



Appeal Decision

Site visit made on 13 October 2010

by **Richard High BA MA MRTPI**

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an Inspector appointed by the Secretary of State
for Communities and Local Government

Decision date:
27 October 2010

Appeal Ref: **APP/Q0505/A/10/2128707**

Cambridge Lawn Tennis and Hockey Club, Stacey Lane, Wilberforce Road, Cambridge, Cambridgeshire, CB3 0EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cambridge Lawn Tennis Club against the decision of Cambridge City Council.
- The application Ref 09/0648/FUL, dated 14 July 2009, was refused by notice dated 31 December 2009.
- The development proposed is erection of floodlights to courts 3,4 and 5.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are:
 - 1) whether the proposed floodlighting is acceptable in principle;
 - 2) the effect of the proposed floodlighting on the living conditions of neighbouring residents and the character of the area;
 - 3) whether the type of floodlighting proposed is the minimum required to provide an adequate facility.

Reasons

The Principle of Additional Floodlighting

3. The Council's reason for refusal does not question the case made by the club for additional floodlighting and most of the third party objectors to the proposal share this view. However some of the submissions raise issues which relate more to the principle of more floodlighting in a sensitive area.
4. Cambridge Lawn Tennis Club lies within the Cambridge City Conservation Area No.2 (West). However, this part of the Conservation Area is characterised by a wide range of sports facilities. The club is separated from Wilberforce Road by the Emmanuel College Sports Ground, while to the north is a hockey field and to the south, beyond a small landscaped area including a pond, is the Cambridge University athletics track and hockey ground. While historically these have been mainly fairly open areas of grassland, over time they have evolved to reflect contemporary requirements associated with more intense year round use. The existing facility reflects this with its club house, hard

Appendix

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tennis courts, parking provision and the floodlighting of courts 1 and 2. Other developments nearby include the floodlighting of the Cambridge University athletics track and hockey ground to the south of the site.

5. It is evident from the club's submissions that there is a clear case for additional floodlighting to make effective use of the facilities during the winter months and to satisfy the needs of the rapidly growing membership. In these respects the proposal would be consistent with Policy 6/2 which seeks to provide for the improvement of sports and leisure facilities in Cambridge. Moreover the floodlighting of courts 1 and 2 does not appear to have given rise to problems with the living conditions of the occupants of houses in Perry Court. In this context I find no objection to the principle of the floodlighting of these three courts.

Living Conditions

6. To the east Wilberforce Road is about 175m away and it is clear to me that these dwellings are too far away for the proposed development to be harmful to the living conditions of their occupants. The comments of the objectors from Wilberforce Road and Adams Road relate more to the effect on the character of the area which I shall consider later.
7. The nearest housing to the proposed development is at Perry Court about 45m to the west. Courts 1 and 2 which are already floodlit lie between the proposed development and these houses. I will deal with the visual impact of the lighting columns in daylight first. The floodlighting columns, 8m high compared to 6m on the courts already floodlit, would be clearly visible in daylight from houses in Perry Court. However they would not be prominent or intrusive, particularly as the proposed arrangement would mean a total of just eight poles which would be situated at the corners of each court, whereas the use of lower poles would require 12.
8. Turning to the effects of the lights while in use, the arrangement of the luminaires would direct light towards the middle of the courts and the absence of light's shining across the courts would mean that light would not be directed towards the houses in Perry Court. The plots of the overspill of light show that at ground level, notwithstanding the use of projector rather than box fittings, the level of illumination would fall quickly from 500 lux at the edge of the playing area to about 10 lux 15-20m away. This indicates that the level of direct light spillage would not be sufficient to cause harm to the living conditions at the neighbouring properties and would therefore be consistent with Policy 4/15b of the Cambridge City Council Local Plan 2006.
9. The proposal would more than double the total floodlit area but there is no information on the level of the existing lighting to provide any comparison with that proposed. The metal halide lighting proposed would generate a whiter light than the high pressure sodium ones used on courts 1 and 2. These factors coupled with the higher poles would be likely to result in a significant increase in glare. From the information available to me it is difficult to assess whether or not this would be harmful for neighbouring residents as there is no clear indication or measurement of the amount of glare that would result. The substantial hedge along the western boundary would screen the rooms on the ground floor from the light. However, there seems to me to be a significant

risk that from the upper floors the glare associated with the proposed form of lighting would be harmful.

10. For these reasons I conclude that the evidence before me is insufficient to allow me to conclude whether or not the proposed floodlighting would result in a level of glare that would be harmful to the living conditions of the occupants of the nearby dwellings. I am therefore not satisfied that the proposal would be consistent with Policy 4/15c.

Character and Appearance

11. I have already concluded that I find no harm in the principle of floodlighting in this location where sports facilities are an intrinsic part of the character. The main factors to be considered in terms of the effect of the proposal on the character of the area are the appearance of the lighting columns in daylight and the effect of any glare from the lighting when in use.
12. The 8 x 8m high poles proposed would be the smallest number of poles which could be used to light the 3 courts and the absence of lighting poles aligned with the nets on the courts would mean that they would be well spaced and uncluttered making them unobtrusive in daylight hours. Although they would be 2m higher than those used to light courts 1 and 2, the majority of the lighting poles at the athletics and hockey ground are 15 or 16m high and the rest are 8m high. In this context I am satisfied that the lighting columns would not be harmful to the character of the area.

