

03.10.2023

Notes

This is an A3 Drawing at a scale of 1 : 1250

Rev	Date	Description

SITE LOCATION
Sutton Lawn
Peel Street
Sutton in Ashfield.
NG17 4LH.

PROJECT
Sutton Lawn

CLIENT
Ashfield District Council

DRAWING TITLE
Location Plan



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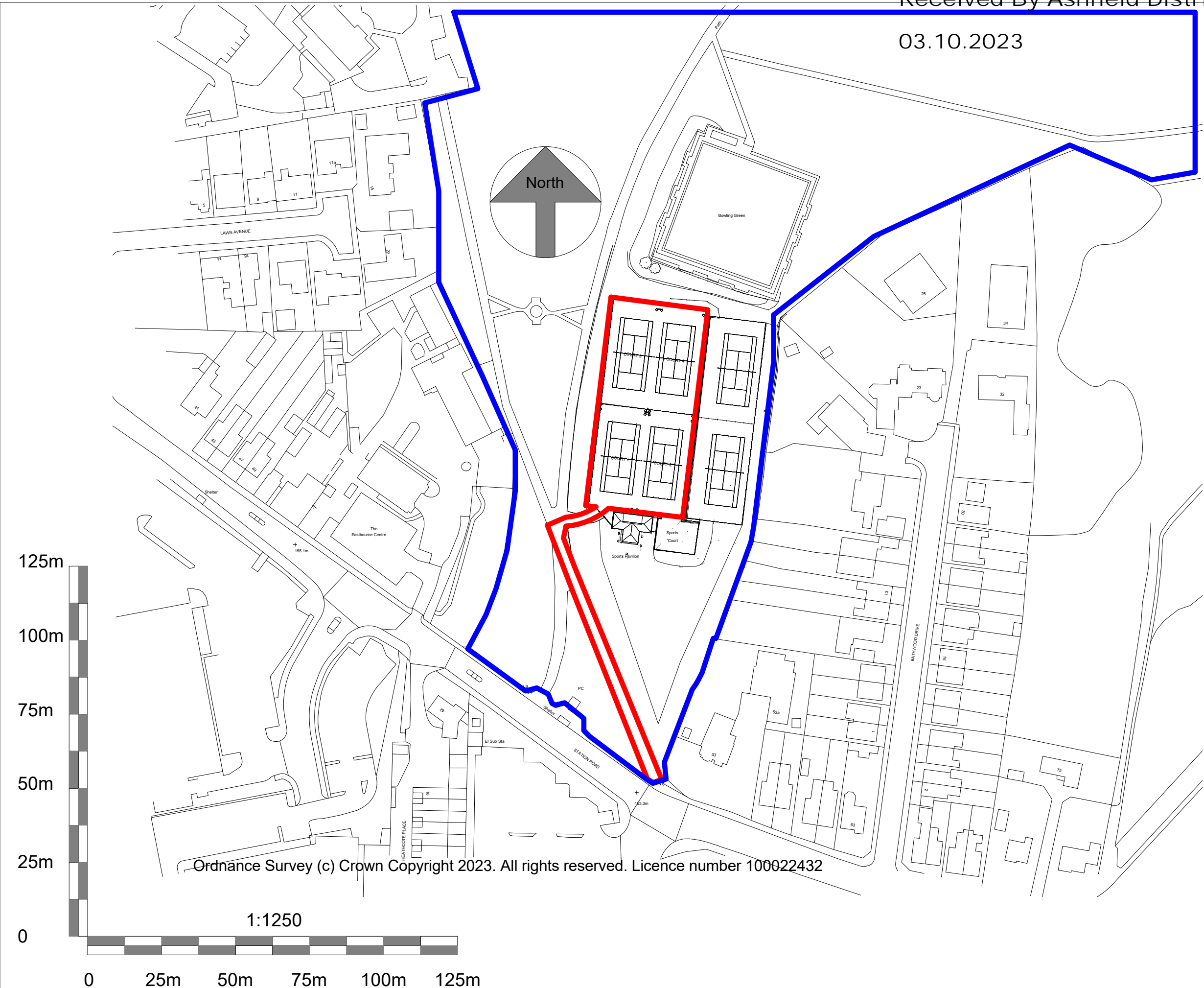
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S.F.P.D.

