

North Yorkshire Council
Community Development Services
Scarborough and Whitby Constituency Committee

14 SEPTEMBER 2023

ZF23/00991/RG3 - INSTALLATION OF FLOODLIGHTS (6NO PER TENNIS COURT) AT WHITBY TENNIS COURTS WEST CLIFF WHITBY NORTH YORKSHIRE YO21 3HA ON BEHALF OF NORTH YORKSHIRE COUNCIL (JOHN WOODHEAD)

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

1.1 To determine a planning application for Full Planning Permission for the installation of floodlights to serve two tennis courts at Whitby's West Cliff.

1.2 The proposal is being considered by Members of the Scarborough and Whitby Planning Committee as the development is on behalf of North Yorkshire Council.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That permission be GRANTED subject to the conditions listed at the end of this report.

2.1 This application seeks planning permission for the installation of floodlighting to the West Cliff tennis courts. The scheme comprises 6No floodlights mounted on heavy duty tubular poles to serve each of the two tennis courts.

2.2 The site is located within the West Cliff area of Whitby. The tennis courts are sited to the rear of Whitby Leisure Centre on a large area of public open space situated between Upgang Lane and North Terrace.

2.3 The proposal is considered to be acceptable in principle, improving and upgrading an existing sports facility used by the wider Whitby community. Further, the scheme is considered to be acceptable from a design and amenity perspective.

2.4 On balance, therefore it is considered that the development can be considered favourably.



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3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here :

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVXQ4FNSKPZ00>

4.0 Site and Surroundings

4.1 The West Cliff tennis facilities consist of two courts positioned perpendicular to each other and located towards the southern section of an area of public open space located between Upgang Lane and North Terrace.

4.2 The tennis courts are to the rear of Whitby Leisure Centre, which lies to the east of the site. The courts are also to the rear of the Upgang Lane properties (Nos. 20 - 32), which lie to the South - South West of the courts. To the North is a multi-use games area (MUGA) and to the North West is a bowling green. A public footpath runs through the open space leading from Upgang Lane to West Cliff car park.

4.2 The site lies within the Development Limits for Whitby.

5.0 Description of Proposal

5.1 Planning permission is sought for installation of floodlighting to the perimeter of each of the West Cliff tennis courts. In total, 12No floodlights are to be installed - 6No per court.

5.2 The floodlights are Philips 'ClearFlood' lighting including LEDs and high efficiency optics. The units themselves are slimline, grey coloured and incorporate front deflectors. The floodlights are to be mounted upon heavy duty tubular steel posts measuring 6.1 metres in height.

5.3 The floodlights are to be positioned to the outer section of the courts within the secure boundary. Two floodlights would be positioned to align with the centre and further floodlights positioned 11.8 metres either side of the centre light.

6.0 Planning Policy and Guidance

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Plan for this site is:

- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

Guidance - Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below.

7.2 Local Highway Authority: No objection

7.3 Environmental Services: Having reviewed the above planning application I have no objections, in principle, on environmental health grounds.

The modelling in the technical lighting report shows high luminance levels concentrated in the centre of each tennis court with levels falling towards the periphery. As the tennis courts are in close proximity to residential properties on Upgang Lane it is essential that the installation and positioning of the lights be carried out in accordance with the report. In addition, consideration should be given to the guidance in "The Reduction of Obtrusive Light" document to minimise the impact of light on these properties and so as not to cause a statutory light nuisance.

