

Application No: 24/4944/FUL
Application Type: Full Planning
Location: Heyes Lane Tennis Club, The Circuit, Alderley Edge, Cheshire East, SK9 7LT
Proposal: Installation of New Court Lighting, for all 3 courts.
Applicant: Mr Viren Gandhi, C/O Heyes Lane Tennis Club

Summary

The application site comprises of the existing Heyes Lane Tennis Club, which is designated as an area of Protected Open Space. It is located within the North Cheshire Green Belt and adjoins the settlement boundary for Wilmslow to the south.

The proposed floodlights will not unduly harm the character or visual impact of the Green Belt and that the benefits are sufficient to outweigh any harm. The proposed development would not comprise inappropriate development and it would comply with relevant Green Belt policy.

It is considered that the proposals for new floodlighting to the existing tennis courts complies with the aims of enhancing and protecting an existing outdoor sports venue, which already benefits from associated infrastructure, within an existing area of Protected Open Space.

Subject to the use of planning conditions, it is considered there are no significant adverse impacts in regard to design, amenity, highways, accessibility, residential amenity, or flood risk. The scheme is found to accord with the relevant policies of the Development Plan.

Summary Recommendation

APPROVE subject to conditions.

1. REASON FOR REFERRAL

1.1. This application has been 'called-in' to committee at the request of Cllr Mark Goldsmith for the following reasons:

"This planning application proposes to install floodlighting to all three outdoor courts at Heyes Lane Tennis Club. The proposals are highly controversial locally and the application would benefit from a public debate at Northern Planning Committee to enable compliance or otherwise with the following relevant planning policies to be properly considered:

- *CELPS Policy PG3 (Green Belt) - impact upon the green belt as well as visual intrusion of the proposed lighting (and columns) upon the character of the green belt;*
- *CELPS Policy SE12 (Light Pollution) - impact on residential amenity of the occupants of "The Circuit", particularly relating to the visual intrusiveness of artificial light;*

- *SADPD Policy RUR6 (outdoor sport outside of settlement boundaries) - impact on the amenity and character of the surrounding area, including the local landscape, particularly when viewed from the green belt;*
- *SADPD Policy ENV14 (Light Pollution) - light spillage and glare should be the minimum required for operational purposes, with adequate screening to avoid a negative impact on residential amenity;*
- *Alderley Edge Neighbourhood Plan Policy AE9 (Landscape Character) - development proposals on the edge of or outside the settlement boundary should include appropriate boundary treatment to provide an acceptable transition to the green belt;*

Alderley Edge Neighbourhood Plan Policy AE17 (Car Parking) - development proposals should ensure adequate on-site parking provision, as well as an appropriate sustainable travel plan.”

2. DESCRIPTION OF SITE AND CONTEXT

2.1. The application site relates to an existing Tennis Club located within the Green Belt in Wilmslow, adjacent to an area of residential properties to the south and open fields to the north.

2.2. The club is surrounded on three sides by mature trees with open views to the north.

2.3. The site comprises three existing courts.

2.4. The site is located within Flood Zones 2 and 3.

3. DESCRIPTION OF PROPOSAL

3.1. The application seeks full planning permission for the installation of 12no. 7m high flood light columns.

4. RELEVANT PLANNING HISTORY

4.1. 97/1549P - Replacement Pavilion - Approved 18 September 1997

5. NATIONAL PLANNING POLICY

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

- 1.SADPD Policy PG 9: Settlement boundaries
- 2.SADPD Policy GEN 1: Design principles
- 3.SADPD Policy ENV 14: Light pollution
- 4.SADPD Policy ENV 3: Landscape character
- 5.SADPD Policy ENV 5: Landscaping
- 6.SADPD Policy HOU 12: Amenity
- 7.SADPD Policy REC 1: Open space protection
- 8.SADPD Policy REC 5: Community facilities
9. SADPD Policy RUR 6: Outdoor Sport Outside of Settlement Boundaries
- 10.CELPS Policy MP 1: Presumption in favour of sustainable development
- 11.CELPS Policy SD 1: Sustainable development in Cheshire East
- 12.CELPS Policy SD 2: Sustainable development principles
- 13.CELPS Policy SC 1: Leisure and recreation
- 14.CELPS Policy SC 2: Indoor and outdoor sports facilities
- 15.CELPS Policy SC 3: Health and well-being
- 16.CELPS Policy SE 1: Design
- 17.CELPS Policy SE 3: Biodiversity and geodiversity
- 18.CELPS Policy SE 4: The landscape
- 19.CELPS Policy SE 9: Energy efficient development
20. CELPS Policy SE 12: Light Pollution
- 21.CELPS Policy CO 1: Sustainable travel and transport
22. CELPS Policy PG3: Green Belt