13. When the floodlights are in use the larger pool of light would clearly be visible from some distance. It would be partly screened by the hedging to the south and east, but the greater height of the columns, compared to those on courts 1 and 2 and the use of metal halide lighting would mean that it would be rather more apparent when viewed from Wilberforce Road. Nonetheless, it would remain a relatively small area of floodlighting and in my view any harm would be slight given the established recreational character of the area and the existence of much larger areas of floodlighting quite nearby. Any increased impact as a result of the greater height would be balanced by the reduced visual impact of the smaller number of columns. The development would therefore preserve the character and appearance of the Conservation Area within which it lies in accordance with Policy 4/11 of the Local Plan.

The Type of Floodlighting

14. Policy 4/15 requires proposals including new external lighting to demonstrate that the lighting proposed is the minimum required to undertake the task. The LTA Factsheet "Floodlighting Outdoor Tennis Courts" provides guidance on the installation of floodlights. It indicates that the minimum standard of illumination should be an average of 300 lux on the total playing area (TPA) which means the court and the areas outside it at the ends and sides which form part of the playing area. The recommended average is 400 Lux. For the principal playing area (PPA) the minimum average is 400 lux and the recommended standard is 500 lux. In each case the least well lit area should be no less than 0.6 of the average. In the proposed scheme the average on each court would exceed the recommended standard with a TPA average of 562 lux and a PPA average of 604 lux. The minimum lighting would be about

0.8 of the average. If all three courts were lit the standards would be significantly higher because of overspill from one court to part of its neighbour.

15. I accept that it is reasonable for the club in making a significant new investment and aiming to provide a high quality facility to seek to meet the LTA recommended standard and that this should be regarded as "the task" for the purposes of Policy 4/15. However the standard of the proposed scheme would comfortably exceed this standard. The standard refers to a maintenance factor of 0.8 but it is not clear whether this has been factored into the results or whether it should be applied to the figures which have been produced. Even if the latter is the case the TPA standards would exceed the recommended standard.

16. It has been suggested by local objectors that high pressure sodium rather than metal halide lighting should be provided. It is clear from the information before me that there are advantages and disadvantages associated with both forms of lighting. While sodium lighting may well provide a somewhat softer light with less glare there are advantages in functional terms associated with halide lighting in relation to reflection from the court surface, particularly a coloured surface, and the courts here are green. No information is before me which would allow a comparison of the level of illumination of high pressure sodium lighting and it is therefore unclear whether this is a material factor in considering the minimum level of lighting necessary.

17. It has also been suggested that the hours of use of the floodlighting should be restricted to prevent use on Wednesday and Sunday evenings in accordance with the voluntary agreement which I understand exists for the use of the athletics and hockey club lights. The justification for this appears to be based on the possible effect of the floodlighting on astronomical observation but the Institute of Astronomy although not originally consulted has indicated that the lighting of three more courts in the same manner as courts 1 and 2 would be unlikely to be harmful but that higher columns and the angle of lighting may cause considerable damage. This statement is too vague to allow me to conclude that the proposal would justify more restricted hours but here again the evidence before me is inconclusive.

18. I conclude on this issue that there are clear advantages with the use of corner poles as proposed but there is insufficient information to allow this to be balanced against the lighting characteristics of other methods. I am therefore unable to conclude that the proposed scheme would be consistent with the requirement of Policy 4/15a that the floodlighting proposed would be the minimum required to achieve the task.

Other Matters

19. Concerns have also been raised about the effect of the lighting on wildlife but the ecological report and the response of Natural England provide no evidence that this would be the case. Beyond the footpath and cycle track which runs along the southern boundary of the site there is a pond which forms part of a wildlife corridor running out from the city to the countryside. The evidence suggests that the spillage of light to this area would be minimal but the imposition of a condition requiring the intensification of planting in the hedgerow along the southern boundary would ensure that this is the case.

There is therefore no reason to question the compliance of the development with Policy 4/15d of the Local Plan.

20. I have noted the concerns about additional traffic movement associated with the more intense use of the courts. However, the level of use would remain considerably less than in the summer months when up to 12 courts could be in use in the evenings and I find no reason to object to the proposal on these grounds.

Conclusion

21. I find that the principle of floodlighting these courts is acceptable and I am satisfied that, because of the limited scale of the proposal and the established character of the area as one with many sports facilities, the proposed floodlighting would not be harmful to the character of the area. However there is insufficient information available to me for me to be able to conclude that the glare associated with the height, level and type of lighting proposed would not be harmful to the living conditions of the residents of nearby properties or that the scheme is the minimum necessary to provide the required facilities.

22. For these reasons and having considered all other matters raised, I conclude that the appeal should be dismissed.

Richard Tigh

INSPECTOR