7.4 Whitby Town Council: In support of the application providing the lights are switched off at 2100.

Local Representations

7.4 There have been 2No objections received in response to the application.

7.5 A summary of their comments are as follows:

- Considered unnecessary;
- Concern over light spill;
- Intrusive;
- Impact upon wildlife habitats/bats

8.0 Environmental Impact Assessment

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

9.0 Main Issues

9.1 The main issues are:

- Principle of Development
- Design
- Amenity
- Other Matters

10.0 Assessment

Principle of Development

10.1 Paragraph 98 of the Framework advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. At Paragraph 100, planning decisions should take opportunities to provide better facilities for its users. This is reiterated within Policy HC14 (Open Space and Sports Facilities) that seeks to ensure communities have access to high quality open spaces and sporting facilities through supporting applications for the improvement of existing facilities for sport and recreation. Criterion (a-i) allows development of improved sites where it would not detract from the character and appearance of the surrounding area. The tennis courts have already undergone some improvement in the resurfacing of the courts and renewed boundary treatment in the form of weld mesh fencing. The addition of the floodlights are therefore sought to complete the upgrade and viewed positively by your Officers.

10.2 The addition of lighting accords with the LTA's minimum standard, which along with the aforementioned previous improvements are considered to provide a good quality community facility, with the installation of floodlighting allowing for more flexibility in terms of use. A representation raises concern as to whether the development is necessary, however as highlighted within Policy HC 8 (Community Facilities), sporting venues such as this provide an important role in facilitating social interaction and creating inclusive communities. The addition of floodlighting will allow the tennis courts to be used more often and during darker Autumn/Winter months and consequently maintain a more year-round use of this facility, which in turn may attract more people to continually use the tennis courts.

10.3 The installation of floodlighting is considered to represent an appropriate upgrade of the tennis courts. A feature such as this is not viewed as being out of context and typical of this type of sporting facility, particularly being set within an area of public open space, home to a leisure centre, multi-use games area and bowling green, all of which complement one another and provide good quality recreation and sporting uses in the West Cliff area of Whitby. It is considered that the principle of development is therefore acceptable and in accordance with Policies HC 8 and HC14 of the Scarborough Borough Local Plan and Section 8 of the Framework.

Design

Policy DEC 1 (Principles of Good Design) requires detailed design to respond positively to the local context, in terms of, amongst other things, scale, form, height, layout, materials and colouring. As established, the installation of floodlighting is not considered out of character for a facility such as this. The floodlights are of a scale and height considered proportionate to the tennis courts and set out in an orderly fashion to provide optimum lighting focussed within the courts. The choice of floodlight - 'Philips ClearFlood' is noted within the supporting documentation as being suitable for small scale recreational facilities such as this, with the light itself, slimline and coloured grey so as to appear visually unobtrusive. Nevertheless, the lights would be mounted on heavy duty tubular steel poles measuring 6.1 metres in height. The columns have the appearance of a modern street-light. Although robust, they are not considered to appear bulky, their height and diameter ensuring a more slender appearance.

Moreover, the choice of lighting incorporates LEDs and high efficiency optics so as to reduce energy consumption compared with more traditional floodlighting. Your Officers consider the development to be an acceptable design and scale that would not adversely impact upon the character and appearance of the tennis courts and wider area. The development is therefore, in accordance with Policy DEC 1 of the Scarborough Borough Local Plan and Section 12 of the Framework.

Amenity

Proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impact by means of, amongst other things, loss of privacy and disturbance arising from such things as noise, light pollution and other activities. Good quality development, by definition, should not result in an adverse impact on the amenities of nearby properties. In this case, the rear elevations and gardens belonging to Nos 20 - 32 Upgang Lane face towards the tennis courts and therefore consideration needs to be given as to what extent the floodlighting may impact upon the living conditions of these residents. Concern has been raised within the representations received relating to light spill and the potential to have an intrusive impact.

The Authority has engaged with Sports Facility Planning and Design LTD who specialise in planning and designing for floodlighting, amongst other things and within the submission provide an assessment (Report No. Lighting Design PA 05R2) of the light levels and to what extent they illuminate the wider area. The assessment of the scheme and data provided demonstrates that there would be nominal impact upon the rear elevations for some of the properties identified above; and in some cases no impact. There would be very low (<75) Lux levels at the rear boundaries and gardens, which for comparison, a Lux level of between 300-450 would illuminate the courts. It is also worth noting that the lights are intended to be used during the darker months of the year and in line with the opening hours of the leisure centre, would be switched off at 9PM at the latest.

