

10/01598/FUL: INSTALLATION OF EXTERNAL DOWNLIGHTING TO TENNIS COURTS 3 AND 4 AT LONGTHORPE MEMORIAL HALL, 295 THORPE ROAD, PETERBOROUGH, PE3 6LU

VALID: 22 NOVEMBER 2010

APPLICANT: MR KENNETH WAPPAT

AGENT: MR GRAHAM WALKER

REFERRED BY: CLLR M DALTON

REASON: IMPACT ON RESIDENTIAL AMENITY

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Lighting design and the impact on the character and appearance of the Longthorpe Conservation Area
- Impact on the amenity of neighbouring properties
- Highway implications and car parking
- Trees
- Ecology
- Other matters raised by objectors

The Head of Planning Transport and Engineering Services recommends that the application is **APPROVED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

**Relevant policies are listed below with the key policies highlighted.**

#### **The Peterborough Local Plan (First Replacement)**

##### **T1: Transport Implications of New Development**

Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

##### **DA1: Townscape and Urban Design**

Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

##### **DA2: The effect of a Development on the Amenities and Character of an Area**

Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

**DA12: Light Pollution**

Permission for lighting schemes will only be granted if the level of lighting does not exceed the minimum necessary to achieve its purpose, the installation minimises glare and light spillage and does not adversely affect the amenity of an area.

**CBE3: Development affecting Conservation Areas**

Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.

**LNE9: Landscaping Implications of Development Proposals**

Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

**LNE19: Protection of Species**

Permission will not be granted for developments that would cause demonstrable harm to legally protected species. Where it is granted conditions or an obligation will be sought to help protect or relocate the population.

**National Planning Policies****Material Planning Considerations****Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' (2005)**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

**Planning Policy Statement 5 (PPS5) 'Planning and the Historic Environment' (2010)**

The PPS states: 'It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.'

**Planning Policy Guidance 17 (PPG17) 'Planning for Open Space, Sport and Recreation' (1991)**

Open spaces, sport and recreation underpin people's quality of life and the provision of well designed and suitable recreation facilities supports the broader objectives of Government. With regards to floodlighting, the guidance requires Local Authorities to ensure that local amenity is protected.

### **Planning Policy Guidance Note 24 (PPG24) 'Planning and Noise' (1994)**

Provides Local Authorities with advice on the use of their planning powers to minimise the adverse impact of noise. Noise can have a significant effect of the environment and on the quality of life enjoyed by individuals. The planning system has the task of guiding development to the most appropriate locations.

### **3 DESCRIPTION OF PROPOSAL**

The application seeks planning permission for the installation of flood lighting to existing tennis courts (Nos. 3 and 4) at Longthorpe Tennis Club. The installation comprises nine no. 6.7 metre high lighting columns around the courts. It is proposed that three of the columns to be sited between the pitches would have double luminaires with the remaining six having single luminaires. Each lamp is proposed to be angled at the horizontal and fitted with side and rear baffle plates in order to reduce the level of light spillage and glare as far as is practicable. The applicant proposes the lights to be in use until 20.30 Monday – Saturday with a maximum of two evenings per week until 21.30 and up to 18.00 on Sundays and Bank Holidays.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application 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 recently 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.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
07/00546/FUL	Demolition of existing hall and erection of new community hall	17.07.07	PERMITTED
09/00504/FUL	Extension of footpath adjacent to playing area, steel container to be positioned on existing hardstanding for use by cricket and football area	06.07.09	PERMITTED
09/00590/FUL	Summer pavilion to replace temporary building	23.07.09	PERMITTED
09/01435/FUL	Construction of all weather surface for tennis courts 1-2 (retrospective) and tennis courts 3-4. Movement of fence to enlarge court to LTA standard and removal of shrubs and one Cherry tree	22.01.10	PERMITTED
10/00108/FUL	Demolition of existing steel and timber stores and replacement with brick storage building	19.03.10	PERMITTED

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Highways** – No objections subject to the imposition of a condition restricting visibility of illuminated from the public highway.

**Conservation Officer** – No discernable impact on setting of Conservation Area or nearby listed building (The Post Office) due to separation distance.

**Environmental Protection Officer** – Recommend condition requiring compliance with Institution of Lighting Engineers document ‘Guidance Notes for the Reduction of Obtrusive Light (Revised) (2005)’.

