

**SITE PLAN ATTACHED**

**INGATESTONE AND FRYERNING TENNIS CLUB 7 HIGH STREET  
INGATESTONE ESSEX CM4 9ED**

**INSTALLATION OF 12 X 6.7M HIGH LIGHTING COLUMNS WITH 16  
LUMINAIRES AND A CONTROL UNIT TO PROVIDE FLOODLIGHTING FOR  
TENNIS COURTS TO EXTEND THE CURRENT PLAYING AND COACHING  
USE INTO EVENINGS UNTIL 10PM**

**APPLICATION NO: 18/00272/FUL**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	
<b>PARISH</b>	Ingatestone & Fryerning	
<b>CASE OFFICER</b>	Mrs Nikki Dawney	01277312500

**The application has been referred by Ingatestone Parish Council on the grounds that the proposal would be harmful to residential amenity.**

**1. Proposal**

The lighting columns and luminaries would be located at the perimeter of courts 1, 2 and 3. The proposed lighting columns are required to facilitate play during the winter months from October to March. The columns are located to ensure light distribution is adequately even for safety during play.

**2. Policy Context**

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan will be a Pre-Submission Draft (Regulation 19) which is currently anticipated to be published September. Following this, the Draft LDP will be submitted to the Secretary of State

for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in 2019.

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Policy CP1 General Development Criteria

Policy LT2 Development of Existing Urban Open Spaces

### **3. Relevant History**

- KM/16/06383/PREAPP – Advice sought for the installation of flood lighting. Agreeable in principle however, detailed information regarding luminosity required for future applications would be a key factor in the decision process.

### **4. Neighbour Responses**

Detailed below is a summary of the consultation responses:

6 Pine Drive – Visual impact, increase noise and disturbance.

10 Pine Drive - Proximity, lighting impact, noise and disturbance, visual impact. Incorrect representation of fence heights.

12 Pine Drive - Proximity, lighting impact, noise and disturbance, visual impact.

16 Pine Drive – Proximity, light and noise pollution, negative impact to property values.

20 Pine Drive – Visual impact, proximity, glare, number of columns out of proportion to size of courts.

47 Stock Lane – Excessive number of columns and lights, noise and light invading privacy.

### **5. Consultation Responses**

- **Environmental Health & Enforcement Manager:**

The applicant has adequately demonstrated that the lighting levels proposed will have minimal impact on surrounding properties and are within the engineering levels accepted by this Service.

With regards to the noise impact, tennis is not one of the noisier sports activities and generally has less shouting and spectator noise. With good management of the courts and coaches the noise impact should be acceptable to a point, however, 10pm is quite late 7 days a week and if fully used every evening could cause disturbance therefore you may wish to restrict the hours to finish at 9pm.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal makes no alterations to the existing off-street parking provision, therefore;

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

- **Parish Council:**

Ingatestone & Fryerning Parish Council raise OBJECTION to planning application 18/00272/FUL - Ingatestone & Fryerning Tennis Club, High Street, Ingatestone, CM4 9ED, on the grounds that the proposal will have a detrimental impact on the residents of Pine Drive, Ingleton House and The Hoppet all of which back on to the tennis courts. In the case of Pine Drive whose houses are only 8 metres away from the boundary to the tennis courts this will result in significant light pollution due to a lack of screening and will reduce the residents' enjoyment of their properties and gardens.

No other examples of floodlit tennis courts in such close proximity to houses and gardens exist with the Brentwood Borough area.

Therefore, the Parish Council believes the application should be refused.

## **6. Summary of Issues**

- Location

The existing tennis courts are located to the south-east of Ingatestone High Street with the community centre to the west and a bowling green to the east. Residential properties abut the northern and southern boundaries of the site. The site is located within an area allocated as protected Urban Open Space within the Brentwood Replacement Local Plan.

- Residential amenity

The effect of the proposal upon residential amenity is a key issue for consideration. The amenity spaces to the rear of residential dwellings forming Pine Drive are between 5-8m deep which is relatively shallow. Many of these dwellings define the rear boundary with fencing and due to the shallow nature of these gardens, trees

and shrubs which would traditionally line the common boundaries would further reduce these open spaces and are not favourable here. As such, the first-floor rear windows of dwellings forming Pine Drive have close and direct views of the tennis courts. Residents of Stock Lane are within close proximity but benefit from marginally deeper rear gardens and a sporadic coverage of trees and shrubs, however the limited trees available are not evergreen and would provide no screening during the proposed time of use.

The installation of floodlighting would have the potential to cause nuisance but whether or not material harm would be caused would depend on the hours of use of the floodlighting and whether or not adequate measures were in place to ensure that light spillage beyond the courts themselves was minimised. It would be expected that an application of this type was accompanied by technical light spillage diagrams for the lighting proposed.

Such information has been provided in the form of a Lighting Assessment which has been produced by Luminance Pro Lighting systems in line with the Institution of Lighting Professional's Standards. This information has informed the comments provided by Brentwood Borough Council Environmental Health Officers (EHO).

Objections have been raised regarding the misrepresentation of fence heights in the submitted data. The applicant has provided the following supporting information in order to address these concerns.

