

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1169/21/FUL
Proposal: Installation of 8no. 8m columns and 12no. louvred floodlights
Location: Boldon Lawn Tennis Club
Dipe Lane
East Boldon
NE36 0PQ

Site Visit Made: 28/02/2022

Relevant policies/SPDs

- 1 DM1 - Management of Development
- 2 DM7 - Biodiversity and Geodiversity Sites
- 3 LDF CS ST2 - Sustainable Urban Living
- 4 LDF CS SC6 - Providing for Recreational Open Space, Sport and Leisure
- 5 LDF CS EA1 - Local Character and Distinctiveness
- 6 LDF CS EA3 - Biodiversity and Geodiversity
- 7 SA6 - Social, Community and Leisure Facilities Opportunities
- 8 SPD3 - Green Infrastructure Strategy
- 9 EBNP Policy EB3 - Design
- 10 EBNP Policy EB7 - Biodiversity
- 11 EBNP Policy EB1 - Sustainable development

Description of the site and of the proposals

Planning permission is sought for the installation of lighting columns and floodlighting (comprising of 12No. floodlights on 8No. lighting columns around courts 1-3 at Boldon Lawn Tennis Club, which are situated at the tennis courts at the eastern end of the application site. Existing floodlights are already in place on the other three tennis courts to the western end of the site. The application has been amended twice, firstly to address concerns from Environmental Protection regarding amenity of surrounding residents and secondly, to address concerns from the Councils Countryside Team for the impact on protected species. The application is to be determined on the basis of the amended plans and additional technical information on lighting, which were formally submitted to the Local Planning Authority on 04/09/2023. Neighbours were re-notified of each set of amendments and additional information.

The application submission includes a Lighting Specification and assessment, along with a site plan showing the locations of the proposed floodlights, with contours showing the extent of illuminance overspill from the proposed floodlights.

The application form indicates that the courts would be available for use from between 9am until 10pm seven days a week.

The description of development for this planning application has been modified with agreement from both the agent and LPA, to reflect the amendment to the lighting proposals that were made on 04/09/2023.

This application is being determined under the Council's scheme of delegation. Whilst one neighbour expressed that they would 'speak at planning committee if required', no confirmation has been provided that they 'wish to speak' at the planning committee meeting (as required by the Council's scheme of delegation). In order to seek clarification, the case officer has made numerous attempts to contact this neighbour. Having received no response following this contact, the application is being determined under the Council's scheme of delegation.

Publicity / Consultations (Expiry date 03/10/2023)

1) Neighbour responses

The closest residential properties to the site, including all adjoining neighbours, were notified of the proposals original proposals. Additional notification letters were sent out to advise of the amended proposals/additional information submitted on 10/06/22 as well as the amended proposals submitted on the 04/09/2023.

Five responses (x 5 objections) received in response to consultation on the initial proposals, summarised below.

- Court No. 1 is at the bottom of our very private garden, the floodlights on site are extremely intrusive.
- The new floodlights at 406 are much brighter an intrusive to homes that border them. My property is adjacent to courts 1-3 and the new lights if erected would light up my property infringing on my privacy.
- I feel the lights are not needed. The existing floodlit courts are sufficient for the amount of tennis played in the evening and during winter months. I suggest that before a decision is made some of the committee attend the tennis club on the evening when lights are on
- The area around Bridle Bath is naturally very dark. Artificial light from the proposed scheme will materially alter the light levels in the environment around our home and out of place with the local nocturnal light levels.
- Light spillage into our garden and the rear of house from the floodlights would be obtrusive. It will cause huge irritation and annoyance. Light pollution could be for many hours during the day and for several months during late autumn, winter and early spring. The artificial light will unreasonably and substantially interfere with the side and enjoyment of our home.
- The application will cause undue harm due to light pollution and the prospective increased hours of noise and disturbance due to extended hours of play.
- Light spillage is not shown when all three courts are in use this will be more harmful.
- There is an abundance of wildlife seen in our garden and surrounding land. light intrusion from the scheme extends well into our garden and into the adjoining field. This will be harmful to all wildlife.
- At a height of 6.7m and very close to the boundary, the floodlight structures will be very visible from our house and be incongruous and intrusive.
- The land to north of the tennis club is designated as Green Belt land. the application does not reference the Green Belt, and as such, we believe the current application does not

adequately demonstrate that the proposal are not inappropriate or harmful to the Green Belt

