



## **Notice of a meeting of Planning Committee**

**Thursday, 19 January 2017  
6.00 pm  
Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hobley, Adam Lillywhite, Helena McCloskey, Chris Nelson, Tony Oliver, Louis Savage, Diggory Seacome, Klara Sudbury, Pat Thornton and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

### **Agenda**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. PUBLIC QUESTIONS**
- 5. MINUTES OF LAST MEETING** (Pages 5 - 18)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **16/01756/CONDIT Travis Perkins, Brook Road** (Pages 19 - 34)
  - b) **16/01790/FUL Cheltenham Ladies College, Malvern Road** (Pages 35 - 120)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

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## Planning Committee

15<sup>th</sup> December 2016

### Present:

#### Members (12)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Colin Hay (CH); Lillywhite (AL); McCloskey (HM); Oliver (TO); Savage (LS); Seacome (DS); Sudbury (KS); Thornton (PT); Wheeler (SW).

#### Officers

Tracey Crews, Director of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Michelle Payne, Senior Planning Officer (MP)  
Emma Pickernell, Senior Planning Officer (EP)  
Chloe Smart, Planning Officer (CS)  
Gary Dickens, Planning Officer (GD)  
Nick Jonathan, Legal Officer (NJ)  
Dave Parrish, GCC, Local Lead Flood Authority

**1. Apologies:** Councillors Collins, Hobley and Nelson.

#### 2. Declarations of interest

##### 16/01909/FUL 53 Beeches Road

Councillor McCloskey – is a resident of Beeches Road. Will leave the Chamber.  
Councillor Lillywhite – is a friend of the only objector. Will leave the Chamber.

##### 16/01577/FUL 83 Hewlett Road

Councillor Savage – is a resident of Hewlett Road. Will leave the Chamber.

#### 3. Declarations of independent site visits

Councillor Sudbury as visited 83 Hewlett Road previously, and has spoken to residents at Sandford Court.

Other members viewed all sites on Tuesday 13<sup>th</sup> December.

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 17<sup>th</sup> November 2016 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>16/00383/FUL</b>		
Location:	<b>Lilley Brook Golf Club, 313 Cirencester Road</b>		
Proposal:	<b>Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>29</b>	Update Report:	<b>None</b>

**MP** introduced the application as above, a 5.35 hectare parcel of land in the AONB, on the western edge of the golf course, adjacent to Sandy Lane and including access through the site via Cirencester Road. Having scrutinised a number of matters, including the AONB, ecology and biodiversity, trees and landscaping, archaeology, flood risk, and highway safety, officers consider that the application should be refused on two grounds: firstly, the lack of information relating the archaeological remains on the site, and secondly the absence of a legal agreement to secure completion of the works. The application is at Planning Committee at the requests of Councillors Baker and Smith, due to concerns from local residents, and also as a result of an objection from the Parish Council.

### Public Speaking:

#### **Mr Matthew Kendrick, agent, in support**

This application is a re-submission of the previously withdrawn proposal, which raised concerns about drainage and traffic – access was via residential area of Sandy Lane. Was engaged to look at the proposal and suggest an alternative route using the A-road, and has been discussing the drainage issue with planning officers since March. There is now a tangible change in what is being proposed. The drainage scheme has an over-engineered capacity – 40% above what is required - and run-off will be drastically reduced. The 9-hole course will be well used, by juniors and beginners, providing them with a good introduction to the game. The applicant is happy to carry out an archaeological survey – which will be expensive - once it has the reassurance that other issues are OK. The officer recommendation is to refuse, but would request that the decision be deferred instead, to allow archaeological works to be undertaken.

### Member debate

**SW:** has two main concerns. The site is in the AONB; the report refers to inert material being brought in. Is concerned about what type of material this will be – crushed concrete, old brick covered with top soil? This isn't what the AONB is made of, and it will have an effect on areas outside the golf course. Would like to see material similar to what is there already. Secondly, there have been no geological studies done. Bringing in thousands of tons of material without knowing what is underneath is not advisable. A proper study should be done. The cost would not be outrageously expensive, and it would be invaluable to the application to get something of that nature done. On the question of whether the application should be deferred or refused, do the officers consider that deferral would allow the applicant time to do all that is needed?

**HM:** we don't get this type of application very often, so would appreciate some clarification on two points: firstly, there is no environmental impact assessment even though the site is bigger than the 1 hectare which she understood makes it necessary; and secondly, the NPPG calls infill of this size a 'waste development' – as this proposal seeks to re-profile the golf course, is this not a county issue and is CBC therefore the right authority to be determining it?

**PB:** is he right in thinking that if the application is refused on two specified grounds and the applicant later comes back with a new scheme, it cannot be refused on any other grounds? Can officers clarify?

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If the officer recommendation is overturned and the scheme is supported by Members, would want to see a lot of conditions applied to it – how would this be done? Would like to hear DP's professional view on whether a flood alleviation scheme could be introduced to reduce surface water run-off. The agent referred to a reduction of 40% but there is no reference to this in the officer report. Is also interested to hear officer comments about on-going maintenance of any flood alleviation scheme – who will be responsible, what will be involve, and what will be the cost?

### **MP, in response:**

- Doesn't know where the inert materials will be coming from, but understands that it will be inert soil, and soil-forming and granite-forming materials. The Environment Agency have seen the application and not raised any concern. If planning permission is granted, some type of material would need an environmental permit, and CBC would need to give permission, which it would only do if the material was appropriate;
- To SW, no geological study has been carried out, but it could be requested if Members wish;
- To HM, there is a section about the environmental impact assessment in the report at para. 6.3, which states that the proposal is defined as a Schedule 2 development – a golf course in the AONB. The local authority had to screen the proposal for significant effects on the environment. The NPPG states that very few Schedule 2 developments require an EIA, and the local authority is satisfied that one is not required in this case;
- Para 6.2 of the report deals with HM's question as to whether CBC is the right authority to be considering this application. As the predominant purpose of the application is to form a 9-hole golf course, and not to dispose of waste materials, the local authority is the correct one to determine it;
- The lack of a legal agreement, however, is a county matter;
- To PB, as the recommendation is to refuse, conditions are not suggested, but if Members decided to permit the application, would be added following discussion with the Chair and Vice-Chair;
- To PB, regarding refusal reasons, if Members refuse in line with the officer recommendation, it would be inappropriate at a later stage to introduce other reasons for refusal.

### **DP, in response:**

- The LLFA is concerned with the management of surface water, not with flood alleviation schemes;
- It has considered this development and the management of surface water it proposes. Mr Kendrick is not correct in saying that the existing run-off rate will be reduced by 40%; it is the future run-off rate that will be reduced;
- Mitigation will be required to manage any future impact of climate change over the next 100 years, and will need to attenuate sufficient volume of water to manage a 40% increase;
- If no development takes place, there will be no mitigation measures. If development takes place, there will be attenuation, and the immediate post-development situation will be kept the same.

**PB:** so this scheme will not reduce the current flow of water off the site?

### **DP, in response:**

- It will control the run-off position post development to the existing rate.

**PB:** could the scheme be improved to *reduce* the current run-off?

### **DP, in response:**

- From a practical point of view, yes it could, but the developer is not required to reduce the run-off. The primary aim of any flood alleviation scheme is to ensure that new development won't increase the flood risk. The developer is not obliged to provide measures to improve the situation over and above its current position.

**PB:** but the developer could do so?

**DP, in response:**

- Yes, but there is no expectation that they should.

**KS:** the flood issue is the biggest concern about the application – is not getting adequate levels of reassurance from the officer report. The LLFA states that provision to avoid increase in flood risk will be ‘broadly compliant’, which makes her nervous, having seen videos on YouTube in which Sandy Lane has become a river. Water runs off the hill and if the landscape is to be re-profiled, needs reassurance that the flood risk will not increase. Is it reasonable to add this to add this as a condition relating to the refusal reasons, to show that Members were concerned about flooding, which could get worse? Professional advice is that it could be managed, but doesn’t understand what the measures will be to achieve this. Doesn’t want to turn the application down on these grounds if the experts say it will be OK, but needs to understand how it will work.

**BF:** is pleased that the applicant has agreed to an archaeological survey of the site, and envisages other information regarding the site’s history coming to light; the Romans lived in a settlement in this area – a grave was found there in 1939. Although this site is officially part of the AONB, a lot of so-called land around Cheltenham is in fact man-made, and this is too. Is on Planning Committee of Gloucestershire County Council, which gives permission to remove large quantities of gravel and stone from the AONB. These are working areas, farming areas, which only changed their status in the last 100 years. It is important to know if any archaeological remains are to be found on this site before 4.5m of material is placed on top – it should be mapped for history. Agrees with both the refusal reasons put forward by officers; Members should go with their recommendation.

**AL:** for clarification of the flood issue: if the application goes forward, the situation won’t get worse; if the application doesn’t go forward, the position re flooding is likely to deteriorate over the next 100 years? Can this be explained further?

**HM:** has two further concerns. Firstly, is this proposal a major development? Planning says no, Cotswold Conservation Board says yes. Secondly, the transport plan states that inert material will be brought to the site down Charlton Hill; this is falling away and in a bad state, particularly for vehicles travelling down the hill; 31 lorries a day up and down the hill will have a negative impact here. Has emailed the highways officer for his views on this but had no reply to date. Is very concerned about the state of the road.

**PB:** is obviously not anti-sport, and has sympathy with the chairmen of sports clubs trying to raise money, and knows that golf clubs in particular are going through a tough time and need to increase their revenue. Supports the principle behind this scheme; the club has been going for 94 years and is a significant part of the town’s sports heritage. Also congratulates the club for withdrawing the previous scheme and coming back with something more reasonable. However, has to represent the residents of Charlton Park, who are concerned about flood risk, not for the next 100 years but for the next 10-15 years. There was significant flooding in June this year, and the issue remains a significant one. This scheme doesn’t do what it should – it misses the opportunity to make things better for local residents right now. The revenue raised from the scheme will mean £500k to the golf club – how much of that is likely to be spent on flood alleviation? This is a significant opportunity for the golf club to benefit the community and deliver a scheme which actually reduces the water flow off the site.

The Local Plan policy UI2 requires new development to ‘reduce quantities or rate of surface water run-off’. That rule should be applied to this application to address residents’ worries. It is a huge opportunity to support the local community - it has suffered from horrendous flooding which is only likely to get worse. The LLFA has provided its expert opinion, but experts are sometimes right and sometimes wrong. There is so much information in the report from people who know we shouldn’t accept the flood scheme as it is presented – clever, articulate arguments. As ward councillors, wants more detail: what materials will be used, what are the implications? Unlike the Southfield scheme on

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the land adjacent, this isn't a scheme to to help prevent the golf club from flooding - it is allowing someone to drop 100k tonnes of material in the AONB with no end product, and should be refused . And how serious is the golf club about this scheme? If he were involved, would be waxing lyrical about the benefit to the town, its young people etc. Not one member of the golf club has written in support of the scheme; there has been no mention of its benefits. It is being proposed to bring £500k revenue – end of story. A better scheme is needed. This should be refused, noting that the big issue for local residents is the risk of further flooding.

**CH:** would like advice. The agent has said the applicant will be happy with a deferral to allow for an archaeological dig to take place; what are the consequences of deferral over refusal? If the application is refused, we have got to be clear about the grounds for refusal. Deferral will allow the applicant to do further work. If this is the outcome, the applicant should also be more explicit about the benefits to youngsters and sport in the town, and about how water run-off will be reduced. They need to explore that controls of inert materials may be possible. Clay? What sorts of controls would the golf club have over what type of inert materials come in? Could this be conditioned or an informative? It might make a difference regarding water attenuation. A geological survey is OK if the purpose is clear, but whether it will inform us of anything is dubious.

As an aside, we're concerned about the amount of land needed for house-building for the JCS etc, but if each local authority lost one golf course the problem would solve the problem round the country.

**MP, in response:**

- To HM, regarding major development in the AONB, this is covered in the report, and the view taken is that this proposal does not constitute a major development in the AONB. Is there any particular point of this that HM would like clarified?

**HM:** the Cotswold Conservation Board says different.

**MJC, in response:**

- There is no definition of what is major and what not – each proposal has to be considered on its own merits. In considering the impact on the AONB, the Cotswold Conservation Board has someone whose remit and overriding purpose is to look after the AONB. CBC's own landscape architect is not making comments in that regard. Both say that in the long term there will be no impact on the AONB, and it is therefore not considered to be a major development. It will be busy for 18 months, but ultimately there will be no perceivable difference.

**MP, in response:**

- To HM's question about the Charlton Hill, highways officers have provided detailed responses and asked that all traffic approaches from the south. They have looked at likely trip generation and don't feel that the impact will be significant. They are aware that heavy goods vehicles will be engaged in the work but have raised no objections;
- To PB, a lot of his questions need to be answered by DP, but with regard to Local Plan Policy UI2, as set out in the report, this seeks to prevent the development of increased run-off. There is a difference in policy between development and re-development.

**PB:** is this proposal development or re-development?

**MP, in response:**

- Officers have looked at it as development.

**PB:** the NPPF Paragraph 100 states that new development should reduce the impact of flooding.

**DP, in response:**



- Regarding water run-off, must stress the point that his role is to ensure that any development doesn't increase the flood risk. Is satisfied that this scheme won't;
- LLFA officers consider the proposal is 'broadly compliant' – this is based on calculations of existing run-off, calculations of post-development run-off, and assessment of the catchment. The swale at the bottom will act as an attenuation basin of sufficient scale and defined capacity to attenuate surface water. These key considerations have all been addressed, and details such as the indicative route for channels from the attenuation basin to existing water course are still to be provided will be addressed in conditions;
- Regarding the detail of the engineering design – actual outputs are all identical, agreed, and officers are satisfied the proposal will not increase the flood risk;
- inert fill will be used, as officers do not know what the drainage capacity of those materials will be, they have considered the existing site with its moderate drainage capacity and also a worst case scenario; they are satisfied that there will be sufficient capacity to deal with increased rainfall in the future;
- the application has fully met requirements, and is 'broadly compliant' though detail is still needed. Regarding performance, all key considerations have been met.

### **MJC, in response:**

- CH asked about the consequences of deferral over refusal. The officer recommendation is to refuse on two grounds; the applicant has suggested a deferral to allow time for an archaeological survey, in the hope that this will secure planning permission – but officers are not hearing from debate that that will happen. If Members are uncomfortable about the flooding issue, they can vote to add it as an additional refusal reason. This isn't what the applicant wants to happen, but if it does, more work will be needed;
- Regarding the inert materials and where they come from, all matters are covered by an environmental permit provided by the Environment Agency. For Members' comfort, we could say we want to know what these are, as well as the EA; must be led by the EA here;
- On the flooding issue, and whether this scheme is development or re-development: this is development under Policy UI2 – and must therefore seek to avoid increasing the run-off rate;
- When brownfield land is redeveloped, the concept is that run-off should be equal to greenfield land; here we have a greenfield site, attenuating to certain level, and have to ensure it won't be any worse, post development;
- If the application is refused on flood grounds, this is dangerous territory; the LLFA has considered the proposal – it scrutinises drainage issues on major applications now, rather than the local authority. Its advice is helpful, stating that the application ticks all the boxes. It states that there is still some work to do but this is a standard approach;
- Any outstanding issues would be covered by conditions, and these would not be discharged until DP and his team are happy;
- If the application is refused, CBC will be going against its professional advice. As Members know, this is likely to mean that costs would be incurred at an Appeal, and the reasonableness of the decision would be questioned; DP has given sensible advice and Members should take it.

**GB:** three Members are wanting to speak. This is an important subject and a good debate, but would ask Members only speak if they wish to add something new, not to repeat what has already been said.

**KS:** with reference to HM's comments on the condition of the main road, it's a good thing that the inert material won't be brought to the site via Sandy Lane. It is worrying that Highways officers have no objection to the proposed route. There is subsidence in the area – a lot of movement over a long period of time. We need specific comments from Highways officers regarding the condition of the road, not about road safety. Could we make it a condition that if the condition of the road gets significantly worse as a result of traffic associated with this development, the applicant will have to pay the bill for its repair?

**PB:** disagrees with officers - this proposal is *redevelopment* not development. That is the whole point, and why it should be used to make the flood risk better. Why does the NPPF say what it says? Would like this to be added as a refusal reason.

**CH:** to MJC's earlier response about the Environment Agency - what exactly will the EA look at? If inert material is to be used, will be be inert or not? This is important in relation to the drainage qualities of material. If CBC looks at it, officers and Members can be satisfied with the findings, but outside professional advice is different. Can we be sure that the proposal complies with SUDS for development, and will make the drainage situation better than it has been? There is a difference here, and still an argument as to whether this scheme should be classed as new development or redevelopment? CBC should look at it as well – this should be a condition

**DP, in response:**

- SUDS is very pertinent here – scheme will provide for attenuating excess water that runs off development, including increased rainfall due to climate change. In doing so, it will reduce flood risk in future, and provide resilience against climate change;
- It will make the situation better and provide betterment over a lifetime. A key principle of sustainable drainage is that it has to be sustainable through climate change.

**AL:** regarding refusal or deferral, if the application is refused for the two reasons suggested by officers, these will be the only refusal reasons we can use in the future. If the application is deferred, does that also restrict the grounds for refusal at a later date? If so, the applicant will presumably be hoping for a refusal as the flood attenuation issue would then be resolved – only the archaeological survey and S106 agreement would be required for a resubmitted application to stand a good chance of being permitted.

**HM:** agrees with AL. We should defer to give the application the opportunity to address the refusal reasons, and give Highways officers the opportunity to discuss the state of the road with Amey.

**SW:** is still concerned that a geological study should be done. Officers will say that the applicant's agent is here and has heard the debate and concerns raised by Members. Would like a condition that it be done by the next time the application comes forward – the cost should not be too great. Without knowing what is underneath the site, considers any proposal here a non-goer.

**MJC, in response:**

- Officers have recommended refusal on two grounds – lack of an archaeological study and lack of a legal agreement. The possibility of deferral has been brought up by the applicant; PB has moved to refuse on flooding issue as well as the reasons put forward by officers;
- If the proposal is deferred without bottoming out the flood issue, this will be a big risk. The applicant is looking for Members to be OK with all issues before doing the archaeological survey;
- PB has moved to refuse on the flood issue; Members therefore need to vote on officer recommendation first, then vote on PB's move to refuse on flood grounds; then vote on the move to defer. NJ will guide Members further.

**KS:** thought the process was to take the vote on deferral before the vote on the motion.

**GB:** a deferral won't resolve the flooding issue. Need to vote on whether to add this to the officer recommendation.

**NJ, in response:**

- From a legal point of view, cannot support the flood issue as a refusal reason. Members have received expert advice from the LLFA, and it could be seen as unreasonable to use the flood

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issue as a reason to refuse the application, given that expert advice.. It may also have costs implications at any subsequent appeal if perceived as unreasonable.

**GB:** are Members happy to vote now? This is a serious matter and they have had a good discussion.

### **Vote on adding flood issues to the refusal reasons proposed by officers**

4 in support

6 in objection

2 abstentions

**NOT CARRIED**

**PT:** are we going to ask for a geological survey as well as an archaeological one?

**GB:** we can add this as another refusal reason.

### **Vote on adding requirement for geological survey to refusal reasons**

3 in support

6 in objection

3 abstentions

**NOT CARRIED**

### **Vote on officer recommendation to refuse on two grounds: archaeological study and S106 agreement**

9 in support

2 in objection

1 abstention

**REFUSE**

**CH:** as an aside, suggested that, in view of issues raised today, Members would benefit from some training hydrology, flood alleviation etc. They need to be better informed to achieve better understanding of the issues.

**MJC:** confirmed that this will be part of next year's training schedule.

**Councillor Savage left the Chamber before the beginning of the next agenda item**

Application Number: **16/01577/FUL**

Location: **83 Hewlett Road, Cheltenham**

Proposal: **Alterations and extensions to the building and conversion to provide 7 additional flats and ground floor retail unit**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **29** Update Report: i. **Officer comments circulated by email on Tuesday evening**  
ii. **Memorandum of understanding between the Fairview Community Association and the developer**



**EP** introduced the application as above, reminding Members that an application for 10 flats was refused earlier this year, on the grounds of over-development and loss of community asset. Since then, the applicant has had discussions with the Fairview Community Association and reached a good compromise in this application, in line with policy requirements as outlined in the report. The officer recommendation is therefore to permit.

### **Public Speaking:**

#### **Mr Colin Ballard, of Fairview Community Association, in support**

Speaks as a representation of FCA, a growing group of local people who believe that national and local government policy give people a say in shaping their local environment. The previous application was refused in February due to the loss of a valued local asset – the pub and associated function room – which would be detrimental to the Fairview Community. The FCA has subsequently worked with the developer to develop this space, which now includes a community facility. During this time a Special Interest Group has emerged, independent of the FCA, with several proposals to use the space based on what the local community wants and can deliver. The group is still working on its business plans, but initial ideas indicated that the community space will be part retail, part food, with an area for classes and a working hub. The group needs stipulation that the space is for the local community rather than solely private or commercial activity, and has agreed a Memorandum of Understanding with the developer to demonstrate both parties' commitment to this collaboration. The delivery of a community facility is still at an early stage, but Members should consider these very positive achievements since February. If the Special Interest Group is unable to proceed for any reason, the FCA will want the space to continue as a community facility and would work with appropriate partners to achieve this. Consequently, the FCA supports this proposal.

#### **Councillor Jordan, ward councillor**

Attended Planning Committee in February and addressed Members with a number of concerns about the previous application on this site, primarily the loss of the pub as a community space, in an area where very few such spaces exist; and secondly concerns about parking. The building is empty and deteriorating and needs to be brought back into use. Parking remains an issue for many residents, made worse by the County Council's parking schemes in Pittville – he is assured that the County will look at this again in the new year. The biggest issue, however, is the community space, and the developer has taken a responsible attitude towards this. The FCA has carried out detailed survey work and established the need for a community space in this part of town and this is an opportunity to achieve it; a separate group is looking to establish a community interest company, and everything is moving in a positive direction. It is still early days, but granting of planning permission will move things forward. There are no objections to the flats themselves from local residents; the bigger and wider issue – parking – is on-going, and shouldn't be allowed to block this otherwise good proposal. Thanks to the owner for taking the establishment of ground floor community space on board. No planning permission is perfect, but is happy to support this one.

### **Member debate:**

**CH:** at the risk of sounding churlish, would have preferred the building to remain a public house, but realises this is not going to happen. What has come out of this negotiation is very useful, with the shared retail/community space for FCA or the Special Interest Group to use. The outcome is very interesting and a similar process should be followed elsewhere in town where similar issues may arise – a good model of what can be done when communities and developers work together. Parking is clearly still an issue, and although the number of flats has been reduced, there will still be nine new residential dwellings here which will require parking space. Councillor Jordan has stated that the County Council is going to look at parking schemes; suggests that the public house would have had a loading/no parking area outside – will this still be needed. Notwithstanding, this is a really good outcome. The space will be well used. Is fully in support.

**KS:** there are no conditions attached regarding the use of the community space. if the Special Interest Group doesn't work, will the space be used solely for commercial purposes? This is a worry.

**EP, in response:**

- The use class for the ground floor will be A1 retail, and we cannot control the end user. However, negotiations have resulted in the Memorandum of Understanding, included in today's update. If community use of the space doesn't progress, it will still have A1 use, and an alternative retailer will be able to use the space.

**HM:** in consequence of this, can an informative be added, stating that any future owner will welcome community use of the ground floor space?

**EP, in response:**

- Yes, it can.

**Vote on officer recommendation to permit**

11 in support - unanimous

**PERMIT**

Application Number: **16/01756/CONDIT**  
Location: **Travis Perkins Brook Road Cheltenham**

**DEFERRED**

Application Number: **16/01794/FUL**  
Location: **1 Sandford Court, Humphris Place, Cheltenham**  
Proposal: **Erection of two trellis fence panels adjacent to patio (retrospective)**  
View:  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **31** Update Report: **None**

**GD** introduced the application as above, for the retention of two fence panels in these communal gardens. It is at committee at the request of Councillor Sudbury in view of a number of objections from neighbours.

