

<u>No:</u>	BH2017/02771	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Pavilion And Avenue Lawn Tennis Club 19 The Droveaway Hove BN3 6LF		
<u>Proposal:</u>	Installation of 8no eight metre high floodlights to courts 6, 7 and 8.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	12.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Pavilion And Avenue Tennis Club 19 The Droveaway Hove BN3 6LF		

Councillor Brown has requested this application is determined by the Planning Committee.

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block Plan	AL-02		15 August 2017
Elevations Proposed	AL-03		15 August 2017
Location Plan	AL-01	A	15 August 2017
Lighting scheme	FLOODLIGHT SPEC	Thorn Champion	15 August 2017
Lighting scheme	RELUX LIGHT SIMULATION REPROT		15 August 2017
Other	BAFFLES/ VISORS		26 January 2018

2. The floodlighting units hereby approved shall be 'Thorn Champion' or equivalent specification and installed in such a manner so as to ensure that light sources and reflectors are not directly visible from the habitable room windows of any residential property directly abutting the site and in accordance with the 'Relux light simulation tools' installation report dated 13.01.2015 and received 15.08.17. Reason: To safeguard the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan.
3. The floodlighting units hereby approved shall not be brought into use unless or until the 'Thorn Champion' (data sheets received 26.01.18) or equivalent specification, front, side and rear visors have been installed in such a manner so as to reduce light spill onto the boundaries. Reason: To safeguard protected species from the impact of the development and the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9, QD18, QD26 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
4. At no time and under no circumstances shall the light, from the floodlights hereby approved, into the habitable room windows of adjacent residential properties exceed a level of 2 lux vertical illuminance. Reason: To safeguard the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9, QD26 and QD27 of the Brighton & Hove Local Plan.
5. The floodlighting hereby approved shall only be in use between the hours of 08:00 and 21:00 on Mondays to Fridays, 08:00 and 20:00 on Saturdays, 16:00 and 18:00 between 1 October and 31 March on Sundays, Bank or Public Holidays. The floodlighting shall not be in use at any time on Sundays between 1 April and 30 September. Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises the Pavilion & Avenue Tennis Club located on the north side of The Droveaway, Hove. The Club is bounded on all sides by residential properties.
- 2.2 There are ten tennis courts and a clubhouse building. Courts 2-5 benefit from existing floodlights; courts 9 & 10 are covered by an air-hall during winter months which is internally floodlit.

- 2.3 Planning permission is sought for the installation of 8 no. eight metre high floodlights to courts 6, 7 and 8 which have been laid with artificial red clay, an all-weather playing surface.
- 2.4 The floodlights themselves would be constructed of die-cast aluminium with 4mm toughened glass. The columns would be painted green.
- 2.5 The application is a revision to an earlier application (BH2015/02509) that was recommend by officers for approval, however was refused planning permission by Members at Planning Committee in March 2016. The applicant did not appeal the refusal.
- 2.6 The application differs to the earlier application by proposing greater restrictions on operating times for the floodlights.
- 2.7 Under the previously submitted application proposals, the floodlights were to be operational between 08:00 and 22:00 hours on a daily basis.
- 2.8 Under the current application proposals, the proposed floodlights are to be operational during the following periods only:

Monday to Friday: 08:00 to 21:00

Saturday: 08:00 to 20:00

Sunday: October 01 to March 31: 16:00 to 18:00

April 01 to September 30: Floodlights not in use.

3. RELEVANT HISTORY

BH2015/02509 Installation of 8no eight metre high floodlights to courts 6, 7 and 8. Refused by Planning Committee 09.03.2016 for the following reasons:

1. The proposed lighting would result in a development having an adverse cumulative impact on the amenities of nearby residents by reason of the resulting total overall visible light levels. The proposed development is therefore contrary to policies QD26 and QD27 of the Brighton & Hove Local Plan 2005.
2. The development would result in an increased and detrimental noise and disturbance impact on nearby residents. The proposed development is therefore contrary to Policies SU10 and QD27 of the Brighton & Hove Local Plan 2005.