SCALE
1 : 1250

DATE
22.09.2023

REVISION NO.

DRAWING NUMBER
2023 CAS 012 010



COMMITTEE DATE 06/12/2023 **WARD** Sutton Central & New Cross

APP REF V/2023/0568

APPLICANT C Chiofalo

PROPOSAL Replacement flood lights to tennis courts 1 to 4.

LOCATION Sports Centre, Lawn Lane, NG17 5GP

WEB-LINK <https://www.google.com/maps/place/Sutton+Lawn+Tennis%2FBadminton+Court/@53.122995,-1.2533982,266m/data=!3m1!1e3!4m6!3m5!1s0x487995548e7af587:0x8b2c324e681051e7!8m2!3d53.122931!4d-1.2522262!16s%2Fg%2F11jcszy4hd?entry=ttu>

BACKGROUND PAPERS A, B, C, D, E, I & K

App Registered: 04/10/2023

Expiry Date: 28/11/2023

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to the Planning Committee as Ashfield District Council is the applicant.

The Application

This is a full planning application to replace the existing flood lights on tennis courts 1 – 4.

Consultations

A site notice has been posted, together with individual notifications to surrounding residents and statutory consultees.

The following representations have been received:

NCC Highways

The highway authority has considered the submitted information and has decided that the application does not have a detrimental effect on highway safety and capacity. Therefore, there are no highway objections.

Sport England

Sport England has sought the views of the Lawn Tennis Association (LTA). The comments of the LTA have been summarised as:

- This is a project the LTA are supporting through their Parks refurbishment project, which includes court renovation and upgrading of floodlights.

Outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. In numerical terms, outdoor sports lighting can extend the playing hours by some 1000 -1500 additional hours per annum, and this can allow people to train or play evening matches 7 days a week, all year round.

Improving floodlighting to enable more intensive use of the tennis courts is consistent with paragraph 92 c of the NPPF which aims to enable and support healthy lifestyles. The replacement floodlighting will provide more energy efficient lighting which meets modern requirements.

Sport England does not wish to raise an objection to this application.

ADC Contaminated Land

Due to these courts being adjacent to historic infilling of land and as the extent of the infilling is unknown, as to is the material used to infill, a condition is recommended.

Community Representations

1 letter/email has been received from 1 individual, objecting to the proposed development. The content of this representation is summarised below:

- The proposal should only be allowed to happen if light pollution is reduced. Floodlights should be designed and positioned to reduce light pollution.
- There should be a specified curfew, after which the floodlights cannot be used.
- The public tennis courts (5 & 6) should be refurbished and reopened as they have fallen into disrepair.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004, the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002)

The following ALPR 'saved' policies are considered to be relevant:

- Policy ST1: Development
- Policy ST2: Main Urban Areas
- Policy RC3: Formal Open Space

Material Considerations

National Planning Policy Framework (NPPF) (2023)

- Chapter 2: Achieving a Sustainable Development

- Chapter 8: Promoting Healthy and Safe Communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 12: Achieving Well-Designed Places
- Chapter 15: Conserving and Enhancing the Natural Environment
- Chapter 16: Conserving and Enhancing the Historic Environment

Together with supporting Planning Practice Guidance.

Other Documents

- Nottinghamshire County Council Highway Design Guide
- ADC Developer Guide to Biodiversity and Nature Conservation
- Bat Conservation Trust: Guidance Note 08/23 – Bats and Artificial Lighting at Night

Relevant Planning History

V/1990/0941 – Tennis court floodlighting. FULCC. 03/01/1991.

V/2000/0684 – Erection of single lamp floodlight to 8-metre-high mast. FULCC. 02/11/2000.

The following applications, within the vicinity, are also considered to be of general relevance:

V/2013/0524 – Installation of 4 no. 10m high floodlights to existing skate park. FULCC. 28/11/2013.

Comment

The main issues in the determination of this application are as follows:

1. Principle of Development
2. Visual Amenity and Impact on the Historic Environment
3. Residential Amenity
4. Highways Matters
5. Ecology and Conservation
6. Impact on Formal Open Space

Principle of Development

Policy ST1 of the Ashfield Local Plan Review 2002 states that development will be permitted where, amongst other things, it does not conflict with other policies in the Local Plan.

