

DELEGATED APPLICATION REPORT - Application No. 201472/VAR

Address: Mapledurham Lawn Tennis Club Mapledurham Playing Fields Upper Woodcote Lane Caverham

Proposal: Erection of six floodlighting columns supporting six LED lamps and addition of six additional LED lamps to five existing floodlighting columns to providing lighting to courts two and three without complying with condition no. 6 of planning permission ref. 182140 to change the permitted hours of use of the floodlighting to courts two and three from 0900 hours to 2000 hours on any day to 0900 hours to 2200 hours on any day

Case officer: Matt Burns

Site Description and Surrounding Area:

Mapledurham Lawn Tennis Club is located in the north east corner of Mapledurham Playing Fields adjacent to the pavilion building and consists of four hard surface tennis courts. Two of the four tennis courts are already served by 6.7m high flood lighting columns.

To the north of the tennis courts are the rears of the residential properties within Little Woodcote Close and to the east are the rears of the residential properties within Knowle Close. To the west is the pavilion building and to the south open playing fields.

The tennis courts form part of the Mapledurham Playing Fields designated area of Local Green Space as defined by the Policy EN7Nn of the Reading Local Plan 2019.

Proposal:

This application has been submitted, under s73 of the Town and Country Planning Act 1990, to vary Condition no. 6 of planning permission ref. 182140FUL to change the permitted hours of use of the floodlighting to courts two and three from 0900 hours to 2000 hours on any day to 0900 hours to 2200 hours on any day.

Plans and Documents Considered:

Site Location Plan

Received by the Local Planning Authority on 21st October 2020

Block Plan

Received by the Local Planning Authority on 30th October 2020

Relevant Planning History:

93-00757 - Creation of a tennis court - Granted

95-00297 - Erection of flood lighting to two tennis courts - Refused and dismissed on appeal (ref. Q0315/A/96/264001)

98-00921 - Provision of floodlighting to two tennis courts - Refused and allowed on appeal (ref. APP/E0345/A/99/1029151)

182140FUL - Erection of six floodlighting columns supporting six LED lamps and addition of six additional LED lamps to five existing floodlighting columns to providing lighting to courts two and three - Granted

191861APPCON - Application for discharge of condition 3 (landscaping) of planning permission
182140 - Condition discharged

Consultation Responses:

Ecological Consultant - No objection.

Neighbour Notification

Nearby dwellings within Little Woodcote Close, Knowle Close, Hewett Close, Hewett Avenue and Upper Woodcote Road were notified of the planning application by letter. Site notices were also displayed at the application site.

Eight letters of objection have received raising the following issues:

- Harm to residential amenity from additional light intrusion
- Harm to residential amenity from the noise impact of additional use
- Harm to residential amenity from loss of outlook
- Harm to residential amenity from increased traffic and car parking associated with extended use of the courts
- Harm to biodiversity and in particular bats from light and noise pollution

Equality Act 2010:

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008, updated 2015)

- CC1 Presumption in Favour of Sustainable Development
- CC2 Sustainable Design and Construction
- CC7 Design and the Public Realm
- CC8 Safeguarding Amenity
- EN7 Local Green Space and Public Open Space

EN12 Biodiversity and The Green Network

EN13 Major Landscape Features and Areas of Outstanding Natural Beauty

EN16 Pollution and Water Resources

Appraisal

An application submitted under s73 allows the local planning authority to only consider the proposed amendments. All other matters remain as approved under planning permission ref. 182140FUL. If permission to amend the plans is granted, this has the effect of granting a new permission for the whole development.

The proposed amendments relate solely to condition no.6 of planning permission ref. 182140 which stipulate that the flood lights to courts 2 and 3 (the two eastern most courts) can be used between the hours of 0900 and 2000 each day only. The reason for the condition was 'in the interest of the residential amenity of surrounding occupiers in accordance with Policy DM4 (safeguarding amenity) and Policy CS34 (Pollution and Water Resources) of the RBC Core Strategy (2011).

