
MAIN CASE

Proposal: Submission of details for compliance with condition 6 of planning application 10/00750/FUL:
“Prior to the tennis courts hereby approved coming into use, a scheme detailing the hours of use and floodlighting shall be submitted to the local planning authority and approved in writing.”

Location: Soham Village College Sand Street Soham Ely Cambridgeshire CB7 5AA

Applicant: The Governors Of Soham Village College

Agent: Lyster Grillet & Harding Architects

Reference No: 10/00750/DISA

Case Officer: Penelope Mills

Parish: Soham
Ward: Soham South
Ward Councillor/s: Councillor Mark Duckworth
Councillor John Humphreys
Councillor Tony Parramint

Date Received: 10 February 2011 Expiry Date:

[K288]

1.0 EXECUTIVE SUMMARY

- 1.1 This application seeks to discharge conditions 2, 6 and 8 planning approval 10/00750/FUL. When the original application was determined at Planning Committee on 3rd November 2010, Members stated that the details required by condition 6 should be brought back to Committee for approval.
- 1.2 It is considered that the hours of use put forward by the applicant, combined with the lighting of only the southern most two courts, represent an enforceable scheme that endeavours to protect neighbouring amenity whilst allowing for use of the courts outside school hours. Provided that the lighting details are found to be acceptable by Environmental Health, it is recommended that the proposal be accepted and the condition discharged.

2.0 **THE APPLICATION**

2.1 The following hours of use are proposed:

The use of the courts shall only take place within 8:30 – 21:00 Monday – Saturday and between 10:00 and 20:00 on Sundays and Bank Holidays.

For a maximum of one day per calendar month, the use of the courts can extend to 22:00, to allow for special events. This exception can only be applied Monday – Saturday and cannot be used on a Sunday or Bank Holiday.

The hours of use stated above relate to any use of the courts, not just paying tennis.

2.2 It is proposed that only the two southern most courts are floodlit. The lighting design has been forwarded to the Council's Environmental Health Officer, who has requested additional information, to enable a full assessment of the impact on neighbouring amenity to be made. It is anticipated that this information will be received and reviewed prior to Committee.

3.0 **THE APPLICANT'S CASE**

3.1 No supporting statement has been submitted as part of this discharge application.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located within the grounds of Soham Village College, in the north west corner of the school site, to the west of the main school building. The site comprises an area predominantly laid to grass, close to the school's boundary with residential properties in College Close to the north and west. The site is located close to the school's northern access, which also serves the Ross Peer's Sports Centre. The site is adjacent to four existing tennis courts, which the school is intending to upgrade and resurface. These courts do not fall within the scope of the planning application.

5.0 **CONSULTATIONS**

5.1 There is no requirement for external consultation when dealing with discharge of condition applications. However, as Planning Committee requested that this matter be brought before them for consideration, all those interested parties who submitted representations during the course of the planning application (10/00750/FUL) have been notified and given an opportunity to register to speak.

5.2 The College has advised the occupants of College Close of its proposed hours of use and lighting design. A copy of the College's letter and the residents' response to the proposals is attached at appendix 1.

5.3 Residents have raised a number of concerns relating to different aspects of the application. However, this condition relates solely to the proposed hours of use and lighting.

5.4 The proposed lighting scheme has been submitted to Environmental Health for comment. Their response will be circulated to Members once received.

6.0 **PLANNING COMMENTS**

6.1 Due to the proximity of neighbouring properties in College Close, the impact that the proposed tennis courts would have on residential amenity, through noise disturbance and floodlighting, was a key consideration in the determination of the planning application.

6.2 In terms of the impact from floodlights, the Council's Environmental Health Technical Officer was satisfied that a "technical solution", which provides for adequate lighting of the courts whilst safeguarding residential amenity, could be identified. The lighting scheme put forward by the applicant is currently in the process of being assessed.

6.3 When the application was presented to Committee on 3rd November 2010, it was recommended that the application be subject to a condition restricting the times when the courts could be used to no later than 19:00 hours. Having had regard to all the circumstances of the case, Members took the view that imposing a restriction on the hours of use, in line with this recommendation, would be unreasonable.

6.4 As required by the alternative condition imposed by Members, the applicants have submitted a scheme detailing the proposed hours of use. These hours appear to reflect the tone of the discussion by Members at Committee and strike a balance between the availability of courts to ensure their use by a wide range of the community, whilst protecting nearby residents against unreasonable nuisance.

6.5 The wording of the scheme is clear and precise, and it is considered that it would be enforceable. A more complex arrangement where hours of use varied according to term time, or were different for each court, could prove difficult to enforce, presenting potential problems in protecting amenity in the future.

6.6 It should be noted that whilst the hours of use relate to all four courts, only the two southern most courts would be floodlit. Therefore, depending on the time of year, the use of the courts closest to College Close would be limited by daylight hours.

7.0 **RECOMMENDATION:** To accept the proposed scheme and discharge the condition, subject to Environmental Health confirmation that the lighting scheme is acceptable.

APPENDICES

- Appendix 1 – College letter and response from residents

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application 10/00750/FUL	Penelope Mills Room No. 011 The Grange Ely	Penelope Mills Planning Officer 01353 665555 penny.mills@eastcamb.gov.uk