- The application has failed to consider the ecological impact of the new lights.
- The application has failed to consider or limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- The light pollution that would affect our property as a result of the application would adversely impact our residential amenity. Glare and light intrusion until the 10pm curfew will reduce the quality of life both inside and outside of our home.
- The application has not considered policies NE1, of the emerging South Tyneside Local Plan which seeks to ensure conservation of the boroughs natural environment and biodiversity. Further, the application does not adequately address local causes of light pollution.
- We dispute the supporting evidence to the application. the light spillage document overexaggerated trees and their crowns in our and neighbours gardens. On the plan this over-exaggeration reduces the light impact on our property. we believe this has been done deliberately to reduce the light spillage and glare to our property. In reality the impact of the flood lights would be far greater.
- It is not clear if the report shows the effect of light pollution during the summer or winter months. We believe the study should show the impact during the summer and winter. This will show the light pollution in the darker months, when we will be most adversely affected by the plans.
- The courts are directly behind our house and the brightness from the lights comes straight through to our living room and bedrooms. We already have disruption with regards to parking on our property and noise and having new floodlights will enhance that.
- Those playing on the courts can sometimes be present past midnight with the floodlights on which is not acceptable and disrupts our sleep and privacy.
- Effects the enjoyment of our home and garden and the wildlife it attracts including bats.
- Our bungalow is situated on the corner of Courts 3. we are concerned that the light pollution would materially interfere with life at our property. My occupation requires an early start and retiring much earlier than a 9-5 worker. Our bedroom faces the end of court 3. Our lounge also has 3 windows where any unwanted light pollution would affect the enjoyment of our home. Added to this is the noise which may continue to 10pm.

Planning Officer comments on representations:

Issues relating to the proposed development's potential for impacts of lighting and noise nuisance to affect neighbouring residential amenity are considered in the 'Assessment' section of the report, as are issues relating to both the Green Belt and ecological considerations.

It is also recognised that a comment has been made with reference to effects on 'intrinsically dark landscapes' as referred to in the NPPF – the Environmental Health response which follows identifies the area as being within Environmental Zone E3, or arguably E2 (these Environmental Zones are established by the Institute of lighting professionals). E0 or E1 areas would be classed as 'intrinsically dark landscapes'. The proposals would not therefore impact intrinsically dark landscapes.

The replacement of existing lighting would not amount to development (as defined in s.55 of the Town and Country Planning Act 1990 as amended), so does not require planning permission.

It is noted that the emerging local plan has been referred to in one of the representations. Policies within the emerging local plan can only be given limited weight at this stage due to the early stage in the plan process, and given they are subject to further consultation and have yet to be examined.

Potential ecological impacts have been considered by the Council's Countryside Team in response to consultation on the application.

It should be noted that there is no third party right to appeal the decision of the LPA

The East Boldon Neighbourhood Forum was also notified of the proposed development. No response was received.

Three responses were received in response to consultation on the amendments submitted on 10/06/22, summarised below.

- If all three courts were used at the same time the result would be blinding lighting in my garden and rear of the house, infringing on my privacy and the price of my property.
- Queries whether 14LED or 18LED lights and height of the masts.
- Queries the proposed lights switch arrangement – are courts 1-3 controlled under one switch or are the courts switched on/off individually?
- The lighting specification is difficult for a layman to interpret.
- Disappointing that no consideration given to biodiversity and geological conservation which may be affected locally.
- No further consideration has been given to court floodlight end times, plus parking impact to the local residents.
- We note that the applicant has made positive changes to the application (fewer floodlights therefore reducing the overall impact).
- We still have major concerns and none of the views expressed in our original submission have changed. We still have significant concerns that light spillage into our garden and rear of our house windows would be intrusive both in terms of light pollution and the intrusive nature of a six metre column in close proximity.
- Suggestions to mitigate impacts include; the new installation being restricted to the two courts furthest from the properties in Bridle Path with no floodlights on the court nearest to these properties; the curfew on the lights be reduced from 10pm to 8pm, the floodlights be detachable and the column have the capability of being lowered when not in use and could the floodlights on be turned in a court by court basis.