**Public Speaking:**

**Mr Eddie Vickers, Thirlestaine Steering Group, in objection**

Thanked Members for listening to the views of the great number of responsible owners who adhere to the leasehold and estate regulations and consequently object to this application. Thirlestaine is a historic site, and its character and heritage should be maintained to a high degree as such, with any additions complementing the environment. These should avoid unacceptable intrusion of the open spaces at ground level and loss of visual amenity which form an integral part of the development. The fence panels reduce the intended design view and effectively close down the common garden area, creating an area for the private use of 1 Sandford Court, giving the impression of being exclusive and restricted. Planning officers may consider that the trellis fencing doesn't impinge significantly on the open space, but owners are concerned that permission for this fencing will give a signal to other

residents to erect similar fencing or structures which will impede access and encroach on the common open space. The officer report considers whether this is a test case with regard to Estate Regulations, with wide repercussions in the future, though this is not a planning issue. Residents therefore ask the Council to consider its duty of care to other owners by turning down this retrospective planning application. Any structures within the curtilage of the Grade II listed building has to have planning permission, but these fence panels have been erected without regard to this, giving the impression of a private and exclusive garden, deterring people from entering and enjoying the open spaces.

**Mr Jonathan Porter, agent, in support**

Speaking on behalf of the applicant, apologises for the retrospective nature of this application – the owner did not realise that planning permission was required, and is grateful for the opportunity to rectify this honest mistake. The officer report sets out the case well. Berkeley Homes gave permission for the fencing, and the estate managers have approved them. The fencing is a trellis between two patios, and takes the place of a hedge which could have grown to a similar height. It provides privacy in the short term. It is in a discreet corner of the garden and doesn't detract from the garden as a whole or impede movement. The officer report states that it is difficult to quantify the level of loss or any significant harm to the neighbouring residents. Supports the officer recommendation. Regarding the concern about precedent, any future proposals would need planning permission and each would be judged on its own merits.

**Member debate:**

**PB:** is sad that this application for a piece of trellis fencing has had to come to Planning Committee. The landowners and management committee have given their agreement. This isn't a planning matter. Supports the officer recommendation.

**BF:** saw this on Planning View; the only reason why planning permission is required is because the site is within the curtilage of a listed building. The photo shows gates big enough to get a mower through. It is ridiculous that Planning Committee is being asked to make a decision on private property with its own management scheme, in a private residential enclave. It is a decision for the management committee and the people who live there.

**KS:** this might seem straightforward at first glance, but there is some background to consider. These dwellings share a communal area which has sparked a lot of controversy from residents of the block. The fencing and gate has provided an entirely different communal space to what they were originally expecting to have. These are very important issues for planning – the communal use of an area, how it looks on site for those who live there. The rest of the communal area is shared. This should be refused on Local Plan policies CP4 and CP7, due to the impact on the look of the communal area and the effect on the occupier of the other flats who cannot use this part of the garden. The gardens are for everybody, and this is a fundamental flaw in the original application. The issue isn't the listed building but about how to create communities which can live successfully together. Everyone is paying maintenance for the communal gardens, but one resident has fenced off part of it and other residents cannot therefore use it. This is a high density, high quality development, and shouldn't have communal areas as an afterthought. It is not clearly defined. If private patios are to be allowed, this should be established at the outset; later additions aren't helpful in fostering communal gardens. The application should be refused.

**PT:** what about the fence and gates to the side? Are they included in this application or a separate issue?

**GD, in response:**

- The gates are part of the original development. The application is for the trellis fence only.

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**DS:** there appears to be a dichotomy here: the gardens are communal yet the paved areas are for the sole use of those whose doors open on to them? Considers the trellis to be acceptable, screening the applicant's patio from the one next door, and the issue should be sorted out by the management. Will vote with the officer recommendation.

**SW:** has sympathy with the views put forward by KS, and would like to see this garden as fully open plan, but is it within the Planning Committee's gift to say this?

**BF:** we are determining this application simply because it falls within the curtilage of a listed building., yet the gates are fairly recent, not part of the original application, and there was no planning application for them.

**GD, in response:**

- The gates were part of the original development in 2012. The fencing needs planning permission because it is within the curtilage of a listed building. Any future changes will also need planning permission for the same reason.

**MJC, in response:**

- Regulations say that any means of enclosure within the curtilage of a listed building needs planning permission. The trellis fence falls into this category. The access gates are part of the original application;
- Members are being asked to consider whether the gates are appropriate and what their impact will be.

**GB:** KS has proposed refusal on Policies CP4 and CP7, due to harm to the open space and harm to the amenity and quality of life of other residents. Will vote on officer recommendation first.

**Vote on officer recommendation to permit**

8 in support

2 in objection

1 abstention

**PERMIT**

**CH:** we should learn from this when considering applications in the future. The application was for communal gardens, with appropriate landscaping, and an application such as this will always be viewed as 'spoiling' the communal aspect of the garden. This is an important point. Patios are generally private, but these are difficult to close off. Developers should bear this in mind.

**KS:** agrees. It should be at the forefront and made quite clear when developers are selling plots.

**Councillors McCloskey and Lillywhite left the Chamber before the beginning of the following agenda item**

Application Number:	<b>16/01909/FUL</b>
Location:	<b>53 Beeches Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Single storey side and rear extension - (Revised Scheme - part retrospective)</b>
View:	
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**CS** introduced the application as above. The property is a semi-detached bungalow, and the proposed works as given. Works have already started on the previous proposal; the current application will have the same footprint as the previous. The application is at Planning Committee at the request of Councillor McCloskey and because the Parish Council has objected.

### **Public Speaking:**

#### **Mr Robert Banbury, neighbour, in objection**

Owns the two properties next door to the application site, and is objecting because the part-built extension will look ugly, overbearing and out of scale; it uses inappropriate materials and will spoil the street scene. There is no need for it, as the property benefits from a valid permission granted in 2015. Did not object to that scheme, which had a pitched roof and matching brickwork. Beeches Road is a well-maintained and desirable place to live, with many extensions in keeping with the look of the street. Conditions were attached to the previous application to ensure that this extension would also do so, but several of these conditions have been ignored, with concrete blockwork used and a flat roof built as if permission for these had been granted. The applicants have continued with this regardless, because it is cheaper. If they had changed their plans and resubmitted new drawings before starting the work, it could all have been done legitimately, but instead the process has been undermined, and the applicant has assumed this violation will be fixed with a retrospective planning permission. This is not how planning permissions should work, seeking to legitimise unauthorised work. This extension will be out of keeping with Beeches Road, and therefore respectfully requests that it be refused.

### **Member debate:**

**PB:** has huge sympathy with the view put forward by the speaker, but there are no planning grounds on which this application can be refused.

**BF:** went on Planning View and saw the work done so far; the applicant has obviously decided to proceed at his own risk, which could be seen as foolish. Feels that a pitched roof extension on a bungalow can be overbearing and a flat roof sometimes looks better – less of a mass of tiles. The render may be overdone, but is good for insulation and more easily maintained. The extension is of its time – a 21<sup>st</sup> century extension. Will support the officer recommendation.

### **Vote on officer recommendation to permit**

9 in support – unanimous

**PERMIT**

Application Number:	<b>16/02012/FUL and LBC</b>
Location:	<b>Lypiatt Lodge, Lypiatt Road, Cheltenham</b>
Proposal:	<b>16/02012/FUL: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme following refusal of planning permission ref. 16/00499/FUL)</b> <b>16/02012/LBC: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme following refusal of listed building consent ref. 16/00499/LBC)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit / Grant</b>
Committee Decision:	<b>Permit / Grant</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**MP** introduced the application as above, a Grade II listed building in a conservation area. Planning permission and listed building consent was refused by Members in July, following a previous deferral for further negotiations. Officers are satisfied that all Members' concerns have been met in this new

## Page 18

application, and have brought the application to Committee at their own discretion to allow Members to vote on it.

### **Public Speaking:**

None.

### **Member debate:**

**BF:** is glad the previous application was refused – this is a lot better. The Romeo and Juliet balcony has gone, as has the conservatory half way up the house. All credit must go to officers who have worked hard to get something more acceptable.

**GB:** it is appropriate to acknowledge the officers' professionalism on advice given in good faith. Members' concerns have resulted in the right outcome.

**CH:** doesn't necessarily agree. The previous application had more to offer residents.

**GB:** this application is a compromise which suits everyone.

**DS:** asked on Tuesday at Planning View about the glazing bars on the windows. Are the diagrams as they will be? They looked modern – more than four bars per window

### **MP, in response:**

- The plans are as shown on the Planning View bus – the proposal has not changed.

**DS:** had asked previously that the windows be changed.

### **MP, in response:**

- Only one window has not changed – the casement. More appropriate windows have been secured in some but not all cases.

### **Vote on officer recommendation to permit**

11 in support – unanimous

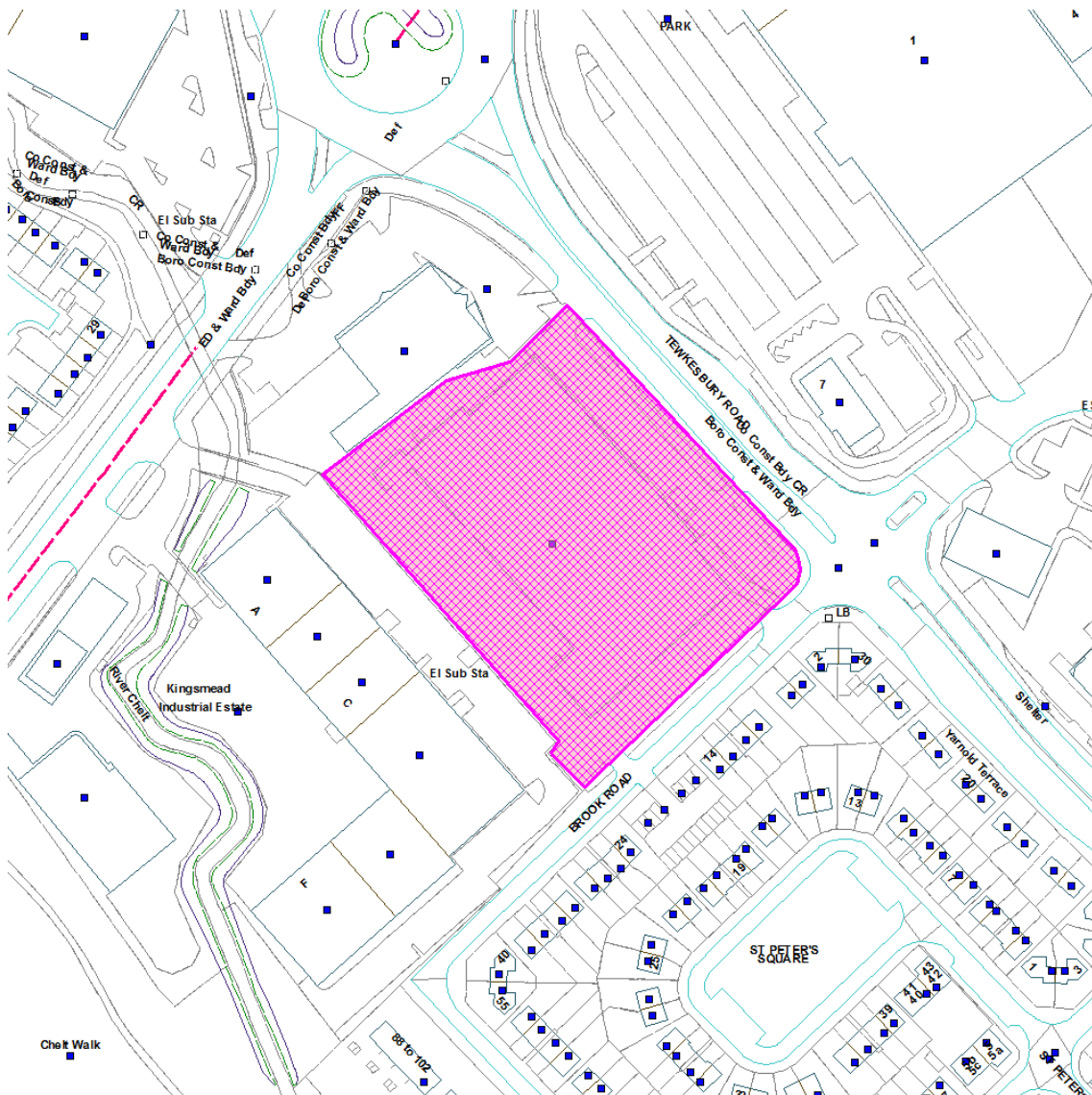
**PERMIT**

*The meeting ended at 8.10pm.*



<b>APPLICATION NO:</b> 16/01756/CONDIT	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 7th October 2016	<b>DATE OF EXPIRY:</b> 2nd December 2016
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited
<b>AGENT:</b>	Quod
<b>LOCATION:</b>	Travis Perkins, Brook Road, Cheltenham
<b>PROPOSAL:</b>	Variation of Conditions 11 (Servicing Hours) and 13 (Trading Hours) of 16/01446/CONDIT to allow extended opening hours (revised hours proposed - see revised covering letter)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a recently opened Travis Perkins Builders Merchants located on the junction of Tewkesbury Road and Brook Road.

1.2 Planning permission is sought to vary conditions 11 and 13 of the existing consent which currently read:

- Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend.

Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living

- The builders merchants use hereby permitted shall not be open to customers outside the hours of 0700 to 1730 on Mondays to Fridays inclusive; 0800 to 1200 midday on Saturdays and at no time on Sundays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

1.3 It is proposed to vary these conditions to the following wording:

- **Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.**

**Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.**

- **The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.**

**Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.**

1.4 The application has been amended during its consideration in order to reduce the additional hours proposed for deliveries and trading. The hours originally sought were:

Deliveries: Mondays to Fridays inclusive and 07:00 to 17:30 on Saturdays and Sundays.

Trading: 07:00 to 17:30 Mondays to Sunday (i.e. all week).

1.5 The application is being determined by planning committee at the request of Cllr Willingham who states:

*'Having looked at the site, the issue would seem to predominantly be the loss of amenity suffered by residents of Brook Road due to the increase in traffic on Saturday afternoons, Sundays and Bank Holidays.*

*Given the residential nature of the area, it is common for children to be seen playing in the street during the weekend. The road safety implications of permitting HGV deliveries during weekends does not seem to have been adequately considered and,*



*notwithstanding the noise report, HGVs are inherently noisy both in themselves and due to the vibration they cause, and residents deserve relief from this during the weekend.'*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

None

### Relevant Planning History:

**11/01487/DEMCON 12th January 2012 NPRIOR**

Existing building to be demolished

**13/00111/FUL 4th July 2013 PER**

Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works

**15/02197/DISCON 26th February 2016 DISCHA**

Discharge of conditions 7 (full engineering details of vehicular accesses), 16 (surface water drainage system) on planning permission ref: 13/00111/FUL

**16/00143/DISCON 24th February 2016 DISCHA**

Discharge of Conditions 4, 8, 9, 10, 13 of Planning Permission 13/00111/FUL, Erection of builders' merchant's (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works.

**16/00242/DISCON 13th April 2016 DISCHA**

Discharge of condition 15 (site investigation report) on planning permission ref: 13/00111/FUL

**16/00462/DISCON 13th April 2016 DISCHA**

Discharge of condition 3 of planning permission 13/00111/FUL - materials

**16/01261/ADV 25th August 2016 GRANT**

Various warehouse signs

**16/01375/DISCON 25th August 2016 DISCHA**

Discharge of condition 18 on planning permission 13/00111/FUL - on site signage details

**16/01446/CONDIT 5th October 2016 PER**

Variation of conditions 2 and 6 of planning permission 13/00111/FUL - changes to elevations including additional roller shutter doors and glazed doors, internal alterations and reconfiguration of parking areas and road layout

**16/01814/TPO 10th October 2016 PER**

T1 - Maple - fell due to condition replace with 3 No Ginkgo, T3 - Maple -canopy lift to 4m above footpath level, T4 - Maple - remove deadwood and reduce canopy height by 3.5m and monitor, T5 - Maple - lift canopy to 4.0m by the removal of the 4 lower branches and deadwood removal, T6 - Maple - lift canopy by the removal of the 3 lower branches and deadwood removal, T7 - Maple, remove deadwood

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living

RT 7 Retail development in out of centre locations

TP 3 Servicing of shopping facilities

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Environmental Health**

*1st November 2016*

In the current form I must recommend refusal of this application to change the delivery hours and opening hours of Travis Perkins at Brook Road.

The hours currently granted in the existing consent were recommend to prevent nearby residents from being affected by noise from heavy vehicles delivering to and from the premises. I see no information in this application which suggests a way to mitigate the effect of these activities. I note from the application that the firm proposes to allow trading on Sunday morning from 7AM, however it may be worth noting that the council currently recommends that building works are only carried out from 7:30 - 18:00 Monday - Friday and 8:00 -13:00 Saturdays, with no noisy work on Sundays or Bank Holidays.

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Further to the receipt of the revised proposed hours as outlined above the Environmental Health Officer confirmed that there are no objections to the revised proposal.

#### **GCC Highways Planning Liaison Officer**

*10th January 2017*

This application is for variation of condition 11 of permission 16/01446/CONDIT to allow extended opening hours on Saturday from 8am - 12pm to 8am - 17:30pm and Sunday from 10am - 18:00pm for trading and on Saturday. The application is also for the variation of Condition 13 to allow extended delivery hours from Monday - Friday to Monday - Friday and 9am - 5pm Saturdays and Sundays. This condition on the site was sought for the amenity of neighbouring residents and not on highway grounds. Planning Authority comments that Sunday opening hours restrict trade to 8 hours are noted limiting change in proposed opening hours.

There were no previous opening hour restrictions on the previous B2 site use to prevent opening and trading on weekends and associated trips and the existing permission allows opening on Saturday from 8am - 12pm. No evidence has been provided to illustrate the previous B2 use on the site was open on weekends although B2 industrial uses are generally open during weekdays not weekends, and there are no similar sites with weekend surveys available on the TRICS database. In addition as the permission with the current conditional opening hours for the Travis Perkins has become operational the B2 permission and unrestricted opening hours no longer apply.

The agent has provided survey information of associated two-way trips from a comparable existing Travis Perkins site in Maldon with peak daily and hourly trips to the site, which is open on the same hours as the permitted application site during the week and Saturday morning. This survey data illustrates a lower amount of vehicle trips on the weekend than weekdays during the same opening hours. This indicates a lower amount of potential daily

and average hourly trips if opening hours are extended as proposed throughout the weekend days than weekdays and highway impact.

In addition the information only illustrates 4 HGV delivery movements a day related therefore it is accepted this will have a negligible impact if delivery hours are extended to include Saturdays and Sundays.

There have been no recorded collisions at the site accesses or at the adjacent Brook Road junction with Tewkesbury Road on the collision database in the past 5 years.

Further evidence on the estimated trips generated by the permitted use being open for the proposed additional PM hours on Saturdays and AM and PM hours on Sundays provided by agent has provided TRICS based figures of other actual surveyed builders yards sites. Showing Saturday daily trips rates of 322 two-way trips as well as 48 AM peak hour trips during site 9am-10am within the currently permitted opening hours. Then 208 daily trips on Sundays with 27 PM peak hour trips again between 9am-10am 12pm and 1pm. This information illustrates on Saturday a peak hour for trips for sites being between 9am-10am whereas the network peak when the network peak it typically in the afternoon and therefore occurring within current opening hours. This information again illustrates Sunday peak hours of traffic before the network typical network peak when there is less daily traffic than any other day of the week.

Therefore in conclusion it is not considered the extending opening hours will detrimentally impact the safe operation of the highway network and I recommend no highway objection.

### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>20</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

The application was publicised by way of letters to 20 neighbours and a site notice. The neighbours were re-consulted upon the amendment to the proposal. Objections have been received from 6 addresses.

The issues raised can be briefly summarised as follows:

- Increased noise and disturbance
- Increased pollution
- Parking problems

- Increased rat-running
- TP were happy to build knowing the restrictions – they should stick to them
- Question accuracy of noise assessment
- Would be difficult to change back if there were an issue
- Why are longer opening hours required than TP had at the Gloucester Road site?

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

The key issues in determining this application are considered to be the impact on neighbouring property and any highway implications.

### **6.2 The site and its context**

The site is a recently constructed builders merchant on the site of a former factory, Bonella Works. It is surrounded by industrial development on all sides other than the south eastern edge of the site which is bound by Brook Road which is residential on its south eastern side.

The main access to the site is via Brook Road with a secondary HGV only exit onto Tewkesbury Road.

### **6.3 Impact on neighbouring property**

The main issue here is the additional hours of deliveries and trading which are being proposed and the potential impact these may have on neighbouring properties.

The approved opening and servicing hours were those sought through the original application. It is understood that at that time the applicant sought to simply replicate those hours which were in place in the Gloucester Road site. There was no detailed discussion or negotiation upon the opening and servicing hours at the time of the original application. There has now been a review by Travis Perkins management as to how the new store will operate which has given rise to this request.

To repeat, the additional hours for deliveries requested are 09:00 – 17:00 Saturday and Sunday. The additional hours for trading requested are 12:00 – 17:30 on Saturdays (they already trade between 08:00 and 12:00) and 10:00 – 18:00 on Sundays. It must be pointed out that under Sunday trading laws Travis Perkins would only be permitted to trade for 6 hours within the 8 hour window sought on Sundays.

The proposed hours have been reduced in consultation with the Environmental Health Officer who confirms that there is no objection to the hours currently proposed.

Whilst the concerns of neighbours are understood, it is considered that the hours now proposed are not unreasonable given the commercial use of the site and the wider context within the Tewkesbury Road. The areas of the site closest to Brook Road are used for parking and the entrance to the site is relatively close to the junction. As such it may be that neighbours of the site experience some noise of cars entering the site and car parking, however this is unlikely to be significantly harmful to their residential amenity within the hours proposed. The site has been laid out such that HGVs and deliveries take place within the building or on the north part of the site away from neighbouring properties. Signage is in place which encourages HGVs to exit via the Tewkesbury Road exit, rather than Brook Road.

The application was accompanied by a noise report which concludes the impact of plant (over 115m away from Brook Road properties), deliveries/collections and use of the car park will be of low or negligible impact.

In the light of this evidence and no objection from the Council's Environmental Health Officer it is not considered that a recommendation for refusal could be sustained.

Therefore it is concluded that the impact on neighbouring properties is acceptable and in accordance with policy CP 4 of the Local Plan which requires that development should not cause unacceptable harm to the amenity of adjoining land users and the locality.

### **6.4 Human Rights**

As referred to within the representations, a child of a resident within Brook Road has autism and sleep related issues. It is therefore appropriate to consider the Human Rights implications of the proposal.

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

These protections have been taken into account in coming to this recommendation and efforts have been made through the negotiations upon the opening hours to reduce the potential impact upon neighbouring properties. Furthermore, as stated above, a noise report has been produced which states that volumes arising from the proposal would not be significant and Environmental Health now support the proposal.

### **6.5 Access and highway issues**

Some concerns have been raised regarding the additional vehicular movements associated with the additional hours. The Highway Authority have considered the proposal and their comments are provided above. By using data from comparable sites they can conclude that the HGV movements at the weekend are likely to be minimal and that general vehicular movements are likely to be lower at the weekend both in terms of daily trip rates and average hourly rates. They conclude that there would be no detrimental impact on the safe operation of the highway network and therefore raise no objection.

### **6.6 Other considerations**

Of relevance to the consideration of the application are the economic benefits arising from the potential additional employment and trading within the additional hours. The application is considered to be acceptable in any event, however this is considered to add weight to that conclusion. Paragraph 21 of the NPPF asks that Local Planning Authorities seek to support appropriate business sectors, adopting a flexible approach where necessary.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outline above the revised proposal is considered to be acceptable and as such it is recommended that the stated conditions are revised. As an application to vary conditions, the approval of the application essentially results in the issuing of a new consent and as such it is necessary to repeat all relevant conditions from the original consent. In this case the site is now operational and therefore the conditions have been updated accordingly.

## 8. CONDITIONS / INFORMATIVES

- 1 The cycle storage facilities approved on 2128/07 Rev F shall be retained for the duration of the development.

Reason: To ensure that adequate cycle parking is provided on-site in line with the Government's declared aims at reducing the reliance on the private motor vehicle.

- 2 The vehicular parking and turning and loading/unloading facilities shall be maintained available for those purposes for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring and loading/unloading facilities are available within the site.

- 3 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 4 Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.

Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 5 The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

## INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to

dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought amendments to the proposal in order to allow a recommendation of approval to be made.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.





