

<u>No:</u>	BH2023/00643	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 The Drove way Hove BN3 6LF		
<u>Proposal:</u>	Installation of 12no lighting columns to courts 6, 7 and 8 and 6no lighting columns to court 1.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	17.03.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	12.05.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Neil Moss Pavilion And Avenue Tennis Club 19 The Drove way Hove BN3 6LF		

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
Location Plan	AL-01 C		17 March 2023
Proposed Drawing	AL-03 B		2 March 2023
Proposed Drawing	AL-04		2 March 2023
Proposed Drawing	AL-05 A		2 March 2023
Report/Statement	6612b	Lighting design document	29 March 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The floodlighting units hereby approved shall be installed in accordance with the specification provided within the 'Outdoor LED Tennis Lighting Design' document by 'Luminance Pro Lighting Systems Ltd' ref: 6112b received 29th March 2023. 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 of occupiers of adjoining residential properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

4. The floodlighting units hereby approved shall be 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.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

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, and 16:00 and 18:00 between 1 October and 31 March on Sundays, Bank or Public Holidays. The floodlighting should not be in use at any time on a Sunday between 1 April and 30 September.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

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

- 2.1. The application site comprises the Pavilion & Avenue Tennis Club located on the northern side of The Droveaway, Hove. The Club is bounded on all sides by residential properties. The site is not located within a Conservation Area or otherwise subject to any designations or protections.
- 2.2. There are ten tennis courts and a clubhouse building on the site. Courts 2-5 benefit from existing floodlights; and courts 9 & 10 are covered by an air-hall during winter months which is internally floodlit. The application relates to the remaining courts 1, 6, 7 and 8.

3. RELEVANT HISTORY

- 3.1. **BH2015/02509** Installation of 8no eight metre high floodlights to courts 6, 7 and 8. Refused 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.*”
- 3.2. **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
- 3.3. **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
- 3.4. **BH2009/01231** Replacement of existing timber windows, doors and vertical cladding with UPVC windows, aluminium doors and horizontal timber cladding. Approved 24/07/2009
- 3.5. **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. Approved 18/10/2002
- 3.6. **BH2001/02118/OA** Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts. Refused 13/12/2001
- 3.7. **BH2001/00244/FP** Proposed erection of new clubhouse. Approved 27/06/2001
- 3.8. **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). Approved 22/09/1999
- 3.9. **3/96/0334(F)** Change of use with extension of existing courts to provide four extra courts including protecting floodlighting for existing courts. Approved 13/02/2008

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of 12no. floodlights to courts 6, 7 and 8, and 6no. floodlights to court 1. The columns would be 6.7m in height and the operational times proposed are:
- Monday to Friday: 08:00 to 21:00

- Saturday: 08:00 to 20:00
 - Sunday: 1 October to 31 March: 16:00 to 18:00; 1 April to 30 September: floodlights not in use.
- 4.2. By comparison, the permitted hours of use for existing floodlights on courts 2-5 are between 08:00 and 22:00 on a daily basis, as limited by condition 8 of planning permission BH2014/01594.
- 4.3. As noted above, the present application follows the refusal of an application to install floodlights to courts 6, 7 and 8 (ref. BH2015/02509).
- 4.4. This application differs to the earlier application in that a greater number of floodlights are now proposed, including six to court 1, and the floodlights now proposed would not be as tall (6.7m vs 8.0m previously) There would also be greater restrictions on operating times for the floodlights under the current application as previously submitted the floodlights were to be operational between 08:00 and 22:00 hours on a daily basis.

5. REPRESENTATIONS

- 5.1. **One hundred and eighty (180)** letters have been received supporting the proposed development for the following reasons:
- New lights would be LEDs which are energy efficient
 - The new lights would be much lower in height than older models
 - Very little light would spill beyond the court perimeter
 - The development would expand the use of the club which is currently at capacity
 - The additional hours for the club would bring health benefits for the local community
 - Traffic and parking would not be significantly affected, as there are no issued during daytime use
 - There is a shortage of courts with lighting
 - The proposals would provide more time for people to play tennis who cannot play during the day (workers and school children)
- 5.2. **Twelve (12)** letters have been received objecting to the proposed development. The main reasons for objection are as follows:
- Noise
 - Light pollution in addition to existing floodlights
 - Visually intrusive
 - Night-time use should be restricted to 21:00
 - The existing courts are not fully used, so there is not a need for the development
 - The applicant has not engaged with neighbours on the proposals
 - Impact on bats
 - The club does not operate existing lighting as agreed under previous planning applications

- 5.3. **Councillors Brown and Bagaen** have submitted representations objecting to the proposal. The email is attached to this report in full as an appendix.

6. CONSULTATIONS

6.1. **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.
- The hours of use of the floodlights should be secured by condition.

6.2. **Sustainable Transport:** No objection

7. MATERIAL CONSIDERATIONS

- 7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- 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);
- Shoreham Harbour JAAP (adopted October 2019).