The spatial strategy defines a clear settlement hierarchy within Ashfield. The first level comprises the main urban areas, the second comprises the villages, or “named settlements”, and the third consists of other small settlements within the Countryside.

As regards its location, the site falls within the first tier, or within the “Main Urban Areas”. Policy ST2 recognises that development will be concentrated within the main urban area of Sutton-in-Ashfield.

The existing floodlights, on tennis courts 1 – 4 (inclusive), were granted planning permission pursuant to application reference V/1990/0941.

Visual Amenity & Impact on the Historic Environment

Policy ST1(b) (ALPR) (2002) sets out that development will be permitted where it will not adversely affect the character, quality, amenity or safety of the environment. Paragraph 2.20 of the policy subtext makes it clear that the Authority will not accept any development which adversely affects the local environment (emphasis added). Reference to the “environment” applies to both the natural and built environment.

This application seeks to replace the floodlights which serve tennis courts 1 – 4 (inclusive). These tennis courts fall within the public park known as “Sutton Lawn”, which is locally listed (ref no. 874).

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Heritage Gateway (“HER”) entry (HER No. MNT26719) refers to the site being the original 18th century garden of the Unwin family, whose mansion once stood on Station Road. A number of elements from the original landscape remain; the Mill ruins, and the adjacent lake form the focal features of the park. Nevertheless, this application does not propose any development which might compromise the historic interest of the park. On the contrary, the replacement floodlights represent an improvement; providing more energy efficient lighting which meets modern requirements.

As regards character and appearance, the existing floodlights comprise 10m high galvanized columns with sixteen metal halide projector type fittings, with a mounting height of 10.3m. The proposed development comprises new LED lighting fittings atop 8m high columns (coloured dark green), with a mounting height of 8.3m. The overall number of fittings (16) is to remain unchanged, however, there is to be an increase in the number of columns, from 9 to 13. As evidenced, the proposal results in an overall reduction in the height of the columns, despite there being an increase in their number. Furthermore, the dark green finish of the floodlights ensures that they assimilate into their verdant backdrop.

Paragraph 5.6 of the applicant’s “Design and Access Statement” submits that there will be little change to the appearance of the site. Officers have not been presented with any substantive evidence to the contrary, noting also, the presence of perimeter fencing and mature vegetation which affords considerable screening.

Residential Amenity

Paragraph 185 of the NPPF sets out that new development should be appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on

health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The nearest neighbours to the application site are the properties on Bathwood Drive to the east, properties on Station Road to the south and properties on Lawn Avenue to the west/northwest.

Paragraph 3.2 of the “Design and Access Statement” advises that, prior to submission, local residents were consulted on the proposal and were invited to comment. Residents were once again consulted following submission. A single representation has been received, which objects on grounds of light pollution.

In support of this application, a “Lighting Design” statement has been submitted, with a compliance report appended. The Council’s Environmental Health Team (“EH”) have been consulted on this application and have raised no objections. As regards the submitted report, EH find it demonstrates that the lighting impacts are predicted to satisfy appropriate lighting criteria recommended by the Institute of Lighting Professionals for a location of E3 medium district brightness. The criteria identified and its compliance, are considered reasonable for this situation.

Furthermore, paragraph 5.6 of the “Design and Access Statement”, states that the lux level spillage plots included within the proposal indicates that no adjacent domestic properties will be adversely affected by the new floodlighting.

The applicant has confirmed that the floodlights are to be used up until 22:00hrs throughout the week (including weekends). These hours of use are not considered disproportionate to the legitimate aim of facilitating the evening use of the tennis courts. Indeed, Sports England state that, in numerical terms, outdoor sports lighting can extend playing hours by some 1000-1500 additional hours per annum. A suitably worded condition can be imposed to ensure that the floodlights do not operate past this time.

As regards their physical presence, any prominence will be offset by their reduction in height, together with the degree of screening (by both vegetation and perimeter fencing).

Given the existing site layout, the nature of the proposed development and the mitigation measures, officers are satisfied that there would be no adverse impact on residential amenity.

Highways Matters

Policy ST1(c) of the Ashfield Local Plan Review 2002 sets out that development will be permitted where it will not adversely affect highway safety, or the capacity of the transport system.