<b>APPLICATION NO: 16/01756/CONDIT</b>		<b>OFFICER: Mrs Emma Pickernell</b>	
<b>DATE REGISTERED:</b> 7th October 2016		<b>DATE OF EXPIRY :</b> 2nd December 2016	
<b>WARD:</b> St Peters		<b>PARISH:</b>	
<b>APPLICANT:</b>	Travis Perkins (Properties) Limited		
<b>LOCATION:</b>	Travis Perkins, Brook Road, Cheltenham		
<b>PROPOSAL:</b>	Variation of Conditions 11 (Servicing Hours) and 13 (Trading Hours) of 16/01446/CONDIT to allow extended opening hours (revised hours proposed - see revised covering letter)		

## REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

24 Arle Avenue  
Cheltenham  
Gloucestershire  
GL51 8JR

**Comments:** 10th October 2016

I am writing on behalf of my 85 year old mother who lives opposite the new opening to the Travis Perkins site. She suffers from Parkinsons Disease as well as other health issues which makes her virtually housebound.

We already have concerns regarding noise, annoyance, pollution and future parking problems when T/P opens, especially at 7.00am.

The planning conditions imposed were to protect the residents. T/P were happy to build under those rules.

To increase operating hours by approx. 30% would be an insult to the residents in both Brook Road and Moors Avenue as traffic will be using the non traffic light entrance to Moors Avenue as a detour/shortcut to T/P to avoid the traffic lights.

It will be interesting to see how T/P manage to comply with the noise laws regarding bleeps, chimes, bells etc close to residential properties at certain times of the day according to the Gov/UK site.

**Comments:** 10th October 2016

I would also like to question how an accurate Noise Assessment could be possibly have been carried out as the site is not open yet for business.

**Comments:** 24th November 2016

As stated in my previous comments on the application for extended hours, Travis were happy to build under the condition imposed to protect the nearby residents. They are entitled to some peace and quiet. It is impossible to judge what impact they will have as they have only been

open a week. Several years are needed to assess any impact. Once extended hours are allowed, it would be difficult and probably costly to the council to reverse if problems/nuisance arose.

2 Brook Road  
Cheltenham  
Gloucestershire  
GL51 9DZ

**Comments:** 10th October 2016  
Letter attached.

14 Brook Road  
Cheltenham  
Gloucestershire  
GL51 9DZ

**Comments:** 5th October 2016

I currently live in Brook Road with my wife and 2 children. I strongly object to the proposed changes in operating hours of the Travis Perkins site opposite my house. The reasons given for limiting operational hours on the original proposal have not changed since that proposal was submitted, and read as follows.

The consent was subject to 19 conditions, with Conditions 17 and 19 of relevance as it limits the servicing and customer operational hours. Condition 17 states:

*Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend.*

The reason for the above condition is as follows:

*To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.*

Condition 19 is also of relevance and reads:

*The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive; 08:00 to 12:00 midday on Saturdays and at no time on Sundays.*

The reason for the condition is given as follows:

*To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.*

The extending opening hours of the Travis Perkins site will have a much higher impact to the residents of Brook Road and nearby properties than 'low impact' and 'minor adverse'. On a morning at 07:00 hrs you can hear everything that is happening in the site already and that is without it being a builders merchants yard, and also get woken up by the noise all the time. I urge you to look at the current Travis Perkins site and monitor the amount of noise and pollution that is coming from this site. It is far more than negligible, and this site is situated on a busy main road, and not right next to a quiet residential area. There will be lorries queueing up to access the site, engines running, reversing horns beeping, workers within the site shouting directions and orders, fork lift trucks moving about, timber, metal and other related building material being moved about

loading/unloading etc. This will be bad enough 5 days a week, and just not fair for us, as residents, to put up with it 7 days a week.

I urge the council to reject these extending opening hours and take into consideration the health and well being of current residents.

The opening times of the current site do not include Saturday afternoon or Sunday opening times, so therefore the new site should operate in the same time limits of the original proposal. It is my belief that Travis Perkins always had weekend opening and operational times in mind years ago, but did not put them forward on the original planning applications as they knew it would have a high chance of being rejected in the early stages, so have waited until the site is ready to operate before applying for these changes.

Once again, I implore you to take the residents into consideration and reject these extending opening/operational hours. The management of Travis Perkins knew they were building their new site in the middle of a quiet residential area, so it is completely unethical of them to put these proposals forward.

**Comments:** 18th November 2016

This latest application by Travis Perkins to extend operational and opening hours beyond the original Monday to Friday and Saturday mornings should be rejected. All the objections and reasons put forward by myself and other residents still stand, and nothing at all has changed from the environmental comments made urging these applications to be rejected. We already hear the noise from customers loading, reversing horns, loud voices and the general nuisance of the entrance/exit gates. There is nothing that Travis Perkins can do to make this any different.

Once again, the original conditions attached to the planning permissions given back in 2013 still stand today and should still be honoured. Once again I would like to add that Travis Perkins knew and agreed to these original plans when they applied to build right next door to residential properties, and should be honouring these original agreements and not trying to sneak extra opening/operational hours through the back door.

The original Travis Perkins site before moving to this site was only open Monday to Friday and Saturday mornings so there is no reason why they should be applying to extend the opening/operational hours now.

Please see my comments dated earlier as to the wordings of the original conditions attached to the Planning Permission to which Travis Perkins agreed too. This once again needs to be rejected and Travis Perkins should not be allowed to submit any other variations to extend opening/operational times.

16 Brook Road  
Cheltenham  
Gloucestershire  
GL51 9DZ

**Comments:** 3rd October 2016

I am a tenant in Brook Road, house number 16. I am writing about the proposal for extended working hours at the new Travis Perkins opposite my house. I have no real problem with the Saturday times they are asking for, but Sundays at 7am is a bit of a joke. and this is why.

I have a 5-year-old severely autistic son who has several problems ranging from sensory needs and lack of sleep. My son is currently attending a sleep clinic part of the NHS for this problem, he is also on a drug called melatonin which is a prescribed medication for people i.e children who cant sleep, this drug helps get my son to sleep but will not keep him asleep. He can go to sleep at 9pm and be awake by 12am and then be awake for a further 3 to 4 hours. This means my sons

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sleep is completely out of routine, meaning he misses quite a lot of special needs schooling (Bettridge).

Weekends are a real rest bite for our son for myself and my partner to catch up on our sleep especially Sunday mornings. We have already tried getting a move though Cheltenham Borough Homes because of all of the noise over the last year from building works, heavy machinery which really effects my sons sensory needs. At times he has to wear ear defenders because he cannot cope with the noise.

This is why I am rejecting the proposals for Sunday opening times. and I am sure you will be having further letters and complaints from other residents about this proposal. I would be very grateful if you were to take this letter into consideration when making a decision

Planning Department

Cheltenham Borough Council Offices,

Promenade,

Cheltenham,

Gloucestershire

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BUILT

Recd 10 OCT 2016

ENVIRONMENT

2 Brook Road

Cheltenham

Gloucestershire

6/10/2016

Ref: 16/01756/CONDIT

Dear Mrs Emma Pickering,

With regard to the application by Travis Perkins to extend the opening hour of the new site on the Tewkesbury Road.

I am aware that the company has traded from the Gloucester Road site without extending the hours into Saturday afternoon or at all on a Sunday. I wish to state that I believe the same conditions should apply to the new Tewkesbury Road site. The residents of Brook Road have endured an extremely intrusive building programme with the constant pounding of heavy excavating machinery and a constant stream of heavy lorries and delivery trucks with a level of equanimity that is both admirable and commendable. The residents endured this with the belief that eventually the noise and disturbance would cease. It is acceptable to endure the arrival and departure of lorries and the increased traffic during the working week but to be forced to contend with commercial activity at the weekend is intolerable. The added noise and congestion that the increased traffic and footfall will produce will be extremely intrusive and with the proposed increase of opening hours on a Saturday afternoon and all day Sunday would ensure no respite from this intrusion into, what is in effect, a small residential street. Young children often play in the street and the elderly residents are forced to be constantly vigilant when leaving their homes and attempting to cross the road.

Increased traffic has the potential to be a health and safety issue and could increase the levels of stress for residents leading to the possible rise of mental ill health. I recognise that the council has a responsibility to balance commercial issues but they also have a duty of care to the health of the residents.

A refusal to allow the extension of the opening hours should have a small impact on Travis Perkins clients, as most buildings and building contractors do not work on a Saturday or Sunday. If the proposed increase in hours is passed, it will have a disproportionate effect upon the local community. The pollution and noise increase may cause untold damage to the health of residents and reduce community morale.

I object as vociferously as I am able.

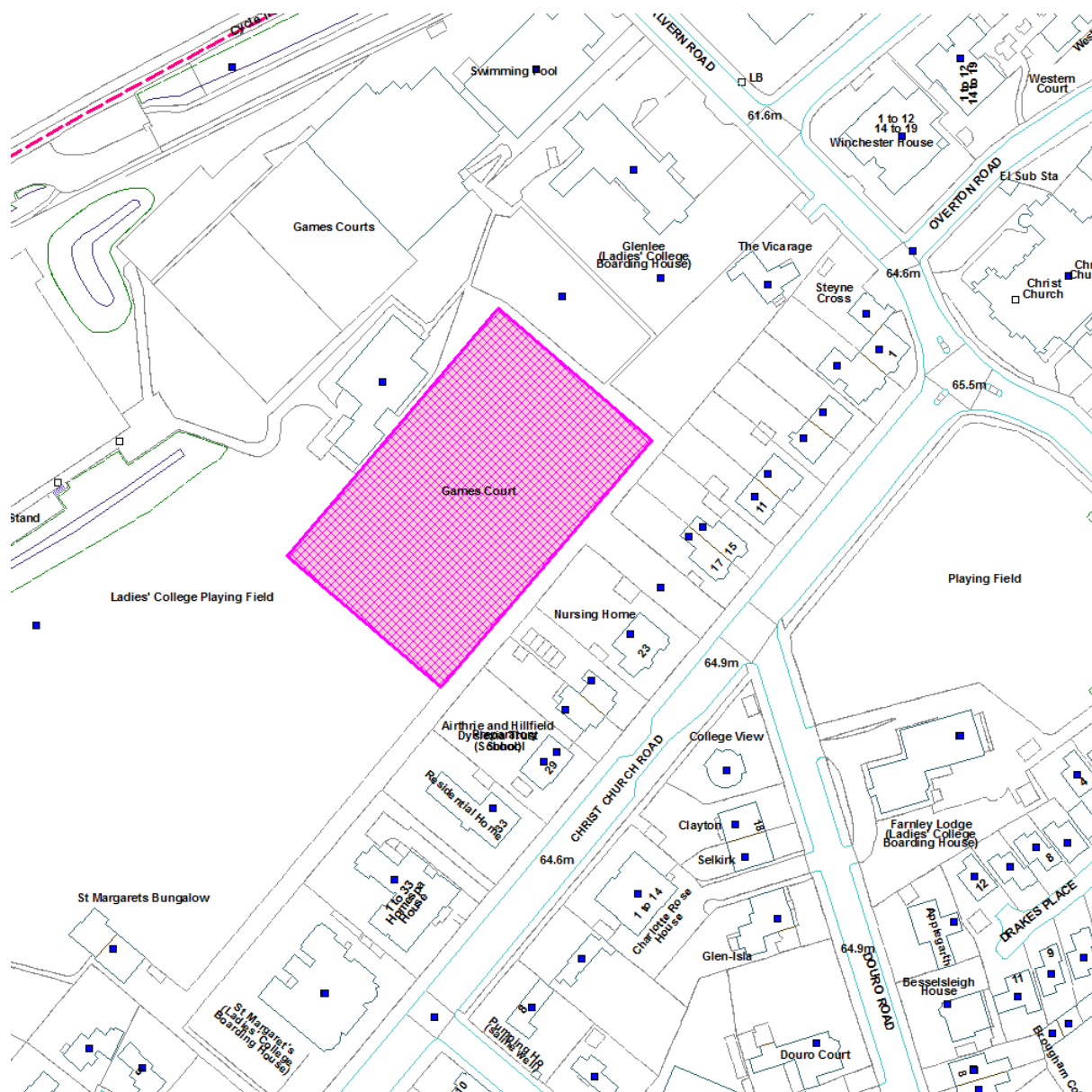
Yours Faithfully





<b>APPLICATION NO:</b> 16/01790/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 4th October 2016	<b>DATE OF EXPIRY:</b> 29th November 2016
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College
<b>AGENT:</b>	Evans Jones Ltd
<b>LOCATION:</b>	Cheltenham Ladies College, Malvern Road, Cheltenham
<b>PROPOSAL:</b>	Erection of 6no. retractable lighting columns to provide illumination of the 'old astro pitch' at Cheltenham Ladies' College Playing Field.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing astroturf hockey pitch – commonly referred to as the ‘old astro pitch’. It is located within the Cheltenham Ladies College (CLC) playing fields which adjoin the sports centre facilities which are currently being extended (approved by ref: 15/01171/FUL). The site is accessed off Malvern Road.
- 1.2 The site is within the Eldorado character area of the central conservation area. The Glenlee Boarding House and the swimming pool building which front Malvern Road are locally indexed.
- 1.3 Planning permission is sought for 6 floodlighting columns at the old astro pitch; 3 on each side of the pitch. These are a maximum of 15m high however they retract to 3.5m. Each column would support 3 lamps. The floodlight model is Abacus Challenger 1 sports floodlights. They feature flat style optics and use compact double ended 2kw metal halide lamps. They also include side and rear spill screening shields.
- 1.4 Planning application ref: 15/01171/FUL was approved by committee in November 2015. This proposal was for:

*Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.*

This application originally included 6 floodlights, however these were withdrawn from the scheme prior to the committee determination in order to allow for further work to be carried out to respond to the queries which had been raised.

- 1.5 The proposed floodlight is the same model as previously proposed with the main change being that it now retracts to 3.5m as opposed to 4.5m. However further information has been provided which has allowed for more detailed analysis and scrutiny of the proposal.
- 1.6 This application is being determined by committee at the request of Cllr Mason.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Honeybourne Line  
Smoke Control Order

### Relevant Planning History:

#### **95/00342/PF 24th June 1996 REF APPEAL**

To Provide Floodlighting To The Existing All Weather Sports Pitch

#### **96/00158/PF 21st March 1996 REF**

Provision Of Floodlighting To The Existing All Weather Sports Pitch

#### **11/01125/FUL 31st October 2011 PER**

Erection of new sports hall building to provide three indoor tennis courts and ancillary facilities, revised parking and replacement squash court building following demolition of existing squash court building



**11/01126/CAC 31st October 2011 GRANT**

Demolition of existing squash court building

**15/01171/FUL 20th November 2015 PER**

Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.

**16/00433/DISCON 20th April 2016 DISCHA**

Discharge of conditions 6 (landscaping scheme) and 10 (surface water drainage) of Planning Permission 15/01171/FUL, Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.

**16/01561/DISCON 20th September 2016 DISCHA**

Discharge of condition 6 (landscaping specification) on planning permission ref. 15/01171/FUL

**16/01562/CONDIT 24th November 2016 PER**

Variation of conditions 2 - substitution of revised plans showing omission of 3 no parking spaces, 5 - omitted to allow retention of building and garage previously approved for demolition (attached/adjacent to Glenlee), 8 - amended to omit reference to "covered cycle storage" on planning permission ref. 15/01171/FUL

### **3. POLICIES AND GUIDANCE**

#### Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

NE 1 Habitats of legally protected species

RC 3 Outdoor playing facilities in educational use

TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Central conservation area: Eldorado Character Area and Management Plan (July 2008)

#### National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

#### **GCC Highways Planning Liaison Officer**

*29th November 2016*

I refer to the above planning application received on 22nd November 2016, with Plan(s) Nos SP1048/3A Rev 1, SP1048/3b 7554/SK064 Rev B, 7554/SK067 Rev B, SP1048/3A, Sp1048/3B and Sp1048/3c to which no Highway objection is raised.

#### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those

sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

### **Cheltenham Civic Society**

*19th October 2016*

We appreciate the need for floodlighting here, but think it is important to take full account of the effect on the amenity of local residents in their design and hours of usage.

### **Environmental Health**

*22nd November 2016*

In relation to application 16/01790/FUL for Cheltenham Ladies College, Malvern Road, Cheltenham, Gloucestershire please see below for my conditions to be put forward.

#### Condition 1:

None of the flood lights hereby approved shall be illuminated outside the following hours:

- Monday to Friday: 09:00 - 19:00 hours
- Saturday: 09:00 - 18:00 hours

The flood lights shall not be illuminated on Sundays or on Bank Holidays.

Reason: to reduce the impact on nearby residential properties.

#### Condition 2:

As the proposed floodlight columns are retractable, the columns holding the floodlighting are to be fully retracted when the floodlights are not to be used on any day.

Reason: to reduce the impact of visual amenity on neighbouring residential properties.

#### Condition 3:

The lights shall be retracted by 19:00 hours at the latest Monday ' Friday and by 18:00 on a Saturday.

Reason: to reduce the impact of visual amenity on neighbouring residential properties.

#### Condition 4:

In order to reduce the noise impact from balls hitting the edges of the pitch the applicant has put forward that a buffer could be installed around the sides. This buffer should be of an appropriate material to mitigate the impact and noise from the activities on the pitch, it must be installed according to the manufacturers specification and maintained as required to keep it in good condition.

Reason: to aim to reduce some of the noise impact from the use of the pitch on residential properties.

#### Condition 5:

There will be 6 fixed floodlighting columns only and no temporary lighting structures shall be added to the pitch.

Reason: to reduce the impact on nearby residential properties

#### Condition 6:

For the pitch to be used by Cheltenham Ladies College only and there shall be no external hire of the pitch to any outside team.

Condition 7:

The vertical illuminance shall not exceed 5 lux at the nearby residential properties.

Reason: to reduce the impact of the new lighting on residential properties.

**Sport England**

*5th October 2016*

Thank you for consulting Sport England on the above named application.

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link): [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

This being the case, Sport England does not wish to raise an objection to this application.

If you require further guidance on floodlighting design, this is available from our website:

<https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-facilities/>

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>33</b>
Total comments received	<b>11</b>
Number of objections	<b>11</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** The application was publicised by way of letters to 33 neighbours, a site notice and a notice in the paper. 11 objections have been received. The comments received are reproduced in full however the points raised can be briefly summarised as follows:

- Impact of light on living conditions and in terms of light pollution generally
- Impact of noise
- Impact on privacy
- Lack of screening/intrusive impact
- Visual impact on conservation area
- Concerns about future developments
- Concerns about quality and accessibility of information
- Contrary to local and national policy
- Lack of compromise or consideration for community
- Concerns about consultation processes
- Insufficient restrictions proposed
- Concerns about categorisations used
- Concerns about highway safety in terms of light spillage and traffic/parking problems associated with increased use of pitch
- Question need for additional floodlit pitch
- Similarities to dismissed appeals
- Impact of mist and rain
- Impact on wildlife

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

The key issues in determining this application are considered to be (i) visual impact and impact on the conservation area, (ii) impact on neighbouring property, (iii) impact on highway safety and (iv) impact on wildlife.

### **6.2 The site and its context**

The site is within the Malvern Road sports site which forms part of the CLC. The site is bound to the west by the Honeybourne line and beyond that, the recently vacated Travis Perkins site which has consent for housing. To the north are the Locally indexed buildings which form the sports centre and boarding house and beyond that Malvern Road. To the east are the properties of Christchurch Road which comprise a mixture of residential properties, CLC boarding houses and care homes. To the south are the detached properties of Eldorado Crescent.

The site is located within the Eldorado Character Area of the Central Conservation Area. The character appraisal document makes reference to views across the site towards the

Malvern Hills and also identifies Glenlee as a key unlisted building in the conservation area.

### 6.3 Background

Planning permission was previously sought for floodlights in this location along with a wider scheme for the site including a new sports hall. As mentioned above in response to concerns raised the applicant chose to withdraw this element of the proposals in order to consider the floodlights separately in the future, hence this current application is now solely for the floodlights.

The planning agent and the school principal have both provided commentary on the requirement for the floodlighting.

It is explained that the school has 850 pupils. The estate is dispersed across several sites with the sports facilities located furthest from the academic campus (10 minute walk). This means that it is not possible to position sport between other lessons due to travel time. As such sport generally takes place at the end of the school day or after lessons finish at about 4:30. CLC currently has 1 indoor and one outdoor lit space for 850 pupils; the sports centre will provide a second indoor lit space but there is currently no additional provision for outdoor space.

They state that the additional outdoor space is required for the following reasons:

- The loss of light in autumn and spring terms is leading to lessons finishing early
- 300 girls per week represent CLC in competitive teams. They need to train and therefore demand for pitch space is very high
- The 3 main team sports are hockey, netball and lacrosse which have to run fixtures in both winter terms
- Currently teams are forced indoors which displaces other clubs such as badminton, gymnastics and trampolining with these clubs currently having to suspend activity for 14 weeks of the year.
- There are other sports such as football and tennis which also suffer knock on consequences and CLC are also unable to offer sports such as tag-rugby.

It is stated that CLC have considered all other options in terms of timetabling etc and have not been able to come up with a viable alternative, hence this application for floodlighting to allow the old astro pitch to be used for extended hours within the winter months.

### 6.4 Principle

In chapter 8 (Promoting Healthy Communities) of the NPPF the government state a high level aspiration that the planning system play a role in facilitating social interaction and creating healthy, inclusive communities. It goes on to state that Local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.

As such proposals which enhance the education and sporting offer of the school are supported in principle. However this general support needs to be balanced against any harm arising from the proposal and other policy considerations at both national and local level.

## 6.5 Design and layout

The application site is already in use as a pitch and therefore the potential for visual impact arises from the addition of the floodlights. As stated in the introduction the proposed floodlights are retractable. When fully extended they will measure 15m, however when retracted they measure 3.5m. As such it is necessary to consider their visual impact of the structures in both states and also the impact that the illumination itself will have.

The site is within the conservation area and there are views across the site from vantage points within the conservation area. Therefore the structures will certainly be visible. When they are retracted it is considered that their impact will be neutral. They would not project significantly above the existing fencing and are slender structures, albeit with a bulkier headframe. When they are extended and illuminated they will have more of an impact as they will extend significantly above the adjacent properties and will be clearly visible as they emanate light. As such in this scenario it cannot be said that they will preserve or enhance the character and appearance of the conservation area. However the Conservation Officer has confirmed that they do not object to the proposals as the impact is temporary due to the limited hours of use proposed. Paragraph 134 of the NPPF which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Conservation Officer who dealt with the previous application stated *"I have concerns about the height of the flood lights and their impact will rely on a suitable time related/use condition...I do not object to the proposals provided the conditions suggested above can be attached."*

In summary, whilst it is acknowledged that there will be a negative visual impact at times, the majority of the time, the visual impact is acceptable and therefore the significance of this impact is limited and will need to be weighed against any perceived benefits of the proposal.

## 6.6 Impact on neighbouring property

Policy CP4 of the Local Plan states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and the locality. The NPPF states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### 6.6.1 Light

The proposal has been designed by a lighting engineer and a technical report was submitted with the application. Due to the technical nature of the subject matter the Authority commissioned an independent lighting consultant to consider the acceptability of the proposal.

The Institute of Lighting Professionals (ILP) document *"Guidance Notes for the Reduction of Obtrusive Light"* gives prescriptive limits of tolerable spill from artificial lighting systems. This document categorises the environment into 5 zones according to the degree of urbanisation and background illumination. In this instance it has been decided to classify the environment as E2 'Rural', examples of which are villages or relatively dark outer suburban locations. This is considered to be the most prudent classification to use, erring on the side of caution. This has been agreed as appropriate by both the independent consultant and the Council's Environmental Health Officer.



The guidance states that light intrusion into windows in such an environment should not exceed 5 lux. This is cumulative and must take account of pre-existing light levels.

### 6.6.2 Proposed lighting system

The model of floodlights which has been chosen features flat style optics, these are designed to reduce upward waste light and overspill. The floodlights have internal horizontal baffles which have been chosen to shield the lamp and reduce glare and additional screening has been included to control rear scatter. The 15m height of the floodlights allows them to be almost horizontal which allows light to be much more controlled. The independent consultant has confirmed that all available measures to reduce light spill and glare have been included.

### 6.6.2 LED

At the time of the previous application there was some discussion about why LED floodlights were not proposed and the applicant was asked to consider this option. The applicant's consultant states that there are advantages to LED including instant light without a warm up period, dimming and constant illuminance. However they state that there is no product available which can match the light control of a conventional product. The following excerpt has been taken from the consultant's report:

*LED floodlights clusters light emitting diodes arranged in what are commonly known as 'Light Bars'. The light bars are arranged to produce a flat panel of light which is elevated to project light into the centre of the pitch. Whilst huge strides have been made in the development of LED technology the current range of floodlights do not produce light at high elevations and as a result there is no product available with flat style optics.*

*The largest LED projector currently available has a total of 240 LEDs which produce the equivalent light output as a 1KW Metal Halide. The project at CLC would therefore require a minimum of 5 luminaires per mast to produce the same performance as the conventional equivalent.*

*An LED system would offer some benefits in energy saving and longevity of lamp life, however, these benefits would be far outweighed by the negatives:-*

- Increased floodlight numbers and headframe size(100% bigger)*
- Significantly increased vertical spill light(400% higher at the nearest property)*
- Increased glare(50% Higher due to increased light emitting surface area)*
- Increased source intensity(80% higher due to increased floodlight elevation)*

The independent consultant is satisfied that this option has been explored and that the proposed model and technology is the most appropriate.