Planning Officer comments on representations:

The effects of development on property prices are not a material planning consideration and cannot be given weight in decision making.

The original application proposal was for 18 lights on 6.7m high columns – the amended proposal that is being determined relates to 14 lights on 6m high columns, as stated in the description of development on the re-notification letters. This application has been amended further.

It is understood from discussions with the agent that the lights would operate individually in order to only light up the court(s) that are in use.

Following further amendments to the scheme, received on 04/09/2023, a further neighbour notification exercise was undertaken. 7 representations have been received as follows:

- Objection to the detrimental effect on wildlife in and around my garden.
- The increased noise from the players and light glare and spillage will spoil my enjoyment of my garden. I have an extension being built and the light and glare will affect this.
- Car parking on Dipe Lane could become an issue as there is limited car parking at the club.

- We are concerned about light pollution and additional late evening noise. Our occupations require a very early start which means we retire earlier than a nine to five worker. Any late evening noise would have a big impact on our lives.
- The application has tried to show the light spillage would be negligible, this a nonsense of course light is going to shine down the garden as shown the drawings. A fire fence it not going to block it.
- The floodlights are not needed by the club. The amount of tennis played in the evening and winter months is catered for by the existing lights.
- We note the changes to the previous two scheme with fewer columns and louvred lights now being proposed. It is noted however that the columns now proposed are higher at 8m tall. The revised proposal does appear to offer some reduced luminosity compared to the previous proposal, but we still have major concerns about the installation. We request that our comments on the previous proposals are considered in the assessment of this new proposal.
- Bridle Path and the area around the houses is extremely dark in the winter/early spring. It is a rural setting. The impact of potentially six courts lit with intense white light will be incongruous to the existing landscape. The resultant light pollution will be harmful to the wildlife. The light will unreasonably interfere with the use and enjoyment of our home.
- If the light spillage louvres are being proposed these would seem to reduce light spillage into our garden and rear windows. We welcome this, however our rear windows are close to court 3 and so there is still light spillage into our garden and rear windows which would be intrusive.
- The 10pm curfew remains the same so tis intrusive light could be for many hours and for many months. We would request the curfew be reduced to between 8-9pm.
- The 8m high column almost on our boundary will be very visible from our house and impact our residential amenity.
- We would request that court 3 be removed from the proposal and not be floodlit.
- The application will cause significant additional light pollution to the existing lights on the other courts. The existing lights have not been installed with baffles and cause significant light pollution to neighbouring gardens. Additional lights will make this worse.
- We believe that this amended application as not adequately addressed previous concerns raised. We also have further concerns, we would like the applicant to clarify before considering the application for approval.
- We hope environmental health will commission a study, confirming the works do not adversely affect the green belt, habitats or biodiversity.
- Only an expert can interpret the reports to determine if the levels of lighting could be deemed acceptable, so when revieing the application as a layman, we could not understand full impact on our property. Is it possible to have a breakdown to see what the impact would be on each of our windows?
- The scaled elevation drawing shows a two tried light whilst the additional information drawing shows three tiers. We would like confirmation that the two-tiered product, if different meets the increased spill control outlined in the document.
- The floodlights are proposed to be higher than the previous application. This would roughly be in line with our eaves. This means the light could be focused directly into our bedrooms as the louvred lights spec drawing only appeared to prevent overspill going behind the light. Can the applicant confirm that the light facing our property will not negatively impact our property?

2) Other Consultee responses

Environmental Health (lighting/noise): **Additional information was requested in response to the initial consultation on the proposals** (comments summarised below):

In terms of the light impact, the drawings provided do not confirm that residents will not be affected by the new lights. I would appreciate clearer plans to identify the spill that will occur when the lights are in operation. The plans show lux levels at residential properties, however it is difficult to read the numbers in these drawings.

I believe that the light drawings show light spill when one court is in operation, would it be possible to request on any potential cumulative impact please?

Also, I assume that the proposed lights will allow the tennis club to be in operation until the evening, could the applicant please advise what measures will be taken to ensure that local residential amenity will not be impacted as a result of noise?

The comments were fed back to the applicant's agent to allow an opportunity to provide additional supporting information in response. An additional response, following consideration and review of the further details submitted in support of the application from the agent, was received.