Paragraph 110 of the NPPF sets out that safe and suitable access to the site should be achieved for all users. Paragraph 111 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development will neither impede nor intensify the existing access and parking arrangements. Users of the tennis courts will continue to access the site via Lawn Lane.

Ecology and Conservation

Paragraph 180 of the NPPF sets out that, in determining planning applications, local planning authorities should apply the following principle: that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 4.18 of Guidance Note 08/23: Bats and Artificial Lighting at Night (by the Bat Conservation Trust) sets out that sources of lighting which can have the potential to disturb bats can include sporadically operated lighting such as floodlights. However, paragraph 5.1 of the applicant's "Design and Access Statement" states that the colour temperature of the proposed fittings is 3000 Kelvin, which has been specifically developed by the manufacturer for floodlighting areas where bats may be present. This accords with the latest guidance from the Bat Conservation Trust.

Furthermore, the floodlights are to be used up until 22:00hrs. However, the frequency and duration of their use will differ seasonally. For instance, during the summer months, prolonged use would be superfluous. As aforementioned, a condition is to be imposed, ensuring that the floodlights do not operate past 22:00hrs. In comments, the Council's Ecology Officer has confirmed that a limitation would be a good approach and that, in all likelihood, the lights will only need to be used in the colder months when the days are shorter and that, in such cases, the bats will be dormant for most of this time.

Impact on Formal Open Space

At a national level, paragraph 92 of the NPPF sets out that decisions should enable and support healthy lifestyles, whilst paragraph 98 recognises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities.

The application site is part and parcel of "The Lawn", designated Formal Open Space. As defined by paragraph 8.21 of the Ashfield Local Plan Review 2002, Formal Open Space is maintained for organised sport and recreation, play space for youths and children, and as formally landscaped open space. The construction of Policy RC3 (ALPR 2002) is clear; there is a general presumption against the loss of formal open space. However, this presumption is rebuttable by the exceptions criteria set out between (a) – (e).

Nevertheless, the proposed development does not result in the "loss" of formal open space and does not, therefore, require further examination of Policy RC3. Rather, the proposal seeks to replace existing floodlights, in order to facilitate a recreational use; a use which, in any event, is compatible with Policy RC3.

Other Matters

Land Contamination

As confirmed by the Council's Contaminated Land Officer ("CLO"), the application site is adjacent to historic infilling of land. As the extent of the infilling is unknown, as to is the material used to infill, the CLO has requested that a condition be imposed.

Conclusion

The proposed scheme results in improvements over the existing flood lighting and brings them up to modern standards, there is therefore no greater impact on any planning issues raised and therefore on balance planning permission should be granted subject to the identified limitations.

Recommendation: Approve, subject to the conditions detailed below.

Conditions

1. The development hereby approved shall be begun before the expiration of the 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - 2023-CAS-012-010 (Site Location Plan)
 - 2023-CAS-012-011 (Block Plan)
 - 2023-CAS-012-012 (Existing Layout)
 - 2023-CAS-012-013 (Proposed Layout)
 - 2023-CAS-012-014 (Existing Elevations)
 - 2023-CAS-012-015 (Proposed Elevations)
 - 2023-CAS-012-020 (Existing 3D View #1)
 - 2023-CAS-012-021 (Existing 3D View #2)
 - 2023-CAS-012-022 (Proposed 3D View #1)
 - 2023-CAS-012-023 (Proposed 3D View #2)

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. The materials and finishes to be used for the proposed floodlights shall match those outlined in the submitted details.
4. (a) If during the construction works any potential land contamination or unusual odour is encountered, all construction works shall cease immediately and not resume until either:
 - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
 - or

- ii. The timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.
 - b) If potential contamination is identified pursuant to part (a) of this condition, the development shall not be occupied until land contamination is fully remedied in accordance with a remediation scheme submitted to and approved in writing by the Local Planning Authority and a post completion verification report, including results of sampling and monitoring carried out, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the site remediation criteria have been met.
5. The floodlights hereby permitted shall be switched off between the hours of 22.00 to 08.00 everyday.
 6. The development hereby permitted shall be carried out in accordance with the details and specifications set out in the "Lighting Design P.A. 05 R1" (dated 30th June 2023), including Appendices 1-3.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF paragraphs 183 and 184.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To safeguard the amenities of residents living in the vicinity of the application site.