

APPLICATION REFERENCE: PL/2020/00108/PPFL

Site Address: Knowle and Dorridge Lawn Tennis Club Grove Road Knowle Solihull B93 0PH

Proposal:	Replacement of existing floodlighting on 4 tennis courts 1, 2, 3, 4 with LED lighting. Replacement of existing columns (currently 19 overall) with 11, 10 metre high thin green tubular columns with a total of 30 luminaires as per scheme attached (The number of luminaires remains the same as the existing scheme). This means that each court will be lit by 4 columns at each corner as per the scheme except for court 1 which will use one of the columns at the edge of court 3.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Called in by Councillor Potts
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Recommendation:	APPROVAL subject to conditions
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EXECUTIVE SUMMARY

Planning permission is sought for 11 no. 10m high lighting columns to replace 19 existing columns

This report will demonstrate that the proposal represents an appropriate form of development that will enhance the character and appearance of the area and will not be unduly harmful to the amenities currently enjoyed by neighbours. Furthermore, it will be shown that in approving this application there will also be no undue harm to highway safety, the landscape character of the area, or the ecological implications of the site.

The application is therefore recommended for approval.

MAIN ISSUES

The main issues in this application are:

- The principle of the proposed development;
- The impacts of the proposal upon residential amenity due to potential light impacts;
- All other impacts upon residential amenity; and
- The impacts of the proposal upon the character and appearance of the area.

Other Material Considerations

- Ecology;

CONSULTATION RESPONSES

Statutory Consultees: The following Statutory Consultee responses have been received:

None

Non Statutory Consultees: The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objection

SMBC Ecology – No objection

SMBC Environmental Protection – Comments awaited

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

3 objections were received together with one from Councillor Potts, who has called in the application due to residents' concerns about light pollution and visual impact. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Impact on the Character and amenity value of the area and streetscene
- Destructive to residential amenity
- Obtrusive at 10m high in the daytime
- Glare at night
- Inappropriate in residential area
- Overdevelopment with height
- Poor design and aesthetic appearance
- Poles are uncharacteristic of the area
- Harmful to Wildlife
- Harmful to humans

- No consultation with neighbours
- Intensification of light

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan and Knowle, Dorridge and Bentley Heath Neighbourhood Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance.

The principle of the proposed development

Policy P20 of the Local Plan advises that the Council recognises the importance and multi-functional benefits of sports facilities within the Borough, and as such will support the enhancement of existing facilities.

Policy ECF3 of the Neighbourhood Plan seeks to safeguard existing community facilities such as sports facilities.

Given that this proposal will clearly constitute an enhancement of the existing facilities at the club, the proposal is compliant with these policy objectives. It will enhance the existing facilities and in doing so contribute towards the future success and safeguarding of the club. The proposal is therefore acceptable in principle, subject to compliance with the relevant issues and policies that follow in this report. Moderate weight should be attached to this in the balancing exercise.

The impacts of the proposal upon residential amenity due to potential light impacts

Policy P14 of the Solihull Local Plan seeks, inter alia, to protect and enhance the amenity of existing occupiers of houses, and advises that development will only be permitted if it respects the amenity of existing and proposed occupiers and would be a good neighbour.

11 no. 10m high lighting columns are proposed as part of this application, with four being proposed to serve courts 1, 2 and 4 and 3 to court 3. There is the potential for

lighting installations such as this to have a negative impact upon residential amenity due to light spillage, glare and sky glow.

There are 19 no. existing lighting columns illuminating 5 surface courts. There are some at 6m in height on courts 1, 2, 3 and 4, and courts 5 and 6 have 10m high columns with LED lights similar to those proposed, approved in 2017.

A lighting overspill assessment has been carried out for the above mentioned site which has been reviewed by the Council's Public Protection Officers. Matters have been further clarified through discussion with specialists to further establish and understand associated impacts.

Public Protection officers opine that the positioning (including height and specification) of proposed lighting columns have been carefully designed to minimise light overspill, that might impact on residential amenity, while seeking to achieve necessary on site light levels on courts.

Proposed light levels have been calculated / modelled and are presented in submissions (Illumination Summary by Musco Lighting - Knowle and Dorridge Racquets Club, Solihull, West Midlands - Phase 2). Off-site levels have been quantified (represented by vertical lux overspill levels) and overlays show coloured Lux contour lines that demonstrate how light levels will vary beyond the development site boundary.

Submissions demonstrate light lux level projections at nearby sensitive residential windows. Lux level impacts are all shown to be below the 5 lx levels at all such off-site receptor locations (excluding garages and other similar utility room windows).

This 5 lx level is described in the **Institution of Lighting Professionals Guidance Note 01/20 "Guidance notes for the reduction of obtrusive light", 2020** to be a maximum level of acceptable impact (pre-curfew*) for Environmental Zone E2 receptors**.

It should, however, be noted that the development site and surrounding areas would likely fall into Environmental Zone E3*** where allowance levels for obtrusive light / illuminance are higher (up to 10 lx pre-curfew*). As such proposals achieve and exceed necessary levels of light control / mitigation.

** curfew is set via planning restriction to 22:00 hours daily, it is understood there is no post-curfew lighting proposed.*

***E2: Rural - Low district brightness - Sparsely inhabited rural areas, village or relatively dark outer suburban locations.*

****E3: Suburban - Medium district Brightness - Well inhabited rural and urban settlements, small town centres of suburban locations.*

Furthermore, while Public Protection officers note that local residents from the neighbouring roads (Fletcher Grove) have raised concerns over light disturbance and glare, the submitted Illumination Summary predicts impacts to be zero lx at all such properties.

