

Application Number	09/0648/FUL	Agenda Item	9
Date Received	3rd August 2009	Officer	Miss Amy Lack
Target Date	28th September 2009		
Ward	Newnham		
Site	Cambridge Tennis Club Wilberforce Road Cambridge Cambridgeshire CB3 0EQ		
Proposal Applicant	Erection of floodlights to courts, 3, 4 and 5. Stacey Lane Wilberforce Road Cambridge Cambridgeshire CB3 0EQ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The Cambridge Lawn Tennis Club lies towards the southern end of Wilberforce Road on the western side. The site is accessed off Wilberforce Road via a short access road. The site comprises a single storey club house, eleven tennis courts and a car parking area.
- 1.2 Adjacent to the site to the north and northeast is the Emmanuel College Sports Ground, to the east Wilberforce Road and predominantly large detached residential dwellings. Land to the immediate south sites the University Athletics Centre which comprises a two-storey pavilion building, athletics track and field, a hockey pitch and car parking areas. To west of the site is the residential area of Perry Court and Clark Maxwell Road.
- 1.3 The site is located within Cambridge City Conservation Area No.2 (West) and allocated within the Cambridge Local Plan (2006) as a protected open space. The site falls outside the controlled parking zone (CPZ).

2.0 THE PROPOSAL

- 2.1 This application for full planning permission proposes the installation of eight columns measuring 8 metres in height, making provision for a total of 12 luminaries to illuminate courts 3,4 and 5

which are located on the southern row of the two rows of the existing eleven courts.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement;
2. Disability Access Statement;
3. Ecological scoping survey; and
4. Technical Lighting Report

3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
C/78/0857	Erection of extension to existing sports pavilion	A/C
C/83/0956	Erection of flood lights	W/D
C/93/0899	Erection of floodlights and masts to 2no tennis courts.	A/C
C/95/0580	Erection of twelve 8 metre high columns supporting nineteen floodlights illuminating three tennis courts.	REF
C/02/0259	Erection of hard surface to existing tennis courts and associated fencing.	A/C
06/0282/FUL	Relay car park with block paving and pathway to club house.	A/C
07/1244/FUL	Installation of floodlighting to Tennis Courts.	W/D
08/0591/FUL	Floodlighting to tennis courts.	REF

3.1 Previous planning application reference 08/0591/FUL was refused for failing to provide sufficient information to demonstrate that the proposed lighting scheme was the minimum required to undertake the recreational activity on the site, that it would have a minimal impact upon residential amenities and local wildlife interests and would not have an adverse visual impact when in operation.

3.2 In response to the above reason for refusal this current application proposes the illumination of three courts as opposed to the four

that were proposed to be illuminated previously, omitting the court to the east, closest to Wilberforce Road. A Technical report that more thoroughly considers the impacts of the proposed lighting scheme has been submitted and the application is also accompanied by an Ecological Scoping Survey which the previous application failed to provide.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

5.2 PPS1 Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 PPS9: Biodiversity and Geological Conservation (2005): Paragraph 1 states that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

5.4 PPG15 Planning and the Historic Environment (1994): This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

5.5 **PPG17 Sport and Recreation (1991)**: Describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value.

5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions**: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.7 **East of England Plan 2008**

SS1 Achieving sustainable development
ENV6 The historic environment
ENV7 Quality in the built environment

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/11 The design of external spaces
4/2 Protection of open space
4/7 Species Protection
4/11 Conservation Areas
4/13 Pollution and amenity
4/15 Lighting
6/2 New leisure facilities

5.9 **Supplementary Planning Documents**

5.10 **Cambridge City Council (May 2007) – Sustainable Design and Construction**: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design

considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.11 Material Considerations

5.12 Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001) - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

5.13 Cambridge City Nature Conservation Strategy – Enhancing Biodiversity (2006): and Cambridge City Wildlife Sites Register (2005): Give guidance on which habitats should be conserved and enhanced, how this should be carried out and how it relates to Biodiversity Action Plans.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No objection.

