

Planning Committee

Tuesday, 14 November 2017

Planning application no.	16/01278/FUL
Site	Hanbury Tennis Club, Hanbury Crescent, Wolverhampton
Proposal	Erection of eight low level retractable floodlighting on court one (2.75 metres lowered, 3.95 metres fully extended)
Ward	Penn
Applicant	Hanbury Tennis Club
Cabinet member with lead responsibility	Councillor John C Reynolds Cabinet Member for City Economy
Accountable Director	Keren Jones, Service Director, City Economy
Originating service	Planning
Accountable employee	Planning Officer Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

1.0 Summary recommendation

1.1 Refuse.

2.0 Application site

2.1 The application site is Hanbury Tennis Club which is accessed off Hanbury Crescent, Penn. The tennis club is small in that it has two tennis courts and a club house.

2.2 The area surrounding the site is predominantly residential in character. To the rear of the properties in Hanbury Crescent, Windsor Avenue and Kingswood Gardens there are boundary fencing, trees and hedges providing screening to the site.

2.3 An access to the site is also off Hanbury Crescent where there is provision for a small number of vehicles with pedestrian access.

3.0 Application details

3.1 The proposal seeks the erection of eight low level retractable floodlights on court one.

3.2 The application has been submitted following earlier submissions, the most recent in 2010 under reference 10/01263/FUL for the erection of six floodlights to court two which was refused and dismissed at appeal.

4.0 Relevant policy documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5.0 Publicity

- 5.1 Five letters of objection have been received from residents in close proximity to the tennis club residing in Hanbury Crescent, Windsor Avenue and Kingswood Gardens. The main reasons for objecting are: lack of parking, traffic safety, noise and disturbance, wildlife issues and light pollution.
- 5.2 Two letters of support have been received. One is from a local resident in Kingswood Gardens and one has no address.

6.0 Consultees

- 6.1 Environmental Health – The proposed lighting is close to residential properties and the original information submitted was insufficient to adequately determine the light spill into neighbouring properties. Additional information has been submitted and this still lacks sufficient detail to determine the light spill into neighbouring gardens and windows; however, it is unlikely to cause a statutory nuisance but may impact on the amenity of existing residents.

7.0 Legal implications

- 7.1 Other than the possibility of an appeal there are no immediate legal implications arising from this report [LD/02112017/S].

8.0 Appraisal

- 8.1 The proposal seeks the introduction of additional floodlighting to enable extended use of the facility into the evenings.
- 8.2 The Planning Inspector's appeal decision in 2010 dismissed an appeal for the erection of six floodlights on court 2. The Inspector considered the concerns of residents in that the night time ambience to the rear of neighbouring properties was clearly of importance, when it is proposed the artificial lighting would be used but residents were more likely to be indoors and have their doors and windows shut and therefore the proposal would not impact on their amenities by virtue of noise and disturbance.

- 8.3 However, in concluding the appeal decision, the Inspector states that dark and tranquil areas to the rear of neighbouring gardens would be harmed by the addition of artificial lighting and whilst the aspirations of the tennis club to extend the scope of its useable hours are acknowledged, the harm could not be outweighed and the proposal would be contrary to the development plan.
- 8.4 The proposal albeit using an alternative lighting scheme differing in specification, design, location, and height to the previous refusal, would still pose the same impact of light spillage into neighbouring properties when they can reasonably expect the area to be tranquil. As a result of this, it is considered that the impact of the proposal would be no different and neighbouring amenities would be similarly affected to an extent that is considered unacceptable and still, contrary to the provisions of the development plan.
- 8.5 The tennis club have provided additional information following the deferral of this application from the previous Planning Committee; however, this lacks detail. In the previous appeal decision, the Planning Inspector makes reference to the lighting being within the guidelines of the Institute of Lighting Engineers; however, the Inspector goes on to state that it is not decisive, bearing in mind the prospect of a greater illumination of the rear garden and the area alongside it than previously experienced.
- 8.6 The additional information provided makes reference to the Council's articles supporting public health. This has been considered and whilst the proposal would be in accordance with policies promoting public health, it is re-iterated in the appeal decision that the club's aspirations in supporting these policies are outweighed by the harm caused of the proposed lighting.
- 8.7 On balance, it is considered that concern is not one of light glare or spillage but the harm of artificial lighting to the rear of residential properties. The rear of these properties currently experiences an environment which is dark, tranquil, private and secluded. The introduction of artificial lighting will add brightness, result in the loss of ambience and result in the area becoming extremely well-lit to the detriment of residents amenities and seriously detract from the existing character of the area.

9.0 Conclusion

- 9.1 The proposed development is therefore recommended for refusal on the grounds that the light intrusion would result significant harm to residents' amenities.

10.0 Detail recommendation

The proposed installation of floodlighting would seriously harm the living conditions of the occupiers of the neighbouring dwellings in Hanbury Crescent, Windsor Avenue and Kingswood Gardens through light pollution. The proposal is therefore contrary to the Unitary Development Plan Policies EP1 and EP4.

