

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10TH July 2024

APPLICATION REF. NO:	23/00863/FUL
STATUTORY DECISION DATE:	21 st November 2023 (Extension of Time until 10 July 2024)
WARD/PARISH:	Park West / Darlington Urban Area
LOCATION:	New Blackwell Lawn Tennis Club, Carmel Grove, Darlington
DESCRIPTION:	Installation of new LED lighting units to the existing lighting columns together with the installation of 3 no. additional 6m high lighting columns with LED units to illuminate court 5 (positioned between court 5 and 6) (Lighting Information Received 29.04.2024)
APPLICANT:	Mr Michael Callender

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to New Blackwell Lawn Tennis Club located off Carmel Grove within Darlington. Access into the site is from the West and the application site is situated within a residential estate. As such, residential plots are adjacent the application site boundaries to the East, North and West; beyond the access road to the South of the site are further residential properties. Furthermore, beyond the Northern boundary is the West End Conservation Area.
2. Planning permission is sought for the installation of new LED lighting units to the existing columns as well as the installation of three additional lighting columns.
3. The existing columns would be replaced with a new headframe which would consist of the new lighting units. The height of such columns is not increasing, but it would allow the headframe to be angled facing down as opposed to its more upright positioning. The existing light columns are not being repositioned and it is only the lighting headframe that is to be replaced.

4. The three new lighting units would be located between courts 5 and 6, in order to illuminate court 5. They would be of a similar style as the above replacements and would therefore measure approximately 6m in height.

SITE HISTORY

5. The most relevant past planning applications are referenced here and summarised as follows. The original application for the creation of the tennis courts and floodlights was granted in 1989 under reference 8/89/678/DM. The floodlights as part of the approved scheme were to illuminate courts 1, 2 and 3 and the operation of these floodlights was limited via a condition, to between 9am-10pm between May and September and outside of this period the hours of illumination would be between 9am-9pm.
6. In 2002 (ref; 02/00931/FUL), permission was granted for the erection of floodlighting at court 4. A condition was attached to ensure these hereby approved lights were not illuminated after 9:30pm daily.
7. In 2010 (ref; 10/00013/FUL), a variation application to alter the hours of use of the floodlighting was granted. It amended the condition from the original application (ref; 8/89/678/DM) to allow the floodlights for courts 1, 2 and 3 to used between 9am-9:30pm daily.

MAIN PLANNING ISSUES

8. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Amenity
 - (c) Highway Safety
 - (d) Residual Matters

PLANNING POLICIES

9. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
 - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials and colouring (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
 - Will be suitably located and acceptable in terms of noise, disturbance and artificial lighting (*Policy DC4*).
 - Protects the significance of heritage assets (*Policy ENV1*).
 - Considers the impact of a proposed development on the significance of a designated heritage asset. Great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (*Policy ENV1*).

RESULTS OF TECHNICAL CONSULTATION

10. No objections have been raised by the Council's Highway Officer.
11. The following comments were received by the Street Lighting team:
The scheme appears to have been designed to provide sufficient illumination to the courts whilst minimising spill light outside of the target area. Due to the type of lanterns selected, combined with a 6m mounting height there should be no impact on the surrounding highways lighting schemes.
12. Although the lanterns are designed to minimise spill light to the rear of the fittings, No 9 Carmel Grove may experience relatively high levels of illumination on the side of the property adjacent to the courts. Some consideration may want to be given to the use of additional rear light shields in this location. As there is no lighting design provided for the existing equipment, it is not possible to compare this with the proposed scheme, hence, impossible to confirm if there will be more or less obtrusive light on the surrounding properties.
13. Environmental Health as part of their original comments, noted that further information regarding the lighting impact needed to be provided before comments could be provided on this scheme. This was provided in April (2024) which was reviewed by Environmental Health and comments provided, but having reviewed the latest neighbouring concerns, these comments were amended to amend the wording of the condition. These comments are as follows:
14. The application relates to replacing the lighting units on the existing columns which serve Courts 1 – 4, as well as the addition of three new lighting columns with associated lighting units to illuminate an additional Court (Court 5). Court 6 is to remain as it is.
15. The proposed new lighting units are Thorn Areaflood Pro 2 LED floodlights. The new lighting columns are to be 6m high (the same as the existing columns).
16. Information has been provided on the impact of the proposed changes on nearest sensitive receptors taking into account the Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light 2021 and considers the location of the tennis club to fall into Environmental Zone E2 Rural.
17. The information submitted by Thorn includes an assessment looking at various parameters including illuminance in the vertical plane, light spill and maximum luminous intensity. It is highlighted that in some areas additional louvres will likely be required to minimise any impact.
18. The site was visited by Officers in November 2023 to assess the current lighting set up and discuss the new proposals. Following this and based on the information provided Officers are of the opinion that the new lighting proposals will result in an improvement in the situation in particular with regard to glare/trespass given the new lighting units are to be positioned horizontally or at a very low tilt angle, as opposed to the current lights which are angled more upwards shining onto the facades of some of the surrounding receptors. As long as the additional louvre attachments are incorporated to ensure any impact is limited, I would have no objections to the application being approved.

