

ITEM NO: 6.4	<u>Location:</u>	Land at Jackmans Recreation Ground, Radburn Way, Letchworth Garden City, SG6
	<u>Applicant:</u>	Mr S Sears North Herts District Council
	<u>Proposal:</u>	Construction of multi use games area, flood lighting and fencing.
	<u>Ref.No:</u>	08/00711/ 1
	<u>Officer:</u>	Kirstie Hough

Date of expiry of statutory period : 09 July 2008

Reason for Delay (if applicable)

Committee Cycle

Reason for Referral to Committee (if applicable)

Application is made by North Hertfordshire District Council

1.0 Relevant History

None

2.0 Policies

Planning Policy Guidance Note 24- Planning and Noise

North Herts District Local Plan No 2 April 1996 with Alterations
Policy 21, Landscape and Open Space Pattern in towns

3.0 Representations

- 3.1 **Letchworth Garden City Town Council-** No comments received at time of report submission. Comments received to be orally presented at meeting.
- 3.2 **Hertfordshire County Council (Highways)-** Raise no concern to the application.
- 3.3 **Environmental Health-** No comments received at time of report submission. Comments received to be orally presented at meeting.
- 3.4 **Site Notice-** No comments received.
- 3.5 **Neighbours-** Representations received from the occupiers of:
 - **No 6 Whitechurch Gardens:** supports the initiative but comments that the basketball facility is currently widely used by all ages and they would be concerned if current users were unable to make use of the new facility because of restrictions such as cost or the need to book a space. They comment that currently the area can be used at any time, with people often playing basketball up to 11.30pm which they would wish to continue. They raise a concern about the history of vandalism of the pavilion and original fence around the courts, so question whether there

will be any monitoring to prevent this happening.

- **No 7 Whitechurch Gardens:** Object to the application as they feel that the regular noise, cars revving, wheel spinning and loud music being played in the car park is very disturbing and quite often goes on until very late at night and consider that a floodlit games area could make this disturbance worse.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site lies within a Recreation Ground on the Jackmans residential estate. This is set to the south of Radburn Way, with properties in Vincent to the north-west, Upper Maylins to the east and Whitechurch Gardens to the south and south-east.
- 4.1.2 The recreation ground accommodates a car park, three sports courts, a disused pavilion and a playground. Two of the courts are listed as tennis courts but consist purely of hardstanding while the south-eastern court accommodates a basketball hoop at either end.
- 4.1.3 The courts are currently open to the public for continual use 7 days a week. There is currently no flood lighting serving the courts however there are two street lamps positioned adjacent to the basketball court.
- 4.1.4 This site in question comprises of two of the three sport courts (shown as tennis courts). These are the two most north-western courts, set away from the pavilion and car park. The courts are each 18m wide by 37m long.

4.2 Proposal

- 4.2.1 This proposal is for the construction of a multi use games area with associated flood lighting and fencing.
- 4.2.2 This would involve the erection of 6 x 8m high flood lights which would be located on each corner of the two courts and light would beam directly into the courts with light spillage decreasing in intensity as it moves further outside of the court area having ceased at approximately 25m from the edge of the site.
- 4.2.3 The fencing would be 3m high with a further 1.5m high netting extension to the roadside line and would be placed around the perimeter of the site and dividing the two courts. Two basketball hoops would be erected in the end court.
- 4.2.4 The applicant has informed that the new facility would be open access and free to use as other facilities in NHDC parks. Flood lighting usage would be restricted to groups or individuals booking the facility.

4.3 Key Issues

- 4.3.1 Given the existing courts are in place, the key considerations in my view in this instance are the acceptability of the lights and fencing in the area in terms of impact upon the character or appearance of the area in visual terms and light pollution, any impact upon highway conditions and any material impact upon nearby residential properties.
- 4.3.2 Dealing first with highway issues, the tennis courts are currently continually available to the public. The addition of flood lighting to the two courts would render this area available for use for a longer time during the late autumn, winter months and early spring when natural light would not be available. The car park would be

