

<u>No:</u>	BH2025/01757	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Tennis Courts, St Anns Well Gardens, Somerhill Road, Hove		
<u>Proposal:</u>	Erection of 15no lighting columns with luminaires to provide floodlighting to 8no tennis courts and erection of 2no single storey storage buildings.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	05.09.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31.10.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.08.2026
<u>Agent:</u>	Pentangle Design Group Suite 1 21 Bancroft Hitchin SG5 1JW		
<u>Applicant:</u>	St Anne's Tennis St Anns Well Gardens Nizells Avenue Hove BN3 1PR		

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
Report/Statement	BIODIVERSITY_METRIC_CALCULATION_TOOL		20-May-26
Report/Statement	BIODIVERSITY_METRIC_CONDITION_ASSESSMENT		20-May-26
Report/Statement	ECOLOGICAL REVIEW REPORT		20-May-26
Report/Statement	400 LUX LED LIGHTING DESIGN		09-Mar-26
Report/Statement	SPILLAGE IMPACT REPORT PROPOSED LED FLOODLIGHTING R1		09-Mar-26
Location Plan	01	A	14-Jul-25
Block Plan	03	E	09-Mar-26
Proposed Drawing	04	A	14-Jul-25

Proposed Drawing	05		14-Jul-25
Proposed Drawing	SATC E1		14-Jul-25
Proposed Drawing	SATC E2		14-Jul-25

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 hereby approved shall not be used except between the hours of 16:00 and 21:00 daily.

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.

4. Unless otherwise agreed in writing, all ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Review Report (Coyne Environmental Ltd, May 2026), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To protect species from adverse impacts during construction and to avoid an offence under the Protection of Badgers Act 1992, Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended. and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

5. Deemed Biodiversity Gain Plan Condition:
No development (including any demolition, site clearance or enabling works) shall take place until:

- (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with Excel copy of the Statutory Biodiversity Metric received on the 20/05/26 and dated 19/05/26, prepared by Kenneth Coyne and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition").

6. The floodlighting units hereby approved shall be installed strictly in accordance with the specification provided within the "400 LUX LED LIGHTING DESIGN" document by 'Highlights Flooding Ltd' ref: St Ann's

Tennis Club received 9th March 2026 and retained as such thereafter. 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.

7. Prior to first use of the floodlights hereby approved, a 'sensitive lighting management strategy' shall be submitted to and approved in writing by the local planning authority. The strategy shall set out the specific lighting design features included to minimise the impact of the new floodlighting on light-sensitive biodiversity, along with any additional measures relating to court booking and allocation, so that it can be clearly demonstrated that best practice Guidance Note 08/23 has been followed.

All external lighting shall be installed in strict accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. Prior to first use of the floodlights hereby approved, the applicant shall provide two bird boxes and two bat boxes, to be appropriately mounted on existing trees in St Anns Well Gardens, to the east of the tennis courts, as detailed in the Ecological Review Report (Coyne Environmental, May 2026).

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy

9. At least one bee brick shall be incorporated within the external wall of the storage buildings hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in

writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

11. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme detailing the methods of construction in proximity to trees, and protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites

12. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick
- b) samples/details of all hard surfacing materials
- c) samples/details of the proposed window and door treatments to the store buildings.
- d) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM28 and DM29 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

13. The development hereby permitted shall not be first used until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
4. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
7. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION

- 2.1. The application site relates to eight tennis courts which are situated towards the north-west corner of the locally listed St Ann's Well Gardens (Non-Designated Heritage Asset - NDHA), in Hove.
- 2.2. In addition to being within the Locally Listed park, the site is located approximately 100m to the north of the locally listed (NDHA) blocks of flats to the south, Furze Court and Park Gate. The site also lies within a Nature Improvement Area (N.I.A.), and is a designated Open Space Area so policies CP10 and CP16 for the Brighton and Hove City Plan Part One would apply.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks approval for the erection of fifteen (15) lighting columns with luminaires to provide floodlighting to the existing eight (8) tennis courts and the erection of 2no single storey storage buildings, located to the western side of the courts. The lighting columns would be steel construction and 8m in height. The two storage buildings are proposed to be erected on the western boundary of the site adjacent to Somerhill Road. The buildings would provide storage facilities and be 2.9m in height and finished in red brick. The buildings would be erected facing onto the tennis court and sited between the court and the boundary hedging and trees forming the perimeter of the park.
- 4.2. Following submission of the initial application substantial additional information and amended site plans (to show proposed tree planting locations) has been submitted to enable full assessment of the ecological impacts by the Ecology Officer and updates made in response to their comments, with

changes to the lighting design (colour temperature, louvre system, rear shield louvres, smart lighting booking linked system and upward light ratio reduced), and alterations to biodiversity onsite proposed by the applicant.

- 4.3. The agent has confirmed in writing that the proposed hours of use for the lighting are now from 4pm to 9pm daily as required, therefore no lighting will be operational during the morning.

5. REPRESENTATIONS

- 5.1. **Objections** from **sixty-three (63)** individuals have been received raising the following issues:

- Storage facilities not needed and in an unsuitable position
- Adverse effect on listed building
- Adversely affects Conservation Area
- Detrimental effect on property value
- Restriction of view
- Additional traffic/parking
- Inappropriate height of development
- Overdevelopment
- Overshadowing
- Noise
- Floodlit tennis is already available nearby
- The proposed hours are too long
- Will not reduce anti-social behaviour - might increase it
- Biodiversity impacts
- Ecological harm - bats, birds, badgers, insects
- Further bat surveys should be carried out
- Poor design
- Light Pollution - night/dark sky impacts
- Loss of a tree to allow storage buildings
- No public consultation held
- Lights and tennis should stop at 8pm latest
- Money should be spent on fixing/improving other things (potholes)

- 5.2. **Support** from **fifty-four (54)** individuals has been received raising the following issues:

- Increase time the courts can be used
- Improve mental and physical health of community
- More options to enable play for adults and children
- Improve access to participation in sport
- Community involvement/participation would increase
- Good design - minimise light spill
- Residential amenity and safety improves by reducing anti social behaviour
- The council has supported lights at other tennis clubs recently
- Safer for walking in the area during evenings

- lighting suitably distant from nearby residential properties with roads in between, so no light nuisance
 - Guest fees are reasonable
 - Development would improve the neighbourhood
- 5.3. **Councillor Miller, Councillor Muten and Councillor O'Quinn** Object to the development. A copy of their representations have been appended to this report.
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- Internal:
- 6.1. **Arboriculture:** No objection, 3rd November 2025 (verbal comments)
Regret loss of established Holly but no objection. Construction method statement for storage buildings with tree protection plan required by condition.
- 6.2. **Environmental Health:** No objection 9th September 2025 and verbal update 19th March
The plans and report demonstrate that the proposed lighting columns will not result in light spillage that would affect the nearest residents if the lighting is positioned and angled as shown. Subject to conditions regarding installation.
- 6.3. **Heritage:** No objection 24th September 2025
The lighting has been carefully designed, the posts would be relatively slender and in green, as set out in the Heritage Statement. The single storage buildings are relatively small and would appear discrete in the locations proposed.
- 6.4. Given the modernity (and neutral contribution) of the tennis courts within the locally listed park, any visual impact from the lighting columns, which will cause a low level of harm, would be tempered by the fact that the gardens will be well lit after dusk allowing a greater appreciation of the asset.
- 6.5. No objection, subject to details of materials of storage sheds being submitted.
- 6.6. **Sustainable Transport:** No objection 20th October 2025
The proposed development would take place away from the public highway and would not be expected to have any adverse effect on its safety or operation. The proposed floodlighting may cause an increase in trips to and from the site, especially outside of peak hours in the evening, as people will be able to play later into the evening. However, we would not expect this to be significant enough to warrant objection.
- 6.7. We are satisfied that the design of the floodlights would minimise glare in the surrounding highway network. We find the proposal acceptable.