19. The following condition should be attached to any planning permission granted:
“Prior to the installation of the new floodlights, details of the additional attachments/louvres required, shall be submitted to, for approval in writing by, the Local Planning Authority, based on the submitted Replacement Floodlighting/Lighting Impact document. The details shall identify the specific lighting units which require additional attachments/louvres, the details of the louvres themselves, and exactly where the louvres are required to be fitted on the units (i.e., back, sides). The attachments/louvres shall be fitted prior to the first operation of the lights and be in complete accordance with the details so approved, and thereafter shall be retained and maintained for the duration of the development.”
20. The condition relating to the hours of use of the floodlighting (permission 10/00013/FUL) still applies (only permitted between 09:00 – 21:30).

RESULTS OF PUBLICITY AND NOTIFICATION

21. **One general representation** comment and **three objection comments** have been received by the following properties with the main concerns bullet pointed below.
 - Mr Jeff Surma, 66 Ravensdale Road
 - Mr Andrew O’Brien, 9 Carmel Grove
 - Alasdair MacConachie, Sir E D Walker Trust, Conniscliffe Road
 - David Brydon, 54 Ravensdale Road
 - Time limit on using floodlights should be applied, one comment suggests lighting should be switched off by 8:30pm.
 - New lights should meet professional guidelines regarding light spill and intensity.
 - Insufficient information to determine light spill and glare.
 - Impacts on privacy
 - Noise and disturbance impacts
 - Concerns with traffic movement
 - Light Pollution Impact
 - Impacts upon View
22. Further comments were submitted when the additional lighting information was provided and any new concerns to the above, are summarised as follows:
 - The submitted information does not quantify the lighting forecasts and software models should be quoted.
 - A restriction should be applied to ensure court 6 is never illuminated.
 - Inaccuracies within the Thorn lighting report
23. Full comments can be viewed online at: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZXX5AFPLU400>

PLANNING ISSUES/ANALYSIS

(a) Character

24. The proposed new lighting columns and replacement lighting units are considered acceptable to the character of the application. The new lighting units are considered to be of a suitable scale and the new lighting columns would be of a similar height as the existing. From within the wider area, the columns are considered to be read in association with the Tennis Club. Therefore, the proposal is not considered to adversely impact upon the character of the area, or the nearby adjacent conservation area.