Head of Environmental Services

6.2 No adverse comments. The lighting plan suggests the potential light spillage is controlled to the application site and as such light nuisance is unlikely and there will not be significant detriment to the amenity of neighbouring properties from the light. Environmental Health has no record of complaints about noise or light from the courts which are already floodlit. It is possible that noise from players on the courts may be a problem as the courts are used further into the evening and early morning but this impact is considered negligible. To prevent problems of noise or from lights being left on all night it is suggested a condition restricting the hours of use between 0700hours and 2200hours be imposed.

Sport England

6.3 Consultation is non-statutory given there is no impact upon existing playing fields but Sport England make the following observations: In promoting the installation of floodlighting Sport England accept local authorities need to account for issues such

as hours of use, lighting levels and impact of light pollution upon residential amenity. From the information submitted Sport England are satisfied that the levels of light spillage outside the immediate court area will be very low and will not impact upon local residents, especially given two courts are already floodlit. These existing courts are closer to residential uses than the proposed additional lighting. The decision to reduce the number of courts to be illuminated further mitigates the impact of the proposal comparable to the previous application. The light levels ensure a minimum total court coverage of 500lux which meets the standards for all levels of tennis competition as contained within the Society of Light and Lighting's publication 'Lighting Guide 4: Sports Lighting' (2006).

- 6.4 Sport England are supportive of the scheme as outlined which is in compliance with Sport England policy and wider government objectives to raise participation in sport and physical activity.

Conservation

- 6.5 The Conservation Officer raises no objection to the proposal but makes the following comments regarding the impact upon the Conservation Area; A greener part of the Conservation Area, adjacent to the Emmanuel College Sports Pavilion a Building of Local Interest and a Grade II Listed Building in Wilberforce Road. The existing floodlight columns are not elegant, but are functional, have hoods to control light spillage and are painted as opposed to shiny or reflective in finish. Whilst these are not that noticeable additional numbers of similar units will have more of a visual impact, having a dense feeling of tall masts. The submission fails to give a detailed impression of how this will potentially read when the luminaries are switched off. The visual impact of the proposed development when the luminaries are switched on is more a consideration of light spillage as opposed to the physical presence of the masts.
- 6.6 The suburban area is not unlit at night there are street lights, security lights on households and the Coton Footpath has footway lighting along this adjacent length. Equally tennis clubs are primarily suburban institutions and their presence should be accepted in these areas. The sports grounds are on the edge of the residential area and as such do provide a 'green buffer' zone before the more rural city edge. Nevertheless West Cambridge is to be developed over time and will take on a different character.

- 6.7 This development is not considered to make a notable difference to the Conservation Area different to what is there now. There will be a modest daylight impact from the increased number of masts, and night impact from additional artificial light, but based on the technical report this is to be to minimal degree. The Observatory may find the 'background' light intrusive but this is somewhat different to what residents may perceive 'normal' levels of suburban artificial light at night.

Natural England

- 6.8 Mindful that the survey methodology for inspection of the trees on site was not conducted at an optimal time of year no objection is raised subject to conditions which require the infilling of the existing hedgerow along the southern boundary to help screen light spillage and the installation of directional hoods to the proposed luminaries.
- 6.9 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations in objection to the application:
- 7A, Adams Road, Cambridge CB3 9AD
 - 13, Adams Road, Cambridge CB3 9AD
 - 17, Adams Road, Cambridge CB3 9AD
 - 1, Clarkson Close, Cambridge CB3 OEJ
 - 11, Clarkson Close, Cambridge CB3 OEH
 - 7, Wilberforce Road, Cambridge CB3 0EQ
- 7.2 The following local Resident's Associations made representations in objection to the application;
- North Newnham Residents' Association, 27, Madingley Road, Cambridge CB3 0EG
 - West Cambridge Preservation Society, 10, Adams Road, Cambridge CB3 9AD