**Tree Officer** – No objections. Existing vegetation on the site should not be affected by the proposal.

**Wildlife Officer** – No objections. The scheme would not have any adverse impact on the local bat populations.

## **NEIGHBOURS**

21 letters have been received (19 in objection, 1 of support and 1 stating no objections to the principle of development, but has concerns associated with the proposal in terms of visitors leaving the site in a quiet manner). The objections to the proposal were based on the following grounds:

- Unacceptable precedent for light pollution into a traditionally dark area
- Harmful impact upon the character and appearance of the Conservation Area
- Increased demand for car parking and associated highways dangers as a result
- No need for the lighting has been proven
- No statement on the carbon footprint of the lighting has been provided
- Visual intrusion due to the height of the columns representing an eyesore
- Consideration of players leaving the courts after the cut off time
- Noise impact upon residential amenity
- Light spillage and glare would be detrimental to neighbour amenity
- Nearby facilities are available for use and will only be of benefit to Members not the wider community
- Harmful impact on wildlife
- Would set a dangerous precedent for other similar installations in the area
- Adverse impact on property values

## **COUNCILLORS**

Councillor M Dalton – Significant representation has been received from local residents who object to the proposal.

## **7 REASONING**

### **a) Design and impact on character and appearance of Conservation Area**

The floodlighting proposed is to be situated on the south eastern most corner of the wider Longthorpe Memorial Site within Courts 3 and 4 of the tennis complex. The lights will surround both courts with three no. single luminaires sited along both the eastern and western boundaries and three no. double luminaires between the courts. In total there will be nine columns and twelve luminaires sited. The lighting columns are proposed to stand at a maximum height of 6.7 metres with the luminaires angled at the horizontal and fitted with side and rear baffle plates.

The lighting has been designed so as to minimise the impact upon the visual amenity of the surrounding locality and the Longthorpe Conservation Area within which the site is situated. The courts are enclosed by 2.75 metre high steel weld mesh fencing and the lighting columns will stand approximately 4 metres higher than this. The lighting columns when taken by themselves, are no taller than the surrounding built or natural form and will not appear unduly obtrusive or incongruous within the locality. They have been designed so as to appear as low profile as possible and will be coloured in dark green in order to better assimilate into the area.

However, it is acknowledged that the lighting columns once lit will be a prominent feature within the site and visible from the immediate surrounding area. At present, the wider site is an area of mixed recreational uses and intrinsically dark in character with no lighting. It is the view of the Local Planning Authority that lighting is to be expected from such a sporting facility and the proposal been designed so as to minimise the visual impact. When lit, the courts will be shielded from much of

the surrounding residential properties by existing landscaping and as shown on the accompanying light spillage diagram, much of the visible light glow will be contained within the confines of the site itself. As such, it is felt that the visual impact of the proposal will be kept to a minimum.

The Conservation Officer has concluded that the lighting proposed is sited a sufficient distance from the streetscene along Thorpe Road (approximately 70 metres) that it will not have a discernable impact upon the character, appearance or setting of the Conservation Area. In addition, there will be no harm caused to the setting of the nearby listed Post Office building.

**b) Impact on the amenity of neighbouring properties**

Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation clearly states that 'in considering application for floodlighting, local authorities should ensure that local amenity is protected'. With regards to the proposal, the majority of neighbour objections have focused upon the impact on residential amenity in terms of noise and light spillage/glare, each will be discussed in turn.

*Noise impact*

A Noise Assessment Report has not been submitted as part of the application submission and it is not considered that this is necessary in order to fully assess the proposal. At present, tennis is played on all courts during summer months until the light fails (at peak approximately 21:00 hours) and in the winter during daylight hours and when the weather conditions permit. During the winter and with the all weather surfacing, tennis cannot be played in frost or when the courts are wet.

The application proposal would allow tennis to continue being played throughout the year until 20.30 hours, with two evenings per week to 21:30. It is considered that the proposal would not significantly increase the intensification of the use of the site. Only two out of four courts would be equipped with lighting to allow for extended hours of play and this will still be dependent on weather conditions. The use of the courts would extend hours of play throughout the Spring, Autumn and Winter months and not beyond the hours of Summer play that currently take place.

The surrounding residential properties are situated, at closest proximity approximately 30 metres (to the rear of the building) from Courts 3 and 4. It is considered that there is sufficient separation distance therefore that a statutory noise disturbance would not take place. The extended hours of operation are therefore unlikely to give rise to any significant increase in noise disturbance to surrounding residential properties.

One letter of objection received from a local resident has raised concern regarding noise disturbance arising from players congregating at the Memorial Hall to the front of the site. It is understood from the applicant that this is the normal meeting place for users of the tennis courts. Whilst there will be some disturbance caused to occupants of surrounding residential properties in close proximity to the meeting place, this would not be significantly greater than the existing situation. Furthermore, the number of users of the court is far less than the capacity of the Memorial Hall itself which runs evening classes, social groups and functions where users gather outside in the same area. Therefore, it is considered that the resultant impact would be negligible in terms of noise disturbance.