The Environmental Health Team provided the following updated response, objecting to the current proposals on the basis of lighting and noise impacts affecting neighbouring residential amenity (comments summarised below):

The response from the agent has not allayed my concerns at this time. I have assessed the application with regards to residential amenity.

The application does not include an assessment of the impact of the new lightbulbs on residential properties, a map has been provided showing contours which details the lux levels at surrounding properties as a result of the operation of the proposed floodlights. There is no detail provided around the baseline situation without the lights in place, specifically, the lux levels at existing residential receptors when the existing lights are in operation to provide a comparison. The agent has commented that "there is a strong case to suggest that there's not an issue with either light pollution or noise", this might be the case for residents close to the existing lights but of course these are not the residents who are under consideration for this application. Likewise with regards to noise, the agent states that the courts in the application are already in use, but I would assume that acceptance of this application will allow the courts to be in use into the evening, when the context around noise is different due to a lower ambient noise level and residents can reasonably expect to not have unreasonable impact on amenity.

The contour maps provided show a maximum lux level of 32 at residential properties.

As no detailed assessment has been provided, I have made specific assumptions when considering the impact of the proposed lights.

Environmental Zone classifications have been established by the Institute of lighting professionals, depending on receptor location, from which light limitations have then been determined for exterior lighting installations. I believe this is satisfactory guidelines to use to assess the Lux levels that have been provided by the lighting consultant.

The environmental zones are classified as follows:

- Category E0: Dark landscapes (Examples – UNESCO Starlight Reserves, IDA Dark Sky Parks)
- E1: Intrinsically dark landscapes (National Parks, Areas of Outstanding Natural Beauty, etc)
- E2: Low district brightness areas (Rural, small village, or relatively dark urban locations)
- E3: Medium district brightness areas (Small town centres or urban locations)
- E4: High district brightness areas (Town/city centres with high levels of night time activity)

I have considered the category that would be most appropriate for this location, and I believe category E3 is appropriate.

Therefore, the following limitations are recommended by the Institute;

Environmental Zone E3

Light Trespass (into windows) Ev (lux) – Pre-curfew 10; Post-curfew 2

Luminaire Intensity I (candelas) – Pre-curfew 10,000; Post-curfew 1,000

In conclusion, the pre curfew limit of 10lux, which would result in unreasonable light trespass into windows could potentially be breached by this application at residential properties.

I am aware that we have received a number of representations from residents who are concerned that this application will impact on residential amenity. At this time, with the information provided, I share those concerns.

Following the submission of amended lighting details and additional supporting information on the 10/06/2022, the following comments were received, confirming that the Environmental Health Officer no longer had any objections relating to residential amenity impacts due to lighting and/or noise.

The new lighting plans show that the amended lighting scheme will not breach the recommended guidelines as I have discussed and set out previously. Therefore, lighting should not be a restrictive factor to this application.

I have also previously raised concerns that potential noise complaints had not been covered in previous submissions and may be a cause of complaint from residents. However, the applicant has pointed out that in the summer months, when sunlight has allowed, the tennis courts in question have been use until late evening, and no complaints have been received, therefore I do not believe that noise should be a restrictive factor for this application.

Following the submission of an amended scheme on the 04/09/2023, the following comments were received:

I have assessed this application which is an amended application due to a change in lighting specifications.

I am satisfied that the lighting assessment provided in support of the application has an appropriate methodology, and therefore the conclusion that there will be no impact on residential amenity is accepted.

I have no further comments or concerns.

Following the case officers query regarding increased risk of noise arising from the proposal the Environmental Health Officer confirmed the following:

Just to confirm, I do not believe that this proposal will result in a substantial decrease in residential amenity.

As per my previous comment, the courts in question have been in use during the summer months late into the evening, as this application will allow, and no complaints have been received.

Should residents be impacted by noise from the site, should you be minded to recommend approval, the Environmental Health team can investigate under the appropriate legislation to confirm if a statutory nuisance exists.

Environmental Protection

(Land Contamination): Response provided confirming no comments to make.

(Drainage – Lead Local Flood Authority): With regards to ST/1169/21/FUL, this application is not classed as a Major development. According to the Environmental Agency and STC Strategic Flood Risk Assessment data there is no potential to flood during storm conditions, therefore the development doesn't come under the Statutory Requirement of the Lead Local Flood Authority to be consulted in respect of surface water flood management.