### 6.6.3 Proposed level of lighting

The primary purpose of the pitch is for hockey and as such an appropriate level of light must be provided in order to safely carry out this activity after dark. The pitch has been classified as a class III pitch. This is because it is used for local school competitions and training. Objectors have questioned this classification and confirmation has therefore been sought and provided that regional, national and international competitions will not take place at the site and therefore class III is appropriate.

A number of bodies provide advice on appropriate light levels ranging between 200 and 300 lux. Advice has been sought on this specific site from England Hockey and they have advised that 300 lux is appropriate. The scheme has been amended since its original submission to keep the light levels on the pitch as close to 300 lux as possible. It now ranges between 303 and 586 lux.



#### **6.6.4 Light Spill**

As mentioned above the ILP states that light levels should not exceed 5 lux at neighbouring properties. Technical drawings have been submitted which demonstrate that the 5 lux limit would not be exceeded. The plans indicate that the highest lux levels at on the façade of 17 Christchurch Road would be 2.5 lux. These have been updated in response to neighbour comments that extensions etc were not included.

Some objectors consider that the 5 lux limit should also relate to their gardens however this is not the approach given in the technical guidance which clearly states that light intrusion is measured as light falling upon or passing through a window (not including outbuildings).

The technical drawings have been examined by the Councils independent consultant and the Environmental Health officer and they both confirm that the light falling upon neighbouring properties is within acceptable levels.

Given the importance of this matter in the consideration of the application a condition has been attached which states that the 5 lux limit must not be exceeded. This allows the Authority to take enforcement action should this be breached.

#### **6.6.5 Impact of rain and fog**

A number of objectors have expressed concerns about the potential impact upon light spill of rain or fog. The lighting consultant has confirmed that the only official publication that makes reference to obtrusive light is CIE150.2003 *Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations*. This states that measurements must be taken in clear atmospheric conditions. Climatic conditions cannot be included in the calculations because the nature of rain and mist is infinitely variable and therefore would not provide accurate figures and due to the infinite possibilities it is impossible to model them in a computer programme.

As such there is no more the applicant is required to do, to confirm the acceptability in terms of light spill.

#### **6.6.6 Hours and nature of use**

The purpose of the proposal is to facilitate the use of the pitch by pupils during darker months. The proposal is therefore to limit the use of the pitch to pupils, staff and visiting schools. The proposed curfew for the pitch is 7pm Monday – Fridays and 6pm Saturdays. The planning agent estimates that this would allow a maximum additional usage of 20 hours.

It is considered that these controls are appropriate and they have been agreed with the Council's Environmental Health officer. If members are minded to approve the application, a condition securing these hours will be necessary.

#### **6.6.7 Outlook**

Whilst it has been concluded above that the levels of light spill will not exceed tolerable limits and therefore not result in significant harm to neighbouring properties, it is acknowledged that there will be a degree of impact. The lit pitch will result in a change to the outlook from neighbouring properties, particularly those on Christchurch Road who back on to the site. At present, the outlook from the rear of these properties during the hours in question may provide views of the lit pitch beyond, however this proposal will result in a lit area approximately 25m from the nearest properties.

Officers' view is that whilst there is a degree of harm to outlook as a result of the proposal, this is not sufficient to warrant the refusal of the application taking account of all relevant considerations and given the relatively early curfew.

### **6.6.8 Noise**

The proposal will increase the hours of use of the pitch and it is reasonable to assume that noise will be emanating from the site during these hours, such as shouts and cheers etc. The Environmental Health Officer is satisfied that subject to the controls which have been discussed this would not result in a significant impact. It must be noted that during summer months no permission is required to use the pitch up to and beyond 7pm and this is when people are more likely to be using their gardens. As such it is not considered reasonable to withhold permission on these grounds.

A particular issue which has been raised is the noise of balls hitting back boards. The applicant has undertaken to affix sound deadening material to these which will limit the sharp noise associated with this. A condition has been suggested asking for details of this.

### **6.6.9 Summary**

Whilst it is acknowledged that there will be a degree of impact upon neighbouring properties, where this is measurable it is within the guidelines published which seek to limit negative impacts upon neighbouring properties. Officers have taken independent advice and are satisfied that all available measures have been taken to limit the impact. The independent consultant has confirmed that all the issues she raised at the time of the previous application, which resulted in the removal of the floodlights from the proposal, have been adequately addressed. As such, on balance it is considered that the impact on neighbouring properties is acceptable.

## **6.7 Access and highway issues**

Some concerns have been expressed that the proposal will result in highway danger. As discussed above the glare levels are at acceptable levels at neighbouring properties and these levels would be even more reduced at the road. The illuminated area may catch the driver's eye, however this could be said for any number of sites which are illuminated in the evening. The Highways Authority has been consulted and have raised no objection.

## **6.8 Impact on Wildlife**

Concerns have been raised that the floodlights might have an impact upon local wildlife, in particular bats and birds. According to the Natural England standing advice the proposal does not trigger the need for specific wildlife surveys, however the agent has provided a statement from an ecologist. They have confirmed that the site provides very limited bat foraging habitat and existing light levels would reduce the value for bats or any other ecological receptors.

## **6.9 Other considerations**

There have been previous applications for floodlighting at this site which have been refused 1988, 1995 (dismissed at appeal in 1996) and 1996. The appeal decision stated that the impact on the conservation area was acceptable but that it would be harmful to neighbour amenity. The main changes between that proposal and the current proposal are:

- It was proposed to use the pitch until 20:30 Monday – Friday, 20:00 on Saturdays and 19:00 on Sundays – equating to an additional 33 hours of playing time
- 8 Floodlights were proposed

- The proposal was designed for zone E3 (urban) and according to the inspectors report resulted in lux levels of 4.5 in very close proximity to properties

This decision was made over 20 years go and in addition to the difference between the proposals the level of technical advice available to officers has also increased.

### 6.10 EIA Screening

Consideration has been given as to whether the proposal requires an Environmental Impact Assessment. The proposal is not considered to be schedule 2 development as the hockey pitch does not exceed 0.5 ha. This means that an EIA is not required.

### 6.11 Human Rights

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

The planning system is very much about balancing public and private interests. An interference with human rights is permissible by law where international is proportionate to the harm caused. In the case of the proposals, it is considered that the benefits to the college outweigh the limited impact that the proposals would have on the amenities of local people. Therefore it is considered that the granting of planning permission would not conflict with the Human Rights Act.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 It is acknowledged above that the proposal does result in a certain level of harm to both neighbour amenity and the conservation area. However none of the Council's technical advisers i.e. conservation officer, environmental health officer or independent lighting consultant are of the view that the proposal is sufficiently harmful to warrant the refusal of the application, given the careful design and controls which have been put in place. Bearing this in mind and also having mind to the benefits to CLC, officers are of the view that there are no sound reasons to refuse the application and that it should therefore be recommended for approval.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord 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 in accordance with the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The floodlighting hereby approved shall not be illuminated outside the following hours:
- Monday to Friday 0900 to 1900 hours
  - Saturday 0900 to 1800 hours

Sufficient time must be allowed after the illumination is ceased for the flood lights to be retracted in accordance with condition 4.

The floodlights shall not be illuminated on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Outside the hours of use specified by condition 3, as well as whenever not illuminated, the lighting columns shall be reduced to 3.5 metres in height as shown on drawing number SP1048/2a (Abacus 15m Telescopic Mast).

Reason: In the interests of the character and appearance of the area, the setting of Christ Church (a Grade II\* Listed Building) and the residential amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 When the floodlighting hereby approved is illuminated the old astro turf hockey pitch shall not be used other than Cheltenham Ladies College staff, pupils and/or visiting school teams only.

Reason: The floodlighting has only been found to be acceptable for school use because of the special requirements of by Cheltenham Ladies College and in the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 The vertical illuminance when the floodlights hereby approved are in use shall not exceed 5 lux measured on the façade of any residential property adjacent the application site (not including any extensions constructed after the date of this decision and excluding garages or outbuildings).

Reason: In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 The floodlighting hereby approved shall not be illumined unless a scheme for soundproofing the existing back boards surrounding the hockey pitch have been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall not be illumined until the approved scheme has been implemented and shall be retained as such at all times.

Reason: In the interests of the amenities of the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

<b>APPLICATION NO:</b> 16/01790/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 4th October 2016	<b>DATE OF EXPIRY :</b> 29th November 2016
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College
<b>LOCATION:</b>	Cheltenham Ladies College, Malvern Road, Cheltenham
<b>PROPOSAL:</b>	Erection of 6no. retractable lighting columns to provide illumination of the 'old astro pitch' at Cheltenham Ladies' College Playing Field.

## REPRESENTATIONS

Number of contributors	<b>11</b>
Number of objections	<b>11</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Wyvols Court  
Swallowfield  
Reading  
RG7 1WY

**Comments:** 23rd November 2016  
Letter on behalf of 17 Christ Church Road attached.

Apartment 19  
Winchester House  
Malvern Road Cheltenham  
Gloucestershire  
GL50 2NN

**Comments:** 15th October 2016  
I wholeheartedly endorse the objections to this scheme as regards its impact in terms of intrusive light, noise, and privacy degradation, not only on immediately adjacent properties, but on the whole surrounding area.

The Coach House  
Well Place  
Cheltenham  
Gloucestershire  
GL50 2PJ

**Comments:** 19th October 2016  
The floodlights are too tall affecting the privacy of neighbouring houses. The lighting is also inappropriate for a conservation area lowering the tone of the neighbourhood.

The college tennis courts back on to our property. Are they going to be the next target?

17 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 28th October 2016

Letter available to view in documents tab

**Comments:** 27th October 2016

We would be grateful if the Planning Committee of Cheltenham Borough Council would consider our objections to the proposal (16/01790/FUL) by the Cheltenham Ladies' College (CLC) to floodlight the AstroTurf pitch immediately adjacent to our homes.

We think it pertinent to locate our objections within the context of previous planning proposals by CLC. On previous occasions (11/01125/FUL AND 15/01171/FUL) we accepted a need for CLC to develop its facilities to meet its commercial goals as well as its aspirations for the recreational and sporting wishes of its pupils. As neighbours and part of a community, we concede the need to compromise and accommodate any such reasonable expansion. Indeed, we raised no objection to a prior application for floodlights and sports centre extension that was granted planning permission (11/01125/FUL) because, although obtrusive, it represented a practical compromise: lying at the greatest possible distance from residences, close to commercial buildings and partially obscured by screening vegetation.

However, this development was not realised and in 2015 a substantially larger building with floodlighting immediately adjacent to our homes was proposed (15/01171/FUL). The new location of floodlights - on the school's old AstroTurf pitch surrounded by residential properties - could not be screened so visible and intrusive to road safety the ambience of the Lansdown Conservation Area. Despite attempts at constructive participation, we were driven to obtain an independent lighting report to 'officially' question the specification and location of the floodlighting. This brief statement demonstrated a failure to have fully assessed the detrimental environmental and residential impact of placing floodlights within 5 metres of our properties and 20 metres from our living rooms. As a consequence of this and the findings of a subsequent independent report commissioned by the council, the applicants withdrew the floodlighting proposal just before the final planning meeting with councillors. Although the sports centre was subsequently approved, significant concerns were also expressed about the floodlighting.

We sadly note that even with the limited evidence presented in this latest application (16/01790/FUL), that, in comparison to 2015 (15/01171/FUL), there has been no material change in the specification of the proposed floodlighting. As residents, council-tax payers and lay-people with limited time and legislative knowledge, and no experience of tactical planning procedures we have been shocked and disillusioned by an apparent lack of transparency and equity in obtaining access to relevant documentation (such as the council's independent lighting report of 2015 and one that is currently supporting this planning application (16/01790/FUL)). It is from this disadvantaged position that we are forced to object again to raise legitimate environmental and social concerns.

We believe that the latest bid for floodlights (16/01790/FUL) fails to be framed according to statutory and established sustainable development guidelines which include reference to:

1.The National Planning Policy Framework 2012 (NPPF) introduced a 'presumption in favour of sustainable development' and makes clear that it is the purpose of planning to help achieve sustainable development, not development at any cost. To this end, the NPPF contains strong safeguards to conserve and enhance our valuable historic environment.

2.The NPPF informed the Gloucestershire Joint Core Strategy 2013 (GJCS) that carried forward the promotion of sustainable natural and built environments. In the GJCS strategic objectives 5&6 include:



- ...development [that is] well integrated with existing communities with regard to transport, infrastructure and service links and their visual appearance.
- ...development [has] created their own distinct sense of place, which was informed by high quality and inclusive design reflecting typical local settlement patterns, landscape character, house types and materials from the GJCS area thereby producing a high-quality built environment that respects and enhances local distinctiveness.
- ...making the best use of land by maximising the use of previously developed land
- ...promoting the efficient use of natural resources, by re-use and recycling...

And in Strategic Objective 9:

- ...providing open spaces through the retention and development of a comprehensive infrastructure network
- ...ensuring the environmental quality...is protected

3. The Cheltenham Plan 2013, which is part of the GJCS, has three principal themes, the third of which: Asserts that...the quality and sustainability of our cultural assets and the natural and built environment are valued and recognised locally, nationally and internationally...

Seeks to conserve and enhance Cheltenham's architectural, townscape and landscape heritage, particularly within the town's Conservation Areas.

Development... should also minimise any impact on the formal and informal green spaces and private gardens that contribute to local amenity and wildlife biodiversity.'

We do recognise the need for reasonable compromise between the aspirations of the GJCS, the local residents and CLC. The acceptance of the CLC 2011 plan, our engagement in the CLC 2015 sports centre/floodlight plan and now this current 2016 CLC floodlight proposal evidences an understanding for CLC to develop its recreational facilities and a shared commitment and responsibility to promote sustainable community development.

Our objections can be categorised in two principal themes. First, that CLC have failed to provide the evidence to objectively assess the merits of their proposal. And, second, that CLC have not demonstrated willingness to compromise the impact of their proposal on the Conservation Area's environment or show regard for the wellbeing of residents and community spirit.

To expand, firstly, we believe that CLC's agent failed to provide adequate documentation to allow assessment of the impact of the lighting in their previous application (15/01171/FUL). The latest application (16/01790/FUL) compounds this as it contains even less information, which disguises that there appears to be no material difference between this application and the last. It was the failure to provide adequate information in 2015 that forced the withdrawal of the last application.

In the Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (Institute of Lighting Professionals) the means of reducing light spillage are outlined and British Standard best practice is detailed in Light and Lighting: Sports Lighting (BS EN 12193: 2007). This document describes the minimum and desirable documentation needed to describe and analyse any lighting proposal.

The current proposal does not conform to even the minimum recommendations. Specifically, the following floodlight documentation is incomplete and lacks some basic and essential data:

1. 16/01790/FUL – FLOODLIGHT ORIENTATIONS - 763467.pdf

This document describes the location, beam and tilt angles. No information indicating the lighting contours, which is best practice, is given.

2. 16/01790/FUL – FLOODLIGHTS - 763463.pdf

The purpose of this illustration is unclear; it provides no interpretable data.

3. 16/01790/FUL – SITE PLAN - 763462.pdf

This document demonstrates the overall sports facilities site. Other than indicating the location of the light columns it provides no interpretable data.

#### 4. 16/01790/FUL – SOURCE INTENSITY ON BUILDINGS - 763466.pdf

This document describes the 'source intensity' as perceived from adjacent buildings and the public highway. It is normal to provide such data in planning applications with values including all adjacent properties. The light zones apply to property including gardens not specifically to actual residential buildings, therefore, this document is incomplete and of no value in determining compliance with accepted standards. Furthermore, it is ambiguous because values have been omitted for significant parts of our homes nearest to the light sources; specifically, the living rooms, bedrooms and studies at the back of our houses.

#### 5. 16/01790/FUL – VERTICAL SPILL ON BUILDINGS - 763465.pdf

the same criticism of omission and error applies to this document.

#### 6. 16/01790/FUL – VIEWS OF PROPOSED FLOODLIGHTING - 763464.pdf

This document includes photographic representations of the light columns when erect. The photographs show trees in full leaf. However, the lights will be used in the winter months when the trees, all of which are deciduous, will be leafless and afford minimal protection from the glare of the illuminated surface.

Therefore, we object as the technical data to support this submission(16/01790/FUL), is inadequate and incomplete and it fails to follow the best practice (ILP) to assess the safety and the environmental and amenity impact of a lighting proposal.

Secondly, this latest 2016 plan(16/01790/FUL), is presented as the culmination of a series of compromises informed by previous and ongoing public consultation. Our perception, however, is that these consultation takes the form of a series of speculative exercises to identify residents' concerns, followed over a period of 18 months, by rejoinders that are engineered either by omitting data or changing the specification of minor aspects of the proposal. Analysis of this current submission demonstrates this process and, specifically, that this latest proposal(16/01790/FUL) is not materially different to its predecessors. For example:

##### 1. - The duration of lighting:

In previous applications, the curfew requested and rejected was as late as 22.30, and in the latest applications (16/01790/FUL; 15/01171/FUL) a time of 19.00 has been proposed. At the same time the applicant points out that the majority user- the CLC pupils - in the normal course of the day are scheduled to return to their boarding houses at 18.45, therefore, this cannot be viewed as a real compromise or concession. Additionally, there are sparse details to specify: if this old AstroTurf pitch will only be used if the new floodlit pitch is already in use; how many pupils would warrant the floodlighting to be switched on; will floodlighting restrictions be related to seasons or ambient daily light levels throughout the year; and whether use is restricted to term-time only or throughout the whole year.

##### 2. - The type of location:

The CLC agents state that they have voluntarily planned the lighting according to the constraints suggested for an E2 (for example, village and darker suburban locations) lighting zone. This is not a concession on their part but a requirement according to British Standards (BS EN 12193, 2007: Light and lighting: sports lighting) for lighting in an existing low light suburban area. The plans should therefore conform to the E2 criteria. Based on the light engineer's submissions, this can certainly not be determined with any degree of confidence.

##### 3. - The column height:

A principal objection to the floodlight column height is that when lit they would loom large at 15 meters, therefore the provision of erecting retractable floodlights will not address this issue. Although less objectionable in being 3.5 rather than 4.5 meters high when retracted, these six large metal columns will still be clearly visible and compromise outlooks and vistas. When erect the floodlights will tower above the trees and houses and there will be no shielding from the consequential light and noise pollution on our homes and the surrounding roads.

### 4. - Light levels:

The agents states:

'It is notable that the light spillage referenced within the appeal decision confirmed that the appeal scheme proposed a lighting design scheme which had a light spillage level adjacent to the adjoining residential properties of 4.5 lux, in comparison the revised scheme now before you has achieved a reduction of 2.5 lux, bringing the light spillage immediately adjacent to the residential properties backing onto the site of no more than 2.0 lux.'

In fact, the previous application (15/01171/FUL), gave a level of between 10 and 25 lux at the threshold of our property; significantly greater than the 5 lux curfew limit dictated for a designated E2 environment (BS EN 12193; 2007). In the latest application, (16/01790/FUL), a level of 1.6 lux has now been suggested as an indication of light falling on our homes. However, this level is a calculation of the light levels expected at a point some 30 meters away from the light sources, which is a point not only beyond the threshold of our property, but also beyond the rear facing windows of our house; critically a point that is actually 6 meters within our house! No data is given for the actual Vertical Spillage or Source Intensity at the living room, bedroom and study windows at the back of our houses which are closest to the light source.

Therefore, we object as the proposal does not follow best practice as described by the Institute of Professional Lighting (IPL) and does not give a contour map of the proposed illumination. Without this it is impossible to determine the real impact on the Conservation Area and on residents' amenity.

### 5. - Road safety:

Of great concern to road safety is the failure to calculate the Vertical Spillage and Source Intensity provided by the floodlights on the roads surrounding the proposal. These values must be given by the applicant as they are used to determine the excess light falling on the junction between Douro and Christ Church Road. For these roads (presumably designated M4 or M5) the maximum value for threshold increment is 15% (adaption luminance: 1-2 cd m<sup>-2</sup>) which means that the change in luminance at the junction must be within this limit to reduce the risk of physiological light adaption causing sight impairment in drivers' vision. Has this risk been adequately assessed?

Therefore, we object as CLC is both a day and boarding school, so pupils will have to commute to and from sporting practice and events. Extending the use of the pitches during dark hours means an inevitably increase in traffic on difficult road junctions coupled with increased use of an already congested current car parking facilities. The proposal has not adequately acknowledged or accommodated these concerns.

### 6. - The use of the playing surface:

In the current documentation (16/01790/FUL), it is stated that the pitch is to be used only by 'CLC and/or pupils from other schools' so presumably there is intention is to hold competitive hockey matches or, at least, ball training. To do so requires safe illumination; lighting must be of an adequate level and must be uniform. The current application is based on the England Hockey requirement for Class III (300 lux with min/max variation > 0.5) however according to the 2009 England Hockey recommendations class III is for non-competitive training, not match hockey (<http://www.jumpingjackflash.co.uk/Hockey%20Lux%20Levels%20Link.pdf>). To use a Class III pitch for Class II activities would place participants at significant risk of life-changing injury.

We are concerned that, in the future, changes to the facility will become necessary that might increase the light intrusion. The current AstroTurf pitch is old and presumably close to the end of its functional life. If the pitch is replaced, the glare and light spillage will increase. Is there enough 'reserve in the design of this scheme to accommodate a bright new surface? What are the implications for road safety and amenity?

If this application is allowed, how long will it be before CLC requests more modifications or 'improvements' to upgrade a clearly unsafe facility?

Therefore, we object because it is still unclear as to the intended use for this second floodlit pitch, and this is a cause for immediate and ongoing concern. Is the pitch, as we are led to believe, for CLC hockey practice use only or is the clause 'CLC and/or pupils from other schools' ambiguous rhetoric to ensure access and opportunity to extend the development and use of the facility at a future date?

### 7. - The real need for an additional floodlit pitch:

CLC wishes to increase the participation of their pupils in sports and physical recreation and we do not wish to discourage that aspiration. Indeed, as recommended by Sports England 2014 research, the new sports centre will provide the opportunity for CLC pupils to experience a greater variety of differing sporting activities to satisfy all sporting desires. However, the additional benefits for pupils who already have access to superb facilities should not come at the cost of depriving residents of the amenity of peace and quiet at the end of their working days.

Focussing specifically on outdoor ball sports and the desire for two floodlit pitches, we note that the AstroTurf pitches are often not concurrently in use during winter daylight hours. We are told that the reason for leaving the pitches fallow is said to be due to 'timetabling issues'. Amending the school time-tables is said to be impossible, although the reasons have never been explained nor any evidence provided. It is notable that two similar sized local boarding schools who have the additional difficulty of co-educational sports time-tabling with a greater range of age groups, are both able to provide comprehensive curricula with just one sports hall and one flood lit pitch.

CLC already has one floodlit pitch which was built with specific measures in place to reduce the detrimental effects of noise and light pollution. This pitch lies alongside industrial premises, is at a substantially increased distance from any residential properties and is sunken below a significant screening bank with mature vegetation. Residents, including a large CLC boarding house, are able to look out and in the distance see a vegetation covered screening bank. Although the floodlights are still visible from some angles and in inclement weather, there are screening measures in place. This newer pitch could be upgraded to provide safe all-weather year-round facilities for most activities with safe lighting. The impact on the Conservation Area and the residential environment would be minimised. This would also better reflect CLC's School Environmental Policy and Good Neighbourhood Policy that claim an aspiration to minimize environmental impact and maintain community ambience. Neither CLC nor its agents have ever made a cogent argument against this compromise.

Therefore, we object. In referencing the precedence already set by the provision of specific measures deemed necessary to moderate the impact of floodlights on the established newer pitch, this current proposal (16/01790/FUL) is alarming. The old AstroTurf pitch is directly adjacent to our homes (within 5 meters of property boundaries and 20 meters from actual houses) and close to a major road and T-junction. Unlike CLC's already established floodlit site, there has been no suggestion - other than to retract floodlights when not in use - to mitigate the impact and minimize light pollution. Indeed, because of its proximity to properties there is absolutely no possibility of screening the intrusive effect of the floodlights that will a damaging impact on residents' lives and the established community ambience. The unusually natural and precious dark skies that can currently be enjoyed by everyone in an urban Conservation Area will permanently be lost.