Since the above planning permission was granted the Council has adopted a new Local Plan (November 2019). Policies DM4 and CS34 have now been superseded by Policy CC8 (Safeguarding Amenity) and Policy EN16 (Pollution and Water Resources) of the Reading Local Plan 2019. The thrust of both policies remains the same. Policy CC8 requires that development does not cause a detrimental impact on the living environment of existing residential properties in terms of a range of issues which include the impacts of artificial lighting and noise and disturbance. Policy EN16 states that 'development will only be permitted where it would not be damaging to the environment and sensitive receptors through land, noise or light pollution....'

The current application seeks to amend condition 6 to allow the floodlights to be used between the hours of 0900 and 2200 each day.

It should be noted that the flood lights to courts 1 and 4 (the two western most courts) are already permitted to and do operate until 2200 hours each day under planning permission ref. 98/00921 which was granted upon appeal. Within the decision the inspector considered that the light spillage assessment information submitted as part of the application satisfactorily demonstrated that there would not be any significant spillage of light onto the adjacent residential properties along Knowle Close. The inspector secured additional landscape planting to the site boundary with Knowle Close to further soften the impact of the proposed flood lighting on the occupiers of Knowle Close. In considering potential noise and disturbance impacts of an intensified use of the tennis courts associated with the proposed flood lighting the Inspector concluded that the noise resulting from the use of two floodlit courts during the hours of darkness would be less than the noise generated by the simultaneous use of all 4 courts during the hours of daylight. The Inspector went on to note that flood lit use of the courts would also be most likely to occur a time when neighbouring residents would be indoors rather than in their gardens. The Inspector concluded that the proposed flood lighting would not give rise to an unacceptable level of disturbance, provided that the use of the courts ceased by 2200 hours and secured this by way of condition.

When granting permission for the floodlighting to courts 2 and 3 under planning permission ref. 182140 the primary reason for restricting the use of the flood lights to 2000 each day was to protect the amenity of the nearby residential occupiers along Knowle Close to the east and Little Woodcote Close to the north. The 2018 application initially sought use of the floodlights until 2200 hours, but this was restricted to 2000 hours by condition following officer concerns and agreement from the Applicant in order to protect the nearby occupiers from glare from the lighting and also additional noise disturbance from extended use of the courts into the later evening hours.

The current variation application does not seek amend the lighting in any other way. The lighting columns are at their closest point, located 6m from the eastern boundary of the playing fields with the rear gardens of no.s 3 and 4 Knowle Close and 14m at the closest point to the rear elevation of these dwellings. The lighting is also located 10m from the northern boundary of the playing fields with the rear garden no. 3 Little Woodcote Close and 16m at the closest point to the rear elevation of this dwelling.

A lux assessment of proposed flood lighting was submitted for consideration when the original planning permission was granted. This demonstrated that light spillage to the rear gardens of no.s 3 and 4 Knowle Close would not exceed 1 lux and in the majority of locations would in fact be 0 lux. The level of illumination at the rear of elevations of these dwellings would also be 0 lux. Environmental Protection Officers reviewed lux assessment and specification of the proposed flood lighting and were, based on this, satisfied that the light spillage would be within the Institute of Lighting Professionals recommended levels for suburban lighting before 11pm. The lux assessment indicated that the level of light spillage to the adjacent residential property to the north of the site (no. 3 Little Woodcote Close) would be greater and would reach up to 10 lux at the boundary with rear garden of this property and 4 lux at the rear elevation of the property. Given no changes to the position, height or strength of the floodlights is proposed as part of the current application this lux assessment remains relevant and officers are again satisfied that the flood lighting does not result in any harmful light spillage to surrounding residential occupiers.

Whilst the proposed flood lighting is not considered to result in unacceptable levels of light trespass the lighting is visible to surrounding neighbouring properties by way of glare and glow even with anti-spill light shields attached to the lamp heads. As referred to above this was the primary reason for restricting the use of the floodlighting to courts 2 and 3 to no later than 2000 hours each day due to the close proximity of the lighting columns to the adjacent properties to Knowle Close and Little Woodcote Close. There is an existing hedgerow to the eastern boundary of the site which provides a limited screen the floodlighting columns the hedgerow is so tall or dense as to significantly prevent views of the lighting.

