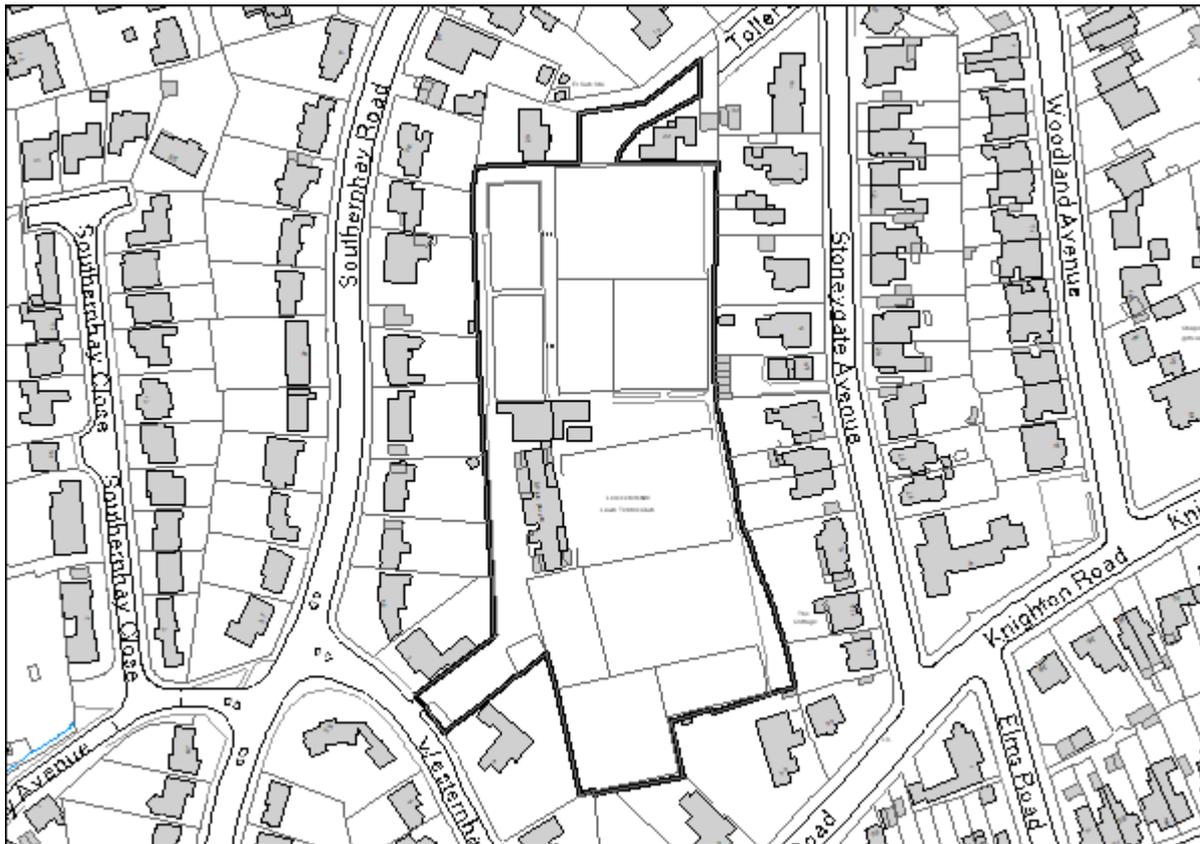


COMMITTEE REPORT

20220246	Westernhay Road, The Leicestershire Tennis & Squash Club	
Proposal:	Installation of 12x7m high columns with floodlights to outdoor tennis courts and installation of fencing (Class F2)	
Applicant:	Mr Michael Piper	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	31 March 2022	
BL	TEAM: PD	WARD: Knighton



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Summary

- Brought to committee at the request of Councillor March
- 4 objections received on grounds of light pollution, residential amenity, time of operation.
- The main issues are the impact on amenity, ecology and drainage.
- Recommendation is for approval.

The Site

The proposal relates to the Leicestershire Lawn Tennis and Squash Club located within a predominately residential area in the Knighton ward.