6.3. Neighbourhood Plan

Policies of the Neighbourhood Plan relevant to the consideration of this application are:

Alderley Edge Neighbourhood Plan:

- AE9: Landscape Character and Access
- AE10: Local Green Spaces
- AE14: Sustainable Transport Routes
- AE17: Car Parking
- AE19: Protecting and Enhancing Local Community and Sports and Recreation Facilities

7. Relevant supplementary planning documents or guidance

- 7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Cheshire East Design Guide.

8. **CONSULTATIONS (External to Planning)**

Environmental Protection: No objections subject to a condition relating to the proposed light spillage information submitted.

9. **REPRESENTATIONS**

9.1. Approximately 91 no. letters of representation have been received with 14 no. in support and 77 no. objecting to the proposal. The comments are summarised below:

Objections

- The light pollution from the floodlights would injure the amenity of the surrounding residents.
- Increased noise at later hours.
- The floodlights would impact on the adjacent Green Belt.
- The area already suffers from parking issues on the surrounding roads, and this would be worsened by the proposal.
- Impact on local wildlife.

Support

- The proposal is essential for the club to keep up facilities and remain competitive with other clubs.
- Great news for the community.
- It is clear that the club have gone to great pains to minimise the impact on the neighbours.

10. OFFICER APPRAISAL

Principle of the development

- 10.1. The application site is located within an area of Protected Open Space. SADPD Policy REC5 encourages proposals to retain, enhance and maintain community facilities. Policy SC2 of the CELPS states the council will protect existing indoor and outdoor sports facilities.
- 10.2. The proposed development would relate to the main function of the space and as such would support these aims and accords with policies REC5 and SC 2.
- 10.3. The site lies within the North Cheshire Green Belt. The NPPF states that within the Green Belt the carrying out of engineering operations are not inappropriate development providing they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 10.4. The NPPF outlines exceptions to Green Belt policy with the second being the 'provision of appropriate facilities for outdoor sport as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. Therefore, the proposed development is considered to not conflict with the purposes of including land in the Green Belt as it relates to a facility for outdoor sport.
- 10.5. The proposed floodlights would comprise 12 no. columns, that would measure 7 metres in height and would be of a slim-line design. The floodlights are of an unfussy design and would not be highly visible from public vantage points. For these reasons they would not be significantly visible or have a significant impact on openness. In addition, the floodlights would provide improved facilities during the winter months providing benefits to the local community.
- 10.6. Bearing these factors in mind, it is considered that the proposed floodlights will not unduly harm the character or visual impact of the Green Belt and that the light's benefits are sufficient to outweigh any harm. Accordingly, it is considered that the proposed development would not comprise inappropriate development and it would comply with relevant Green Belt policy, namely Policy PG3.

10.7. The principle of development is therefore considered acceptable, as the development would support the existing use of the site as a tennis club and 'be integrated with existing facilities' as per SADPD Policy RUR 6.

Design

10.8. CELPS Policy SE1 states that "development proposals should ensure a retained sense of place and management of design quality". CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

10.9. The proposed lighting columns would be of a slim-line design and the lights would be angled so as to prevent light spillage onto the surrounding area. The site has a number of trees and hedges to three of the boundaries, although it is visible from the public footpaths to the north of the site. However, from this viewpoint the floodlights would be seen against the backdrop of trees and houses and so would not be prominent.

10.10. The flood lights would relate well to the use of the site. It is not considered that the development would have a significant impact on the character or appearance of the site or surrounding area due to the nature of the proposal and the screening provided by the existing vegetation.

