit, courts closest to the property meaning they could be used longer during darker hours.

The height of the structures will be approximately 7 metres. However, the relatively slimline profile of the lighting structures is such that it is not considered they would cause any significant over-dominance or an over bearing impact.

Concerns have been raised about disturbance from tennis activity closer to the property for longer hours and due to loss of privacy because of increased activity near to ground floor bedroom windows. While it is acknowledged that some increase in use of the nearest courts and any associated noise and activity may take place in winter months, it is noted that the same courts can at present be used until later in the evening in the summer months. Nevertheless, it is proposed that a condition be attached limiting the use of the floodlights, and hence the courts during darker evenings to between 0900 and 2200. Accordingly, the potential seasonal intensification of the use of these two courts could be mitigated to acceptable levels.

Light spillage into the rear amenity space of the dwelling and in to the 3 bedrooms of the dwelling is of concern to the occupants of 175. The Environmental Health Officer was consulted as part of the proposal and has raised no objections to the proposal. The light spillage data map demonstrates a considerable drop in lux levels where light spillage to the rear of the courts encroaches upon this neighbouring dwelling. The amount of light spillage would conform to guidance levels for a low brightness setting and conditions can be imposed to require timers and restrict usage beyond 22:00hrs. These conditions would prevent both un-needed and late night usage and would further mitigate any impact on residential property.

The impact upon views of the skyline from within this property has also been raised as a concern however views are not a matter that can be taken in to account within the planning process.

The proposal is not considered to cause a loss of amenity to 175 in terms of over dominance, noise, disturbance or light pollution. It would comply with policies EV/1, CS2 the advice within the framework in this respect.

Impact on the highway

The floodlights will be located 3.5 metres from the nearest publically owned land and 7.5 from the vehicular highway.

For lighting levels to avoid distracting or dazzling users of the highway, the Local Highway Authority would require Illuminance levels of no greater than 300cd/m² for areas of low district brightness such as this site.

The lux levels will be 400 within the tennis courts which equates to circa 18000 candelas per square metre. However, the baffles upon the perimeter lights ensure that the light spillage drops significantly and the resulting level of lux is no more than 1 upon the highway.

To establish what 1 lux equates to in cd/m² the below calculation is used:

The luminous intensity (I_v) in candela (cd) is equal to the illuminance (E_v) in lux (lx), times the square distance from the light source(d^2) in square meters (m²):

$$I_{v(\text{cd})} = E_{v(\text{lx})} \times (d_{(\text{m})})^2$$

The closest floodlight to where the light spillage encroaches upon the highway is approximately 16 metres therefore the above method results in an illuminance level of 256cd/m²

As this falls below the illuminance levels determined by the Local Highway Authority to cause distraction and dazzling of highway users, it is considered that there are no objections from the Local highway Authority, and the development would not have an adverse impact on highway safety thus complying with the advice within the Framework.

Impact upon the Environment

Concerns have been raised in relation to the impact upon the local wildlife as a result of this proposal. However, the site is within an area with street lighting along Gorse Hill which is significantly closer to the wooded area to the north and is more permanently in use than the proposed lights would be.

Furthermore, the tennis club have multiple courts with floodlights that may be used already. This proposal is relatively small scale and will be limited in its usage with baffles upon the light source reducing overspill to the surrounding area to a level which would not encroach upon the nearby wooded area as demonstrated by the filled Iso Contour diagram within page 13 of the lighting data pack. Given this any additional impact upon biodiversity is not considered to be significant. The proposal is considered to comply with policy CS13.

The enhancement of existing sports facilities

Policy CS15 offers support for proposals which contribute to recreation and sports provision. The tennis club is an existing sports facility within the Borough and proposals that enhance the use and quality of such facilities are offered support by this policy. This need to be considered in the planning balance for the application.

Other Matters

Concerns that elements of the submission are misleading have been raised with respect to the plans not demonstrating outbuildings which serve No.175 Gynsill Close and the use of photographic examples of lighting used at other clubs. It is not common practice to survey neighbouring properties as part of a submission for planning application however the applicant has submitted a revised site plan which more accurately represents the structure at No.175 Gynsill Close. The submission of photographic examples used elsewhere is a regular occurrence within a planning application. As such, the originally omitted outbuildings and inclusion of photo examples is not considered to have misled the decision making process.

Comments have been received as to the necessity of the floodlights due to an underuse of the current facilities. It is not for the Local Planning Authority to ascertain whether a proposal is viable but it does have to assess the proposal before it.

Conclusions

In summary, the proposed development is considered to be acceptable in its design and appearance and impact on the street scene. The proposal is not considered to be significantly detrimental to the amenities of neighbouring residential properties and would not cause significant detriment to local wildlife. Added to this it would improve and enhance an existing sports facility. There is not considered to be any impact on highway safety that needs to be added to this balance.

The proposal complies with saved policy EV/1 of the Local Plan, policies CS2 CS13 and CS15 of the Core strategy and the advice within the Framework. As development that accords with the Development Plan It is therefore recommended that planning permission should be granted, subject to conditions.

RECOMMENDATION:-

Grant Conditionally

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following plans:

Application Form - received by the Local Planning Authority on 02 May 2018.