In summary, we object as this 2016 plan (16/01790/FUL) as it is not materially different to the proposal submitted last year that CLC had to withdraw. The documentation provided is inadequate to allow a proper assessment of the impact of their proposal on road safety, deterioration in the Conservation Area's environment and the amenity of residents.

**Comments:** 23rd November 2016  
Letter attached.



15 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 1st November 2016

It is with dismay that we find ourselves in the same position of having to strongly object to the above planning application to create a second floodlit pitch at CLC involving the installation of 15 metre floodlight to the old Astroturf hockey pitch located within the Lansdown Central Conservation area and within metres of our home. We are sure the Planning Committee remember the protracted events of last year culminating in the last minute withdrawal of the floodlight component of the combined sports hall and floodlight application (15/01171/FUL). This was the result of the arrival of a draft report commissioned by the Council instigated as a result of the inaccuracies, inconsistencies and inadequate detail provided by the applicants lighting assessment.

We understand a full report did arrive and was disclosed to the CLC but residents despite repeatedly asking have still been denied access. CLC have now submitted a new application 11 months later. However, nothing in this new application is presented to allay our fears. The floodlights when illuminated will still be completely out of character with the area and produce significant intrusive light detrimental to the surrounding environment.

Lansdown Central Conservation Area

The National Planning Policy Framework (NPPF) is clear in its objectives with regard to development in Conservation Areas. These Conservation Areas represent heritage assets to be conserved and enhanced. Any development should make a positive contribution to local character and distinctiveness. The floodlights would fail this completely, when extended and in use they will be taller than the adjacent 4 storey houses and the sports centre. Should this uncontained floodlighting be allowed the character of this area will be changed forever. The warm glow of the subtle lighting of Christ Church's facade (Grade II listed) and the soft street lighting will be lost and completely at odds with the overwhelming bright white rectangle immediately behind the houses. This light will be visible from a considerable distance and accentuated by the surrounding low level of lighting. The lights when on will be easily visible from Christ Church Rd, Douro Rd, Lansdown Crescent, Malvern Rd, Wendover Gardens and Eldorado Crescent. Their presence will dominate the evening winter landscape and severely and adversely affect the whole feel of this conservation area.

The framework also states that heritage significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and warns that when assessing any application which may affect this, local planning authorities need to consider the implication for cumulative change. We consider that this is of particular relevance in view of the planning narrative in this particular area and the evidence of developmental creep. It has been agreed that that the area is graded as E2 (even with existing lights on as stated in July 15). Clearly this would no longer be achievable if unscreened floodlights were allowed. Does this mean future calculation of this locality's environmental zone would be with the new floodlights illuminated placing it well in excess of the E4 environmental zone?

Planning authorities are also told to consider future implications. Despite the school's avid declaration that floodlight use would only be for the pupils and a selected visiting guests we draw attention to the fact that use of the old astro pitch is greatest and most consistent on Sundays when used by others. The "new" pitch is preserved for pupils but the sports centre has a long and committed involvement with commercial enterprise (sports club membership and roller discos - certainly not in the original plans!), how long before floodlit hours are requested beyond those suggested for commercial benefit?

The NPPF also recognizes that heritage assets are often in private hands, thus sustaining them in the long term often requires an incentive for their active conservation. Installation of floodlights at the rear of Victorian villas in this locality is the reverse of this.

### Light Levels

The applicants state again that vertical illuminance will fall within acceptable levels but looking at the recent abridged lighting report of Neil Johnson (compare current lighting impact study document with original of 7th July 2015) now just a sample of the previous values are documented. Closer inspection demonstrates omission of the more than significant light spillage in the gardens reaching 50 lux. This is of specific relevance with respect to the concerns raised regarding the floodlights at Dean Close school causing possible light spillage levels of 2 lux at the boundary of an adjacent garden (ref 10/00144). Planning is about balance but also requires consistency.

The sample values now shown are also a result of a difference in definition of "rear façade". Vertical sampling of those walls/rooms (kitchen, bedroom & study) closest to the floodlights at the rear are ignored in favour of a more removed dining room window.

This application also does not take into account the new reflective nature of the buildings being erected and the additive effect this will have light spillage on the conservation area of Christ Church and Lansdown.

Light levels values are useful for comparison but do not convey the impact of having a 15 metre floodlight adjacent to our garden boundary and the sense of loss of privacy this will bring. The Clean Neighbourhoods and Environment Act 2005 clearly defines light intrusion as a nuisance to be protected against, it does not require specific lux or luminance to be reached, merely that if normal living patterns or activities are altered or affected by light spillage it should be considered a nuisance.

### Public consultation

The applicants give a detailed history of their public consultations. These actually relate to several different applications for varying sites and activities. The only discernable change from the abandoned Oct '15 application is a reduction in retracted floodlight height.

Consultation on the current application involved one open meeting but was not a discussion (as required by the NPPF) but a statement of intent. At no point in the entire process, current or prior, have the applicants engaged in discussion. The reduced retracted height does not address the persistent major concern of illumination and intrusive light and its negative impact in a conservation area.

At the consultation meeting the months of operation were also stipulated (outside of British summertime). This does not appear in the current application. It should also be noted that once floodlights are in place they could be used on any occasion between the allowed hours. Whilst hockey is documented as the main reason for extended pitch usage tennis has also been discussed at pre-planning meetings. It is therefore quite likely that it is not just winter months when the floodlights may be used but on many dull summer and spring days. It is therefore likely there will be many occasions when they are switched on at a time when curtains in our houses are open or we are using our gardens.

Also previous residents suggestions ensuring use of the "old astro pitch" only if the existing flood lit pitch is already in use have not been taken up. Surely this would be simple to achieve and show willingness to mitigate the negative consequences on neighbouring properties? A required minimum number of pupils using the pitch to initiate floodlight illumination was also suggested by residents but does not appear in the notes.

When directly questioned why the suggestions to move the pitch nearer the other floodlit pitch or at least where it could be screened, the head of CLC estates stated "they weren't being

considered because he had been told they only wanted the old Astro turf pitch floodlit." Surely for an environmentally friendly and sustainable proposal optimisation of existing facilities and daylight is paramount. The existing floodlit pitch should be up-graded and its use maximised. Not only are the environmental benefits evident but this pitch is also further away and afforded some screening from adjacent houses.

### Justification

The NPPF states development in Conservation Areas should be weighed against public benefit. (1.12.134). This proposal carries no public benefit.

This is a private school whose economic viability is not dependent on a second floodlit hockey pitch. These floodlights are a desire of the school's not a need. There is already a floodlit pitch, which as we have previously shown is under-utilised. The additional hours of use provided by floodlighting would be for extracurricular activity and allowing greater 'choice' for the girls, not as a necessity, this cannot justify the harm that floodlighting would do to the area. The continued lack of morning use of the pitches demonstrates no required need for additional access to curricular sport.

The independent schools inspectorate gave a glowing report of the CLC, congratulating them on their sporting achievements and availability of extra-curricular activities (Oct 2014) predating the imminent increased indoor provision and with only the 1 current floodlit pitch. The school lay great claim as to the need of a second pitch by the girls "chosen physical activity", yet the prior CLC survey showed a move away from team sports (in keeping with similar findings by Sport England) to those that will be provided by the sports hall expansion, and was the argument used to justify the need for increased provision of indoor sports and the new large sports centre and should reduce demand on the pitches in the late afternoons and early evenings. Perhaps waiting to see the impact of the increased availability provided by the new large sports hall before pursuing additional floodlighting would be sensible?

Whilst trying to extend pitch use it should also be remembered that poor light is only one reason and wind, snow, low temperatures and rain are also factors. The floodlights, therefore, that will be present throughout the year are likely to add significantly fewer playing hours than initial calculations may suggest. With the already accepted considerable sports hall expansion indoor training is suggested as a more predictable and practical solution.

The CLC actually already have a floodlight pitch. Its introduction was also contentious. It is considerably further from any residential property than the new proposed site but still required screening with a large embankment and trees. It appears to have been built to a high specification with spectator seating but remains underused with or without lighting (timetabled use and "lights on" do not constitute actual usage). We have been led to believe that its 12 metre tall floodlights are insufficient and illumination of the central pitch is inadequate. Rather than correct this, new plans are to floodlight another pitch with even taller floodlights but one so close to residential properties that no screening to limit light spill or noise reduction will be possible. The floodlights when extended will be near children's' bedroom windows. Although the lighting calculations imply light falling directly on the windows will be within permitted limits this completely understates the impact of a very brightly lit large area less than 20m from their windows.

### Rejection of Well Place Application

We would like to draw attention to the documented reasons for rejection of the previous planning application for the erection of floodlights on the Well Place tennis courts by the same applicants. This was a smaller scheme with floodlights only 8m in height, on an enclosed site not visible from the surrounding public roads but only 300m away from the site of the current proposal. (APP/B1605/A/08/2082812)

The stated reasons include:-



- " I consider also that the appearance of a brightly lit space in close proximity to the private rear sides of the surrounding houses, where darkness would normally be expected, would in itself have a negative effect on the living conditions of local residents. I conclude that the proposal would harm the living conditions of nearby occupiers, contrary to local Plan CP4."

- "There is a need for local amenity to be protected when considering applications for floodlighting. In this case it is necessary to balance the benefits of improving facilities against both the legal duty to preserve or enhance the character or appearance of the Central Conservation Area and the need to protect the living conditions of local residents.....and I conclude the appeal should fail."

Light spillage levels are greater in the current proposal and the site is not contained, particularly with floodlights aligned with the large gap between houses 11 and 15 on Christ Church Road. These reasons make it even more applicable to reject this proposal.

### Road Safety

We have major concerns about the road safety and regularly hear screeches of breaks and horns going as cars try to pull out of the junction with Douro Road. A motorist approaching Christ Church Road from Douro Road will be faced with bright floodlights interspersed by much darker house frontages making appreciation of other road users, particularly cyclists and pedestrians at night or in twilight far more difficult to appreciate when in the shadow of a building. The eye adapts preferentially and quickly to a bright light making shadow more intense. Thus, light produces glare which occurs when the relative overbrightness of a light source against a dark background interferes with a person's ability to view an area or object. i.e. glare can conceal rather than reveal. In damp/misty conditions this junction will be even more treacherous due to light dispersal. That fact that nobody has been seriously injured in recent times does not make it acceptable to ignore the potential risk.

The coaches are often parked illegally close to junctions or blocking driveways, leave their engines running and several are often parked at a time. This poses significant danger at any time of day but on a dark evening would be an even more significant threat. Christ Church road has experienced and increase in traffic over the years and this will further compound the situation especially at peak rush hour time.

### Noise pollution

Any use of a hockey pitch brings with it a considerable amount of noise. It is proposed that matches will be played which will create a significant increase in the noise levels of the usual hockey practice from players and supporters. This will be at a time when our family will be trying to eat, converse and relax after a busy day. Combine this with the glare of the floodlights because the kitchen blind is usually open until after sunset, and our pleasant evening is going to be shattered.

CLC propose to put protection on the surrounding boards, but not the goals, to dampen the noise of the ball striking it. Only last Sunday 2 girls spent a significant time practicing shots, which sounded like shots being fired, and could be heard as far away as Lansdown Terrace. The protection to outside boards will not impact on this. Boards do not reduce the noise from screaming (stand in our garden when CLC score!), the whistles or more recently the horn used to help the officials.

### Conclusion

We are privileged to live in such a location. The CLC are a valued local school and business which has done much to ensure the continued success of the town and have contributed to improving the local environment with refurbishment and improvement of several notable local buildings. However, it is a symbiotic relationship and the school is advantaged by its location in a pleasant residential area and this should be preserved. We cannot support the current proposals of floodlighting and conclude the above proposal is at odds with the NPPF and will lead to a significant further loss of local amenity (defined as "the pleasant or normally satisfactory aspects

of the location"). We find it especially difficult to understand how it could be considered acceptable to floodlight a site with no containment, in a conservation area, within metres of residential properties and in clear view of many road at multiple points when a more sensible and economic approach would be to upgrade the lights for the existing floodlit pitch, which exists, and affords some protection from the light

**Comments:** 1st November 2016

Letter attached.

**Comments:** 22nd November 2016

Following the publication of additional information in respect of application 16/01790/FUL namely a lighting report, justification statement and agents response please find our additional comments below.

Our original objections and concerns as detailed in our correspondence of 01/11/16 remain unchanged.

With respect to the lighting report :-

We are surprised by the absence of detail explaining how conclusions were reached. Clear explanations would aid understanding rather than the bland statements made particularly as many of the conclusions represent the complete opposite of those originally made with the only supporting evidence given being the "reassurances of the applicant". It also remains unclear whether the independent consultant actually visited the site or used information derived from the applicants lighting report.

The consultant states the increased light and glare generated by the floodlights will be mitigated by the average Cheltenham nightglow but that this will only be "in a small way" and will only "offset some of the impacts of the proposed lighting". It must be remembered that this area (E2) is significantly darker than most areas in Cheltenham and the effects will be even greater here. No mention of the area's Conservation status is mentioned in the report. This is a significant omission and must be considered.

Multiple references are made to keeping the "lighting level low". Whilst the applicants may have had to reduce the brilliance of the lights below the levels ideal for their proposed use in order for the computer generated diagrams of light spill to appear acceptable, we are under no illusion - these lights are going to be huge (15m) and bright 300 lux and their impact on their environment will be significant and intrusive.

Weather conditions still appear to present a problem for formal reports as no formula exists to predict their effect. It has been repeatedly demonstrated by others and recognised by reputable professional bodies that mist etc result in significant increased light dispersion. This directs it away from the proposed focus of illumination elsewhere (headlamps in fog). This is of great relevance. Lux levels of 3.1 on the rear facades of the abutting properties have been stated by the lighting consultant. With 6 x 300 lux light sources and light spill diagrams showing 50lux within 20m and 25 lux within 10m it would require little additional scattered light to increase 3.1 lux to 5 lux breaching the requirements for an E2 zone.

If this report is extrapolated it implies these lights, which abut homes, are unscreened, are in an E2 zone and Conservation area, could be erected anywhere in Cheltenham!

Principal's Justification Statement

The size, success and dominance of any establishment do not confer any privilege with regard to planning law. After reviewing the Annual Report and Financial Statements for year ended 31 July 2015 it is quite clear the school's obvious success, economic and otherwise does not rely on provision of a second floodlit hockey pitch.

## Page 60

We note their continued achievements in sporting excellence with another national award (Gold Mark, March 2015) for their sporting provision, even before the new sports hall application was accepted and the only private boarding school in Cheltenham to hold this award. Despite this and the repeated reference to the girls increasing preference for indoor pursuits, the principal remains convinced the girls could be considered "second class citizens" without a second floodlit pitch. There is no evidence to support this.

Every school is subject to limits by way of its location. CLC have an enviable site which confers many advantages. The Conservation area in which much of the school is situated should not be harmed just because of the schools current desires.

Justification for a second floodlit pitch on the basis of need is not proven. As previously demonstrated and as is still very evident on a weekly basis the current floodlit pitch remains under-utilised. There is also still no use of morning daylight hours on either pitch. Timetabling issues seem a poor excuse in the face of global warming and the ease with which other schools accommodate morning PE.

### Evans Jones Response

This has 43 points which we do not feel abate or address the concerns we originally made. Rather than repeat everything we will limit this reply to a few particular points.

Floodlights are out of keeping with this Conservation area. They will be clearly visible from a considerable distance and from many different roads and areas. They are of no public benefit and will harm the character of the area.

The impact of the reflective quality of the large glass windows of the new sports hall extension cannot be dismissed. Light spill diagrams show lux levels of between 10 & 25 at these windows but it not just the spill light that will be reflected but the entire view, the floodlights and their light compounding the effect from the opposite side of the pitch.

The presence of an existing floodlit pitch is used to suggest a second one should be expected and accepted by local residents. This fails to detail the large earth mound and hedging, in addition to the sinking of pitch level that was necessary to screen the lights appropriately. A second floodlit pitch even closer to homes should require even greater screening. The fact there is insufficient room does not justify floodlights with no screening. There must be a consistent approach. No screen, no floodlights.

Road safety on Christ Church and Douro Roads cannot be dismissed. Light spill patterns are not the prime concern in this location, it is the visual perspective of alternating bright and dark areas. The manner in which the eye adapts and adjusts far more quickly to the bright areas, deepening the shadow in the darker area would make perception of pedestrians and road users more difficult. This would be especially tricky in wet or misty weather where additional scatter would compound the difficulties and danger. Evening matches with multiple school coaches adding to commuter traffic represent a considerable escalation of this risk.

Increased noise is of great concern as well. The agent suggests we should be used to noise but as the old astro pitch is not used in spring, summer, autumn or winter evenings this is untrue. New evening noise would represent a considerable detrimental change. Saturday match afternoons are very noisy and back board padding would make little difference. This level of noise would be a significant intrusion and pose difficulties for young children at bedtime. Curtains would be closed perhaps but this does not reduce the noise level. (Also, we feel bedtime is best determined by the children's' parents rather than the agent or lighting consultant!)

Thank you for reading all our comments. We are sure you will consider our points and hope you can agree with us to reject this planning application. If you do not agree we would be grateful if you consider the conditions suggested in our previous submission.

11 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 11th October 2016

I am a supporter of the Ladies College and the significant investment that they make in the locality but I cannot support the current application for several reasons.

I urge you to reject the proposed floodlighting scheme for the "old" astroturf pitch for the following reasons:

1. Light disturbance - these lights will be within a few metres of family orientated residential property and will affect sleep patterns of young children
2. Noise disturbance - sporting activity going on after darkness will have a similar detrimental effect for the families living within close proximity and significantly affect the amenities
3. Traffic disturbance and congestion - there is already a shortage of parking for sports facilities users and this will affect local residential parking further into the evening
4. Necessity (or lack of) - the College already have a perfectly good astroturf pitch with full lighting facilities and which is located much further away from residential property. Anecdotal evidence suggests that this facility is not used regularly and we therefore question the need for more floodlight pitches. If the College is in need of more floodlit pitches then they have plenty of other ground available, which is much further away from residential property, on which they could build a floodlit pitch.

I also feel the need to share comments made on the previous application from an independent observer:

"I have seen that there is a planning application to re-construct sports facilities at Cheltenham Ladies College, and in particular, there is a proposal for a flood-lighting the hockey-field.

I do not live near the proposed facility and have no particular axe to grind. But there is a debate between objectors to the plan and the lighting consultants supporting it, about the effect of mist and rain on light spillage on to adjoining properties. This makes reference to the experience of Hatherley Road residents who are affected by the floodlights of the similar installation at Dean Close School. I am one of these residents, and have comments to make.

There is no doubt that the presence of mist or fog increases light spillage on to our properties very considerably, and would presumably also do so also at the CLC installation, where the proposed lights seem to be closer to the houses than we suffer in Hatherley Rd. One of the objectors has taken measurements that quantify this. In response, the lighting consultant has raised a number of technical queries, but it is obvious that the general conclusion is true. In misty weather, when the floodlights go on, there is a wall of light on the hockey pitch opposite our house.

One of the queries raised by the lighting consultant was to what extent the increased light comes from scattering of the street lighting by the mist, as opposed to the floodlights. I can't put a figure on this, and don't think anyone has taken measurements, but the reply is obvious to us -a lot of the extra light is coming from the floodlights. Actually living here, we see the effect of the floodlights coming on, and we see the reduction in spillage on to our property when the lights go off. It is very noticeable.

The consultant says that in his experience light can be scattered by mist and rain, but there is not a significant increase in spill light, 'though there might be an increase in perceived spill light'. I'm afraid I don't understand the difference between scattered, spilled, and perceived spilled light. All I can say is that we get a lot more light on to our frontage from the floodlights opposite when the weather is misty than when it is dry.

A curious comment made by the lighting consultant is that the increase in perceived spill light is caused by illumination of the water droplets around the lights, "however, light is dissipated in all directions." Of course it is dissipated in all directions, that is exactly the problem. On a dry day, the floodlight design contains most of the light and directs it down on to the pitch; but in the mist, light is scattered in all directions, with an increased proportion of it landing on the surrounding house frontages.

In summary, although the lighting consultant claims that in his experience, wet or misty weather does not greatly affect the amount of light that spills on to nearby buildings, the experience of those who actually live near such an installation is that it does indeed affect it, a lot."

8 Drakes Place  
Cheltenham  
Gloucestershire  
GL50 2JF

**Comments:** 15th November 2016  
Letter attached.

17 Moorend Glade  
Cheltenham  
Gloucestershire  
GL53 9AT

**Comments:** 16th November 2016

Until December 2015 I lived at 9 Christchurch Road and objected to the previous application for floodlights 15/01171/FUL, which until the last minute officers were minded to permit. Since then I have moved away and consequently cannot object as a neighbour affected by the application. However I do now see in the current application statements by the applicants and the council's lighting consultants about the effect of mist and rain on spilled light levels which, if they were true, would imply that I and others have been misleading officers and councillors by purveying false information. I therefore wish to object. Essentially my message is that the light levels quoted by the applicants are for clear nights, and that on rainy or misty nights levels will be higher. Moreover the applicants and consultants wrongly state that the pitch lighting proposed meets England hockey class III requirements, since it fails to meet a key uniformity and safety requirement, and in any case England hockey class III is for non-competitive training and not sufficient for the match standard hockey which is clearly included in the application.

The applicants lay great stress on their claim that the light levels spilling from the floodlights and falling on vertical facades of neighbouring properties will be acceptable, since they fall below the 5 lux level for environmental zone E2.

I certainly agree that E2 is the correct zone. In the previous application (15/01171/FUL) the applicants in their first lighting impact study dated 30/06/2015 stated "Due to the relatively low background illuminance" (which was at maximum 0.55lux) " it would be prudent to classify the site as a Zone E2 or low district brightness area." The 5lux limit was part of the decision notice for the existing floodlit pitch (CB/12205/17), was proposed by the applicants in the 2015 application and included in the officers' recommendations for conditions, so any change at this stage would be quite irrational.



In the current application in the Planning Application Lighting Assessment (PALA) dated 21/10/2016 from the Council's consultants it is stated "The lux levels on the facades have a maximum reading of 3.1 lux which is well below the 5lux limit." However Institution of Lighting Professionals guidelines in these matters make clear that any comparison with limits should be cumulative and include existing illumination, which as stated above was at maximum 0.55lux. So the comparison with 5lux should be 3.65lux, not 3.1lux. This is still less than 5lux but only 1.35lux away.

The value of 3.1lux level from the floodlights is based on computer predictions which assume a crystal clear atmosphere and ignore any effects of scattering in the atmosphere or reflection from the pitch. In reality however during the winter in Cheltenham there is often rain and sometimes mist and fog and so the question must arise as to what impact these will have on spilled light and illumination of facades.

In the applicant's lighting impact study dated 03/08/2016 it is stated "During discussions at public consultations the issue of light scatter due to climatic conditions (sic) such as rain or mist were raised. This was further discussed with the consulting engineer appointed by Cheltenham BC. Both parties agreed that there is no evidence that climatic conditions will lead to an increase in spill light or source intensity."

The idea that there is "no evidence" is simply not true as far as spilled light is concerned. The objector from 11 Christ Church Road has drawn attention to the evidence from a resident of Hatherley Road, living close to the Dean Close floodlights, whose contribution includes "In summary, although the lighting consultant claims that in his experience, wet or misty weather does not greatly affect the amount of light that spills on to nearby buildings, the experience of those who actually live near such an installation is that it does indeed affect it, a lot." In addition I made measurements in Hatherley Road in various weather conditions and found that in the same location where vertical illumination was 0.2lux on a clear night with no lights and 1.3lux with lights, levels with lights increased to 1.8lux in rain and 5.4lux in mist (for full details go to 15/01171/FUL, and page 12 of 04/08/2015 public comment under documents).

I note that in the PALA the council's consultant states in grey text, which is the original 18/11/2015 version, that "Weather conditions have not been covered in the proposed design for the effect of foggy or wet conditions. It is felt that this cannot be mitigated for as all lighting, no matter how controlled, will have more inter-reflection in the atmosphere when the weather is wet." In other words in 2015 the consultants believed that weather does affect the distribution of light. In orange they have now added "Addressed and mitigated by the recently supplied information." There is no hint as to what this recent information is. The applicant's lighting impact study noted above suggests that the consultants have moved from believing that the weather does affect light distribution and cannot be mitigated, to believing there is no evidence about the effect of weather.