10.11. The proposed development would not result in a detrimental impact upon the character of the surrounding area in accordance with policies SE1 and SD2 of the Cheshire East Local Plan and policy GEN 1 of the Site Allocations and Development Policies Document.

Residential Amenity

10.12. Policy HOU12 of the SADPD states that development should not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties. Policies ENV14 and SE12 seek to protect neighbouring amenity with specific reference to lighting installations.

10.13. Residential properties are located approximately 20 metres from the nearest proposed floodlight. Plans and specification submitted with the application show minimal light overspill to these properties and there is good screening between the site and the dwellings.

10.14. It is proposed to limit the use of the floodlighting to the latest time of 22.00. Regarding hours of use, it is important to note that the tennis courts have been operating since well before the imposition of any planning legislation. This means that the use of the tennis courts is currently unrestricted in terms of the hours that sporting activities can take place. Accordingly, tennis matches can be played at any time and are not the subject of planning control. The concerns expressed by neighbours with respect to the noise generated during tennis matches would not sustain a refusal of planning permission, given that there is no control over the hours that matches can be played. The installation of the floodlights would not change this position. If matches did proceed past 22.00 in the summer season, they would continue to be played without flood lighting, and the LPA would not be able to prevent this owing to the absence of any restriction on hours of use.

10.15. It is not considered that the installation of floodlights would significantly intensify the use of the site when considering they would only be required in the non-summer months when it would be anticipated that the level of tennis participation would be reduced. The submitted information claims that light spillage from the proposal shall not give rise to illumination spillage onto residential properties.

10.16. No objections have been raised by the Council's Environmental Protection Unit subject to an hours of operation condition. Accordingly, the proposal is acceptable in term of its impacts on neighbouring residential amenity.

Impact on Highway Safety

10.17. The proposals would not have any significant implications on highway safety or result in a significant intensification of use over the existing as the number of courts are not increasing.

Nature Conservation

10.18. CELPS Policy SE3 deals with biodiversity and geodiversity. It seeks to protect areas of high biodiversity and geodiversity. It also requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity. The following ecological matters are relevant to the current proposal.

Badger and hedgehog

10.19. No conclusive evidence of badger activity or evidence of hedgehogs was recorded as part of the submitted Ecological Appraisal. It is therefore advised by the Council's Nature Conservation Officer that these species are not reasonably likely to be affected by the proposed development.

Water Vole

10.20. This protected species may potentially occur on the watercourse to the south of the application site. The submitted Ecological Assessment advises that 1 lighting pole is located within 10 metres of the brook. It is advised by the Council's Nature Conservation Officer that considering the scale of works proposed and the distance between the proposed lighting pole and the brook the risk to this species being directly affected by the installation of the lighting poles is low. This species could however be adversely affected by light pollution on the brook.

Lighting

10.21. The revised proposed lighting scheme will result in only localised encroachment onto existing trees and the Whitehall Brook to the south of the existing tennis courts. It is advised by the Council's Nature Conservation Officer that the proposed lighting is unlikely to have a significant impact upon roosting bats. If planning consent is granted a condition will be included to ensure that the proposed lighting is implemented in accordance with the latest submissions.

Flood Risk

10.22. The site lies within Flood Zone 2 and 3. However, the floodlights would be provided for an existing use on site and would not have any impact on flood risk.

11. PLANNING BALANCE/CONCLUSION

11.1. It is considered that the proposals for new floodlighting to the existing tennis courts are in compliance with the aims of enhancing and protecting an existing outdoor sports venue with established on site associated infrastructure, within an existing open space.

11.2. The proposals would not represent inappropriate development in the Green Belt.

11.3. Subject to the use of planning conditions it is considered there are no significant adverse impacts in regard to design, amenity, highways, accessibility, flood risk or residential amenity.

12. RECOMMENDATION

Approve subject to following conditions.

1. Commencement of development
2. Development in accord with approved plans
3. Limitation of hours of lighting to no later than 22.00 hours (incl Sundays and Bank holidays)
4. Accordance with submitted light spillage information
5. Accordance with submitted Ecological Assessment.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

