

Planning and EP Committee 8 July 2014

Application Ref: 14/00903/WCPP

Proposal: Variation of condition 1 (operational hours) of planning approval 13//00849/WCPP (original condition 2 of planning permission 10/01598/FUL) - Installation of external downlighting to tennis courts 3 and 4

Site: Longthorpe Memorial Hall, 295 Thorpe Road, Peterborough, PE3 6LU
Applicant: Longthorpe Lawn Tennis Club

Agent: Mr Graham Walker

Referred by: **Director for Growth and Regeneration**
Reason: Level of objection from local residents to previous applications
Site visit: 06.06.2014

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The courts are situated within the Longthorpe Memorial Hall grounds which comprise a community centre, car park, four no. tennis courts, a bowls green, play area and playing fields. This complex is situated at the heart of the urban village of Longthorpe, a predominantly residential area of varied character and form. The properties surrounding the site are predominantly large detached two storey dwellings with rear gardens facing on to the site, albeit there are terraced properties facing on to Thorpe Road. The site is located within the identified Longthorpe Conservation Area.

Parking is provided to the front of the site in an area of car park accessed from Thorpe Road adjacent to the Post Office. This is a shared facility between the Tennis Club, Memorial Hall and bowls green. A public footpath runs to the south of the site.

Planning permission was granted for the installation of all-weather surfacing on Courts 1 and 2 (retrospectively) and Courts 3 and 4 to allow usage of the courts throughout the year under application reference 09/01435/FUL.

Proposal

The application seeks planning permission to vary Condition C1 of planning permission reference 13/00849/WCPP which granted permission itself for the variation of condition C2 (Operational Hours) of planning permission 10/01598/FUL (for the installation of external down lighting to tennis courts 3 and 4). Condition C1 states:

C1 For a period of 12 months from the date of this permission, the floodlights shall not be illuminated before 09.00 and after 20.30 on Tuesdays, Thursdays and Saturdays; before 09.00 and after 21.30 on Mondays, Wednesdays and Fridays; and not before 09.00 and after 18.00 on Sundays and Bank Holidays.

Following expiry of this 12 month period, the floodlights shall not be illuminated before 09:00 and after 20:30 Monday to Saturday (except for Wednesdays when they may be illuminated up to 21:30) ; and before 09:00 and after 16:00 on Sundays and Bank Holidays.

Reason: In the interests of protecting the amenity of the surrounding area and local residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

To date, the floodlights which are in operation at the site have strictly adhered to the above timings. The proposed variation seeks to remove the temporary condition imposed for extended operational hours to a permanent one, with the condition re-worded as follows:

The floodlights hereby approved shall not be illuminated before 09.00 and after 20.30 on Tuesdays, Thursdays and Saturdays; before 09.00 and after 21.30 on Mondays, Wednesdays and Fridays; and not before 09.00 and after 18.00 on Sundays and Bank Holidays.

2 Planning History

Reference	Proposal	Decision	Date
09/01435/FUL	Construction of all-weather surface for tennis courts 1-2 - retrospective. Construction of all-weather surface to lawn tennis courts 3-4. Movement of fence to enlarge court to LTA standard. Removal of shrubs and one Cherry tree	Permitted	22/01/2010
10/01598/FUL	Installation of external down lighting to tennis courts 3 and 4	Permitted	10/02/2011
13/00849/WCPP	Variation of condition C2 (Operational Hours) of planning permission 10/01598/FUL - Installation of external down lighting to tennis courts 3 and 4	Permitted	26/07/2013

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2012)

Section 8 - Social, Cultural and Recreational Facilities

Developments should plan for the provision and use of shared space, community services and other local services; guard against the unnecessary loss of valued services/facilities; allow established shops, facilities and services to develop/modernise; and ensure an integrated approach to the location of housing, economic uses and communities facilities and services.

Section 11 - Natural and Local Environment

Should be enhanced through the protection and enhancement of valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. New and existing development should not contribute to or be put at unacceptable risk by unacceptable levels of soil, air, water or noise pollution and land instability.

Section 11 - Light Pollution

Lighting should be designed to limit pollution on local amenity, intrinsically dark landscapes and areas of nature conservation.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

CS18 - Culture, Leisure and Tourism

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

Peterborough Planning Policies DPD (2012)

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

4 Consultations/Representations

Pollution Team (19.06.14)

No objections - No complaints have been received within the last 12 months regarding the operation of the lights or use of the premises. It is requested that the condition requiring compliance with limitations in terms of sky glow, lighting into windows etc. be maintained to ensure that no unacceptable impact arises in the future.