7.3 The representations can be summarised as follows:

- Increased disturbance and noise into evening hours directly impacting upon neighbouring residential;
- Light pollution will have a significant impact upon the conservation area, green belt and residential amenity of nearby residents
- The columns of the floodlights will be an eyesore interrupting a rural view;
- The proposed lighting is more powerful than those which exist on the site;
- Orientation of 65 degrees will cause extensive light spill;
- High levels of lighting will affect local wildlife especially given it being adjacent to the environmentally sensitive wildlife corridor of Coton footpath;
- Will effect astronomical observation from the observatory to the north;
- Potential to generate more traffic present highway safety issues;
- The application is contrary to the Cambridge Local Plan (2006);
- Proposed floodlighting at the neighbouring University Athletics ground in conjunction with that proposed by this application will result in a substantial lighting output detrimental to nearby residents;
- The application lacks a significant amount of information from which to determine a decision.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Third party representations

Principle of Development

- 8.2 The principle of floodlighting and the appropriateness of such development on this site has already been accepted by the granting of previous permission C/93/0899 for the erection of floodlights and masts to serve tennis courts 1 and 2.
- 8.3 Cambridge Local Plan 2006 policy 6/2 states that development for the improvement of a leisure facility will be permitted if it improves the range, quality and accessibility of facilities, is of an appropriate scale for the locality, and would not have a negative impact on the vitality and viability of the City Centre and proposals for improvements will be supported providing that there would not be undue intrusion or significant adverse impact on the immediate locality or wider environment.
- 8.4 This application must, therefore, demonstrate that there is an essential need for the proposed lighting to be appropriate to the surrounding area, and that this would improve the quality of the existing sports facility. I am satisfied that this application appears to firmly enhance sporting provision in Cambridge by developing an existing facility to ensure that its use is maximised to make the best use of land and facilities. I consider that the improvement and enhancement of existing facilities that allow these facilities to evolve with changing needs over time are not unreasonable and are supported by policy 6/2 of the Cambridge Local Plan 2006 that notes the scarcity of land for such developments and promotes the efficient use of land for such uses in suitable locations. There is no intrinsic harm in the development of this existing sports site to meet contemporary requirements and this in fact is the most efficient and effective use of such sites.
- 8.5 Sport England have stated that they are supportive of the proposal which is in compliance with Sport England policy and wider government objectives to raise participation in sport and physical activity. They state that there is a strong strategic case for improving these facilities and confirm that light levels proposed are the minimum required to ensure a minimum total court coverage which meets the standards for all levels of tennis competition as contained within the Society of Light and Lighting's publication 'Lighting Guide 4: Sports Lighting' (2006).

- 8.6 In making my recommendation I am also mindful of planning application 07/0939/FUL which proposes the erection of floodlights to serve the athletics track and existing and proposed hockey pitches at the University Sports and Athletics Track adjacent to the south of the application site, and the recent decision by the Planning Inspectorate regarding the condition placed on planning permission reference C/02/0483/FP relating to floodlights on the Cambridge Rugby Union Club, Grantchester Road, Cambridge. This required the 10 lighting columns on that site to be lowered to a height not exceeding 8 metres from 16 metres from 1 May to 1 August each year.
- 8.7 I consider that the use of the site for sports and recreation purposes has already been accepted and this function is part of the existing landscape character and appearance of surrounding area, and that tennis clubs such as these are primarily suburban institutions and their presence is to be expected in such areas. I consider the installation of the proposed floodlights to be beneficial to this existing site, significantly enhancing its quality and accessibility. As such, the development is considered acceptable, in principle, and is therefore in accordance with policies 4/2 and 6/2 of the Cambridge Local Plan 2006.