*"The contour plan on page 26 of the Lighting Design report shows light spillage levels calculated from the surveyed drawing of the site which also has been used to produce the topographical plan. The spillage levels are also based on the type and alignment of light deflectors and the light attenuation afforded by the fencing, both of which are shown in the report on the rear of page 27 (Deflector and vertical grid locations).*

The 'correct' heights of the fencing are already shown on the topographical survey. The heights shown were measured during the site survey using a tape from the base to the top of the fence (which is normal surveying practice), including in many cases any fixed trellis fencing that tops the solid fencing. The measurements were taken from the gravelled area between the garden fences and the tennis court chain-link boundary fence. Some small allowance may need to be made for variation in the base level in that area and it must be recognised that the heights quoted are likely to be higher than if measured from the gardens themselves. This is because the fence posts and any gravel boards are exposed on the IFCA side of the fence and likely to be hidden or covered by soil and vegetation on the garden side of the fence.

*There are additional considerations that mean the light spillage will be even less than shown.*

1. *the spillage levels calculated assume that the base of all the fences are precisely level with the tennis court surface. In fact, most of the fences bases are higher than the court surface. Light spillage is calculated from the proposed height and location of the luminaires above the court surface. The topographical survey plan shows that the difference in ground height in the gardens compared with the court surface increases in the direction from No.6 to No.12. Thus, any measurement of the height of the fence alone does not reflect the true height from the ground surface on the court perimeter to the top of the fence line. For example, the height of the base of the proposed lighting column along the boundary of the court behind No.10 is shown as 68.17 while the height of the ground in the garden of No.10 is shown as 68.38 i.e. 21cm higher than the court surface. This difference is quite visible when viewed from the courts. This difference therefore means that the true height of the top of the fencing relative to the court surface is greater than shown in the survey drawing and will add to the light attenuation achieved.*

2. *The spillage calculations take no account of the 3.6m high chain-link fencing along the court perimeter and 70% obscuration screens /windbreaks on the tennis court perimeter. As I have previously indicated the Tennis Club has offered to increase the extent and height of the screening if required to do so.*

3. *The spillage levels do not take into account the additional light attenuation afforded by extant vegetation which is prevalent behind No's 4,6 & 8 Pine Drive. While this cannot be relied upon in reality much remains present in winter months and further reduces light spillage as well as providing a more attractive boundary.*

*I understand that the light spillage calculations assume the fence is solid for its entire height. This is not the case and the trellis section of the fences is 33cm high on the 2.2m high fence behind No's 8 &10 Pine Drive and constitutes 64cm of the 2.8m high fence behind No.12. I have spoken with our contractor who advises that any recalculation of the spillage levels would not affect the overall levels shown in the contour drawing, especially in light of the above factors.*

*Notwithstanding the fact that the proposal does not pose a threat of nuisance, the IFCA CIO and the Tennis Club have agreed to enhance the screening to the courts along the Pine Drive boundary with the aim of further minimising any residual spillage."*

*This additional information has been sent to EHO who have provided the following comment "after consideration of all the lighting information submitted with the planning application, this service is of the opinion that the lighting arrangement for this application is satisfactory and unlikely to cause nuisance to nearby residential properties".*

*In light of the technical data provided and the comments submitted by EHO it can be concluded that the proposed lighting due to the anticipated levels of luminance*

would not result in light nuisance to such a degree as to warrant refusal of the scheme.

Moving to noise and disturbance, the applicant has requested the use of lighting until 10pm. EHO have suggested that a condition is imposed to restrict the use of the courts to Monday to Sunday from 8am to 9pm in order to reduce the increase in noise during the winter months.

The applicant has provided the following response *“(a 9pm curfew) would prove prohibitive for the completion of evening District LTA league matches and would detract from one of the principal aims of floodlighting. As mentioned we believe that where other Clubs have a curfew, the time limit is 9.30 or 10pm. The Tennis Club would be content to accept a compromise of a 9.30pm curfew or another arrangement that would allow league matches to be played to their completion.”*

This compromise would suitably address the increase to the levels of noise and activity which already exists from the existing use and a condition is suggested to limit the times of use until 9:30pm.

- Visual amenity

The proposed columns would be within close proximity to the rear common boundary of the residential dwellings and would exceed the height of the rear fencing currently used by these dwellings. The proposed columns would be viewed from the rear windows of residential dwellings creating a visual impact but whether material harm would be caused would depend on the scale and bulk of the columns and the proximity to each other.

The columns are slender and evenly distributed throughout the site. The collective impact of the development upon residential visual amenity is therefore limited as views into and out of the site would not be restricted. One neighbour objection highlights the colour of the proposed columns and suggests that a grey column would be less intrusive than one which is green due to the connection with the skyline and lack of verdant trees and shrubs within this site. This is a valid point and a condition is suggested to ensure that the columns are grey and should be maintained as such.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions: -

### 1 TIM01 Standard Time - Full

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 U24622

The flood lights shall not be in use outside the following hours: 8am to 9:30pm Monday to Sunday.

Reason: To safeguard the living conditions of nearby residents.

4 U24623

The lighting hereby permitted shall be constructed of grey materials and maintained to the standards outlined in the submitted technical submission and should not deviate from this.

Reason: To safeguard the living conditions of nearby residents.

5 U24624

A block plan and elevations which show the location and height of the additional screening as well as manufacturers design and specification should be submitted to and approved by the Local Planning Authority prior to the installation of the lighting columns.

Reason: To safeguard the residential amenity of surrounding neighbours.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: The National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

*BACKGROUND DOCUMENTS*

**DECIDED:**