(b) Amenity

25. The main concerns highlighted within objector comments relate to impacts upon light. Comments have been received stating that insufficient information has been provided. This was acknowledged by Environmental Health in the initial stages of this application and so further lighting information has been provided to assess this impact.
26. A comment was made stating that the new information is insufficient to determine lighting forecasts and that the software models should be provided. However, Environmental Health have reviewed this information along with the neighbouring comment and have concluded that the submitted information is sufficient and overall, the development would be acceptable with regards to light pollution.
27. With regards to the comment about the report inaccuracies, this has also been reviewed and not found to be an error within the report itself. The photos relate to what is described within the report and it should be noted that the Local Planning Authority have been out on site and are aware of the character and positioning of nearby residential properties.
28. The submitted information regarding the lighting impacts have been assessed by Environmental Health, and overall, subject to a condition regarding louvres to assist with shielding light, no objections have been received.
29. The submitted information looks at various parameters, such as illumination, light spill and maximum luminous intensity and a site visit was also conducted by Environmental Health in November 2023. This allowed the officer to assess the on-site situation during the darker months and to discuss the new proposals. Based on this site visit and the lighting information, they are of the opinion that the new lighting will result in an improvement to the current situation, with regard to glare and light spill. The lighting units are also to be positioned horizontally at 'a very low tilt angle', than what is currently present and this should also assist in improving this situation on site. However, they determined that a condition would need to be attached to ensure the additional louvre attachments are appropriate. Subject to this condition being complied with, it is not considered that the development would significantly worsen the existing light pollution on site as to adversely impact upon residential amenity.
30. Whilst there are concerns that the lighting impact would be worse than the existing and that the installation of the new columns would worsen the light pollution, based on the information provided and comments from Environmental Health, it is not considered there would be an adverse impact as to warrant a reason for refusal to the scheme.
31. In addition to the condition to request louvres which is considered to further shield any light spill, a condition will be attached to ensure the new lighting columns are switched off by 9:30pm. This would be in line with previous permissions on this site and is therefore considered reasonable.
32. Within the neighbouring comments, it is inferred that the tennis club operate outside of their defined hours of operation. However, as part of the original permission (Ref; 8/89/678/DM) the operation times of the clubhouse are between 8am-11pm. Therefore, any activities during this time are permitted, but should any activity occur outside these hours, then the Local Planning Authority should be notified and this can be monitored and controlled accordingly.

33. Concerns have been raised regarding impacts from noise and disturbance as well as an impact upon privacy. It is not considered that the replacement lighting units would worsen such impacts because the tennis club activities already occur. While there is a concern that the new lighting columns would allow more activity on court 5, it is considered that this activity would not be significantly worse than the activity from the existing courts. It is considered that the use of court 5 into the darker months would create noise and activity that is similar to the existing on-site activities. As such, it is not considered that the proposed works would create a significant impact in this regard and no objections have been raised from Environmental Health regarding noise impacts.
34. With regards to the impacts upon privacy, the new lighting columns by their very nature are not considered to create an impact. While this may allow users to use the court into the evening, it is considered that the existing boundary treatments would be sufficient to not adversely impact upon nearby privacy levels.

(c) Highway Safety

35. A comment has been made in regard to impacts upon local traffic. The reason for this concern is that allowing court 5 to be illuminated would allow more people to use this court during the darker months than at present. However, no highway safety objections have been raised to the proposed development and so the scheme is not considered to create an adverse impact upon highway safety for this area.

(d) Residual Matters

36. A comment was made about LED lighting not having planning permission, but High Intensity Discharge lighting did have planning permission. Without further information, no planning enforcement action can be taken to any works carried out over four years ago.
37. A comment was made to request that a condition is attached to ensure court 6 is never illuminated. It is considered unreasonable to do this as such works would require permission and such impacts can be assessed at that time. Illumination of court 6 is not being considered as part of this application and it is considered unreasonable to condition future works that do not form part of this proposal.
38. In relation to those concerns about the impacts upon views from properties, this is not a material planning consideration and has not therefore been considered as part of the determination of the application.

THE PUBLIC SECTOR EQUALITY DUTY

39. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

40. 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 AND RECOMMENDATION

41. It is recommended that the application be Approved with Conditions for the reasons specified Above.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Plan Reference Number	Date
Location Plan	25 August 2023
NB/1	26 September 2023
NB/4 AND N/B5	26 September 2023

Reason: To ensure the development is carried out in accordance with the planning permission.

3. Attachments/ Louvres

Prior to the installation of the new floodlights, details of the additional attachments/louvres required, shall be submitted to, for approval in writing by, the Local Planning Authority, based on the submitted Replacement Floodlighting/Lighting Impact document. The details shall identify the specific lighting units which require additional attachments/louvres, the details of the louvres themselves, and exactly where the louvres are required to be fitted on the units (i.e., back, sides). The attachments/louvres shall be fitted prior to the first operation of the lights and be in complete accordance with the details so approved, and thereafter shall be retained and maintained for the duration of the development.

Reason: In the interests of controlling any light spill to protect the amenity of the occupiers of the neighbouring properties.

4. Hours of Use

The hereby approved new light columns situated between courts 5 and 6, shall not be illuminated outside the hours of 09:00 – 21:30 on any day.

Reason: To be consistent with other permissions for floodlighting on this site, in the interests of safeguarding residential amenity.