

APPLICATION NO.	P15/V1250/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	26.5.2015
PARISH	APPLETON WITH EATON
WARD MEMBER(S)	Anthony Hayward
APPLICANT	Appleton Tennis & Recreation Club
SITE	Appleton Tennis Club, Badswell Lane, Appleton, Abingdon, OX13 5JN
PROPOSAL	To install floodlighting to two existing tennis courts, nine lighting columns of 6.7m high with a total of 12 floodlights. All will be painted dark green (RAL 6005). The hours of use will be restricted by an automatic cut off and operated by a token system, these controls to be located in the existing clubhouse.
AMENDMENTS	None
OFFICER	Holly Bates

SUMMARY

The application is referred to committee as due to the level of objection received from neighbouring properties and an objection received from the Parish Council.

The proposal is for the erection of floodlights to the existing two tennis courts at Appleton Tennis Club.

The main issues are:

- The impact of the proposal on the amenities of neighbouring properties;
- The impact of the proposal on the character of the area and openness of the Green Belt;
- The impact of the proposal on highway safety; and
- The impact of the proposal on local wildlife.

The recommendation is to approve the application subject to conditions.

1.0 INTRODUCTION

1.1 Appleton Tennis Club is located to the north-western edge of the village, accessed via Badswell Lane which runs along the south boundary to the site. The application site consists of two tarmac tennis courts, a small clubhouse and a car parking area. The tennis club is a non-profit community facility run by members, which also provides pay per use play. The club is registered on the Lawn Tennis Association website.

1.2 Open fields lie to the north-west and south-west of the site. An access road leading to Northmoor Lock runs along the north-east boundary to the site, with residential properties located beyond this. Dwellings are also located to the south of the site, on the other side of Badswell Road and within Town Furlong.

1.3 The site is located within the Oxford Green Belt, and is also located within the North Vale Corallian Ridge local landscape designation. A public right of way (Appleton with Eaton Bridleway 10) runs along the south of the site following Badswell Lane. A site plan is **attached** at appendix one.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission for the erection of floodlights to serve the existing tennis club.
- 2.2 Nine light columns with a total of 12 lights are proposed to be erected around the existing two courts. Three columns with single lights would be positioned at intervals along both the north-east and south-west of the courts. Three columns with double lights would be positioned between the two courts.
- 2.3 The proposed columns would be 6.7 metres high and painted dark green (RAL 6005). The flood lights would be box lights directing light down onto the existing court surface. The four floodlights closest to the road along the southern boundary (three columns, one with a double light) would also be fitted with additional shields to further restrict light spillage.
- 2.4 The proposed times of usage for the floodlights would be 3.00pm until 9.30pm Monday to Sunday. They would operate on an automatic cut-off token based system with the controls being located within the existing clubhouse.
- 2.5 The application plans are **attached** at appendix two.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

3.2	Appleton with Eaton Parish Council	<p>Object. Their concerns may be summarised as follows:</p> <p>Whilst Appleton with Eaton Parish Council don't object to the installation of the floodlights the parish council do object to the cut off time of the floodlights being 9:30pm as extended tennis playing will generate an increase in noise disturbance and the obtrusive lighting will have an impact on the surrounding residents.</p> <p>The parish council would not object to a cut off time of 7:30pm, as this is a more than suitable time to accommodate the junior coaching programme.</p>
	Neighbours	<p>10 letters of objection have been received. The concerns raised may be summarised as follows:</p> <ul style="list-style-type: none"> • Light pollution; spillage, glare, intrusion, observation of the night sky, impact on reasonable enjoyment of dwellings; • Impact on wildlife; • Detrimental impact on rural, dark character of Badswell Lane; • Over-dominance of the columns; • Additional traffic and parking pressures along Badswell Lane; • No justification has been provided; • Lack of integrity and accuracy of application; • There are other tennis facilities available in Abingdon;

	<ul style="list-style-type: none"> • Would not save energy; • Original applications had conditions preventing floodlights.
Environmental Protection Team Vale	No objections, subject to conditions.
Highways Liaison Officer Oxfordshire County Council	No objections, subject to conditions.
Countryside Officer Vale	No objections.
Countryside Access Officer Oxfordshire County Council	No objections.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P09/V1436](#) - Approved (22/10/2009)

Proposed erection of timber clubhouse/pavilion and to raise height of a 16 metre section of perimeter chain-link fencing from 2.7 metres to 3.6 metres

[P03/V1377](#) - Approved (24/11/2003)

Erection of a green painted practice wall.