Context of site, design and external spaces

- 8.8 Local Plan policy 3/4 states that development must positively respond to its context, and Local Plan policy 6/2 that development for sports or leisure facilities must be of an appropriate scale for its locality. Policy 4/2 of the Local Plan states that development will not be permitted which would be harmful to the character of, or lead to the loss of, open space of environmental and/or recreational importance.
- 8.9 Policy 4/15 of the Cambridge Local Plan 2006 specifically refers to lighting and states that development which includes new external lighting or changes to existing external lighting should provide details of the lighting scheme demonstrating that it is the minimum required to undertake the task (taking into account safety and crime), light spillage is minimised, the impact on residential amenity is minimised and the impact on wildlife and the landscape is minimised, particularly on sites at the edge of the City.

- 8.10 The site is very visibly developed as a sports ground and is notably a manmade landscape including the clubhouse, associated car parking, hard surfacing and existing flood lighting to serve the two eastern most tennis courts closest to the club house and the residential of Perry Close.
- 8.11 The proposed floodlights are appropriate to the site character and context of the sports ground and whilst such columns and luminaries will undoubtedly have a visual impact on the site and from the surrounding area, I feel that the actual visual impact from the number of very slender columns proposed, with minimal visual mass, set in a maturing and well landscaped environment, is acceptable, and would have a neutral visual impact when viewed from street level. Given this minimal mass I feel that the general openness of the site would be retained given the considerably more open land to the west and south. In this regard, I am of the opinion that this element of the proposal would not introduce any significant visual harm and is an improvement upon the previous scheme proposed under planning reference 08/0591/FUL given the reduction number of columns and luminaries required as a result of the omission of flood lighting to the far south eastern court, court 6.
- 8.12 I am satisfied that vegetation which serves to significantly screen the existing courts and lighting columns from Perry Close and Wilberforce Road will similarly serve to mitigate the visual impact of the proposed floodlighting during hours of natural light upon the street scene of Wilberforce Road and the surrounding Conservation Area and as such I am of the opinion that the proposal is compliant with East of England Plan (2008) policies ENV6 and ENV7, and Cambridge Local Plan (2006) policies 3/4, 4/2, 4/11,4/15 and 6/2.

Residential Amenity

- 8.13 One of the key considerations in the assessment of this planning application is whether the submitted scheme would result in a significant material detriment to the amenity of nearby residential properties.
- 8.14 The nearest proposed floodlighting column to the nearest residential property to the east is approximately 175 metres away, an additional 10 metres compared to previously refused 08/0591/FUL and to the west approximately 48 metres so given

the minimal mass of the columns themselves, I have no concerns that the lighting columns and attached luminaries will result in a significant overbearing or unduly enclosing impact. The key assessment is that of light emanating from the site and whether this would result in significant harm to nearby residential occupiers.

8.15 Whilst it is noted that the area of illuminated space will be significantly greater than the area currently illuminated, and as such there may be a greater visual awareness of the site when it is illuminated, I am of the view that with suitable control over the angle of the lighting heads and the type of the luminaries proposed, that are designed to produce minimal spill the impact from the lighting columns themselves, can be mitigated to a successful degree and light focused onto the courts where it is required. I suggest this be further controlled by the imposition of a condition to limit the hours that the floodlighting may be lit as recommended by the Environmental Health Officer. Subject to this I consider the impact of the illumination acceptable.

8.16 Environmental Health have raised no objection to the proposal. With that response in mind, and given that no further conditions have been recommended by that section other than that suggested above, I am satisfied that there will be no significantly detrimental impact from the lighting upon the residential occupiers of the nearby residential occupiers in relation to the specific aspects of this scheme to warrant refusal.