8. 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 City Plan Part Two):

DM20	Protection of Amenity
DM21	Extensions and Alterations
DM40	Protection of the Environment and Health- Pollution and Nuisance

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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.

Principle of Development:

- 9.2. CP17 of the City Plan Part One (CPP1) 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.
- 9.3. In this instance the proposal would enhance sports and recreation facilities for the benefit of members of the tennis club and the wider community.
- 9.4. The floodlighting is proposed on courts 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 proposal would enhance the existing facilities and enable tennis to be played in the evening by people who may not be able to play during the day, such as daytime workers and school children.
- 9.5. 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).

Design and Appearance:

- 9.6. The floodlights would be painted green and of a slim design, with a height of 6.7 metres. They would not be visible from any public vantage points, and when viewed, would be in the context of the tennis facility, alongside existing lights and utilitarian structures.
- 9.7. The design and appearance of the floodlights is therefore considered acceptable, and are not considered to be visually intrusive or detrimental to the character of the area.

Impact on Amenity:

- 9.8. Policy DM20 (protection of amenity) of the Brighton and Hove City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.9. The dwellings in closest proximity to the development are on Dyke Road to the east and Onslow Road to the north. The nearest properties to courts 6-8 are at least 30 metres away with good-sized rear gardens separating them from the application site. Court 1 is approximately 12-13m from no. 5 The Droveaway, although the proposed floodlights to this court would be set further away from the boundary to provide a 20m separation.
- 9.10. 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 proposed to limit the hours of use of the floodlights to 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.

Light spill

- 9.11. As noted above, 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, the proposed installation of 18 floodlights could have some impact upon residents of nearby properties.
- 9.12. It is noted that the proposed floodlights would be 1.3m lower than those refused under application ref. BH2015/02509, and the hours of use more limited, proposing use until 21:00 during the week, whereas the previous proposal was for use until 22:00.
- 9.13. Information has been submitted in the form of a Lighting Design Statement to demonstrate that the proposed floodlighting would not have a negative impact on neighbouring amenity by reason of light pollution. Lighting would be directional onto the tennis courts and the lamps would be fitted with baffles to mitigate against light spill into surrounding properties. The baffles would also assist in reducing impact of glare (visibility of the light source) from neighbouring properties. A condition is recommended to secure the particular design being proposed and to ensure that the lighting elements and any reflectors are not visible from neighbouring property.
- 9.14. The submitted lighting report compares the proposals against the relevant guidance, which is the 'Institute of Lighting Professionals, Guidance Notes on the reduction of Obtrusive Light' and British Standard BS12193:2018. The light and report recommendations have been assessed against the site having a "rural" location for the purposes of the assessment. It is noted that a "rural location" is defined as "sparsely inhabited rural areas, village or relatively dark outer suburban locations". It is also noted that the Tennis Club is sited within a

"suburban" location so a more stringent assessment has been used for the report which is welcomed.

- 9.15. Light spill from the development would be limited to 0.2 lux on the closest façade of the surrounding properties, against a maximum recommended target of 5 lux for a rural location.
- 9.16. For reference, the applicant indicates that 0.2 lux is around the same as natural moonlight. It is noted that BH2014/01594 permits lighting to other courts subject to those floodlights not exceeding a level of 2 lux illuminance on habitable room windows of adjacent buildings, so the proposed lighting would have a lesser impact than lighting approved elsewhere within the site.
- 9.17. Subject to compliance with the details submitted within the lighting specification, including the installation of baffles, the development would not give rise to significant harm to occupiers of surrounding residential properties in terms of light pollution. The Council's Environmental Health Officer has assessed the submitted information and has no objections to the application subject to restriction of the hours of usage to those proposed by the applicant by condition.
- 9.18. On this basis, the impact of the new floodlights in terms of light spill to neighbouring residents is considered to be acceptable, subject to conditions restricting the hours of use and compliance with the submitted details.

Noise

- 9.19. There may be some additional noise and disturbance resulting from people using the affected courts over longer hours than is currently the case, however given the numbers and hours involved this is not considered to be unacceptable or to warrant refusal of the application. Hours of use of the new floodlights would be secured by condition which is considered adequate safeguard for local residents against late-night noise.
- 9.20. An informative is recommended to ensure that the applicant is aware that whilst the requisite planning permission may be granted, this does not preclude the Council's Environmental Health team from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received. Both light and noise disturbance can be considered as a statutory nuisance under the Environmental Protection Act 1990.

Ecology:

- 9.21. The County Ecologist has previously advised that 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. Whilst no specific surveys are required, baffles have been proposed which would minimise light spill onto trees and vegetation that border the site. This would be secured by a condition requiring implementation of the scheme in accordance with the approved lighting design document.

Sustainable Transport

- 9.22. 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 raises no objection in terms of impact on highway capacity or road safety.

10. EQUALITIES

No issues identified