[P91/V1199](#) - Approved (27/01/1992)

Construction of two tennis courts with parking space for 16 cars.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009.

Policy Number	Policy Title
DC1	Design
DC5	Access
DC9	The Impact of Development on Neighbouring Uses
DC20	External Lighting
GS3	Development in the Oxford Green Belt
L8	Provision of small-scale Local Leisure Facilities
NE7	The North Vale Corallian Ridge

Emerging Local Plan 2031 – Part 1

5.2 The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. The relevant policies are as follows:-

Policy Number	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 37	Design and local distinctiveness
Core Policy 44	Landscape
Core Policy 46	Conservation and improvement of biodiversity

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015

5.4 **National Planning Policy Framework (NPPF) – March 2012**

5.5 **National Planning Practice Guidance 2014 (NPPG)**

5.6 **Environmental Impact**

The site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.7 **Other Relevant Legislation**

- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act

5.8 **Human Rights Act**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.9 **Equalities**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations in the determination of this application are:

1. The principle of enhancing the sport and recreation facilities in this location;
2. The impact on the amenities of the neighbouring residents;
3. The impact on the character and appearance of the area and on the openness and landscape setting of the Green Belt;
4. Highway impacts; and
5. Ecology impacts.

6.2 **The Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the National Planning Policy Framework (NPPF) provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.3 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.

- 6.4 The NPPF at paragraph 73 confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities.
- 6.5 Paragraph 125 of the NPPF specifically refers to lighting, stating: “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 6.6 Paragraph 89 confirms that one of the exceptions to development in the Green Belt is the: “provision for appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes on including land within it.”
- 6.7 Adopted local plan policy L8 confirms that small scale developments for open space, sport and recreation will be permitted within or on the edge of settlements provided that that meet a local need, do not harm the character of the surrounding area and do not have a detrimental impact on the ecology of the area.
- 6.8 The application does not include new provision, but proposes to enhance the existing facilities on offer for the community by installing floodlights to allow the two existing courts to be used for longer hours in the winter.
- 6.9 The club has put forward that the most desired change from the club’s existing 150 members would be to install floodlighting on the existing courts. In addition, the club offers both adult and junior coaching to members and non-members of the local community but this currently has to be restricted to the summer months and users have to travel further afield to another club which does have floodlights in the winter months.
- 6.10 The National Regulatory Body, The Lawn Tennis Association (LTA), advises that facilities providing floodlit tennis have an enormous advantage over those without lighting including attracting coaches, more players, extending playing time and increasing revenue from court fees during winter months. They advise that between November and April, when daylight is shorter and indoor provision is not available, illuminating outdoor courts adds 35% more playing time.
- 6.11 The proposal would provide enhanced sport and recreational opportunities for the residents of Appleton and the surrounding area; allowing a safer environment and longer hours of play to allow extended coaching and development opportunities to members and non-members all year round. Therefore the proposal would contribute towards the social role of sustainability by providing opportunities for accessible and enhanced local facilities, and the economic role by increasing the opportunity for the club to increase membership and players.
- 6.12 As such, officers consider that the principle of installing floodlighting is acceptable and would comply with adopted Vale of White Horse Local Plan policy L8, the NPPF and the NPPG.
- 6.13 **Residential Amenity**
Adopted local plan policy DC9 states that development would not be permitted if it would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of loss of privacy, dominance, noise or vibration, smells or dust, pollution or external lighting. Protecting amenity is a core principle of the NPPF. In addition, paragraph 125 of the NPPF specifically refers to lighting, stating: “By encouraging good design, planning policies and decisions should limit the impact of