External:

- 6.8. **County Ecologist:** No objection subject to conditions 10th June 2026
In summary, provided the recommended mitigation, compensation and enhancement measures are secured and implemented, the proposed development can be supported from an ecological perspective. The standard pre-commencement Biodiversity Gain Condition will also apply.
- 6.9. Additional conditions requested in respect of a Sensitive lighting Management Strategy and bird and bat boxes.
- 6.10. It is noted that smooth newts maybe present in the pond situated in the park and they are protected. Due to the distance of the development from the pond and vegetation in-between it is highly unlikely to have any significant impact on this species and no specific mitigation measures are required.
- 6.11. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

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
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM37	Green Infrastructure and Nature Conservation
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
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to impacts on heritage assets, 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 and 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 existing sports and recreation facilities for the benefit of members of the tennis club and the wider community.
- 9.4. The floodlighting is proposed on the clubs eight courts and would operate, as needed, from 4pm at the earliest to 9pm at the latest. 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).

- 9.6. CP16 of the City Plan Part One (CPP1) states the council will require the retention of and seek better, more effective and appropriate use of all existing open space and that new development, including floodlighting, which is required to minimise light pollution, help reduce crime and not cause significant harm.
- 9.7. In this instance the provision of floodlighting would allow better use of the existing tennis courts which are included in the open space, and as outlined below meets the requirements for light pollution, crime and no significant harm would result. The proposal therefore meets the requirements of CP16.

Design, Appearance and Heritage impacts:

- 9.8. St Ann's Well gardens are locally listed parks (Non-Designated Heritage Asset - NDHA) including the Pavilion buildings in the centre of the park but they are not located in a Conservation Area. There are two locally listed blocks of flat to the south being Furze Court and Park Gate.
- 9.9. The proposed 8m floodlight columns are of slim design and would not look out of place within the existing courts. The proposed material would be die-cast aluminium in a marine grade powder coated green finish, which is considered acceptable. They would be partially screened by trees and shrubs from the main body of the park to the southeast, and the Pavilion buildings. There would be no impact on the settings of the locally listed buildings to the south, due to being located over 100m from the proposed lighting with all the existing foliage, street furniture and lighting in between. It is considered that the proposed lighting columns would cause a low level of harm to the locally listed park and no harm to other heritage assets.
- 9.10. The proposed storage buildings (two) are located to the western boundary of the tennis courts and park in proximity to Somerhill Road. They are designed to integrate within the court fencing, being single storey and finished in red brick, dark green roof and timber doors. The modest scale and setting of them within the modern appearance of the courts is considered an acceptable design approach.
- 9.11. The Council's Heritage Officer has no objections to the scheme, subject to a condition for full details of materials for the proposed storage sheds to be submitted for approval by the LPA.
- 9.12. The design and appearance of the floodlights and storage is therefore considered acceptable and are not considered to be overly visually intrusive or detrimental to the character of the area. The low level of visual harm to the setting of the locally listed park is considered outweighed by the improved sports and health benefits of the scheme.

Amenity Impacts:

- 9.13. 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.

- 9.14. Policy DM40 (Protection of the Environment and Health - Pollution and Nuisance) of the Brighton & Hove City Plan Part Two, which can be given significant weight as a planning consideration, states that proposals for floodlighting will be required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity.
- 9.15. The dwellings in closest proximity to the development are on the opposite side of Somerhill Road, to the west (Southdown House -circa 23m to front elevations from proposed lighting) and on the opposite side of Nizells Avenue, to the north (circa 24m to elevations from the proposed lighting). The nearest residential properties therefore have significant separation from the proposed lighting, with existing foliage also providing further screening, although this is much less dense to the north. It is noted that both streets have existing on street lighting columns to both sides of the respective roads.
- 9.16. 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 now proposed to limit the hours of use of the floodlights to the following periods only as required:
- 9.17. Monday to Sunday: 16:00 to 21:00