In fact it should be well known to them that weather has an effect. As long ago as 1994 the Sports Council (which I believe was the name then for Sport England) stated in its Guidance Notes for Floodlighting, which can be found at [www.rbwm.gov.uk/pam/docServlet?docId=21632278&filename=11062343](http://www.rbwm.gov.uk/pam/docServlet?docId=21632278&filename=11062343) that "Weather variations can substantially affect noise, light and pollution coming from a facility. For instance, rain or mist causes lights to diffuse to a greater extent because of reflectance from water droplets, and wind may carry sound a long way" A lot has changed since 1994 but not the physics of light interacting with droplets.

Thus in 1994 the Sports Council stated weather affected floodlight spillage substantially, in 2015 the council's consultants believed it did, and in 2015 two residents wrote into the council to report direct observations of significant increases in spillage during rain and mist. Surely it is now time for officers to accept that the applicant's "no evidence" stance is totally without foundation and recognise that the applicant's clear night data underestimate what will occur during rain and mist in a real winter. As I have stated in earlier objections my conclusion is that light levels on facades

will exceed 5lux by a modest amount in rain and by a large amount in mist and I once again urge officers to take this into account.

In terms of pitch illumination I once again note that the applicants state England Hockey requirements are key. Now the International Hockey Federation (FIH) has produced a series of "Guide to Artificial Lighting of Hockey Pitches". The 5th edition of 2007 was adopted by England Hockey and they stayed with those guidelines even when the FIH produced the 6th edition in 2011. In both editions non-televised matches are classed as I, II or III, with III in both editions being for non-competitive training. Both editions, and thus England Hockey as well, call for uniformity of illumination across the whole pitch, which is both a playability and safety issue. In both editions the same two measures of uniformity are specified for all three classes, including class III training, namely,  $E_{min}/E_{max} > 0.5$  and  $E_{min}/E_{ave} > 0.7$ . The spill contour plan in the current application quotes a uniformity of  $E_{min}/E_{ave} = 0.7$  but there is no mention of  $E_{min}/E_{max}$ . However inspection of the pitch data shows a maximum of 717lux and many instances of levels less than half of this i.e. 358lux, and a minimum of 304lux giving  $E_{min}/E_{max} = 0.42$ . Thus this pitch illumination does not meet England Hockey or FIH recommendations.

In earlier 2015 discussions with officers it was put to me that pitch lighting and safety was not a planning issue and thus of no concern to the officers. I was shocked by this approach since I consider it wrong knowingly to approve a scheme where safety is in doubt. Moreover I suspect the problem arises because the applicants are shoehorning in a scheme which is just too close to neighbouring houses.

I would ask that on this occasion officers ask the applicants to acknowledge that  $E_{min}/E_{max}$  fails to meet safety requirements, to confirm that the school is happy with this, and to ensure that were the application to be permitted no liability would attach to the council or tax payers in the case of subsequent accidents or injuries which might be put down to poor uniformity of illumination.

Needless to say, in the interests of my ex-neighbours, I would very much rather that the application be refused, and I again urge officers and councillors to do just that.

Fairwinds  
6 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2PB

**Comments:** 26th October 2016  
Letter attached.

28 Eldorado Crescent  
Cheltenham  
Gloucestershire  
GL50 2PY

**Comments:** 26th October 2016

We should like to add our comments to those already expressed online. Our house overlooks the playing field from Eldorado Crescent and whilst the lighting will not directly shine into our garden we are in agreement with those who feel the lighting would impact negatively on neighbouring gardens in Christchurch and Malvern Roads. We also agree that the considerable noise from matches (perfectly acceptable during the day) would be a nuisance after dark.

Furthermore, we can see from our house the amount of lighting which already affects the streets on the far side of the field, and the very bright existing security lights on CLC buildings at night.



## Page 65

The proposed lighting scheme would further encroach on the small but much-needed dark area over the fields.

4 Drakes Place  
Cheltenham  
Gloucestershire  
GL50 2JF

**Comments:** 18th November 2016  
Letter attached.



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Town *Planning* Consultants

Mrs E Pickernell  
Planning and Development  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire, GL50 9SA

21 November 2016

Our Ref: 148/Let CBC 21.11.16

Dear Mrs Pickernell

**Application Reference 16/01790/FUL**

**Erection of 6No. retractable lighting columns to provide illumination of the 'old astro pitch' at Cheltenham Ladies' College Playing Field  
Cheltenham Ladies College Malvern Road Cheltenham Gloucestershire**

I write on behalf of my clients, [REDACTED] who live at no. 17 Christchurch Road, and in respect of the above application for the proposed floodlighting of one of the existing all weather pitches at Cheltenham Ladies College. On behalf of my clients, I would like to **object** to the current proposals, for the reasons set out in this correspondence.

My clients have previously objected to the current application and their previous comments still stand. However, they have asked me to add to these with a specific objection that relates primarily to the impact of the current proposals on the historic environment, and in particular both designated and non-designated heritage assets.

To facilitate this, I have visited the site and inspected the existing pitch, have viewed the site from my clients' property and have also inspected the surrounding local area. I have also undertaken a detailed review of national and local planning policy and guidance to assist in the formulation of this objection, as well as a review of similar and relevant cases that have been heard at appeal.

**Policy Background**

To set the context for this objection I provide an overview of the relevant policy and guidance as follows.

**National Planning Policy Framework (NPPF) (2012)**

Paragraphs 126 and 131 of the NPPF – on development affecting Conservation Areas – notes the 'desirability of new development making a positive contribution to local character and distinctiveness'. This is reinforced by Paragraph 132, which notes that, when considering development proposals, great weight should be given to the conservation of heritage assets.

Paragraph 128 states that '*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting*'.

Harm to the historic environment is recognised, in some cases, to be unavoidable. Any harm must however be balanced by clear and convincing justification (NPPF, Paragraph 132), wider benefits and be mitigated by informed design to be acceptable.

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Town *Planning* Consultants

On design in general, Paragraph 58 of the NPPF requires all new developments to 'respond to local character and history, and to reflect the identity of local surroundings and materials'. Paragraph 58 also requires new development 'to add to the overall quality of the area'. With Paragraph 60 emphasising the importance of 'promoting or reinforcing local distinctiveness'.

## **Historic England Guidance**

Historic England's Guidance contained within 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 states that, *'The character of a historic place is the sum of all its attributes, which may include: its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character but it is a broader concept, often used in relation to entire historic areas and landscapes.'*

The Guidance also highlights that the NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

## **Local Plan Policy**

The adopted Plan comprises the Cheltenham Borough Local Plan Second Review (2006) with additional consideration being given to the emerging Joint Core Strategy (JCS) (Gloucester, Cheltenham, Tewkesbury) Submission Version (2014). In this instance, the adopted Local Plan has been superseded in relevance by the JCS and therefore specific consideration has been given to policies contained therein.

JCS Policy SD9: Historic Environment, states:

1. *The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy.*
2. *Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.*
3. *Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.*
4. *Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.*
5. *Development proposals at Strategic Allocations must have regard to the findings and recommendations of the JCS Historic Environment Assessment (or any subsequent revision) demonstrating that the potential impacts on heritage assets and appropriate mitigation measures have been assessed.*



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## Commentary

My clients' property, which is unlisted but identified as a positive building in the Conservation Area, lies within the north-western part of the Lansdown Character Area of the Central Conservation Area whilst the application proposals fall within the Eldorado Character Area of the same Conservation Area. Also within the Lansdown Area, in close proximity to the site is Christ Church is a Grade II\* listed building whilst Clayton and Demara (Selkirk) on Douro Road to further to the South East of the site comprise Grade II listed buildings. Taking account of these features, a key consideration in this instance is the impact of the proposed floodlighting on both designated and non-designated heritage assets in the vicinity of the site, including those within the Lansdown Character Area of the Central Conservation Area.

It is accepted that the proposals seek consent for retractable lighting columns in an attempt to minimise any impact, and from the wider area, these will not be visible. However, of greater concern is the impact arising from the use of the lights during darker periods, and the impact this will have not only to immediately adjacent properties, but also to the overall character and appearance of the wider Conservation Area and the setting of the buildings and spaces within it. Whilst the applicant's submission makes a general assessment of the impact of the proposals, it does not provide a justification for the proposals upon the basis of the heritage impact that will arise to both designated and non-designated heritage assets. The Planning Statement submitted with the application makes reference to a Heritage Statement. However, no such document is available on the Council's online portal. Bearing in mind the proximity to the Lansdown Conservation Area and a number of Grade II and a Grade II\* listed building, it is considered that a Heritage Statement is required to assess the impact of the proposed floodlighting on both designated and non-designated heritage assets and before any judgement can be made by the Council on the acceptability of the proposals. Furthermore, the Applicant's Planning Statement makes no justification for the proposals in the context of presiding planning policy and guidance, and in the absence of such a justification, the Council cannot be in a position to fully assess the acceptability of the current proposals.

JCS Policy SD9 considers the impact of proposals upon the historic environment, which includes conservation areas and listed buildings. Of particular relevance are the following clauses:

2. *Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.*
3. *Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.*

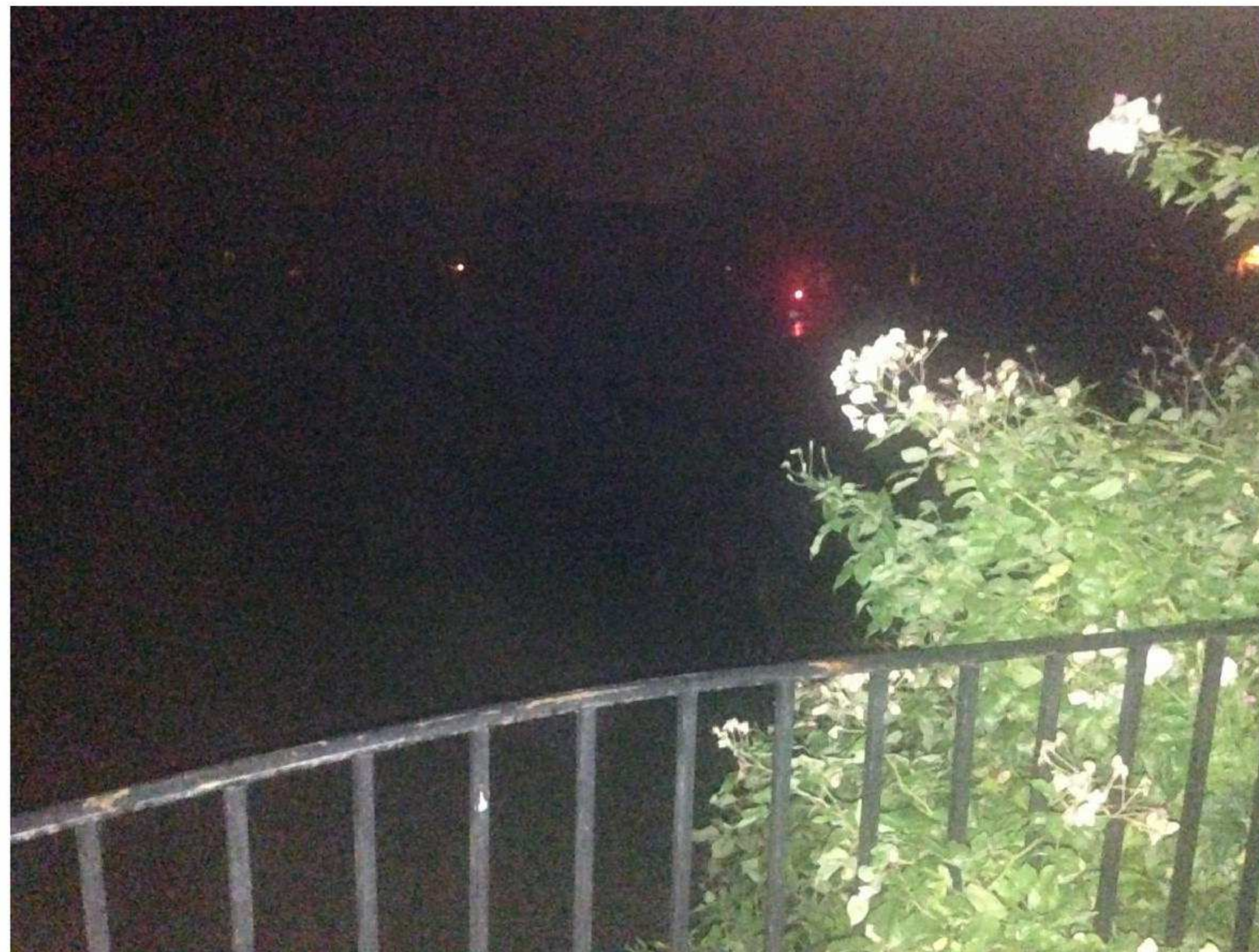
With reference to clause 2 of Policy SD9, the proposals do not make a positive contribution. Whilst the visual impact of the columns themselves is likely to be minimal and when not in use the impact will be limited to the outlook from immediate neighbouring properties, even this level of impact is not considered appropriate for properties located within the Conservation Area. Furthermore, the impact of the columns when fully extended and lit is likely to be significant. Whilst the level of spillage from the fittings themselves has been minimised, it is noted that the columns are located within a key view as identified within the Townscape Analysis Map of the Lansdown Character Area. Also the lighting proposed is directional, an element of glow and spillage is inevitable and the lighting when operational will be visible from a considerable distance, and will be at odds to anything else visible at night within this part of the Conservation Area.



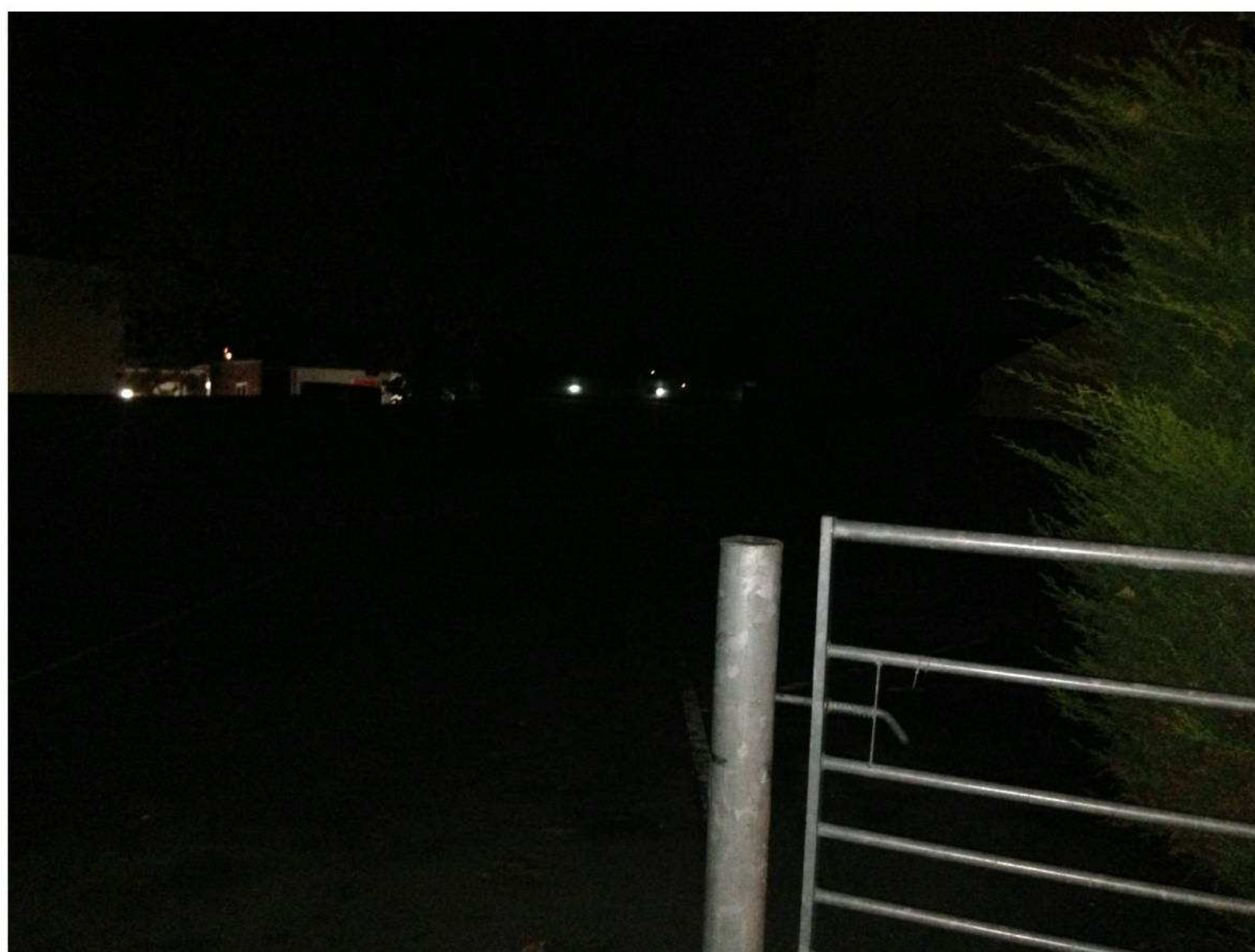
# Harwood Savin Ltd

*Town Planning Consultants*

Policy SD9 (clause 3) seeks to ensure that ‘designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place’. The point of setting and character is key in this respect. The Lansdown Character Area is very suburban, characterised by well-established tree-lined streets, elegant buildings, with open spaces between buildings and an atmosphere of grandeur and elegance. The area is almost solely residential in character. As a result, the night-time character of the area is one with a relatively peaceful and tranquil setting, with relatively low levels of lighting, where the only light sources are typically from existing dwellings and small businesses, street lights and vehicles. To put this into context, the photograph below illustrates the existing level of lighting on the application site at night, when viewed from the rear windows of 17 Christchurch Road and also from the access gate to the pitch.



*Photograph 1: View across existing unlit pitch from first floor balcony/terrace at 17 Christchurch Road*



*Photograph 2: View across pitch from pedestrian entrance*

The floodlighting proposal, whilst outside of the Lansdown Character Area (but within the Eldorado Character Area), will have a detrimental and harmful impact upon the character of this part of the Conservation Area and also the setting of nearby listed buildings. Of particular relevance in this

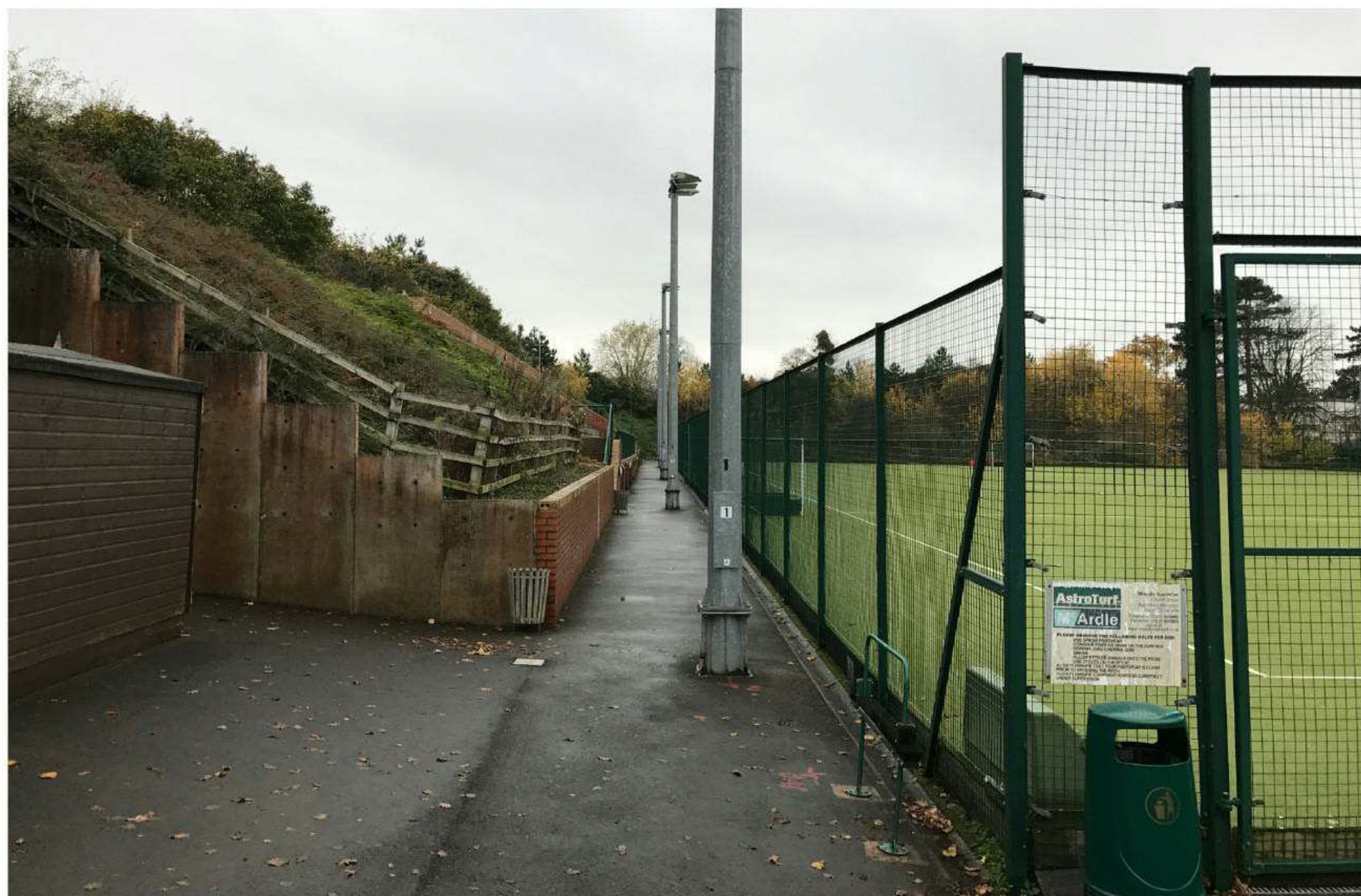


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respect is the impact upon Christ Church, the closest Grade II listed building and a structure that can be considered to form a 'valued and distinctive element of the historic environment'. It is understood that the Church has recently had its own floodlighting and uplighting installed, and it is considered that any additional floodlighting in this area will detract from the setting of the Church.

Particular concern is also raised in respect of the cumulative impact of the proposals when combined with the existing floodlit pitch on the north-western side of the College site, just north of properties on Eldorado Road. In that instance, the pitch is set back from residential properties and with lighting columns and fittings screened by a bund as well as benefitting from existing mature trees along the boundaries on the site (see photograph 3 below).



*Photograph 3: Existing floodlit pitch with screening bund and planting*

In respect of the current proposals, no similar screening is proposed, or could be achieved as a result of the existing siting of the pitch. Whilst the currently lit pitch is partially screened by a bund, there are still gaps in the screening which mean that the floodlighting is visible from the wider area (see photograph 4 below).



*Photograph 4: Existing all-weather pitch partly screened by bund and planting*



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Should consent be granted for the proposed floodlighting, we have considerable concern about the cumulative impact of the proposals if both pitches are lit at night, and the impact that this may have upon the character of the Conservation Area and the setting of listed buildings and heritage assets.

In drawing the above conclusions, consideration has been given to a number of appeal cases from both the Cheltenham area, and also elsewhere in the Country.

In the case of *Cheltenham Ladies College v Cheltenham Borough Council* in respect of a proposal to floodlight tennis courts at Well Place, Cheltenham (appeal reference APP/B1605/A/08/2082821) (April 2009), the Inspector dismissed the appeal and concluded that:

*"I have previously indicated that I consider the appeal site to contribute to the character and appearance of the conservation area, and that part of that contribution arises from its relationship with the surrounding houses. In my view, the quiet and undisturbed character of the area which prevails after dark is a consequence of the fact that the space is empty, unlit and unused, and that it is overlooked in most cases by the darker and passive rear facades of the surrounding houses rather than their better lit and more active frontages. The resulting character is distinctive and specific to this area, and very different from the character that would prevail in, say, a formal square with floodlit buildings, bright street lighting and steady traffic. I consider that the introduction of the illuminated conditions described above, and the activity that this would facilitate, would materially and adversely change that quiet character, and undermine its current distinctive contribution. Together with the effect of the appearance of the columns in daylight, I conclude that the proposal would fail to preserve the character or appearance of the Central Conservation Area, contrary to Policy CP7 of the Cheltenham Borough Local Plan."*

With regard to amenity, the Inspector specifically commented that:

*"After dark, however, when the courts would normally be silent, the activity levels and associated noise that would be the consequences of illumination would be markedly different from the conditions normally expected at this time. I consider that this would have the potential to cause irritation and disturbance to nearby occupiers, and could cause domestic difficulties with small children at bedtime, and bring a sense of insecurity among older residents. I consider also that the appearance of a brightly lit space in close proximity to the private rear side of the surrounding houses, where darkness would normally be expected, would in itself have a negative effect on the living conditions of residents. I conclude that the proposal would harm the living conditions of nearby occupiers, contrary to Local Plan Policy CP4."*

Whilst issues relating to residential amenity have been dealt with in my clients' earlier objection, the Inspector's comments in respect of the proposals for floodlighting at Well Place are also valid in this instance and should be taken as a material consideration in the context of the current proposals.