light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

- 6.14 Adopted local plan policy DC20 states that external lighting will only be permitted where there will be no adverse effect on the amenity of neighbouring properties, that the lighting proposed is the minimum necessary to undertake the task for which it is required and that potential light pollution from glare and spillage is minimised.
- 6.15 The National Planning Practice Guidance (NPPG) provides guidance on light pollution and advises that the following issues should be taken into consideration:
1. Where the light shines;
 2. When the light shines;
 3. How much the light shines; and
 4. Possible ecological impacts (which will be discussed further at para. 6.44)
- 6.16 **Where the light shines**
The proposed floodlights would be downward facing box light fittings, directing the light onto the tarmac court surface and minimising light spillage, upward light and glare. In addition, in response to the concerns raised from neighbouring properties, the applicants have amended the scheme to propose that the flood lights on the columns closest to Badswell Road will also have light shields surrounding them, further minimising any light spillage.
- 6.17 The proposed tilt of the lights would also be 2-3 degrees from the horizontal, so they will almost be directly facing the ground, which will reduce sky glow and minimise visual intrusion within the open landscape, as advised within the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011.
- 6.18 There would be some element of upward reflected light, which is unavoidable. However, the existing tarmac surface which would be lit using the proposed floodlights has a low percentage level of upward reflected light; in general dry tarmac will commonly reflect 7% and for comparison, grass about 20-25%.
- 6.19 **When the light shines**
The proposed floodlights would only be required to be used on evenings in the winter months, when natural light would not support play. The hours of use for the floodlights would be from 3.00pm until 9.30pm Monday to Sunday.
- 6.20 In addition, the floodlights would be able to be used in isolation; that is if only one court were being used all of the floodlights would not have to be on, only those necessary to light the one court.
- 6.21 It is also proposed that the hours of use would be restricted by an automatic cut-off operated by a token system, the controls to which would be located within the existing clubhouse on site.
- 6.22 The proposed cut off time of 9.30pm is considered to be a reasonable and necessary time frame to allow the practical use of the courts in the winter evenings; an earlier time would not allow a realistically usable time frame to gain the maximum benefits of installing the floodlights. It is also considered to be reasonable in terms of neighbour amenity; not progressing into the late evening and together with the other measures outlined above is considered to be acceptable.
- 6.23 The proposal has been informed by the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011. This document

provides helpful guidance on the subject, and includes a suggested curfew time of 23:00hrs if not otherwise stipulated. The proposed curfew time for this application of 9:30pm (21:30hrs) is well within this suggestion.

6.24 How much the light shines

Detailed luminance maps have been submitted with the application, demonstrating the light spill from the proposed floodlights. The lux level is the measurement of light reaching a surface where 1 Lux is given by one lumen falling evenly on a square metre.

6.25 For outdoor tennis, The LTA and Sport England advise that the minimum maintained average illumination on the principal play area (PPA) should be 400 lux, but recommends 500 lux. The maintained average on the PPA of both courts when lit is proposed to be 502 lux on court 1 and 500 lux on court 2. For each court when lit individually, the lux level on the PPA would be 400 lux, meeting the minimum. It is considered to be acceptable to provide the LTA and Sport England recommended level if both courts are lit, given the lower levels achieved outside of the site.

6.26 The submitted plans show that the lux levels of the lighting approaching neighbouring properties would be at a low level; below 2 lux at the elevations of the dwellings. As a means of example of comparison, an average residential side street light would be approximately 5 lux as stated in "Secured by Design - lighting against crime: a guide for crime reduction professionals".

6.27 The Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011 provides guidance on lighting environmental zones and the maximum luminaire intensities for these zones.

6.28 The application site is considered to fall within the E2 "Rural" category environment zone, which is classed as 'low district brightness' and provides examples of villages or relatively dark suburban locations.

