

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE:** 7 APRIL 2010

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<b>APPLICATION REF. NO:</b>	10/00013/FUL
<b>STATUTORY DECISION DATE:</b>	1 April 2010
<b>WARD/PARISH:</b>	PARK WEST
<b>LOCATION:</b>	New Blackwell Lawn Tennis Club, Carmel Grove, Carmel Road South, Darlington, DL3 8EQ
<b>DESCRIPTION:</b>	Variation of condition (vii) of planning permission 89/00678/DM dated 7 February 1990 (The operation of the floodlighting shall be limited to the hours between 09:00 and 22:00 hours from the 1st day of May to the last day of September each year and between 09:00 and 21:00 hours during the remainder of the year) to permit use of the floodlighting between 09:00 and 21:30 hours throughout the year
<b>APPLICANT:</b>	NEW BLACKWELL LAWN TENNIS CLUB

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**APPLICATION AND SITE DESCRIPTION**

This application relates to illumination of Courts 1 to 3 of the Blackwell Tennis Club.

Blackwell Tennis Club, which has 6 Courts in total, together with a pavilion, is located to the southern side of Sir E D Walker Homes and is accessed from Carmel Road via Carmel Grove.

The proposal involves varying the time limit previously imposed on the operation of these existing floodlights.

**PLANNING HISTORY**

There are a number of planning decisions that relate to this site, however only the most recent and relevant are included here:

In February 2003 planning permission was GRANTED for the erection of floodlighting to Court No.4 permission was granted for these lights to be used no later than 21.30 hours on any day.

In February 1990 planning permission was GRANTED for formation of new tennis courts, erection of floodlights and fencing and erection of a clubhouse. Floodlights were permitted for

use between 09:00 and 22:00 hours from the 1st day of May to the last day of September each year and between 09:00 and 21:00 hours during the remainder of the year. It is this permission and associated condition that the applicant is seeking to vary.

## **PLANNING POLICY BACKGROUND**

Policy H15 (The Amenity of Residential Areas) of the Borough of Darlington Local Plan is relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Two objections were initially received from residents on Carmel Grove one of these objections was removed with a reduction in the proposed hours from 2200 to 2130. The remaining objection raises the following concerns:

These existing permitted hours are already being exceeded with play regularly starting as soon as daylight hours arrive with people starting to play from 0730 to 0800 and also slightly past the 2100 hours finishing time.

The strength of the floodlights appears to have increased and spread further and brighter than previously.

Approx 18 months ago bulbs and reflectors in the floodlights were changed and this appears to be the cause. When asked about it I was told permissions had been received.

To extend the hours further would disrupt our ability to enjoy the garden as a result of increased light and the associated noise by both players and social activity of those watching etc. The light also extends into houses even with curtains closed and affects our internal living environment. .

I would also like to draw to your attention the speed of drivers attending the club, which is at times a safety concern. To increase the available playing hours and enabling people to leave in further non-daylight hours increases this risk.

## **PLANNING ISSUES**

The sole issue to be considered is the effect of the extended period of illumination on nearby residential properties. Complaints about speeding motorists have been referred to the tennis club committee and they have agreed to act accordingly should particular member or members be entering or leaving the club recklessly. A speed bump has been installed near the entrance to the club car park to provide a deterrent.

Environmental Health has not received any complaints about the existing lighting. The club has replaced the bulbs in the lights on all 4 illuminated courts within the past 18 months or so for a 'white' light as opposed to the previous sodium bulbs when they started to fail. Court 4 was granted consent for illumination columns in February 2003 these columns currently have consent to operate until 2130 throughout the year. The club is seeking permission to use the other columns until this time throughout the year. They currently have consent to operate between 0900 and 2200 hours from the 1st day of May to the last day of September each year and between 0900 and 2100 hours during the remainder of the year. It should be noted that during most of the period between 1st May and last day of September the lights are little used, as there is sufficient daylight. However and additional 30 minutes of use during the winter would be desirable for the club.

The applicant did originally apply to have the use of the lights extended to 2200 however in response to concerns raised by residents offered a compromised time of 2130 controlled by an automatic timer controlled from within the clubhouse that would not be freely accessible. This would allow an additional 30 minutes play and the club will inspect the lighting to ensure it remains correctly adjusted. It is not considered that an additional 30 minutes of play would create an unacceptable impact upon residential amenity at what is a well established sporting facility.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

The variation of the hours permitted to use the floodlighting until 2130 throughout the year is not considered to adversely effect residential amenity. This does represent only a slight variation to what is already approved at the site and would be consistent with a more recent permission granted for floodlighting of court 4.

### **RECOMMENDATION**

That the variation of condition No. 3 on planning permission 89/00678/DM is approved.

NB. All of the other conditions attached to planning permission ref. 89/00678/DM apply to this varied permission.

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The Tennis Club is a well established use within this residential area. The variation of the hours permitted for use of the floodlighting to courts 1 to 3 until 2130 hours throughout the year is not likely to significantly effect residential amenity. The development is therefore considered to comply with Policy H15 (The Amenity of Residential Areas) of the Borough of Darlington Local Plan.

### **INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The existing lighting columns are to be checked at the earliest convenience to ensure they are correctly adjusted.