The LLFA would have no further comment on the application and there would not be a requirement for a Drainage Strategy or Flood Risk Assessment.

STC Countryside Officer: Additional information requested (comments summarised below):

My comments on this application relate to its potential to impact on biodiversity including statutorily protected species; and priority species listed in the UKBAP and/or Durham BAP. The applicant has not submitted documents relating to ecology to inform their application. Information has been taken from Boldon Lawn Tennis Club proposed lighting by PPG on the 18.06.2021.

No information on current light levels have been provided so it cannot be determined whether there is an increase or decrease in light disturbance to the surrounding trees, hedges and fields which may be used by protected and priority species. In addition to this, the report states that it has based the calculations on individual courts being lit, in combination effects have not been calculated which may increase the level of light spill related disturbance.

Bats and birds may use the surrounding trees and hedges for roosting, nesting and foraging and may be impacted by an increase in lighting. As such, information is required on the current levels of light experienced on site in order to determine risks to the afore mentioned protected species.

Following the submission of amended lighting details and additional supporting information on the 04/10/2022, the following comments were received, requesting the submission of amendments and/or additional information to address the potential impacts on protected species as a result of the proposed lighting:

- I appreciate that the courts have been lit this way for a 20 years however the guidance on lighting has updated within this time (specifically, the Bat Conservation Trust 2018 guidance note on bats and artificial lighting in the UK may be of use.
- Lighting changes, especially as strong as this and on the boundary of a field, are likely to cause an impact on all species using the surrounding environment. The guidance above mentions a list of impacts that have been researched and proven.
- Whilst I don't believe we can mandate a change in the lighting that currently exists, new lighting must follow the guidelines as supported in our Local Policy: Policy EA3 states that the Council will:
 - B - maintain, enhance, restore and add to biodiversity and geological conservation interests;
 - F - protect and strengthen populations of Priority or other protected species;
- The guidance now recommends:
 - "The following should be considered when choosing luminaires.
 - All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used.
 - LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.

- A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component.
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats
- Column heights should be carefully considered to minimise light spill.
- Only luminaires with an upward light ratio of 0% and with good optical control should be used – See ILP Guidance for the Reduction of Obtrusive Light.
- Luminaires should always be mounted on the horizontal, ie no upward tilt.
- As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.”

The information submitted should include light contour plans and be explicit in how it meets the guidance so that someone who is not a lighting specialist can clearly understand.

The proposed lighting is far ‘colder’ than recommended 2700k (though this may be a requirement of the sport – something which they will need to prove). The contour map you have also sent me shows the light spill over the hedges, surrounding trees and gardens to be anywhere between 2 and 200 lux which is a significant light level over habitats that will be used by birds, bats, invertebrates and more. Especially considering lux of twilight is around 1 and normal road lighting is around 5.

As such, information on what time of day lights will be used over the year and how light spill can be minimised is required. It will need to be demonstrated that they have shown which measures have been considered and why they are or aren’t going to be included. Following this an updated light spill contour map will also be required. The guidance mentioned above provides options for this.

Following the submission of amended lighting details and additional supporting information on the 04/09/2023, the following comments were received:

My comments on this application relate to its potential to impact on biodiversity including statutorily protected species; and priority species listed in the UKBAP and/or Durham BAP.

The applicant has submitted documents relating to ecology to inform their application. Information has been taken from:

- Boldon Tennis Club Courts 1-3 6m BVP518 A35-NB+LO. 9th June 2023 (uploaded 4th September 2023). LiAS UK & I Steve Johnston/Signify Lighting UK Ltd.
- Boldon LTC, Dipe Lane, West Boldon. Drawing reference SP-DWG 02. 9th June 2023 (uploaded 4th September 2023) by Signify.

Following discussions between the client, Planning Team and Countryside Team, a lighting option has been created that minimises light spill by using integral louvres. This leads to a significant reduction in light spill to the surrounding area.

Given the context of the surrounding area and the efforts made to significantly reduce the light spill to the hedge and surrounding areas, the proposal is acceptable.