In the case of *Perse School vs Cambridge City Council* in respect of a proposal to floodlight an all weather sports pitch (appeal reference APP/Q0505/A/04/1157564) (September 2004), the Inspector concluded that, whilst policies sought to protect the setting and special character of Cambridge and to resist proposals that would adversely affect the open character of structurally important open spaces or detract from their relationship with the adjoining built up area, there was an overarching desire to encourage opportunities to improve the value of existing facilities. However, the impact on the character and appearance of the Southacre Conservation Area was a key issue. He stated that:



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*".... The level of lighting both within the Conservation Area itself and perceived from external vantage points in extremely low key.... I anticipate that the appeal proposals would conflict materially with this perception and. Thereby, harm the character and appearance of the Conservation Area..... I foresee that the block of light would be seen from some external vantage points from there the public have access...."*

Taking account of all the points raised, the impact on the Conservation Area being one, the Inspector dismissed the appeal.

In the case of *Four Oaks Tennis Club vs Birmingham City Council* for the installation of floodlights across two tennis courts and associated landscaping (appeal reference APP/P4605/A/04/1137873) (August 2004), the Inspector dismissed the appeal. One of the main considerations was the effect of the proposed development on the Four Oaks Conservation Area and whether it would preserve its character or appearance. In this instance the proposed columns were only 5 metres in height. Even so, the Inspector considered that the columns and luminaires, whilst screened during the summer months by vegetation, would be more prominent in the winter as essentially functional equipment and would *'still appear intrusive and detract from the character and appearance of the Conservation Area.'*

The Inspector's concerns were also reinforced by the effects of the illumination, Whilst the Council held the view that the site fell within Environmental Zone E2, an Area of Low District Brightness, because of the dim street lighting on the Four Oaks Estate. The Appellant stated that the scatter or skyglow would be less than the 2.5% standard for Environment Zone E2. However, the Inspector felt that the floodlights would inevitably create a skyglow in contrast to the comparative darkness of the surrounding area, which would be out of character with the restrained and discreet character of this part of the Conservation Area. Even though it was proposed that the lights would only be on when the pitch was in use, the Inspector considered that this could still lead to light intrusion during late afternoon and evening periods, and hence that the proposal would not preserve the character or appearance of the Conservation Area.

In the case of *Mr G Bartholomew vs Worcester City Council* in respect of the floodlighting of tennis courts (appeal reference APP/D1835/A/09/2101459) (August 2009), the Inspector dismissed the appeal partly upon the grounds of the impact of the proposals upon the character and appearance of the Conservation Area and the fact that a significant pool of light would be introduced to an area that is not subject to such intrusion at present and one which would have a significant visual impact.

## **Summary**

On balance, it is considered that insufficient evidence has been provided by the Applicant to demonstrate that the proposals will not have a detrimental impact upon the character of the Conservation Area or the setting of both designated and non-designated heritage assets. In the absence of such information, including a heritage assessment, an assessment in the context of presiding planning policy and guidance, and an analysis of key views within and across the Conservation Area, the Council is unable to make an informed and balanced decision on the proposals.

The case law presented above illustrates clearly that proposals for floodlighting are very sensitive and can have a substantial impact upon conservation areas and listed buildings.

## **Other Matters**

No ecological assessment has been submitted as part of the application. The surrounding area includes a number of older properties and large mature trees, which are likely to provide a suitable habitat for bats. The open space of the existing playing fields is likely to provide a suitable foraging



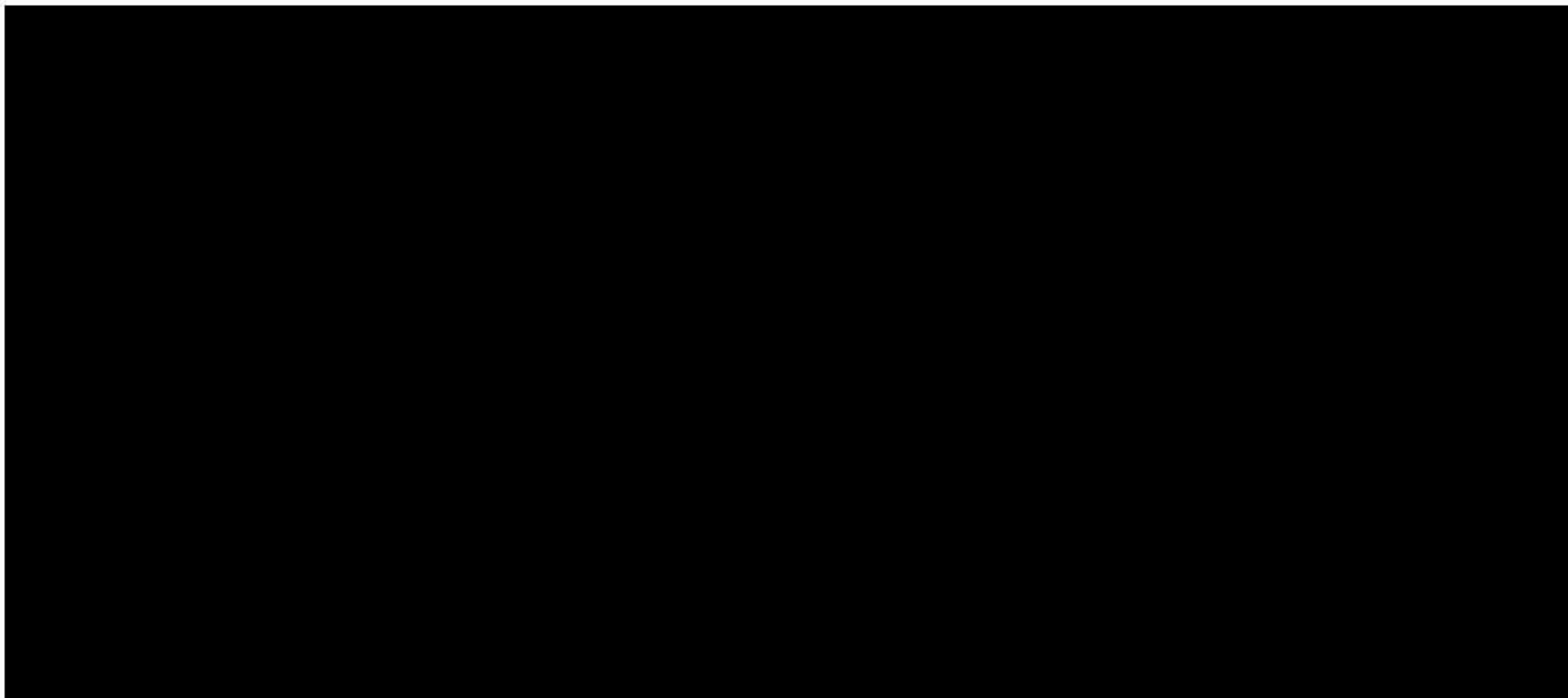
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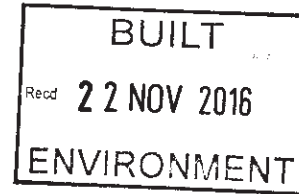
*Town Planning Consultants*

habitat for bats. The installation of lighting in this location, which is typically quite dark for an urban location, may have an impact upon foraging corridors for bats. In the absence of a formal assessment on this matter it is considered that the Council cannot make an informed decision on the current proposals.

In light of the above analysis, it is respectfully requested that planning permission be refused for the floodlighting proposals as currently sought in application reference 16/01790/FUL.

Yours sincerely





17 Christ Church Road  
Cheltenham  
Gloucestershire  
GL50 2NY  
21<sup>st</sup> November 2016

Ms E Pickernell  
Planning Officer  
Cheltenham Borough Council

**Re: Application 16/01790/FUL**

Dear Ms Pickernell,

In response to the most revised/additional information to planning proposal ref: 16/01790/FUL please find enclosed our written objections.

These are presented as four communications:

- Application 16/01790/Response to Evans Jones
- Application 16/01790/FUL ItDoesLighting Review
- Application 16/01790/FUL Biodiversity
- Application 16/01790/FUL Harwood Savin Ltd Conservation and Heritage Impact Report

Thank you for the continued opportunity to express our concerns about this matter.

Yours sincerely

A solid black rectangular box, likely a redacted signature or name.

17 Christ Church Road  
Cheltenham  
Gloucestershire  
GL50 2NY

21<sup>st</sup> November 2016

Ms E Pickernell  
Planning Officer  
Cheltenham Borough Council

Dear Ms Pickernell,

**Re: Application 16/01790/FUL Evans Jones**

We are grateful to the Planning Officers and to the Planning Committee of Cheltenham Borough Council for allowing us the opportunity to respond to the submission by Evans Jones who act on behalf of the Cheltenham Ladies' College (CLC) in respect to their application for planning permission to erect floodlighting immediately adjacent to our homes.

Whilst we have answered each of the points raised by Evans Jones (numbered to correspond below), our concerns can be summarised as:

Traffic will increase as day girls/other pupils are collected from car park adjacent to the pitch. The applicants have not considered the possibility of either visual disturbance or safety by the illumination of the road junction.

The noise levels caused by hockey players will remain unacceptably high.

The visual impact of the proposed lighting level will be detrimental to the Conservation Area. The scheme does not comply with National and Local Sustainability Directives, nor CLC's own principles as set out in their own Good Neighbours Policy (2015) and Environmental Policy (2015)

The proposed lighting level of our property exceeds the maximum 5 lux that is recommended by the British Standards Institute. The lighting level at our windows may exceed 5 lux on typical winter's evenings. At the same time, the proposed lighting level does not conform to the standards required by England Hockey for safe matches.

The lighting will be detrimental to the amenity of the Conservation Area, which currently represents a haven of dark sky in Cheltenham, which will be permanently lost. Character Appraisal of the Lansdown Character Area within Cheltenham's Central Conservation Area concludes that the special interest of the area derives from the following key characteristics:

"The pattern and layout of streets, the spaces between buildings, and the form of the buildings and use of quality building materials all complement each other. They combine together to give the area grandeur, elegance and spaciousness;

The open green spaces and in particular the well-established tree-lined streets greatly enhance its character and appearance and the setting of its buildings;



The residential character of Lansdown is a highly distinctive element of its identity. It is important its dominant residential character remains as Lansdown was planned historically as a residential estate.

Use any planning powers to ensure that equipment or installations are installed away from public spaces and views, so as not to detract from views within the street scene and the overall character of the character area."

An assessment of the impact and potential harm to wildlife and biodiversity has not been submitted with this application. For example, since 2010, there have been established breeding peregrine falcons on Christ Church tower. Urban peregrine falcons are resident all year round and 'afforded the highest degree of legal protection under Schedule 1 of the Wildlife and Countryside Act 1981'. This means that they must not be disturbed during their nesting activity, which begins in February. Floodlights represent such a disturbance.

This proposal represents a series of compromises made to shoe-horn a floodlit pitch into a pre-determined area. The obtrusive light spill remains unacceptably high, and the illumination of the pitch is inadequate for match play and too variable for safety. The plans submitted with this application are incomplete in scope and detail and hide the true extent of the spillage onto our property.

We accept the need for CLC to develop its sports facilities and did not object to a scheme that was granted planning permission that would have placed a floodlit pitch at a reasonable distance from residences (ref.11/01125/FUL). We are concerned that CLC has stated that there is also a competitive commercial imperative: will other schools feel compelled to extend their facilities; will permission for this proposal create a precedent that will make it difficult to decline permission to all the other schools in Cheltenham to light up the sky?

We now address in detail each of the applicant's agent's comments from their most recent communication, ref: letter to Emma Pickernell, Cheltenham Borough Council (10-11-16). For ease, the numbers below correspond to their tabulated planning points correspondence.

1. We maintain that the original application and, indeed, the current application remains incomplete and inaccurate and is, therefore misleading. The minimum and desirable standards for an application for sports lighting are detailed by the British Standards Institute. The applicants have failed to follow this guidance.

The Borough's officers applied for an independent review of the proposal because the information provided by the applicants did not give a complete appraisal of the impact of the proposal on the Conservation Area. The independent review noted that the latest application had been amended to address objectors' concerns.

If the applicants had been confident in the accuracy and completeness of their proposal, then they would not have withdrawn at the last moment.

2. We accept that this is a matter for the Local Authority. We are grateful that the Planning Officer has addressed our concerns.
3. We would contest that the applicants have been able to demonstrate that the proposal is not detrimental to the Conservation Area. The proposal fails to conform with the British



Standards for sports lighting BS EN12193: 2007, in that, the light level proposed will exceed the recommended maximum by up to **10 fold**.

4. We believe that this is factually incorrect; the lighting proposal exceeds British Standards that indicate that the light at the border of our property should not exceed 5 lux. The proposal indicates a lighting level of 25-50 lux in the gardens adjacent to the pitch.
5. We would ask for clarification of this point. The meaning and implication is unclear.
6. We remain concerned that, in its current form, the proposed facility will not be 'fit-for-purpose' and with time CLC will seek to extend the use of the 'old' pitch: to justify its charitable status; to realise commercial benefits; or, as we believe, because it is found to be unfit for its intended purpose.
7. We maintain that the drawings supplied in this application do not give sufficient data to allow a full assessment of the impact on the Conservation Area and our dwellings. We have re-examined the documents submitted by the applicants and we remain of the opinion that they are incomplete. First, we can find no document, stated by the applicant's agents to be coded SP 1084/3, that gives a comprehensive prediction of the likely lighting levels expected after installation. Specifically, the point values at the limits of our properties and even at the rear facades of our homes have been omitted. This data is necessary in determining the impact of the proposal.
8. We are grateful that the applicants acknowledge that the information initially submitted was inaccurate and incomplete. However, the inclusion of the data points covering our house does not meet the recommendations of the British Standards Institute. To do so, the applicants must include data points for all our property up to and including the perimeter of our gardens. Until this data is submitted the applicants will leave the Planning Officer at a disadvantage and unable to determine whether the proposal complies with BS EN 12193: 2007.

The applicants refer to the part of our homes for which data was omitted as 'an annex'. This is not the case; this part of the building is part of the original building that dates to 1896 and, furthermore, provides essential living space to our family; dining rooms, bedrooms and a study.

9. We agree with the applicants that this factor is unlikely to have any material effect on the overall illumination. We do, however, take issue with the dismissal as irrelevant the need to consider this possibility. The applicant's agents seem unable to consider all possible effects to ascertain the impact of their scheme. For example, the effects of weather, the effects of re-surfacing, the effects on local traffic etc. It is only by considering all possible effects that the applicants can ensure that their plans are safe and proportionate.
10. Our experience of the consultation events was that they were not an opportunity to discuss the applicant's plans and the resident's concerns, but rather a presentation of what was going to happen. We are very concerned that unattributed quotes, reputedly from objectors, have been included in the applicant's evidence. We would ask that they are either attributed to specific individuals or are withdrawn.

11. The application for flood lighting was abandoned at the last moment, because the applicants had failed to consider several points of contention that were readily discernible to an independent reviewer. Had the original plan been complete and comprehensive, the applicants should have been able to respond immediately. It is worth noting that the professional applicants have now had 12 full-time months to revise their plans, whilst we, as amateurs, have just a few part-time weeks to review the proposal.

12. The applicant's agent is saddened that the 'objectors' feel that the changes made to the plan have not been acknowledged.

Subsequently, the agent claims (see below) that, because the ItDoesLighting Ltd review has not made any material changes to the plan abandoned at the last minute in November 2015, the proposal was always justified.

These are mutually contradictory statements; have the applicants made concessions or not?

13. The lighting proposal does not comply with British Standards (BS EN 12193: 2007) with respect to obtrusive light.

14. We understand that the lighting will be activated at dusk and de-activated at 1900 every weekday and Saturday evening. The light will not be activated on Sundays. This pattern will disturb Schedule 1 listed raptors.

15. We would wish to suggest that this is not relevant. The floodlights will be intrusive whether they are activated after dark or used to augment poor natural illumination before nightfall.

To assert that there will be NO (sic) spillage is clearly wrong; we currently enjoy no light pollution.

16. We would seek clarification of this assertion. Is it not reasonable to expect the applicants to use the 'new' less obtrusive pitch in preference to the 'old' pitch adjacent to our homes? Good planning practice must surely favour the least possible detrimental impact on people in their homes.

17. Whilst an upgrade of the lighting of the existing (new) pitch might not provide all the applicant's requirements, an upgrade would be a fair compromise to allow recreation for the school's pupils whilst minimising the impact on resident's home life.

18. We would simply contest this. It is in this matter that we accept the arbitration of the Planning Officer and the Planning Committee.

19. The pitches are not fully utilised in daylight hours. If the applicants wish to optimise their pupils' health and well-being their activity in natural light should be increased.

20. We take no issue with the aspiration for CLC to develop its recreational and sporting programme, but would suggest that the need for a second floodlit pitch is excessive,

disproportionate and harmful to the environment as well as the Conservation Area. The CLC principal's justification letter outlines their reasons.

- a. CLC is exclusively a girl's school and time-tabling must be more straightforward than in co-educational schools, as there is no need to accommodate the split between boys', girls' and mixed activities. It is difficult to understand how the girls at CLC could ever be classed as 'second-class' citizens in the absence of any demand for shared facilities from boys' or mixed sports.
- b. We note that no other independent school in Cheltenham has the need for two floodlit pitches, even though as co-educational establishments it is necessary for them to timetable girls' and boys' activities; presumably at separate times.
- c. We would take issue with the notion that the floodlighting proposal is well-planned, well-informed or judicious. The documentation submitted with this application is incomplete in its scope and detail; as we have described elsewhere. Even the Independent Schools Inspectorate, according to the applicant's agent, have suggested that a second floodlit pitch might be excessive.
- d. If the safety of the girls during transfer between parts of the CLC site is a concern, it would be preferable to hold these activities during the safer hours of daylight.
- e. We can make no argument against the notion that bigger and more varied facilities will allow a great variety of sporting and recreational activity to be undertaken at CLC. However, we are uncertain that this will allow excellence to flourish. The applicant's already have planning permission, granted in 2012 (ref.11/01125/FUL), for a large sports hall that could accommodate three tennis courts, as well as an effectively floodlit outdoor pitch. This has been abandoned in favour of a massive health and fitness centre, which has precluded a well-illuminated outdoor pitch: instead, the applicants have compromised by seeking to place inadequate floodlights on the 'old' AstroTurf pitch.

21. The Independent Schools' Inspectorate, with their wide knowledge of the facilities required for sports, seem to recognise that the current facilities and the new sports hall will provide more than adequate resources for CLC's needs. According the Evans Jones, the inspectors 'suggest[ed] waiting to see the impact of the increased availability provided by the New Sports Hall prior to pursuing additional floodlighting would be sensible'.
22. The lighting does not conform to British Standards (BS EN 19193: 2007). It exceeds the levels recommended by up to 10 times.

We would contend that to suggest that families should cope with this intrusive light by drawing their curtains is an acknowledgment, by the applicants, that their proposal is harmful.

23. The applicant's agent implies that the site already has significant light pollution. This is a misrepresentation. As we sit in our study, which overlooks the site, we can see only two lights, each equivalent to a single street light. I would urge the applicant to visit the site after dusk to verify this.

24. The British Standards Institute gives clear guidance with regards to light spillage onto roads (BS EN12193: 2007), which the applicants need to apply to their proposal. We would like to suggest that it is not our responsibility to ensure the safety of the proposal.
25. We would like to re-iterate our acceptance of the need for CLC to provide adequate facilities for the recreation of its pupils. At no time, have we complained of the noise generated by the current use of the 'old' AstroTurf pitch. Our current objection arises from the unreasonable increase in noise that the applicant's proposal would cause. This proposal, the latest of four, post-dates the purchase of our family home by 20 years.
26. The purpose of the goal back-boards in the hockey goal is to allow the referee to ensure that shots at goal are below a safe height. To reduce the ability of the referee to determine whether a shot is safe or not will increase the players' risk of injury.
27. We would ask the Planning Officers to consider why it has been possible, in a limited time, to reveal essential flaws in the proposals. Had the applicants considered all aspects of their proposals to be sound, they should have had confidence to proceed with the planning process for (15/01171/FUL) and proceeded with their original proposal.

In presenting a proposal with, by their own admission, offers no real change, the applicants have demonstrated an indifference to our reasonable concerns: the plan does not conform with British Standards for sports lighting; the proposal is inconsistent with national, regional and local values of the Conservation Area; that the facility will be unsafe for the applicant's pupils; and the applicants have failed to ensure that there will be no detrimental effect on road users.

28. The applicant's agent admits that there has been no attempt to reduce the level of intrusive light falling on our home. This is despite the fact that the proposal does not meet the British Standard that, before curfew, the light levels on our home should not exceed 5 lux.

Although retractable light columns are to be welcomed the difference between 4.5 and 3.5m is not germane to our objection; it is the excessive lighting of our home during the important hours of the early evening that we find intolerable.

29. If the applicants had acknowledged the unfortunate asymmetrical nature in any planning process, we would have accepted this point. As residents and community members we are neither experienced nor trained to participate in such a process, and remain grateful for all the advice offered by the planning office and local councillors. This process has been relentless and, having to return from work and work tirelessly to understand the next set of planning documentation and cross reference statutory and local legislation and standards, has been detrimental to our wellbeing.

It should be noted that whilst the applicant has had an indefinite period to present an argument for their proposal, local residents have only three weeks to mount a response. We would, therefore, suggest that it is not the duty of the Local Authority to ensure the veracity of any proposal, but it is responsibility of the applicant to ensure that their proposal actually meets national, regional and local guidance.

30. The proposal does not meet British Standards BS EN 12193: 2007

31. Please refer to our concerns with regard to the effects on the Conservation Area.

32. We maintain that the applicants have failed to supply evidence to objectively assess the merits of their proposal.

An independent assessment was requested by CBC, but the terms of reference for the assessment are not available. Therefore, in the absence of a clear and verified statement of the purpose of the review, its conclusions have no context.

It is of some concern that the Local Authority was compelled to request such a report, at considerable expense, for the commercial benefit of a local business.

33. The applicants have shown no regard to the unique features of the Conservation Area.

Planning permission for a facility with floodlights, that would meet their commercial requirements (11/01125/FUL), existed at the time the current application to floodlight the 'old' AstroTurf pitch (15/01171/FUL; 16/01790/FUL). We did not object to the proposal ref:11/01125/FUL, as we saw it as a compromise between the applicant's commercial objectives and the impact on the Conservation Area. However, the applicants subsequently decided to increase their plans to build a much larger hall, that precluded the reasonable placement of floodlighting alongside commercial premises and necessitated floodlighting of residential homes.

34. We wish to contest this. The applicants have not submitted the minimum data as detailed by British Standards (BS EN 12193: 2007)

35. We would like to suggest that the data submitted with this application continues to be incomplete in scope and detail. Specifically, their lighting plans omit data on the light falling on our properties and on surrounding streets. There is no environmental impact report and there has been no consideration for the impact on wildlife and biodiversity.

We note that an amended plan has now been submitted that includes the proposed light pollution on our houses, but continues to omit any data on the light falling on our house facades and gardens, which is a minimum recommendation of British Standards. Further, the applicants have continued to ignore the need for any assessment of the potential effects on drivers approaching the junction of Christ Church and Douro Road.

36. In order to clarify this point, we would be grateful if the appropriate letter could be referenced.

37. The definition of lighting areas should be predicated on the current lighting level. The applicants, however, arbitrarily choose to designate the area as suburban.

To be objective, by direct observation from our garden, rather than by Google Earth, the NELM value for the Conservation Area is between 6 and 7; M33 (a spiral galaxy in Triangulum) is certainly discernible with averted vision. This places the site in the Bortle



category 4, which corresponds to rural/suburban transition. This confirms that the site must be considered as an E2 area and that the applicants have made no concession in this regard.