Officers retain concerns regarding the close proximity of the lighting columns to the adjacent residential properties to Knowle Close (notably no.s 2, 3 and 4) and Little Woodcote Close (notably no.s 3, 4 and 5) and the impact of glare and glow from the floodlighting to the occupiers of these dwellings. Objections to the application have been received from the occupiers of no.s 2 and 4 Knowle Close and no.5 Little Woodcote Close raising concerns regarding the obtrusive nature of the lighting to facing bedrooms and gardens.

Due to the close proximity of the floodlighting on courts 2 and 3 to Knowle Close and Little Woodcote Close, glare and glow from the lighting is prominent from the nearby dwellings on these roads, which back on the playing fields and tennis courts. Officers are of the opinion that closeness and intrusive nature of the lighting is such that an extension of the hours of use of the floodlights for a further 2 hours each day until 2200 hours, into the later evening hours, would adversely impact on the residential amenity of these nearby residential occupiers and their enjoyment of their homes. Whilst it is acknowledged that the floodlighting to the western most courts (no.s 1 and 4) is already permitted to operate until 2200 hours each day these courts are located further from the surrounding residential properties. It is the close proximity of the lighting on courts 2 and 3 (the eastern most courts) to the nearby residential properties which is considered to exacerbate the impact of the glare and glow from the lighting.

A further reason for restricting the hours of use of the tennis courts to 2000 hours under the existing planning permission was additional noise impact from extended use of the courts into the later evening hours - notably in relation to coaching activities which can involve shouting/instructing and disturbance to the adjacent Knowle Close and Little Woodcote Close properties as well as reduce potential increases in car journeys to the site. Again, it is the close proximity of courts 2 and 3 to the residential properties to the adjacent residential properties that is the issue in terms of noise and disturbance compared to courts 1 and 4.

During consideration of the application the applicant put forward a number of mitigation measures to address officer concerns. These included, agreement to conditions to prevent use of the floodlighting beyond 2000 hours at weekends and also to add back shields to the existing lighting columns for courts 1 and 4. It was also proposed that the number of people using the courts could be restricted to 4 people per court in order to allay concerns regarding noise disturbance from large coaching groups.

It is considered that a condition to restrict the number of people permitted to play on each court at any one time to four would satisfactorily address officer concerns regarding additional noise disturbance from coaching on the courts between 2000 and 2200 hours. However, officers are not satisfied that conditions to prevent use of the courts between 2000 and 2200 hours at weekends nor back shields to existing lamp columns to courts 1 and 4 would satisfactorily mitigate the impact of glare and glow from the lighting.

Other Issues

The proposed variation to the hours of use of the floodlights is not considered to have any material impact upon the character and appearance of the area in accordance with Policy CC7 (Design and the Public Realm). No changes to the lighting columns are proposed.

The Council's Ecologist is satisfied that the proposed additional two hours use would not have an adverse impact upon protected species. The lux assessment submitted when planning permission was granted for the floodlighting to courts 2 and 3 demonstrated that the lighting would not result in a lux reading of more than 1 at a point 2m above ground level within the adjacent hedgerow along the eastern boundary of the tennis courts. On this basis the

ecologist was satisfied that the lights would not adversely impact upon bats using the hedgerow as a foraging or travel corridor. No changes to the strength of the lighting is proposed and therefore the use of the lights for an additional two hours would not alter the lux rating within the hedgerow and no additional impact upon bats is considered to result. The proposals are considered to accord with Policy EN12 (Biodiversity and the Green Network).

Matter Raised in Representation

Issues raised are considered to have been addressed in the appraisal section of the report above.

RECOMMENDATION:

REFUSE

Reason for Refusal:

1. The close proximity of the floodlighting columns to no.s 2, 3 and 4 Knowle Close and no.s 3, 4 and 5 Little Woodcote Close and the resultant glare and glow from the floodlighting is such that an extension of the hours of use of the floodlights for a further 2 hours each day until 2200 hours, into the later evening hours, would adversely impact on the residential amenity of these nearby residential occupiers and their living environment contrary to Policy CC8 (Safeguarding Amenity) and Policy EN16 (Pollution and Water Resources).

Informatives

1. Refused plans
2. Positive and proactive