BH2014/03253 Demolition of coaches building and extension and alterations to physiotherapy building including creation of first floor with pitched roof, two storey side extension and associated alterations. Approved 28/01/2015.

BH2014/01594 Application for variation of condition 11 of BH1998/02626/FP (Amendment to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to

provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised)) to state that the access between 1 & 3 The Drove way shall be used for emergency purposes plus maintenance and access and parking for 2 car spaces with onsite turning space within the site boundaries. Approved 08/10/2014.

BH2009/01231 Replacement of existing timber windows, doors and vertical cladding with UPVC windows, aluminium doors and horizontal timber cladding. Approved 24/07/2009.

BH2002/01521/OA Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts on a seasonal basis of 30 weeks per year between October and April. _ 18/10/2002.

BH2001/02118/OA Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts. Refused 13/12/2001.

BH2001/00244/FP Proposed erection of new clubhouse. Approved 27/06/2001.

BH1998/02626/FP Amendments to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised). Granted 22/09/1999.

3/96/0334(F) Change of use with extension of existing courts to provide four extra courts including protecting floodlighting for existing courts. Granted 13/02/2008

Enforcement: Breach of condition authorised 06/08/01. Condition 16 of BH1998/02626/FP issued 26/09/01. Complied with 12/11/01.

4. REPRESENTATIONS

4.1 **Forty-five (45)** letters have been received objecting to the proposed development. The main reasons for objection are as follows:

- Light spillage and pollution
- Noise pollution
- Impact on bats and other wildlife
- Excessive height
- Visual impact
- Not in keeping with residential neighbourhood
- Existing floodlit courts under used
- Increased traffic congestion
- Parking issues

- Club already in breach of existing planning conditions
- Lack of consultation with residents

4.2 Fifty-one (51) letters have been received supporting the proposed development. The main reasons for support are as follows:

- Encouraging healthy sports
- Increase levels of participation
- Club provides service to the community
- Health and social benefits
- Promotion of community spirit
- Encourage more children to participate after school
- Improve disability tennis offer
- Shielding provided by foliage
- Neighbours unlikely to use gardens so much after dark
- Clay courts better all-weather surface than the existing flood lit artificial grass courts

4.3 Councillor Vanessa Brown: Objects to the application (comments attached).

5. CONSULTATIONS

5.1 County Archaeologist: No objection

5.2 Brighton & Hove Archaeological Society: No objection

5.3 County Ecologist: No objection The proposed development, subject to the installation of baffles, is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

5.4 Environmental Health: No objection Information has been submitted to demonstrate that the impact of the proposed floodlighting would not have a negative impact on the neighbouring amenity by reason of light pollution. From the evidence submitted there are no grounds to disagree that there would be minimal impact on the immediate neighbours.

5.5 Sustainable Transport: No objection

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:
Brighton & Hove City Plan Part One (adopted March 2016);
Brighton & Hove Local Plan 2005 (retained policies March 2016);

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP16 Open space

CP17 Sports provision

CP18 Healthy city

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD15 Landscape design

QD18 Species protection

QD26 Floodlighting

QD27 Protection of amenity

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to visual impact, the effect on neighbouring residential amenity (specifically in relation to light and noise pollution), nature conservation, transport implications and the benefit of the facilities both to the Club and the community.

8.2 Principle of Development:

CP17 of the City Plan states that new sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards,

optimise their accessibility and affordability to all users, including the local community and visitors.

8.3 In this instance the proposal would enhance sports and recreation facilities for the benefit of members of the Club and the wider community.

8.4 The floodlighting is proposed on courts 6-8 which have been re-surfaced with artificial clay which is an all-weather surface. The existing floodlit courts 2-5 have an artificial grass surface which becomes very slippery and dangerous to play on after rainfall. Consequently the existing floodlit courts are not used as often as they could be. The application states that clay courts could be used throughout the year if they were lit during winter evenings. Such enhanced facilities encourage residents, including children, to play sports and lead active lifestyles.