*Light spillage and intrusion*

It is proposed that the lighting columns, at a height of 6.7 metres, will have luminaires set to the horizontal and be fitted with side and rear baffle plates in order to prevent outward light spillage to the surrounding area. Whilst it is acknowledged that the lights will be powerful (1000 Watt), the applicant has provided a detailed Lighting Assessment and associated light spillage diagram (Annex 1) with indicative lighting levels spilling out of the site. This diagram clearly shows that some spillage beyond the courts will occur as a result of the proposal and this is to be expected.

However, the diagram shows that the level of lighting that will reach neighbouring residential properties will be limited to only 0.3 Lux or lower (brightness of a full moon on a clear night). The level indicated is far lower than that of standard street lighting which has an average level of between 3 and 15 Lux. The level proposed is in line with the Institute of British Lighting Engineers Guidance (ILE) for light intrusion into residential properties. The area is considered to fall within

category E2 (dark urban areas) as at present, the area is unlit but has some sky glow by virtue of the street lighting to the residential area surrounding. The ILE guidelines clearly state that in this type of area light trespass into windows should be limited to 5 Lux pre-curfew (23.00) and post-curfew to 1 Lux. Therefore, it is anticipated that the impact from the floodlights will be minimal.

The applicant is proposing for the lighting to be in operation up to 20:30 hours Monday to Saturday and 18:00 hours on Sundays and Bank Holidays. It has also been proposed that up to two nights per week, the lighting stay on until 21:30 hours. Whilst it is considered that the lighting will not have a significant impact upon residential amenity up to 20:30 hours, two evenings per week up to 21:30 hours would be unacceptable. Therefore, it is proposed by the Local Planning Authority that the hours of use be suitably conditioned and with only one evening per week (Monday to Sunday) up to 21:30 hours. All times are before the standard curfew of 23:00 hours as set out in the ILE Guidance.

c) **Highway implications and car parking**

There have been several neighbour objections received with regards to the car parking and access implications of the proposal. The Local Highways Authority has not raised any objections to the proposal and it is not considered that the proposed floodlighting will have a harmful impact upon highway safety.

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. It is considered that the proposed floodlighting will not significantly intensify the use of the site or generate significant additional demand for car parking. During Summer months, the pitches can be used late into the evenings and the application proposal will allow this to continue throughout the year. Therefore, it is unlikely that the proposal will result in any increase in the number of visitors to the site at peak times i.e. when the Memorial Hall and bowling green are in use.

Highway Officers have requested a condition preventing light spillage and glare to the public highway. However the light spillage diagram clearly indicates that this is not likely to occur. Nonetheless, a condition is being imposed to require the floodlighting to be implemented as per the approved plan.

d) **Trees**

The Tree Officer has not raised any objections to the proposal. Whilst the trees on the site are of a local benefit to the visual amenity of the site, none are affected by the proposed floodlighting.

e) **Ecology**

An Ecology Report was submitted as part of the application, assessing the impact of the proposed floodlighting of the local bat population. The Report concludes that the application site and immediately surrounding area is unlikely to be used as either a commuting route or foraging area albeit some bat activity was detected along the southern boundary hedge line and open grass area. These bats (common Pipistrelle) are unlikely to be affected by the Lux levels generated by the proposed floodlighting.

The Wildlife Trust have provided comments on the submitted report and are content that the survey, assessment methodology and conclusions reached are acceptable and that there is therefore no ecological constraint to the proposed development.

f) **Other matters raised by objectors**

- *Adverse impact on property value / The proposal is not a public facility and is therefore not in the public interest / There are other facilities in the near vicinity that could be used instead / Approving the proposal would set a dangerous precedent*  
All of the above are not material planning considerations and therefore cannot be considered as part of the determination of this application.

- *No statement regarding the carbon footprint and energy efficiency of the proposal have been provided*

Whilst National planning guidance requires development proposals to be sustainable, the application scheme is not of a sufficient size to require the submission of an energy statement.

## **8 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 floodlighting will give rise to no detrimental impact on the amenities of occupants of neighbouring residential properties;
- There will be no unacceptable impact on the character or appearance of the area or the Longthorpe Conservation Area;
- There will be no unacceptable impact upon the highway network or highway safety; and
- There will be no detrimental impact upon the local bat population.

The proposed development is therefore in keeping with Policies T1, DA1, DA2, DA12, CBE3, LNE9 and LNE19 of the Peterborough Local Plan (First Replacement) 2005.