Light spill

- 9.18. Policy DM40 (Protection of the Environment and Health - Pollution and Nuisance) states that lighting:
- f) [Proposals must] ensure lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to health and amenity, public and highway safety, biodiversity, in particular priority habitat and species, the night sky and the South Downs National Park International Dark Sky Reserve.*
- 9.19. As noted above, the site of this application is located in close proximity to residential properties and some rooms within these residential neighbouring properties have a direct line of sight to the tennis courts that are proposed to be floodlit. Therefore, the proposed installation of 15 floodlights could have some impact upon residents of nearby properties.
- 9.20. 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 internal louvre plates to mitigate against light spill into surrounding properties. Rear louvre plates would also assist in reducing impact of glare (visibility of the light source) to neighbouring properties and a smart lighting booking system would

prioritise court use to reduce lighting impacts to neighbours and wildlife where possible, and that lighting is only enabled on the courts that are booked. A condition is recommended to secure the particular design being proposed and to ensure that visibility of the lighting elements and any reflectors are mitigated as far as possible.

- 9.21. Due to the chosen design, vertical light spill from the development would be limited to 1.90 lux on part of the closest façade of the surrounding properties, against a maximum recommended target of 5 lux for a rural (E2) location and 10 lux for a suburban (E3) location pre curfew (curfew hours would commence at between 9pm and 11pm depending on location), as recommended by 'Institute of Lighting Professionals, Guidance Notes on the reduction of Obtrusive Light'. The majority of the facades of the surrounding properties are assessed as receiving circa 0.5 vertical lux or less as a result of the installation.
- 9.22. For reference, 1 lux is around the same as that emitted by a full moon.
- 9.23. In addition, the agent has provided supporting evidence to show that the horizontal surface light spill from the development reaching surrounding properties would be 0 lux. They have also measured the existing horizontal light spill from the current street lighting to the surrounding roads and this measures from 35 to 2 lux and therefore the installation would have less horizontal light spill than the existing streetlighting.
- 9.24. Skyglow would be negligible as the upward light ration (ULR) of light produced is assessed as 0% for the proposed design. This against a maximum recommendation of 2.5% for rural (E2) locations and 5% for a sub urban (E3). Therefore, the overall impact on the night sky (and the nearby adjacent South Downs National Park International Dark Sky Reserve) is considered acceptable.
- 9.25. Subject to compliance with the details submitted within the lighting specification, including the installation of louvres, 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 usage as proposed by the applicant and lighting assessment by condition.
- 9.26. On this basis, the impact of the new floodlights in terms of light spill to neighbouring residents and surrounding area is considered to be acceptable, subject to conditions restricting the hours of use and compliance with the submitted details. Impacts on wildlife from the development are considered below under Ecology.

Noise

- 9.27. There may be some additional noise and disturbance resulting from people using the affected courts over longer hours than is currently the case, particularly in the winter months, 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 (4pm to 9pm daily) which is considered an adequate safeguard for local residents against late-night noise and disturbance.

- 9.28. 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.
- 9.29. The additional activity generated from greater use of the courts is not considered to cause an unacceptable nuisance, given the limited numbers involved and the central location and as such refusal on this basis would not be sustained.