- able to accommodate the users of the facility, however many of whom may be likely to use alternative modes of transport to travel to the site.
- 4.3.3 Hertfordshire County Council (Highways) have raised no objection to the proposal, which they consider would have no significant implications for the safe and efficient operation of the adjoining highway network. Overall, parking provision is provided by way of the existing car park and therefore I can see no concern to raise on Highway grounds.
- 4.3.4 With regard to the visual appearance of the development (fencing and lighting columns), the height of the fencing and the lighting columns along with the somewhat elevated position of the ground level upon which the courts are sited, means that these additions would be visible from the surrounding area. However, the recreation ground is a location in which it could be expected to see such structures, therefore they would not appear incongruous in this site. Overall, although the additions would have some visual impact from the surrounding area, I do not consider that they would have a materially detrimental impact upon the area, as to warrant a refusal of permission.
- 4.3.5 Turning now to any impact upon the nearby residential properties, there are three possible impacts, being the visual impact of the structures themselves, noise pollution and light pollution. The closest dwelling in Whitechurch Gardens is located a distance of 50m away from the site. These dwellings are set at a lower level than the courts and this along with the good vegetation screening along the rear boundaries of the properties, means that no windows appear to directly overlook the playing area.
- 4.3.6 With regard to light pollution, the documents provided show that there would be no light spillage onto any adjacent housing (light spillage outside of the court should have ceased at approximately 24m in all directions around the site). This information along with the relationship of the dwellings leads me to conclude that light pollution would not be a material concern for the nearby residential properties.
- 4.3.7 Although light pollution is not considered to be material for the adjacent residential properties, it is considered appropriate to place hours of use condition of the floodlights, to ensure that they are used at only suitable times. This has another benefit of preventing noisy sports late into the evening.
- 4.3.8 As discussed above, the lighting should not overspill onto neighbouring properties. However, in order to safeguard that this is the case in reality, should the proposal be granted permission, a condition could be attached which would ensure the realignment or shielding of the lights to be adjusted, if it were considered that any overspill of illumination was harming residential amenities after the flood lights had been erected.
- 4.3.9 With regard to the issue of noise and concern raised about the lighting encouraging more young people to congregate in the area, young people can currently utilise the site, with little artificial light during winter months. The use of the site during times of operation of the flood lights, may improve the number of people using the site and assist in young people being aware of a further presence in the area rather than being able to solely occupy the vicinity, which could improve the security of the area. I therefore do not consider that the use of the court for a longer period of time during the late autumn, winter months and early spring when natural light would not be available, raises a material planning objection on the grounds of further encouraging the congregation of young people.
- 4.3.10 Concern was raised in the representations received, with regard to the existing kickboard which is considered to cause quite a disturbance for nearby properties, in terms of noise. It has been confirmed that this would be removed as part of this development. Concern was also raised about the use of the car park area for young adults using it to drive cars around this area with a request that resurfacing

of the area would reduce this disturbance. The resurfacing of the car park area is subject to funding available and may be carried out once the disused pavilion is renovated (it is intended that this will take place as part of the adopted Pavilions, Sports Pitches and Playing Fields Strategy).

- 4.3.11 Overall, I do not consider that there would be a material impact upon the residential amenities of these neighbouring properties, or that there is a material planning objection to raise to this application on these grounds.

4.4 **Conclusion**

- 4.4.1 The existing sports courts can be continually used by the public and during summer months, the courts can be used until darkness which can be as late as 10- 11pm. This proposal to introduce flood lights to two of the existing courts, would be the first such illuminated development in this area and would enable a more intensive use of the site. The flood lights have been designed to have no direct upward light and to emit a low level of glare to the surrounding locality. It is overall considered that the residential amenities of nearby residential properties would not be materially affected by the proposal, nor would the character of the area by the additions.
- 4.4.2 Overall, I do not consider that the proposed flood lights or fencing would be unacceptable for the site, providing conditions are attached to any permission to control the hours of use. I can see no reason to refuse permission for this proposal, which complies with policy in the District Local Plan and would have no adverse impact upon the character of the area, amenities of the neighbouring residential properties or highway conditions.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The operation of the floodlights hereby approved shall be permitted only

between 7.00am (07.00hrs) and 10.00pm (22.00 hrs) on any day.

Reason: To minimise the impact of the lighting on the amenities of nearby residential properties.

4. If within a period of six months following the first use of the lights, the Local Planning Authority requires realignment or shielding of the lights to be adjusted, this shall be carried out with an agreed scheme before the continuation of their use.

Reason: To ensure that any light pollution is minimised for the adjacent residential properties.

Reason for Decision

The development hereby permitted would have no adverse effect on the character or appearance of the area, highway conditions, the visual amenity of the locality or neighbouring properties, and as such, complies with the relevant provisions of the development plan as summarised below.

Summary of Development Plan Policies and Proposals relevant to the Decision:-

North Hertfordshire District Local Plan No 2 with Alterations

Policy 21, Landscape and Open Space Pattern in towns