Site Plan – Revision A – 1:500 - received by the Local Planning Authority on 29 October 2018.

Lighting Data Pack by Exclusive Leisure Ltd - received by the Local Planning Authority on 02 May 2018.

Elevation of lighting and column – received by the Local Planning Authority on 21 May 2018.

Bulb Product Data - received by the Local Planning Authority on 21 May 2018.

REASON: For the avoidance of doubt and to define the terms of the permission.

3. The floodlights hereby approved shall be fitted with a time-clock or similar device which will turn off the lighting after a period of no longer than 30 minutes of court inactivity.

REASON: To prevent the lights from operating unnecessarily in the interests of neighbouring residential amenity.

4. The floodlights hereby permitted shall only be in operation between the hours of 09:00 and 22:00 Monday to Sunday including bank holidays.

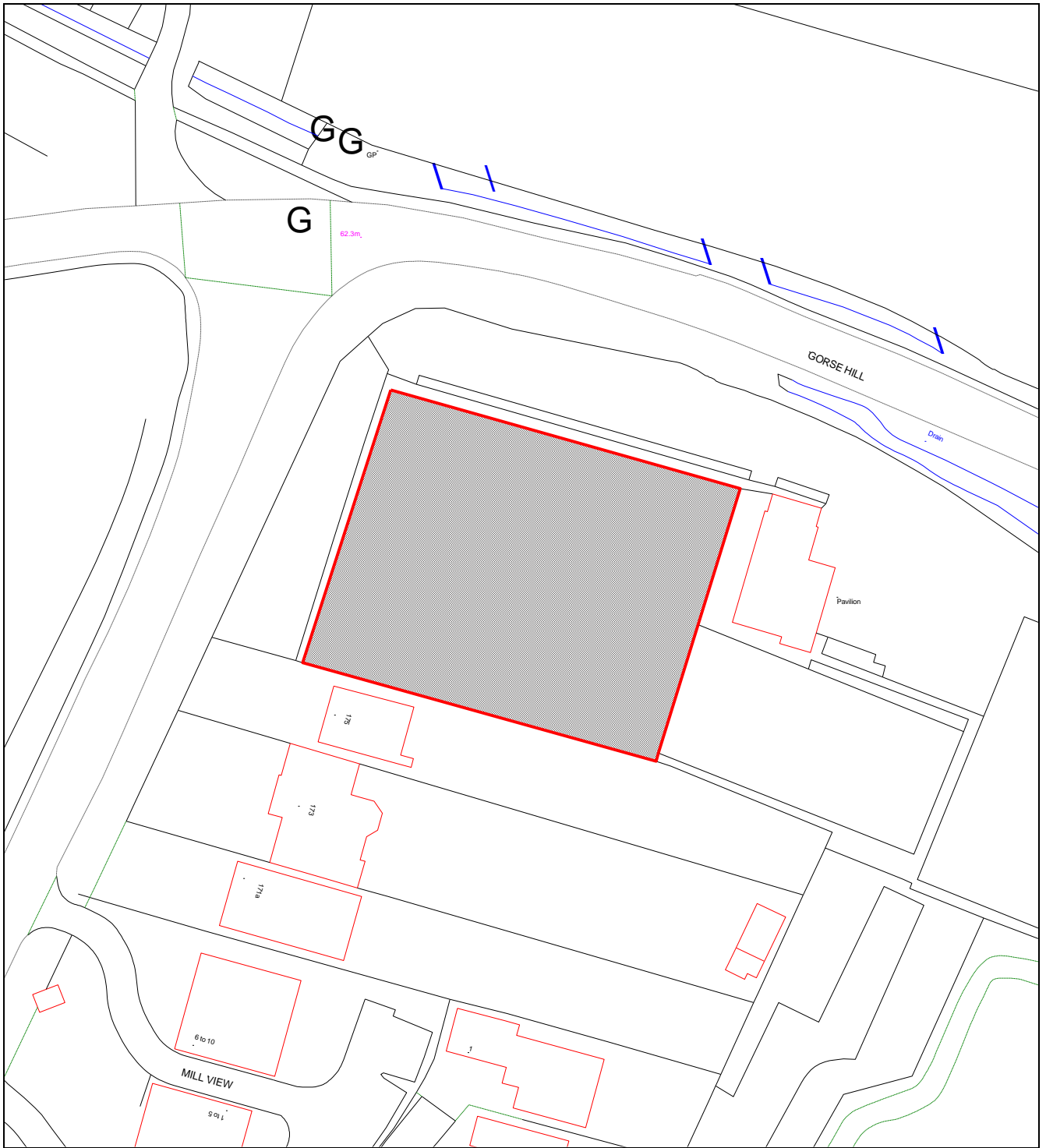
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5. The floodlighting hereby approved shall be finished in a matte 'Holly bush' green colour to match the existing flood lights within the site.

REASON: To make sure that the appearance of the completed development is satisfactory.

The following advice notes will be attached to a decision:

1. The decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies CS2 of the Charnwood Core Strategy (adopted 9th November 2015) and EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been considered in reaching a decision on this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
3. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.



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