The application site is fully enclosed by a mix of detached residential properties, the closest being no. 22 and 23 Toller Road directly north of courts 16-18.

The application site is also within a critical drainage area and is at risk of surface water flooding (1 in 1000 years.)

Background

20110459 – Variation of conditions attached to permissions 19911483 (court 13 - 'buckler court'), permission 19911792 (courts 1, 2 & 14), 19921782 (courts 4 & 5), 20090029 (courts 3, 6 & 15) to allow all existing floodlit courts to be used from 0800-2200 Monday to Saturday and 0800-2000 on Sundays. (Implemented.)

Condition no.2 of the permission required:

The lights shall not be switched on outside the hours of 0800 to 2200 Mondays to Saturdays and 0800 to 2000 on Sundays. (In the interests of the amenities of nearby occupiers in accordance with policies PS10, PS11 and BE22 of the City of Leicester Local Plan.)

20150170 – Conditional approval for the installation of six x 6.8-metre-high columns with floodlights to court number 7 at tennis club. (Implemented.)

Condition 2 of the permission required:

The floodlights hereby permitted shall not be switched on outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2000 Saturday and Sunday. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10, PS11 and BE22 of the City of Leicester Local Plan.)

The Proposal

The proposal is for the Installation of 12 columns with flood lights to outdoor tennis courts 16-18.

The columns would each measure 7m in height and be finished in green paint. Proposed hours of use would be up to 22:00 during weekdays and 20:00 on weekends.

Alterations also include the installation of a replacement 3.6m high chain-link fence directly north of courts 16-18.

A bat survey accompanies the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Section 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 (Presumption in favour of sustainable development)

Paragraphs 38-47 (Decision making and accurate information)

Paragraphs 130 and 134 (Good design and amenity)

Paragraph 167 (Flooding and Drainage)

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008).

Other legal or policy context

Institute of Lighting Professionals (ILP) *Professional Lighting Guide 05 the Brightness of Illuminated Advertisements* (2015)

Consultations

Noise and Pollution Control – No objections to planning permission being granted provided the design criteria as stated in the light assessment is implemented and maintained. The applicant shall ensure the approved scheme shall have regard to the “Guidance Notes for the Reduction of Obtrusive Light GN01:2011” produced by the Institution of Lighting Professionals.

Representations

Four objections from 4 City addresses were received on the following grounds:

- Impact of light pollution and spillage on neighbouring dwellings
- Time of operation
- The impact of the height of the flood lights and fencing on outlook

Consideration

Principle of development

Courts 1-7 and 13-15 are already lit by floodlights, this is to provide visibility for users during low-light conditions. Promotion of the use of sports facilities with associated health and social benefits is an objective of local and national planning policy. Given the existence of existing floodlights, the principle of additional columns is acceptable subject to careful consideration of amenity, ecology and drainage considerations.

Visual amenity

I consider the scale and size of the floodlights are proportionate to the existing floodlights and would have a minimal impact with regard to visual clutter in the area. There are currently 12 existing flood lights on the adjacent tennis courts, with near identical design.

The site topography indicates the proposed new floodlight columns and fittings would be partly visible from Toller Road through land to the north of the application site. However this plot of land is 45 metres in length and separates the courts from the adjacent highway and I do not consider this to be an overly intrusive factor.

There are no concerns regarding the installation of the chain link fencing. This is largely replacing the existing and would be of a similar design, size and function. I consider this would not be harmful to the appearance of the courts and surrounding area.

Therefore, I consider the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) in this respect and is acceptable in terms of design within the surrounding area.

Residential amenity

The floodlights would be installed to the northern courts numbered 16-18. The columns with fittings would have an overall height of 7m metres. The northern boundary of the application site is 3 metres away from the closest adjacent properties at no. 22 and 23 Toller Road, and it is recognised that existing and proposed floodlights would be visible from the front and rear of these properties.