6.29 This category requires a pre-curfew light intrusion into windows limit of 5 lux; the proposal would comply with this and have a lower than 5 lux level at the windows to the neighbouring dwellings.

6.30 The detailed lux plans are considered to be robust and demonstrate that there would be no harmful impact on the amenities of the neighbouring properties as a result of this proposal.

6.31 Noise

The proposed floodlights would allow the use of the existing courts for longer periods, until a maximum of 9.30pm. Given that the established use of the site is already as a tennis club, it is not considered that these additional hours of tennis in the winter evenings would result in any additional harmful impact in terms of noise generation. In addition, the existing clubhouse has permission to be used from 9am-10pm Monday to Sunday, so officers do not consider that the proposed floodlighting until 9.30pm Monday to Friday would significantly increase noise disturbance.

6.32 Residential Amenity Conclusion

The proposal has been thoroughly assessed against both local and national planning policy and against national technical and best practice guidance. The council's own environmental protection officer has also reviewed the application and has raised no objections, subject to conditions. It is considered reasonable and necessary to attach planning conditions strictly controlling the time that the floodlights can be used, their operation and installation in line with The Institute of Lighting Professionals (ILP)

Guidance Notes for the Reduction of Obtrusive Light GN01:2011 in terms of maximum luminance levels and downward tilt.

- 6.33 Therefore, officers do not consider that the proposal would have a detrimental impact on the amenities of any of the neighbouring properties, and would comply with adopted local plan policies DC9 and DC20, the NPPF, NPPG and the council's adopted Design Guide 2015.
- 6.34 **Character and impact on the Green Belt**
The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes (paragraph 109) and protect intrinsically dark landscapes from light pollution (paragraph 125).
- 6.35 Adopted local plan policy DC1 requires that development is of a high quality design and that it does not adversely affect those attributes that make a positive contribution to the character of the locality. Adopted local plan policy DC20 states that external lighting will only be permitted where there will be no adverse effect on the character of the area.
- 6.36 Adopted local plan policy L8 also requires that development does not require buildings or works of a type or scale which would be harmful to the character of the area.
- 6.37 Local plan policy GS3 provides for small scale outdoor sport and recreation facilities within the Green Belt, as long as they preserve the openness and special character of Oxford and its landscape setting. It notes that the introduction of such ancillary facilities as lighting will require particular care.
- 6.38 The proposed columns to support the floodlights would be 6.7m high and would be painted a dark green colour (RAL 6005). The proposed flood lights would be seen within the context of the existing tennis club site and would not appear overly prominent or out of place. The height has been kept relatively low, while still enabling efficient lighting, and consideration has been given to the dark green colour to help the columns assimilate into the rural setting of the site, which is surrounded by mature trees and hedging which provide a good level of screening.
- 6.39 Therefore, officers consider that the proposed floodlights would preserve the openness and landscape setting of the Oxford Green Belt, and the character and appearance of the site and its surroundings. The proposal would comply with local plan policies DC1, DC20, L8, NE7 and GS3 and the NPPF, NPPG and the council's adopted Design Guide 2015.
- 6.40 **Highways**
Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. Adopted local plan policy DC20 states that external lighting will only be permitted where there will be no hazard to highway safety. The NPPF, as paragraph 32 states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.41 The existing site is serviced by its own dedicated car park, with direct access taken from Badswell Lane. The proposal would enable the use of the existing courts for longer periods, until a maximum cut off time of 9.30pm. Officers do not consider that the addition of floodlights would significantly increase traffic to and from the site, over and above the existing use of the established site as a tennis club. No new courts are proposed.