Sport England: Supports (comments summarised below):

Outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. In the summer period, England enjoys long hours of daylight that give the opportunity to take part in sports and leisure activities during the long summer evenings. In contrast, the winter daylight can be as short as 7 hours a day and can restrict opportunities for outdoor sports to short periods during the weekends. In numerical terms, outdoor sports lighting

can extend the playing hours by some 1000 -1500 additional hours per annum and this can allow people to train or play evening matches 7 days a week, all year round.

In light of the above, Sport England generally offers its support to proposals for floodlighting as they are considered to meet para 92 c of the NPPF and Sport England's 'Enhance' planning objective which is – to enhance opportunities through better use of existing provision.

Following consultation on the amended plans received 04/09/2023 Sport England provided the following comments:

We have reviewed the additional information, but do not wish to amend our original response dated 29th May 2022.

Assessment

The main issues relevant to the determination of this application are:

- The principle of the development;
- Design and visual impact;
- Impact on residential amenity;
- Impact on ecology

Principle of Development

The proposed columns and lights would be situated on three existing tennis courts that are not currently illuminated. The other three existing courts within the club are currently floodlit.

Sport & Recreation

Core Strategy SC6 (Providing for Recreational Open Space, Sport and Leisure) makes clear that the council will promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities by implementing and supporting schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough.

Furthermore, Policy SA6 (Social, Community and Leisure Facilities Opportunities) of the Site Specific Allocations Plan Document states that the Council will promote and encourage proposals that broaden the range of indoor sports and leisure facilities, and other social and community facilities, to serve local needs.

Supplementary Planning Document 3: Green infrastructure Strategy (SPD 3) identifies access to outdoor sports provision as an important factor in encouraging outdoor sports and supporting local teams, with the aim to ensure the residents of the borough have good access to outdoor sporting provision within 1,000m from where they live.

Neighbours, through representations received, have questioned the need for the lighting at courts 1-3 as they consider that the existing floodlit courts are sufficient for the amount of tennis played. The proposed floodlighting to additional courts would enable extended use of three existing tennis courts, making them available later into the day, during hours of darkness. Sport England, through their consultation response supports the proposals and highlights that outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. Sport England's response draws attention to winter daylight periods being as short as 7 hours a day, which can restrict opportunities for outdoor sports to short periods during the weekends.

The installation of the proposed floodlighting would enable extended opportunities for use of the three tennis courts, particularly in the winter, which would contribute positively to enhancement of outdoor sports and recreation facilities within the borough, in accordance with the objectives of the policies referred to above and paragraph 92 of the NPPF which states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, for example through the provision of sports facilities. The proposals would also help to deliver Sport England's 'Enhance' planning objective to enhance opportunities through better use of existing provision, which is also a material planning consideration.

Positive weight is given to the enhanced opportunities for use of existing sporting facilities that the proposals would deliver as part of weighing the planning balance.

Taking this into account, it is considered that the principle of the development of the installation of flood lighting on three existing tennis courts (adjacent to three other tennis courts that are already floodlit) would be acceptable and the proposal would be in accordance with LDF Core Strategy Policy SC6, Policy SA6 and Supplementary Planning Document 3, as well as the requirements of the National Planning Policy Framework.

Green Belt Policy

Neighbours have specifically referred to the site as Green Belt and that the application does not reference Green Belt Policy and as such believe that the application does not adequately demonstrate that the proposals are not inappropriate or harmful to the Green Belt. For clarity, on the adopted South Tyneside Local Development Framework (LDF) Site Specific Allocations proposals map, the application site is situated adjacent to, but outside of the Green Belt boundary. LDF Core Strategy Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment with criterion B stating the need for the Council to protect and enhance the openness of the Green Belt. Similarly, the NPPF seeks to prevent urban sprawl by keeping Green Belt land permanently open, with substantial weight given to any harm to the Green Belt. East Boldon Neighbourhood Plan Policy EB2: General location of new development also states that applications should be considered against national Green Belt policy.

Whilst the concerns of neighbours in respect of resultant impact on the Green Belt are noted, this specific proposal would be situated outside of the Green Belt (albeit being adjacent to it) and therefore Green Belt Policy – both national and local, is not applicable. Notwithstanding this, as the proposal would be situated outside of the Green Belt and would involve the installation of lighting columns to allow the illumination of existing tennis courts, the proposal is not considered to materially affect the openness of the adjacent Green Belt.