8.17 With regard to concerns raised over an intensification of use of the site and the potential car parking issues that may arise as a result, I am firmly of the view that this application for floodlighting would not result in the site being used more intensively to a level that would be detrimental to the residential amenity of neighbouring occupiers. What it is likely to do is extend and maximise the use of the existing facilities into times when, due to the lack of light, play could not otherwise have been undertaken. In this manner, the site would be used more intensively and more widely than presently in the darker months of the year, making best use of existing land and facilities, at times when the site would otherwise be underutilised. However, the overall capacity of the grounds and pitches remains unaltered and I see no difference between the site being used into the evening in the summer months when it would be lit naturally, and in the same way in the winter months, when it would be used in a similar manner.

- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Wildlife

- 8.19 It is acknowledged that artificial lighting can affect a range of species, and so their presence in and around the site should be considered in relation to any potential effects the lighting may have upon them. The applicant has submitted an Ecological Scoping Survey given the ecological sensitivity of the site and its location near to the green belt. Based on the information provided in this survey Natural England raises no objections to the proposed development but requests conditions be imposed as recommended by the survey. These include the filling of gaps in the existing hedgerow to the south of the site and them being allowed to thicken in order to help screen any light spillage towards nearby ponds and ensuring that directional hoods are installed to the proposed luminaries in order to minimise the impact upon wildlife whilst the lights are in use. The Government and Conservation Advisor for Natural England acknowledges in her response the survey failing to conduct the inspection of the trees on site at an optimal time of year but mindful of this does not consider the proposal will have a significant adverse impact upon the identified protected species.

- 8.20 In addition to the suggested conditions the Government and Conservation Advisor suggests the applicant be informed that planning permission does not absolve the development from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of Circular 08/2005. Subject to the imposition of the above recommended conditions and informative I consider the proposal compliant with policy 4/6 of the Cambridge Local Plan (2006).

Highway Safety

- 8.21 Some concern has been raised with regard to the increased number of people coming to use the tennis courts in the evening hours and the potential for accident with an increased use of the junction entering and leaving the site onto Wilberforce Road. However, no objections have been raised by the highway authority

with regard to highway safety. As such I am satisfied that there is not a highway safety issue and the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

8.22 With regard to the impacts upon the Institute of Astronomy I consider the imposition of the condition regarding hours of illumination and illumination output as discussed above will serve to mitigate their impact.

8.23 I am of the opinion that the other main issues raised in the submitted representations have been fully addressed in the main body of text above.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The floodlights hereby approved shall only be switched on between 0700hours and 2200hours unless the local planning authority gives written consent to any variation.

Reason: To protect the amenities of nearby residents (Cambridge Local Plan 2006 Policy 4/13 and East of England Plan 2008 policy ENV7)

3. The hedgerow along the southern boundary of the site shall improved to the satisfaction of the local planning authority by way of planting with the same species during the next practicable planting season. All planting works shall be carried out to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice and agreed in writing with the local planning authority. Any planting that, within a period of five years after planting, is removed, dies or becomes damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number unless the local planning authority gives written consent to any variation. These improvements shall be made in accordance with the approved details.

Reason: To thicken the hedgerow in order to mitigate against the impact of light spillage upon nearby pond life (Cambridge Local Plan 2006 policy 4/7).

4. Notwithstanding the details shown on the approved plans directional hoods shall be fitted to all the luminaries hereby approved and shall be retained thereafter unless prior agreement, in writing, is first given by the local planning authority to any variation.

Reason: In order to control the projection of the light emitted from the luminaries thereby reducing light spillage to protect the amenities of nearby residents (East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan 2006 policies 3/4, 4/13 and 4/15).