Local Residents/Interested Parties

Initial consultations: 49

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from the occupant of No.291A Thorpe Road on the following grounds:

- At the P&EP meeting of 23 July 2013, the following was recorded in the minutes: *'Councillor Arculus stated: "In increasing the hours to 21.30pm, three days per week, this would mean an overall increase of 100 hours over the year. This was unreasonable for the adjoining neighbours". Mr. Wappatt, on behalf of the Applicant addressed the committee and stated: "During May and August, the lights may be required for league matches at dusk"'*. In the letter sent by the Applicant to neighbours on 21 May 2014, it states that the renewal of the extension is required to allow the Club to continue to finish home fixture inter-club matches, mainly in the Spring and Autumn when light can be limited. There is no mention of usage outside the period outside these times but the application is for a year round extension.
- At the last Committee it was further minuted in the debate that the Club is situated within a Conservation Area and additional use of the lights during the winter months could be detrimental to the amenity of surrounding residents.
- I do not believe that any justification has been made for a year-round extension and to grant one would go against views previously expressed by Committee Members and would be detrimental to the amenity of neighbours.
- The extension is for the convenience of members only and is not needed, or justified on the basis of the existing usage of the floodlights. In the period between 28/10/2013 and 19/12/2013, measuring from Dusk until the floodlights were due to be switched off, the following usage was recorded (excluding wet weather):

Day	Unutilised Percentage
Sunday	91%
Monday	70%
Tuesday	14%
Wednesday	72%
Thursday	26%
Friday	88%
Saturday	87%

- In addition, the usage of the 'extended hour' between 8.30 and 9.30 was recorded, with a total of 20 Mondays and 18 Fridays equating to 38 'extra hours'. During these times, the floodlights were on for a total of 10 minutes.

- I believe that this application is part of a deliberate, on-going process over the last few years to keep extending the playing hours by the Tennis Club and that this process has been to the detriment of nearby residents. This creeping intensification of use has had a significant impact on our amenity and should not be allowed to continue.

5 Assessment of the planning issues

The main considerations are:

- Impact upon neighbour amenity
- Design and impact upon the character and appearance of the Conservation Area
- Highway implications and car parking
- Ecology

a) Impact upon neighbour amenity

Noise impact

At present, tennis is played on all courts throughout the year with games/practice either finishing when natural light fades or in accordance with the operational hours for the approved floodlighting. It is noted that the Applicant has diligently adhered to these restrictions and the floodlights are programmed to automatically turn off at the correct time. The application proposal would allow tennis to continue being played throughout the year until 21.30 on three days per week (currently there is only one day per week when the lights can be used until 21.30) on a permanent basis. Whilst it is acknowledged that the surrounding residential properties are sited in close proximity to Courts 3 and 4 (the nearest residential property is approximately 30 metres from the courts to the rear elevation), it is considered that there is sufficient separation distance to prevent a statutory noise disturbance from arising. It is therefore considered that the extended hours of operation are unlikely to give rise to any significant increase in noise disturbance and the proposal will therefore not result in any unacceptable impact upon the amenity of neighbouring residents in this regard.

Light spillage and intrusion

The lighting columns which are in situ on the site stand to a maximum height of 6.7 metres, with luminaires set to the horizontal and fitted with side and rear baffle plates to prevent outward light spillage to the surrounding area. The original application for the erection of the lighting was accompanied by a detailed Lighting Assessment and associated light spillage diagram (Appendix 1) which demonstrated the indicative light spillage out of the site. This diagram demonstrated that the level of lighting that would reach neighbouring residential properties would be limited to only 0.3 Lux or lower (brightness of a full moon on a clear night).

Following installation of the lighting columns, the Applicant submitted a further assessment to the Local Planning Authority which demonstrated that the lighting installed was in accordance with the predictions.

The light spillage from the installed floodlights is in accordance with the standards set out in the Institute of British Lighting Engineers (ILE) guidance document for light intrusion into residential properties. Whilst the development lights up an area which was traditionally intrinsically dark and unlit, at the time of the original application (10/01598/FUL) it was considered that the lighting scheme would not result in any unacceptable harm to the amenities of neighbouring occupants.