- 6.42 The local highways authority has been consulted on the proposal, and has raised no objections.
- 6.43 Therefore, officers do not consider that the proposal would result in severe harm to the highway network. As such the proposal would comply with local plan policies DC5 and DC20, the NPPF, NPPG and the council's adopted Design Guide 2015.
- 6.44 **Ecology**
Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 125 also seeks to protect nature conservation from light pollution.
- 6.45 As the NPPG highlights, another key consideration with proposals for external lighting is the impact on local wildlife. The positioning, duration, type of light source and level of lighting are all factors that can affect the impact of light on wildlife.
- 6.46 The site is not located within an identified ecologically sensitive area, however given its rural edge of village location and known bat populations further within the village, it is considered necessary to assess the impact of the proposed floodlights on local bat populations and their flight paths.
- 6.47 Given that the design of the proposed lighting scheme includes lighting orientated parallel to the ground (some with shields) and light spill to the mature hedgerow to the north-west of the site would be less than 1 lux, there are unlikely to be any significant impacts on bats. The hedgerows closer to the site are already impacted by the existing street light, and again the lower level lux in these areas are considered to be sufficient to ensure that there are unlikely to be any significant impacts on bats.
- 6.48 The council's ecology team has been consulted on the proposal, and has raised no objections.
- 6.49 Therefore, officers do not consider that the proposal would result in any adverse ecological impact. As such the proposal would comply with the NPPF, NPPG and the council's adopted Design Guide 2015.
- 6.50 **Other material considerations**
Public right of way
Oxfordshire County Council's public rights of way officer has been consulted on the application, and has raised no objections to the proposal in terms of the impact on the public right of way located to the south of the site.
- 6.51 **Previous planning permissions**
Planning permission P91/V1199 for the erection of the tennis courts (reference: attached a condition stating: "No floodlights shall be placed on the site unless otherwise first approved in writing by the District Planning Authority").
- 6.52 This condition does not preclude the installation of floodlights, but requires that a planning application is submitted to ensure that all material planning considerations are taken into account to assess whether flood lights would be acceptable or not.
- 6.53 Similarly, a condition placed on the 2009 permission for the clubhouse restricting the installation of lighting on the clubhouse also does not preclude further lighting, but requires that an application for planning permission would have to be submitted for assessment.

6.54 **Energy efficiency**

Sport England advise that the type of lamp proposed – metal halide – is considered to be an energy efficient type of lamp, with a lumens per watt measurement of 80-100. It also has a high colour rendering rating of 65 to 90 out of 100, which means that the light has a very high ability to reproduce the colour of objects being illuminated.

7.0 **CONCLUSION**

7.1 This application has been assessed against the National Planning Policy Framework (NPPF), relevant saved policies in the local plan and all other material planning considerations. The NPPF states that sustainable development should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits. The NPPF also states that there are social, economic and environmental dimensions to sustainability and that conclusions must be reached taking into account the NPPF as a whole.

7.2 The application is recommended for approval as the development would comply with the relevant development plan policies and the National Planning Policy Framework. The principle of the proposed development is considered acceptable as it would enhance a community facility contributing to the social and economic sustainability of the community. The environmental impacts have been carefully assessed and officers do not consider that the proposal would harm the amenities of neighbouring properties, the visual amenity of the area, openness of the Green Belt, local wildlife or highway safety. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposal.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. **Time limit – commencement within three years.**
2. **Approved plans list.**
3. **The use of the external lighting shall be restricted to between 15:00hrs and 21:30hrs Monday to Sunday.**
4. **The lighting scheme shall be designed, constructed and installed in line with the guidance found in the Institution of Lighting Professionals' 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.**
5. **The external court lighting system shall be switched off by an automatic cut-off system between 21:30hrs and 15:00hrs and at all other times when the area is not in use.**
6. **Upon completion of the development any external lighting shall be designed and installed so the main beam angle is not directed towards any potential observers. To prevent glare, the lighting sources (bulbs and reflectors) shall not be visible from any adjacent properties. The luminaire's front glazing shall be kept as near to parallel to the ground surface as possible (facing downwards), and shall not exceed 3 degrees from the horizontal. This scheme shall also ensure that light trespass into the windows of any light sensitive premises shall not have a Vertical Illuminance greater than 5 Lux (in accordance with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light GN01).**

Author: Holly Bates
Contact No: 01235 540546
Email: holly.bates@southandvale.gov.uk