## **9 RECOMMENDATION**

The Head of Planning Transport and Engineering Services recommends that this application is APPROVED subject to the following conditions:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Prior to first use of the floodlights hereby approved, a schedule of operational hours shall be submitted to and approved in writing by the Local Planning Authority. The lights shall only be operated within these times unless otherwise agreed in writing by the Local Planning Authority (see Informative 1).**

Reason: In the interests of protecting the amenity of the surrounding area in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

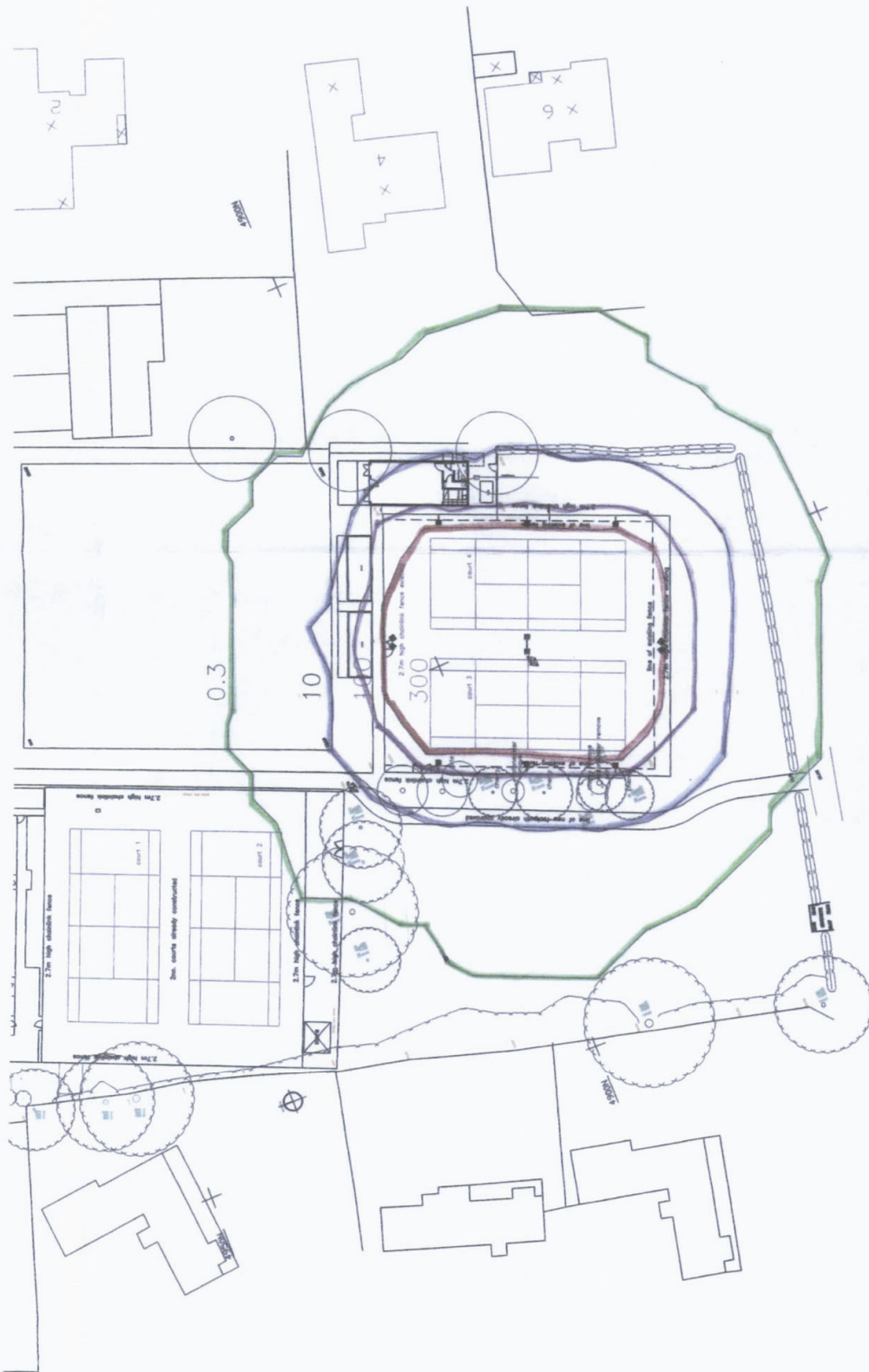
**C3 The floodlights shall be operated in strict accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority and in any event, shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005) Category E2. Prior to the lights first coming into use, a report shall be submitted to the Local Planning Authority to demonstrate compliance with this condition.**

Reason: In the interests of protecting the amenity of the surrounding area in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

### **Informative 1**

**In relation to Condition C2 above, the floodlights hereby approved should not be illuminated before 09.00 and after 20.30 Monday to Saturday; and before 09.00 and after 18.00 on Sundays and Bank Holidays. The floodlights may be illuminated up to 21.30 on any one day once per week (between Monday and Saturday).**

Copy to Councillors S Dalton, M Dalton, Arculus



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**EXTERNAL DOWN LIGHTS : LIGHTING PLAN**

Scale: 1:500 Date: 08/08/10 Drawn: CW Checked: Drawing Number: 00024/SK03

Annex 1