The Lux level spillage plotting diagrams submitted with the proposal indicates that no adjacent domestic properties will be adversely affected by the new floodlights in terms of obtrusive levels of light to an unacceptable degree. These diagrams show that the luminance levels of the floodlights would not exceed 600cd and would be directed downwards and towards the courts.

Therefore, I do not consider there would be an undue loss of residential amenity to local residents, and the proposal would not conflict with Local Plan policies PS10 and PS11.

Nevertheless, in order for this impact to remain acceptable, I consider it appropriate to attach a condition requiring the lights to be maintained and operated in accordance with the information submitted and operated only during the hours of 08:00 to 22:00 (weekdays) and 08:00 to 20:00 (weekends), in accordance with Condition 2 of planning application 2011045 and to also control the light level to not exceed 600candelas.

Nature Conservation

The site predominantly consists of the tennis court surfaces with little greenery. However, given the sites location there are suburban gardens nearby containing mature trees. There has been a record of bat activity in the area with the trees having the potential to provide suitable roosting/foraging potential. A bat survey was required. The survey concluded that the site has low potential for bat activity due to the presence

of existing floodlights. There are no trees along the northern boundary and the western boundary has limited ornamental shrub coverage with limited potential for bat foraging and roosting. Whilst the site has low potential for bat activity mainly due to its floodlighting it does recommend some mitigation that could be incorporated as part of the scheme. I consider a condition to secure appropriate mitigation to be justifiable.

Drainage

The application site is within a critical drainage area and is at risk of surface water flooding (1 in 1000 years.) However, given the scale and nature of the development I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Conclusion

The lights would allow for further courts to be used for longer and therefore enhancing the facilities on offer and promoting sports activity in line with health and well being policy. The lights would be visible from nearby residential properties; however, they have been designed and positioned so as not to cause loss to residential amenity. Conditions will be attached to ensure they are operated in accordance with details accompanying the application and to seek ecological mitigation. Operating hours will also be controlled by condition. I consider there would be minimal impact upon drainage.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policies PS10 and PS11 of the Local Plan (2006.)

I therefore recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The maximum illumination levels of the floodlights shall not exceed the Lux levels shown on the Lux level spillage plotting diagrams at Pages 9-12 of the "S.F.P.D Limited Outdoor Lighting Design" specifications received by the local planning authority on 03.02.22. (In the interests of visual amenity, residential amenity and in accordance with Core Strategy policies CS03, and Local Plan policies PS10 and PS11).

3. The new floodlights shall be operated in accordance with the details set out in the application form and the “S.F.P.D Limited Outdoor Lighting Design” specifications received by the local planning authority on 03.02.22 received by the local planning authority on 03.02.22. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03, and Local Plan policies PS10 and PS11.)
4. The use of the new floodlights shall not be carried on outside the hours of 08:00 to 22:00 during weekdays and 08:00 to 20:00 during weekends. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 and PS11 of the City of Leicester Local Plan.)
5. The new floodlights shall not be operated until a scheme of ecological enhancement has been submitted to and agreed in writing with the City Council and shall be implemented in accordance with the approved details and retained as such. (In the interests of nature conservation in accordance with Policy CS03 of the 2014 Core Strategy)
6. Development shall be carried out in accordance with the following approved plans:
 Location plan -2021 CAS 062 010 – Received on 03/02/2022
 Site Plan -2021 CAS 062 011 – Received on 03/02/2022
 Existing Floor Plans -2021 CAS 062 012 – Received on 03/02/2022
 Proposed Floor Plans -2021 CAS 062 013 – Received on 03/02/2022
 Elevation (Front) – Existing -2021 CAS 062 014 – Received on 03/02/2022
 Elevation (Front) – Proposed -2021 CAS 062 015 – Received on 03/02/2022
 Existing 3d View 1 -2021 CAS 062 020 – Received on 03/02/2022
 Existing 3d View 2 -2021 CAS 062 021 – Received on 03/02/2022
 Proposed 3d View 1 -2021 CAS 062 022 – Received on 03/02/2022
 Proposed 3d View 2 -2021 CAS 062 023 – Received on 03/02/2022
 (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

2006_PS11

Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.