Ecology

- 9.30. Policy CP10 of the Brighton & Hove City Plan Part One seeks to conserve existing biodiversity, protecting it from the negative indirect effects of development, including noise and light pollution.
- 9.31. Artificial light can negatively impact wildlife and bats in particular; therefore, further information has been submitted (Coyne Environmental, Ecological Enhancement Report - February 2026 and Ecological Review Report - May 2026) to enable assessment of the potential impacts of the proposed development, and to inform appropriate mitigation, compensation and enhancement.
- 9.32. Since submission of the application, the designs have been amended to take account of comments from Ecological Officers to mitigate the impacts to protected species, particularly bats. The amendments (colour temperature, main louvre system, rear shield louvres, smart lighting booking linked system and upward light ratio reduced), have reduced the degree of light spill and effects, and therefore lowered the potential impacts on bats and foraging activities. The smart lighting booking system is a system which prioritises court use to reduce lighting impacts to neighbours and wildlife where possible, and lighting is only then enabled on the courts that are booked rather than lighting vacant courts.
- 9.33. The information provided is satisfactory and the County Ecologist has confirmed that the proposed development is unlikely to have an impact on protected species or habitats, subject to compliance with the proposed lighting scheme and the recommendations in the supplied Ecological Appraisals. These measures can be secured via condition. A sensitive lighting strategy condition would also be attached to ensure the proposed lighting control measures are in a clear format which can be measured and enforced by the LPA if required.

- 9.34. In addition, the applicant is proposing biodiversity net gain onsite which comprise the planting of eight new trees, and enhancement of 20m of existing hedgerow (detailed below), two bird boxes and two bat boxes are also proposed. These are supported as is the proposed scheme from an ecological perspective.

Arboriculture

- 9.35. The Arboricultural Officer accepts the loss of the existing tree (Holly Tree T7 - category B2/C1) in the area of the new storage buildings, and the new tree planting would mitigate the loss. They have requested that the works should be carried out in accordance with the methodologies within the report and that a construction method statement and full tree protection plan is submitted for approval by the LPA prior to any commencement of development, including demolition. This would be secured by condition.
- 9.36. Subject to the recommended conditions, the impacts on trees are considered acceptable.

Sustainable Transport:

- 9.37. Given the nature of the proposals and similarity to the existing situation, potentially extending playing time of the existing tennis courts by means of additional floodlighting is likely to lead to a small uplift in overall trip generation, however the Council's Highways team raises no objection in terms of impact on highway capacity or road safety. On-street paid parking is also available in the surrounding streets.

Biodiversity Net Gain

- 9.38. The proposed biodiversity enhancements (BNG) onsite comprise the planting of 8 new native trees and upgraded hedgerows on the northern boundary of the site. These are supported, as is the proposed scheme, from an ecological perspective and are required to achieve a minimum of 10% increase in BNG. An updated Biodiversity Net Gain Feasibility Assessment has been submitted which shows a net gain of +0.1 area habitat units (+14.04%) and +0.07 linear (hedgerow) units (+11.88%) over the current baseline. All BNG is to be provided onsite and will be secured by the standard BNG condition for full details to be supplied and agreed prior to commencement of development. County Ecology Officers have confirmed that the proposed BNG could be achievable. On-site provision is not significant enough to warrant monitoring fees, which would otherwise be secured via a S106 agreement.

Other matters

- 9.39. It has been noted in representations that the applicants have not carried out any public consultation. An applicant is under no obligation to consult publicly prior to making a planning application, and it is noted the applicant has carried out public consultations since submission as confirmed in later representations made to the LPA.
- 9.40. In addition, comments have been received stating the site notices were not displayed correctly or residents made aware of the proposed development. This has been raised and investigated and the application has been advertised

in accordance with both the relevant legislation and the city council's community engagement statement. Three site notices were placed at various locations around the site, in addition to the application being published on the council's website and letters to neighbours with a boundary immediately adjoining the property.

- 9.41. The potential for loss of views or reduced property values are not material planning considerations.

Conclusion

- 9.42. On balance, the development is considered to be acceptable in terms of appearance and the impacts on the amenities of local residents, subject to conditions securing the measures identified for amenity protection, mitigation of ecological impacts, and biodiversity improvements are provided. For the foregoing reasons the proposal is considered to be in accordance with policies CP12, CP15 and CP18 of the Brighton and Hove City Plan Part One, and DM18, DM20, DM28, DM29, DM37 and DM40 of the Brighton and Hove City Plan Part Two.

10. EQUALITIES

Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.1. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.