As such Public Protection officers do not raise objections to technical submissions or proposed lighting levels, subject to the conditions as set out in this report.

The proposal is therefore compliant with Policy P14 of the Local Plan and neutral weight should be attributed to this in the balancing exercise.

All other impacts upon residential amenity

Having established that the proposal will not be unduly harmful to residential amenity by virtue of lighting impacts, it must be determined whether the proposed development, by virtue of the physical structures, are likely to result in any harm due by either overbearing impact.

Courts 1, 2, 3 and 4 will be covered by the proposed lighting columns that are to be 10m high. The nearest of these columns is more than 40m away from the nearest dwelling on Grove Road. Having regard to this distance it is considered that the proposal will not have an unduly harmful impact by way of overbearing impact or loss of light.

In addition, previous permissions have established the use of floodlighting on this site, permitting floodlighting to be used between the hours of 08:00 – 20:00. This application does not seek to increase those hours. SMBC's Public Protection Officers do not raise any noise objections on the grounds that this application seeks to replace existing lighting infrastructure but does not seek any change in the use or hours of activity at the development site.

The proposal is therefore compliant with Policy P14 of the Local Plan and neutral weight should be attributed to this in the balancing exercise.

The impacts of the proposal upon the character and appearance of the area

Policy P15 of the Solihull Local Plan advises that all development proposals will seek to achieve good quality inclusive and sustainable design that, inter alia, conserves and enhances local character, distinctiveness and streetscape quality.

Policy D1 of the Neighbourhood Plan advises that new development should be of a high standard of design and preserve and enhance the character and appearance of the area.

The application site consists of an existing tennis club, set off Grove Road within a predominantly residential area. The courts that are the subject of this application are currently tennis courts with lighting columns of 6m located towards the south eastern side of the site. Courts 2-4 are within the site that has no highway boundary and are not prominently situated when viewed from public vantage points.

There is a main club house building complex adjacent to court 1. There are also existing 6m and 10m tall lighting columns on the site. The many courts on the site are enclosed by approx. 3m high wire mesh fencing, though heights do vary.

Within this context it is considered that the proposed lighting columns will be viewed as appropriate additions to the site that will not be harmful to the character and appearance of the area.

The proposal is therefore compliant with policy P15 of the Local Plan and D1 of the Neighbourhood Plan, and neutral weight should be attributed to this in the balancing exercise.

Ecology

A Preliminary Ecological Appraisal has been prepared and submitted. The survey includes a desk study and an inspection of the trees and hedgerow for their potential to support a bat roost. The report concludes that the semi-mature trees on site do not contain any features that could support a bat roost, and that the new lighting will not result in an increase in direct illumination of the hedgerow from the existing lighting scheme. SMBC's Ecologists do not consider it likely that bats will be impacted by the replacement of the existing floodlights.

SMBC's Ecologists do not object to the proposal and it is therefore compliant with Policy P10 of the Local Plan. Neutral weight should be attributed to this in the balancing exercise.

Public Sector Equality Duty

In making your decision, you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is

considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

Planning permission is sought for the replacement of 19 no. 6m high lighting columns to 11 no. 10m high lighting columns.

This report has demonstrated that the proposal represents an appropriate form of development that will enhance existing sporting facilities within the area and the character and appearance of the area. It will not be unduly harmful to the amenities currently enjoyed by neighbours, and it has been shown that in approving this application there will also be no undue harm to the ecological implications of the site.

The application is therefore compliant with policies P10, P14, P15 and P20 of the Local Plan and policies ECF3 and D1 of the Neighbourhood Plan.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

- (1) CS00 – Compliance with approved plans
- (2) CS05 – Commencement within 3 years
- (3) CF06 – Restriction on floodlighting times (switched off between the hours of 10pm and 8am)
- (4) The height, positioning, design, orientation and use (including the application and use of anti-glare or directional hoods etc.) of floodlighting columns and luminaires shall be as described in the application pack and associated documents:
 - Illumination Summary by Musco Lighting; Knowle and Dorridge Racquets Club, Solihull, West Midlands - Phase 2 (By: W.Svarverud, File #198410BR1, dated 30-May-19)
 - Column Location document (no reference or date given)
 - Wiseman Lighting Ltd Drawings Design Ref WL/TS/100, dated 16/02/20

In the interests of visual and residential amenity in accordance with policies P14 and P15 of the Solihull Local Plan.

- (5) Unless otherwise agreed in writing with the Local Planning Authority no floodlighting units, that are the subject of this approval, shall be used so as to cause lighting levels that exceed projected levels presented in the document entitled “Illumination Summary by Musco Lighting; Knowle and Dorridge Racquets Club, Solihull, West Midlands - Phase 2 (By: W.Svarverud, File #198410BR1, dated 30-May-19)” at any nearby sensitive receptor window (this shall not include windows to garage or other utility spaces)

In the interests of visual and residential amenity in accordance with policies P14 and P15 of the Solihull Local Plan.

(6) Unless otherwise agreed in writing with the Local Planning Authority no floodlighting units, that are the subject of this approval, shall be used on site until commissioning tests have been carried out to demonstrate that resultant off-site lighting levels do not exceed light level projections detailed in the document entitled "Illumination Summary; Knowle and Dorridge Racquets Club, Solihull, West Midlands - Phase 2 (By: W.Svarverud, File #198410BR1, dated 30-May-19)". A report shall be submitted in writing for approval by the Local Planning Authority that evidences compliance with these projected levels (at nearby sensitive receptor windows but not including windows to garages or other utility spaces).

In the interests of visual and residential amenity in accordance with policies P14 and P15 of the Solihull Local Plan.