Design and visual impact

LDF Policy DM1 Management of Development criterion (A) requires that new development is designed to convey sensitive consideration of its surroundings.

Neighbour representations received from the notification process during the assessment of the application (and its various iterations) have referred to the proposed columns being 'incongruous' by being visible from the rear of residential properties/rear gardens.

As already highlighted, the tennis club already has floodlighting around 3 of the existing courts. External lighting and floodlighting is a feature not uncommon at outdoor sporting facilities and is already in situ at the application site. Neighbours raised concerns of the increased height of the lighting columns compared to the previous proposals (initially at 6.7m in height). Having raised this with the agent, they have confirmed that the increased height of the lighting columns is required in order to reduce the number of columns around the tennis courts (to lessen the impact on nearby properties) whilst ensuring sufficient lighting levels for the courts. The lighting columns would be viewed within the context of the

tennis club and the wider area. Given the above, it is considered that the installation of the proposed lighting columns, whilst visible would be in keeping with the existing use of the site as tennis courts, and the adjacent courts, which are already floodlit, and would not be out of keeping with the visual appearance of the surrounding area.

It is considered that the proposals would accord with LDF Development Management Policy DM1 (A) and the relevant policies of the East Boldon Neighbourhood Plan, including Policy EB3 (Design) in respect of visual amenity considerations.

Impact on residential amenity

Policy DM1 (B) requires a development to be acceptable in relation to any impact on residential amenity.

Concerns have been expressed in representations received that the development will give rise to adverse impacts on residential amenity, primarily due to lighting impacts, although reference is also made to potential noise and disruption for nearby residents.

The gardens of a number of residential properties on Dipe Lane are located adjacent to courts 1-3 where the lighting would be installed, and back on to the site, both to the east and north of the courts. The rear of the dwellings to the east of the site (Chard, Sandalwood, The Sycamores) are closest to the tennis courts, with their rear gardens and habitable rooms windows facing onto the application site. Properties to the north of the site (the Bungalow, South Hill, Favell and South Lea) also have rear gardens and habitable room windows facing towards the application site. The Councils Environmental Health Officer was consulted on the application (and its various iterations) in terms of the potential impact on residential amenity, with specific regards to possible noise and light nuisance from the development.

The new lighting plans submitted on the 04/09/2023 show the amended lighting scheme will not breach the recommended lighting guidelines detailed within the Environmental Health Officers Consultation response (as set out in detail above). In line with the Environmental Health Officer's advice, it is considered that the proposed lighting would not have a significant adverse impact on the amenity of neighbouring residents. It has been raised by residents, and is acknowledged by the Local Planning Authority, that the lighting will enable later use of the courts up to 10pm, increasing the amount of times when the courts are available for use. However, it is also recognised that in the summer months, when sunlight has allowed, the tennis courts in question have been used until late evening. Environmental Health have also advised that no historic complaints have been received relating to the use of the courts. Nevertheless, following neighbour representations on the amended plans received 04/09/2023 the case officer approached the Councils Environmental Health Team regarding the increased use of the site and its potential to disturb nearby residents as a result of the additional lighting. Environmental Health have reaffirmed that the no complaints have been received and that the proposal would not result in a substantial decrease in residential amenity and that noise should not be a restrictive factor for this application. Environmental Health have also confirmed that they are satisfied that the lighting assessment provided in support of the application has an appropriate methodology, and therefore the conclusion that there will be no impact on residential amenity is accepted.

Planning conditions are recommended, requiring the development to be installed and retained in accordance with the approved details; and restricted to the requested hours of operation (9am to 10pm) in the interests of safeguarding the amenity of neighbouring residents.

It is recognised that some representations have referred to the columns themselves being incongruous when viewed from within residential properties or rear gardens. It is not considered that the installation of the columns themselves would be so dominant or overbearing as to have a significant adverse impact on the residential amenities of neighbouring properties. This is based on the degree of separation and the wider context within which the development would be viewed.

Post installation, should the floodlights result in concern to adjacent occupiers through loss of residential amenity, the Councils Environmental Protection Team could proceed to investigate these matters under statutory nuisance legalisation.