8.5 The proposal meets the requirements of policy CP17 in that it provides improved sporting facilities close to the community and has good pedestrian and cycle links. The scheme has addressed the potential impact of the proposal on the amenity of adjacent residential properties and the impact on the natural environment (as outlined below).

8.6 **Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.7 Concerns have been raised that the proposed development could affect residential amenity with regard to light being emitted from the proposed floodlights and noise from the additional hours of operation. The applicant has attempted to address these concerns by proposing that the floodlights are operational during the following periods only:

Monday to Friday: 08:00 to 21:00

Saturday: 08:00 to 20:00

Sunday: October 01 to March 31: 16:00 to 18:00

April 01 to September 30: Floodlights not in use.

8.8 **Floodlighting**

The Club operates a token system for bookings for one hour and would continue with the same system on the newly lit courts. The three courts will have their own individual token activated timer and the courts must be used in sequence. The lights on the courts will be switched on for one hour per token. Each individual court can be lit without the need for them to be turned on all at the same time.

8.9 However the site of this application is in close proximity to residential properties and some rooms have a direct line of sight to the tennis courts that are

proposed to be floodlit. Therefore it is undoubtedly the case that the proposed floodlight installation could have some environmental impact upon nearby properties and this concern is acknowledged. However, it must be established to what extent and then balance this against the community benefits, and other widespread advantages of providing such a facility.

- 8.10 Information has been submitted to demonstrate that the impact of the proposed floodlighting would not have a negative impact on the neighbouring amenity by reason of light pollution. The chosen design uses a total of eight columns and floodlights. The application states that other disregarded proposals used more floodlights and/or columns which would have borne a much greater visual impact. Also, fewer lamps and luminaires mean less potential for glare and less potential for complaint from surrounding receptors.
- 8.11 It is noted that lower columns were considered but disregarded as they would likely adversely affect both spill light beyond the courts themselves and light trespass into neighbouring properties as the floodlight would have to be tilted significantly in order to achieve the required light levels.
- 8.12 The report details that the maximum tilting allowed to the floodlights specified is 10 degrees and not exceeding this should ensure that light sources and reflectors are not directly visible from the habitable room windows of any property directly abutting the site.
- 8.13 It is acknowledged that there has been careful consideration as to the type of floodlighting to install. Expert advice as to the optimum solution that would provide the required illuminance on the courts with the minimal impact on its immediate neighbours has been sought. By utilising the minimum quantity of columns and high quality floodlights, the Council's Environmental Health Officer agrees that this has been achieved and therefore, subject to conditions, has no objections to the application.
- 8.14 **Noise**
There may be some additional noise and disturbance from people arriving and leaving and taking part in sport, however given the numbers and hours involved this is not considered to be unacceptable or warrant refusal of the application.
- 8.15 **Design and Appearance:**
The floodlights themselves would be constructed of die-cast aluminium with 4mm toughened glass. The columns would be painted green.

The floodlights would be of slim design, however there is no doubt that, at a height of 8 metres, they would be, at least partially, visible to some of the neighbouring properties, particularly from Dyke Road to the east and Onslow Road to the north. However the nearest properties are at least 30 metres away with good size rear gardens. Given the above and that there is a good level of screening foliage, it is not considered that the structures would have an overbearing impact or be unduly harmful to neighbours' outlook.

8.16 Given the site context the proposal would not stand out as visually intrusive and is appropriate in terms of its design.

8.17 **Sustainable Transport**

Extending playing time at the tennis club by means of additional floodlighting is likely to lead to a small uplift in trip generation. However the Council's Highways team does not consider that this would result in a severe impact on the highway.

8.18 **Ecology:**

The County Ecologist has advised that, given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value.

8.19 There are records of bats from the surrounding area and there is suitable foraging and/or commuting habitat to the east and west of the development site. There is therefore the potential that the boundaries of the site could be used for commuting and/or foraging by bats.

8.20 The County Ecologist has advised that whilst no specific surveys are required, it is recommended that the proposed baffles are used to prevent light spill onto trees and vegetation that border the site. This can be secured by condition.

9. EQUALITIES

9.1 None identified