It is noted that the previous assessment of the application scheme (reference 10/01598/FUL) considered that permitting the lights to be on up to 21.30 for more than one night per week would be unacceptable. This conclusion was made at the time as Officers sought to ensure that the impact of the proposal would not result in any unacceptable harm to neighbour amenity by way of general disturbance. It is considered that the Applicant has reasonably demonstrated that restrictive conditions have been and will be diligently adhered to and that

the external lighting does not result in any significant harm to neighbour amenity. Whilst the proposal would result in additional nights of floodlighting to the rear of dwellings, the time limit of 21.30 falls significantly short of the accepted curfew of 23.00 set out in the ILE best practice guidance and within the commonly accepted curfew of between 21.00 and 22.00 which is set out in 'Lighting in the Countryside: Towards Good Practice 1997'. Furthermore, Officers consider that the benefit of allowing increased participation in sport which offers opportunity to the wider City area, outweighs any harm that may result.

On this basis, it is considered that the proposal accords with the National Planning Policy Framework (2012), Policies CS16 and CS18 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

b) Design and impact upon the character and appearance of the Conservation Area

At the time of granting planning permission for the floodlights (reference 10/01598/FUL), it was considered that the visual impact of the lights would be kept to a minimum owing to the design of the lights themselves and the context of the site being shielded by existing mature landscaping. Furthermore, the Conservation Officer at the time concluded that the lighting was set a sufficient distance from the streetscene along Thorpe Road (approximately 70 metres) so as to have no discernable impact upon the character, appearance or setting of the Conservation Area. Whilst this application would increase the usage of the lights, this would only be by 2 hours per week from the original permission and accordingly, it is considered that the proposal will not result in any increased impact in this respect. The proposal is therefore considered to be in accordance with the National Planning Policy Framework (2012), Policy CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012).

c) Highway implications and car parking

At present, car parking is provided in a car park to the front of the site shared between the Memorial Hall, bowls club and Tennis Club. This is accessed from Thorpe Road via a narrow access at the side of the Post Office. At the time of granting permission for the lights, it was considered that the floodlighting would not significantly intensify the use of the site or generate significant additional demand for car parking. The current proposed increase in operating hours will not in itself generate any further significant demand for car parking, or increased vehicular movements to and from the site. As such, it is not considered that the proposal will result in any harmful impact to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

d) Ecology

As part of the original application for the installation of the floodlights (reference 10/01598/FUL), an Ecology Report was submitted which assessed the impact of the lights on the local bat population. It was concluded that the application site and immediately surrounding area was unlikely to be used either as a commuting route or foraging area. Those bats which were detected along the southern boundary hedge line and open grass area beyond were common Pipistrelle and as such, were considered unlikely to be affected by the Lux levels generated by the floodlights.

The proposed increase in hours to 21.30 on 3 nights per week on a permanent basis will not result in any further impact from the approved scheme in terms of ecology and is therefore, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposed permanent increase in usage of the lights will not result in any unacceptable impact upon neighbour amenity, either by virtue of noise disturbance or light intrusion, in accordance with the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal will allow an existing sport/recreational facility within the City to expand and develop, in accordance with the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the proposal will not result in any unacceptable impact upon the visual amenity of the surrounding area or the character, appearance or setting of the Longthorpe Conservation Area, in accordance with the National Planning Policy Framework (2012), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);
- the proposed increase in operating hours will not in itself generate any further significant demand for car parking, or increased vehicular movements to and from the site and as such, no harm will result to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- the proposal will not result in any additional impact upon the ecology of the site and its surroundings, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 The floodlights shall not be illuminated before 09.00 and after 20.30 on Tuesdays, Thursdays and Saturdays; before 09.00 and after 21.30 on Mondays, Wednesdays and Fridays; and not before 09.00 and after 18.00 on Sundays and Bank Holidays.

Reason: In the interests of protecting the amenity of the surrounding area and local residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 2 The use of the lighting columns shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E2 in the Institution of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. In the event of any reasonable complaint to the Local Planning Authority in respect of light intrusion to neighbouring properties, the Applicant (or their successors in title) will be required to demonstrate compliance with these limits.

Reason: In the interests of protecting the amenity of local residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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