It is concluded that the proposal would not result in unacceptable material harm to the amenity of surrounding residents. The proposals are considered to accord with LDF Policy DM1 (B) and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings, the objectives of the design guidance in SPD9, and East Boldon Neighbourhood Plan Policy EB3 (Design).

Ecological Impacts

LDF policy DM7 and Core Strategy EAS3 seeks to preserve habitat and ensure development is not harmful to protected species. The site is on the edge of defined Green Belt and has a mature hedgerow on the southern boundary. The application as originally submitted, as well as the first round of amended plans raised questions in respect of the potential impact to protected species, with the Councils Countryside Team advising on amendments and further information required to accompany the application to enable appropriate consideration of impacts to protected species.

Amended details were submitted on 04/09/2023 and the Countryside Team were consulted on the amended lighting scheme. Having reviewed the submitted information, the Council Countryside Officer confirmed that a lighting scheme has been created that minimised light spill by using integral louvres which leads to a significant reduction in light spill to the surrounding area. The Countryside Officer has confirmed that given the context of the surrounding area and the changes to the lighting scheme, which has sufficiently reduces the light spill to the hedge lines and surrounding areas, that the proposal is acceptable in relation to potential biodiversity impact, including protected species.

Given the above, it is therefore considered that the proposal would not be harmful to ecology and protected species in accordance with policies CS EA3 & DM7, East Boldon Neighbourhood Plan Policy EB7 (Biodiversity) and the NPPF.

Impact on parking and highways safety

Policy DM1 seeks to preserve highways safety. Neighbours have raised concerns that the installation of the lighting would increase the number of visitors to the tennis club, putting pressure on the parking facilities at the club and the surrounding area. As highlighted earlier in this report, the proposals seek to install lighting on courts 1-3 which are already used in the evenings, when daylight allows. It is not therefore expected that the lights would cause significantly additional number of visitors to the site beyond that experienced at other times of the year, but would serve the existing users of the site, not giving rise to increased need for parking at the site. It is therefore considered that the proposals would not be harmful to parking or highways in the area and therefore complies with Policy DM1 (G) of the LDF)

Other matters

Neighbour have referred to policies within the Emerging South Tyneside Local Plan. The Council are in the process of preparing a new Local plan. Consultation took place on a Pre-Publication Draft (Regulation 18) Plan in June 2022. The draft plan is currently being updated and final consultation is due to take place in early 2024. As such the new Local Plan remains at an early stage and therefore can be afforded only limited weight in decision making on current planning applications.

Summary

Subject to the recommended conditions, it is considered that on balance, the proposal would be in accordance with the relevant East Boldon Neighbourhood Plan Policies, Local Development Framework

Policies and the requirements of the National Planning Policy Framework, having regard to all relevant material planning considerations, and so would be an acceptable form of development.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drawing number 0400879604 'Illuminance overspill contours Boldon LTC, Diye Lane, West Boldon received 04/09/2023

8m scaled floodlight drawing received 04/09/2023

Lighting Installation : Boldon Lawn Tennis Club 8m Masts; Project number : 0400877065, D-515396' received 04/09/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The columns and lighting units hereby approved shall be installed and operated in accordance with the details specified in the documents entitled '8m scaled floodlight drawing received 04/09/2023' and 'Lighting Installation : Boldon Lawn Tennis Club 8.2m Masts; Project number : 0400877065, D-515396' received 04/09/2023, and retained as such thereafter, unless removed.

In order to minimise the potential impact on nearby residents through amenity loss in accordance with East Boldon Neighbourhood Plan Policy EB3 (Design), South Tyneside LDF Development Management Policy DM1 (B), and the National Planning Policy Framework.

- 4 The use of the floodlights approved by this permission shall be restricted to the hours of 09:00 - 22:00.

In order to minimise the potential impact on nearby residents through noise disturbance and general amenity loss in accordance with East Boldon Neighbourhood Plan Policy EB3 (Design), South Tyneside LDF Development Management Policy DM1 (B), and the National Planning Policy Framework.

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 2 NOTE TO APPLICANT

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Case officer: Samantha Gallagher

Signed: SG

Date: 20-12-2023

Authorised Signatory: Helen Lynch

Date: 20-12-2023

«END»