It is acknowledged that certain residents would incur some impact in terms of light spill, however this is considered to be relatively minimal, focussed towards the rear boundaries/gardens, as opposed to impacting upon the properties themselves.

Moreover, the use of the lights would be intermittent in the darker months of the year, during the evening and should the courts be in use. Your Officers consider a curfew of 9PM to be reasonable and based on the evidence provided within the application, it is not considered that the proposed floodlighting would result in a materially harmful impact upon these residents. Conversely, in terms of impact upon wider amenity, as mentioned under sub-heading 'Principle of Development', the scheme is viewed as being beneficial for the wider community.

Your Officers consider that the scheme has been carefully designed with the floodlighting guided by the advice contained within the Institute of Lighting Professionals' (ILP) Guidance Note GN01/21 'The Reduction of Obtrusive Light'. The development is therefore acceptable and in accordance with the requirements of Policy DEC 4 of the Scarborough Borough Local Plan.

Other Matters

Concern has been raised within a representation regarding the impact of artificial light on wildlife habitats, specifically bats. Your Officers have sought advice from the Council Ecology Officer and also note further ILP advice GN08/23 'Artificial Light at Night'. As highlighted throughout the report, the floodlighting has been designed in a manner to mitigate obtrusive light, focussing the light direct to the courts, so as to not spill out into the wider area, thereby having limited to no impact upon the rear gardens and elevations of the Upgang Lane properties.

The Council's Ecologist highlighted that, in the event that bats are in the vicinity, it would likely be the backs of the Upgang Lane properties and gardens that may provide a habitat. As established above, the submitted assessment demonstrates that no to very nominal light spill would impact the eaves. Moreover, it is noted that there is other lighting in the area from the leisure centre, car park and street lighting and that the scheme's design and mitigation is guided by ILP's recommendations. In light of this, your Officers consider the risk of harm to habitats to not be significant.

11.0 Planning Balance and Conclusion

11.1 In principle, a proposal for floodlighting to enhance the West Cliff tennis courts and improve this sporting facility for community use is supported and in accordance with Policies HC 8 and HC 14 of the Scarborough Borough Local Plan.

11.2 The other key issues concern design and amenity. The scheme has been designed by competent lighting designers, the floodlight installation has been given due consideration where any potential obtrusive lighting aspects have been appropriately considered and mitigated.

11.3 The scheme is in accordance with the development plan policies as a whole and represents sustainable development as required by the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1 That permission be GRANTED subject to the conditions

1 Condition 1 - Approved Plans

Except where may be modified by the conditions of this consent, the development shall be implemented in accordance with the following plans and drawings:

- Site Location Plan (Dwg No. 2023 CAS 020 010 A) received 8th June 2023;
- Block Plan (Dwg No. 2023 CAS 020 011 A) received 8th June 2023;
- Proposed Layout Plan (Dwg No. 2023 CAS 020 013 A) received 8th June 2023;
- Proposed Elevations (Dwg No. 2023 CAS 020 015 A) received 8th June 2023;
- Proposed 3D View 1 (Dwg No. 2023 CAS 020 022 A) received 8th June 2023;
- Proposed 3D View 2 (Dwg No. 2023 CAS 020 023 A) received 8th June 2023;
- Design and Access Statement received 8th June 2023;
- S.F.P.D Limited Outdoor Design (Report No. Lighting Design P.A 05R2) received 8th June 2023.

Reason: For the avoidance of doubt.

2 The floodlighting hereby permitted shall only be operational between the hours of 1600 and 2100 daily.

Reason: To protect the amenities of nearby residents in accordance with Policy DEC 4 of the Scarborough Borough Local Plan.

Target Determination Date: 30 August 2023

Case Officer: Mrs Amy Harrap
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