INFORMATIVE: The applicant is advised that planning permission does not absolve the requirement to comply with the relevant law, including obtaining and complying with the terms of conditions of any licences required as described in Part IV B of the circular.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: Policies SS1 and ENV6, ENV7

Cambridge Local Plan (2006): Policies 3/4, 3/7, 3/11, 4/2, 4/7, 4/11, 4/13, 4/15 and 6/2

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

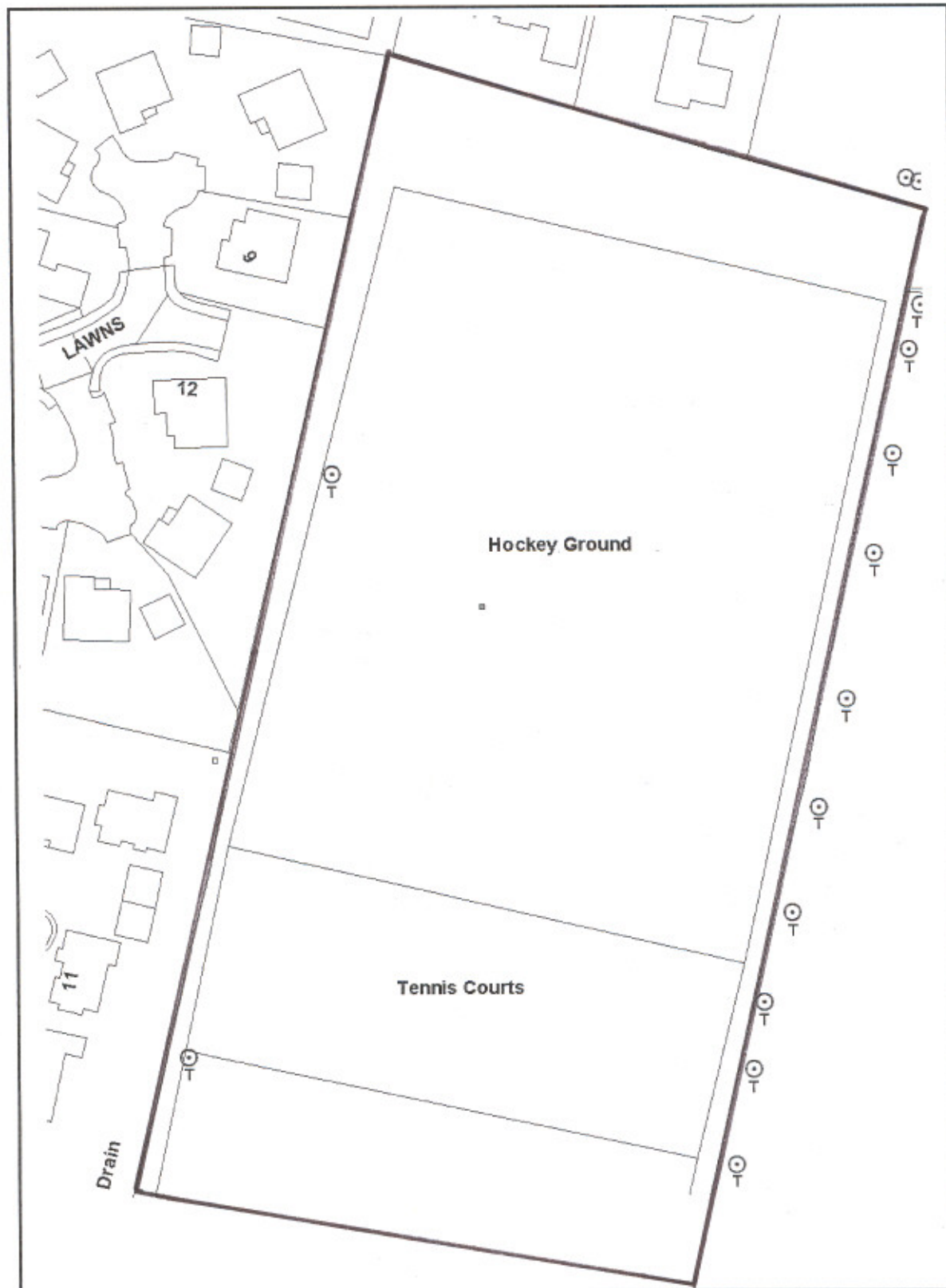
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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Cambridgeshire