38. There is clear evidence that atmospheric conditions can affect light levels. Mist and rain increase light pollution ( Sports Council: Guidance notes for floodlighting: 1994).

It should be noted that previous applications for floodlighting of school pitches has been refused on the basis of a light spill of 2 lux at a neighbouring garden's perimeter. This proposal, at a minimum of 25 lux, and increased by a significant factor in typical winter weather, will represent an unacceptable invasion of our privacy and well-being.

39. We accept this.

40. The British Standard for light pollution is not for the facades of any building, it is for the perimeter of a property. The applicants propose a light level up to 10 times that recommended by the British Standard (BS EN 12193: 2007).

41. This is not the case. Data points for all our home, even in the revised plan, have been omitted.

42. As residents, we already contend with the effects of traffic due to the use of the sports field. We are often denied access to our driveway by unattended parents' vehicles. This will increase, at the end of our working days, as the 'old' AstroTurf pitch is used more frequently.

43. The proposal is inadequate in the level and uniformity of its lighting to allow safe competitive hockey match-play. The applicants have not demonstrated that the light level exceeds the minimum 350 lux overall or the minimum variation of 50% between maximum and minimum. In fact, the plans demonstrate a failure to achieve these minimum standards even in crystal clear conditions.

The applicant's agent suggests that, as neighbours, we should accept the need for CLC to develop its facilities. For the record, we do accept this, recognising CLC's commercial imperatives. However, we would ask the Planning Officer to acknowledge that we did not object to a prior plan, (11/01125/FUL) that placed the floodlighting well away from our homes. The applicants have subsequently chosen to build a facility that exceeds their reasonable recreational aspirations, thereby preventing a development that would allow a sustainable compromise that is acceptable to the community and residents.

Thank you for your attention,

Yours sincerely,





17 Christ Church Road  
Cheltenham  
Gloucestershire  
GL50 2NY

21<sup>st</sup> November 2016

Ms E Pickernell  
Planning Officer  
Cheltenham Borough Council

Dear Ms Pickernell,

**Re: Application 16/01790/FUL ItDoesLighting Review**

Thank you for the opportunity to consider the review, produced by ItDoesLighting Ltd, of the CLC planning application for floodlighting of the 'old' AstroTurf hockey pitch. We remain concerned that the application continues to represent a threat to the local amenity of the Conservation Area and to the safety of the CLC pupils.

We would be grateful if the Planning Committee would consider the following:

1. Overall the report by ItDoesLighting Ltd, in our view, does not to consider all the possible effects of the proposal. It is necessary, therefore, to have sight of the Contract (p 2 paragraph 1 of their report) between CBC and ItDoesLighting Ltd to understand the Terms of Reference for this particular review. Were ItDoesLighting Ltd asked to also consider road or participants' safety?
2. We would seek clarification on the methodology used to determine the Bortle Scale value for the site. Whilst it is true that the value for Cheltenham overall, including the town centre, might be as high as 4.62, the value for the site in question must undoubtedly be higher. As enthusiastic sky watchers and by direct observation from our garden, rather than by Google Earth, we would estimate the NELM value to be between 6 and 7; M33 (a spiral galaxy in Triangulum) is certainly discernible with averted vision from our garden. This places the site in the Bortle category 4, which corresponds to rural/suburban transition. This corroborates that the site must be considered as an E2 area and that the applicants have made no concession in this regard.
3. We do not question that all efforts to limit light spillage have been taken by the lighting engineers. We do question whether this is sufficient to provide a sustainable balance between the needs of CLC with the permanent impact on the amenity within this Conservation Area.

Specifically, we contest that neither Neil Johnson Lighting nor ItDoesLighting Ltd have demonstrated compliance with the British Standard for an acceptable level of light spillage on neighbouring properties.

The current guidance for sports lighting is detailed in BS EN 12193: 2007, to which we have been unable to find any BSI amendment, and which defines obtrusive light (page 6) as:

### 3.5

obtrusive light spill light which because of quantitative, directional or spectral attributes in a given context gives rise to annoyance, discomfort, distraction or reduction in the ability to see essential information.

NOTE In the case of outdoor sports lighting installation obtrusive light is considered around the installation and not for spectators, referees or players within the sports area.

And subsequently (page 15) defines the following limits for obtrusive spillage from sports lighting...

## 5.10 Obtrusive light

To safeguard and enhance the night time environment it is necessary to control obtrusive light, which can present physiological and ecological problems to surroundings and people.

The limits of obtrusive light for exterior lighting installations, to minimise problems for people are given in Table 1 and for road users in Table 2.

Table 1 – Maximum obtrusive light permitted for exterior lighting installations Light on properties

Environmental Zone	$E_v$ lx		Luminaire intensity / cd		Upward Light
	Pre-curfew <sup>a</sup>	Post-curfew	Pre-curfew	Post-curfew	%
E1	2	0	2 500	0	0
E2	5	1	7 500	500	5
E3	10	2	10 000	1 000	10
E4	25	5	25 000	2 500	25
<sup>a</sup> In case no curfew regulations are available, the higher values shall not be exceeded and the lower values should be taken as preferable limits.					
E1 represents intrinsically dark areas, such as national parks or protected sites;					
E2 represents low district brightness areas, such as industrial or residential rural areas;					
E3 represents medium district brightness areas, such as industrial or residential suburbs;					
E4 represents high district brightness areas, such as town centres and commercial areas;					
$E_v$	is the maximum value of vertical illuminance on properties in lx;				
$I$	is the light intensity of each source in the potentially obtrusive direction in cd;				
ULR	is the proportion of the flux of the luminaire(s) that is emitted above the horizontal, when the luminaire(s) is (are) mounted in its (their) installed position and attitude.				

It is necessary to understand that the above table is taken directly from the source document (BS EN 12193: 2007,) which clearly states in the top second column (highlighted by us for clarity) that the limits for light spillage onto **properties**, which lie in an E2 zone, should be less than 5 lux. It would appear that both Neil Johnson and ItDoesLighting have referred to tables from a derivative document (Guidance Notes for the Reduction of Obtrusive Light GN01:2011) produced by the Institute of Lighting Professional that has been amended so that the light limits are for the facades or windows of buildings. We can find no reference to any amendments made by the British Standards Institute to the source document after its original publication in 2007, and would be grateful for this point to be clarified.

**In this context, the British Standard (5 lux) is exceeded by at least 5 times in our property and up to 10 times in the properties of our neighbours.**

4. This proposal has not addressed the potential risk to safety in two respects.

a. The safety of those participating in sports on the pitch

The lighting proposal indicates that the pitch will be used for Class III hockey. This class excludes competitive play, for which England Hockey requires a minimum of 350 lux, although 500 lux is recommended ([www.englandhockey.co.uk/facilities](http://www.englandhockey.co.uk/facilities)). This is because injuries sustained in match play are six times more frequent than in practice (from: Descriptive epidemiology of collegiate women's hockey injuries. Dick *et al* (2007) *Journal of Athletic Training* 42(2): 211).

We note that the proposed timetable of use includes matches, which by definition involves competitive hockey. As a parent, it would seem to be less than responsible to expose young women to an unnecessary risk of life-changing facial injury by ignoring England Hockey's recommendation (from: Injuries to the head and face in women's hockey. Hendrickson *et al* (2016) *J Clin Sports Science* 18(5): 399).

Further, safety demands that, even for Class III activity, illumination of the playing surface should be uniform with the darkest area being no less than half of the brightest area. This data has not been provided by Neil Johnson, but examination of the light intensity chart confirms that the maximum illumination is 717 lux and the minimum is just 304 lux, a ratio of 0.42, which is clearly below the minimum (0.5) recommended by England Hockey.

b. The safety of road users adjacent to the site

Street lighting should be as evenly distributed as possible. Variation in lighting causes accommodation, which is the physiological function that regulates the amount of light falling on the retina. Accommodation causes a loss of depth perception especially in low light and this, for a person driving between relatively dark bright areas, can lead to reduced perception of hazards. It is for this reason that the British Standards Institute recommends that certain limits are set on light spilling from sports field flood lights onto roads (BS EN 12193: 2007, page 15).

**Table 2 – Maximum values of threshold increment from sports lighting installation**

Light technical parameter	Road classification <sup>a</sup>			
	No road lighting	M4/M5	M2/M3	M1
$Tl^b$	15% based on adaption luminance of $0.1 \text{ cd m}^{-2}$	15% based on adaption luminance of $1 \text{ cd m}^{-2}$	15% based on adaption luminance of $2 \text{ cd m}^{-2}$	15% based on adaption luminance of $5 \text{ cd m}^{-2}$
Limits apply where users of transport systems are subject to a reduction in the ability to see essential information. Values given are for relevant positions and for viewing directions in the path of travel.				
Table 5.2 in CIE 150:2003 gives corresponding values for the veiling luminance $L_v$ .				
a Road lighting classification as given in CIE 115-1995.				
b TI-calculation as given in EN 13201-3.				

We would suggest that the approaches to the junction of Christ Church and Douro Roads would be allocated to the M4 category. We can see no evidence in the current application that this traffic safety issue has been considered by either the applicant or subsequently by ItDoesLighting Ltd in their review.

5. We would like to question the inability of either Neil Johnson or ItDoesLighting Ltd to give an indication of the likely light levels at our windows in both clear and inclement weather. ItDoesLighting Ltd acknowledge that light spillage in misty or foggy weather is a recognised phenomenon, but have declined any attempt to estimate the impact. By what factor will the light levels be increased in typical winter weather?

Further, the light levels at ground level will be 3.5 lux. Our windows, by simple geometry, will be closer to the light sources and will therefore suffer a greater amount of spillage.

These increments should be considered, as they might easily cause light levels to exceed the **contested** (see above) 5 lux limit that the applicants acknowledge would be totally unacceptable.

We would be grateful if our concerns could be addressed to allow the Planning Committee to arrive at a decision that best serves the interests of the applicants, their neighbours and the general public.

Thank you,

Yours sincerely,



17 Christ Church Road  
Cheltenham  
Gloucestershire  
GL50 2NY  
21<sup>st</sup> November 2016

Ms E Pickernell  
Planning Officer  
Cheltenham Borough Council

Dear Ms Pickernell,

**Re: Application 16/01790/FUL Biodiversity**

We would be grateful if the Planning Officers would consider the potential impact of this proposal on the wildlife to be found in the vicinity.

**Bats**

We have been unable to locate a bat survey amongst this application's documentation. There are several potential bat roosting sites adjacent to the site. We regularly see bats in our gardens, admittedly in the spring and summer, so we are unable to comment if there is a resident population in winter.

**Peregrine falcons**

A pair of non-migratory peregrine falcons have, since 2010, been established and successfully reared eighteen young fledglings in a nest on top of Christ Church tower. The RSPB believes that the highest level of protection, under Schedule 1 of the Wildlife and Countryside Act 1981, is essential for the conservation of the peregrine. They remain comparatively rare and, from recent monitoring, there is concern that numbers may be on the decline.

From an ecological point of view, raptor populations in urban areas are considered highly beneficial as they control numbers of their preferred prey, the feral pigeon. This provides space for other non-feral species whilst reducing pigeon damage to buildings and wildlife habitats.

Peregrines hunt most often at dawn and dusk in urban areas. They also survive on bats through nocturnal hunting.

Peregrines lay their eggs in February and March and are extremely vulnerable to human activities.

The principle danger to peregrines are anthropogenic, including such threats as collision with man-made objects.

For these reasons, we wish to question the proposal to floodlight a pitch that is approximately 100m from the birds' nest in an area that is integral to their hunting grounds. This will challenge an established and biodiverse wildlife corridor.

We wonder if these matters could be considered by the applicant.

Thank you,

Yours sincerely,

[Redacted signature]

Mrs E Pickernell  
Planning and Development  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire, GL50 9SA

21 November 2016

Our Ref: 148/Let CBC 21.11.16

Dear Mrs Pickernell

**Application Reference 16/01790/FUL**

**Erection of 6No. retractable lighting columns to provide illumination of the 'old astro pitch' at Cheltenham Ladies' College Playing Field  
Cheltenham Ladies College Malvern Road Cheltenham Gloucestershire**

I write on behalf of my clients, [REDACTED] who live at no. 17 Christchurch Road, and in respect of the above application for the proposed floodlighting of one of the existing all weather pitches at Cheltenham Ladies College. On behalf of my clients, I would like to **object** to the current proposals, for the reasons set out in this correspondence.

My clients have previously objected to the current application and their previous comments still stand. However, they have asked me to add to these with a specific objection that relates primarily to the impact of the current proposals on the historic environment, and in particular both designated and non-designated heritage assets.

To facilitate this, I have visited the site and inspected the existing pitch, have viewed the site from my clients' property and have also inspected the surrounding local area. I have also undertaken a detailed review of national and local planning policy and guidance to assist in the formulation of this objection, as well as a review of similar and relevant cases that have been heard at appeal.

**Policy Background**

To set the context for this objection I provide an overview of the relevant policy and guidance as follows.

**National Planning Policy Framework (NPPF) (2012)**

Paragraphs 126 and 131 of the NPPF – on development affecting Conservation Areas – notes the 'desirability of new development making a positive contribution to local character and distinctiveness'. This is reinforced by Paragraph 132, which notes that, when considering development proposals, great weight should be given to the conservation of heritage assets.

Paragraph 128 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.

Harm to the historic environment is recognised, in some cases, to be unavoidable. Any harm must however be balanced by clear and convincing justification (NPPF, Paragraph 132), wider benefits and be mitigated by informed design to be acceptable.

Harwood Savin Limited  
Wych Cross  
Swarthfield  
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RG21 1WJ

0118



On design in general, Paragraph 58 of the NPPF requires all new developments to 'respond to local character and history, and to reflect the identity of local surroundings and materials'. Paragraph 58 also requires new development 'to add to the overall quality of the area'. With Paragraph 60 emphasising the importance of "promoting or reinforcing local distinctiveness".

### **Historic England Guidance**

Historic England's Guidance contained within 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 states that, 'The character of a historic place is the sum of all its attributes, which may include: its relationships with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes. Heritage assets and their settings contribute to character but it is a broader concept, often used in relation to entire historic areas and landscapes.'

The Guidance also highlights that the NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

### **Local Plan Policy**

The adopted Plan comprises the Cheltenham Borough Local Plan Second Review (2006) with additional consideration being given to the emerging Joint Core Strategy (JCS) (Gloucester, Cheltenham, Tewkesbury) Submission Version (2014). In this instance, the adopted Local Plan has been superseded in relevance by the JCS and therefore specific consideration has been given to policies contained therein.

JCS Policy SD9: Historic Environment, states:

1. The built, natural and cultural heritage of Gloucester City, Cheltenham town, Tewkesbury town, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important contribution to local identity, quality of life and the economy.
2. Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
3. Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.
4. Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.
5. Development proposals at Strategic Allocations must have regard to the findings and recommendations of the JCS Historic Environment Assessment (or any subsequent revision) demonstrating that the potential impacts on heritage assets and appropriate mitigation measures have been assessed.

## **Commentary**

My clients' property, which is unlisted but identified as a positive building in the Conservation Area, lies within the north-western part of the Lansdown Character Area of the Central Conservation Area whilst the application proposals fall within the Eldorado Character Area of the same Conservation Area. Also within the Lansdown Area, in close proximity to the site is Christ Church is a Grade II\* listed building whilst Clayton and Demara (Selkirk) on Douro Road to further to the South East of the site comprise Grade II listed buildings. Taking account of these features, a key consideration in this instance is the impact of the proposed floodlighting on both designated and non-designated heritage assets in the vicinity of the site, including those within the Lansdown Character Area of the Central Conservation Area.

It is accepted that the proposals seek consent for retractable lighting columns in an attempt to minimise any impact, and from the wider area, these will not be visible. However, of greater concern is the impact arising from the use of the lights during darker periods, and the impact this will have not only to immediately adjacent properties, but also to the overall character and appearance of the wider Conservation Area and the setting of the buildings and spaces within it. Whilst the applicant's submission makes a general assessment of the impact of the proposals, it does not provide a justification for the proposals upon the basis of the heritage impact that will arise to both designated and non-designated heritage assets. The Planning Statement submitted with the application makes reference to a Heritage Statement. However, no such document is available on the Council's online portal. Bearing in mind the proximity to the Lansdown Conservation Area and a number of Grade II and a Grade II\* listed building, it is considered that a Heritage Statement is required to assess the impact of the proposed floodlighting on both designated and non-designated heritage assets and before any judgement can be made by the Council on the acceptability of the proposals. Furthermore, the Applicant's Planning Statement makes no justification for the proposals in the context of presiding planning policy and guidance, and in the absence of such a justification, the Council cannot be in a position to fully assess the acceptability of the current proposals.

JCS Policy SD9 considers the impact of proposals upon the historic environment, which includes conservation areas and listed buildings. Of particular relevance are the following clauses:

2. *Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.*
3. *Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.*

With reference to clause 2 of Policy SD9, the proposals do not make a positive contribution. Whilst the visual impact of the columns themselves is likely to be minimal and when not in use the impact will be limited to the outlook from immediate neighbouring properties, even this level of impact is not considered appropriate for properties located within the Conservation Area. Furthermore, the impact of the columns when fully extended and lit is likely to be significant. Whilst the level of spillage from the fittings themselves has been minimised, it is noted that the columns are located within a key view as identified within the Townscape Analysis Map of the Lansdown Character Area. Also the lighting proposed is directional, an element of glow and spillage is inevitable and the lighting when operational will be visible from a considerable distance, and will be at odds to anything else visible at night within this part of the Conservation Area.

Policy SD9 (clause 3) seeks to ensure that 'designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place'. The point of setting and character is key in this respect. The Lansdown Character Area is very suburban, characterised by well-established tree-lined streets, elegant buildings, with open spaces between buildings and an atmosphere of grandeur and elegance. The area is almost solely residential in character. As a result, the night-time character of the area is one with a relatively peaceful and tranquil setting, with relatively low levels of lighting, where the only light sources are typically from existing dwellings and small businesses, street lights and vehicles. To put this into context, the photograph below illustrates the existing level of lighting on the application site at night, when viewed from the rear windows of 17 Christchurch Road and also from the access gate to the pitch.



Photograph 1: View across existing unlit pitch from first floor balcony/terrace at 17 Christchurch Road



Photograph 2: View across pitch from pedestrian entrance

The floodlighting proposal, whilst outside of the Lansdown Character Area (but within the Eldorado Character Area), will have a detrimental and harmful impact upon the character of this part of the Conservation Area and also the setting of nearby listed buildings. Of particular relevance in this

respect is the impact upon Christ Church, the closest Grade II listed building and a structure that can be considered to form a 'valued and distinctive element of the historic environment'. It is understood that the Church has recently had its own floodlighting and uplighting installed, and it is considered that any additional floodlighting in this area will detract from the setting of the Church.

Particular concern is also raised in respect of the cumulative impact of the proposals when combined with the existing floodlit pitch on the north-western side of the College site, just north of properties on Eldorado Road. In that instance, the pitch is set back from residential properties and with lighting columns and fittings screened by a bund as well as benefitting from existing mature trees along the boundaries on the site (see photograph 3 below).



*Photograph 3: Existing floodlit pitch with screening bund and planting*

In respect of the current proposals, no similar screening is proposed, or could be achieved as a result of the existing siting of the pitch. Whilst the currently lit pitch is partially screened by a bund, there are still gaps in the screening which mean that the floodlighting is visible from the wider area (see photograph 4 below).



*Photograph 4: Existing all-weather pitch partly screened by bund and planting*



Should consent be granted for the proposed floodlighting, we have considerable concern about the cumulative impact of the proposals if both pitches are lit at night, and the impact that this may have upon the character of the Conservation Area and the setting of listed buildings and heritage assets.

In drawing the above conclusions, consideration has been given to a number of appeal cases from both the Cheltenham area, and also elsewhere in the Country.

In the case of *Cheltenham Ladies College v Cheltenham Borough Council* in respect of a proposal to floodlight tennis courts at Well Place, Cheltenham (appeal reference APP/B1605/A/08/2082821) (April 2009), the Inspector dismissed the appeal and concluded that:

*"I have previously indicated that I consider the appeal site to contribute to the character and appearance of the conservation area, and that part of that contribution arises from its relationship with the surrounding houses. In my view, the quiet and undisturbed character of the area which prevails after dark is a consequence of the fact that the space is empty, unlit and unused, and that it is overlooked in most cases by the darker and passive rear facades of the surrounding houses rather than their better lit and more active frontages. The resulting character is distinctive and specific to this area, and very different from the character that would prevail in, say, a formal square with floodlit buildings, bright street lighting and steady traffic. I consider that the introduction of the illuminated conditions described above, and the activity that this would facilitate, would materially and adversely change that quiet character, and undermine its current distinctive contribution. Together with the effect of the appearance of the columns in daylight, I conclude that the proposal would fail to preserve the character or appearance of the Central Conservation Area, contrary to Policy CP7 of the Cheltenham Borough Local Plan."*

With regard to amenity, the Inspector specifically commented that:

*"After dark, however, when the courts would normally be silent, the activity levels and associated noise that would be the consequences of illumination would be markedly different from the conditions normally expected at this time. I consider that this would have the potential to cause irritation and disturbance to nearby occupiers, and could cause domestic difficulties with small children at bedtime, and bring a sense of insecurity among older residents. I consider also that the appearance of a brightly lit space in close proximity to the private rear side of the surrounding houses, where darkness would normally be expected, would in itself have a negative effect on the living conditions of residents. I conclude that the proposal would harm the living conditions of nearby occupiers, contrary to Local Plan Policy CP4."*

Whilst issues relating to residential amenity have been dealt with in my clients' earlier objection, the Inspector's comments in respect of the proposals for floodlighting at Well Place are also valid in this instance and should be taken as a material consideration in the context of the current proposals.

In the case of *Perse School vs Cambridge City Council* in respect of a proposal to floodlight an all weather sports pitch (appeal reference APP/Q0505/A/04/1157564) (September 2004), the Inspector concluded that, whilst policies sought to protect the setting and special character of Cambridge and to resist proposals that would adversely affect the open character of structurally important open spaces or detract from their relationship with the adjoining built up area, there was an over-arching desire to encourage opportunities to improve the value of existing facilities. However, the impact on the character and appearance of the Southacre Conservation Area was a key issue. He stated that:

*".... The level of lighting both within the Conservation Area itself and perceived from external vantage points in extremely low key.... I anticipate that the appeal proposals would conflict materially with this perception and. Thereby, harm the character and appearance of the Conservation Area..... I foresee that the block of light would be seen from some external vantage points from there the public have access...."*

Taking account of all the points raised, the impact on the Conservation Area being one, the Inspector dismissed the appeal.

In the case of *Four Oaks Tennis Club vs Birmingham City Council* for the installation of floodlights across two tennis courts and associated landscaping (appeal reference APP/P4605/A/04/1137873) (August 2004), the Inspector dismissed the appeal. One of the main considerations was the effect of the proposed development on the Four Oaks Conservation Area and whether it would preserve its character or appearance. In this instance the proposed columns were only 5 metres in height. Even so, the Inspector considered that the columns and luminaires, whilst screened during the summer months by vegetation, would be more prominent in the winter as essentially functional equipment and would *'still appear intrusive and detract from the character and appearance of the Conservation Area.'*

The Inspector's concerns were also reinforced by the effects of the illumination, Whilst the Council held the view that the site fell within Environmental Zone E2, an Area of Low District Brightness, because of the dim street lighting on the Four Oaks Estate. The Appellant stated that the scatter or skyglow would be less than the 2.5% standard for Environment Zone E2. However, the Inspector felt that the floodlights would inevitably create a skyglow in contrast to the comparative darkness of the surrounding area, which would be out of character with the restrained and discreet character of this part of the Conservation Area. Even though it was proposed that the lights would only be on when the pitch was in use, the Inspector considered that this could still lead to light intrusion during late afternoon and evening periods, and hence that the proposal would not preserve the character or appearance of the Conservation Area.

In the case of *Mr G Bartholomew vs Worcester City Council* in respect of the floodlighting of tennis courts (appeal reference APP/D1835/A/09/2101459) (August 2009), the Inspector dismissed the appeal partly upon the grounds of the impact of the proposals upon the character and appearance of the Conservation Area and the fact that a significant pool of light would be introduced to an area that is not subject to such intrusion at present and one which would have a significant visual impact.

### **Summary**

On balance, it is considered that insufficient evidence has been provided by the Applicant to demonstrate that the proposals will not have a detrimental impact upon the character of the Conservation Area or the setting of both designated and non-designated heritage assets. In the absence of such information, including a heritage assessment, an assessment in the context of presiding planning policy and guidance, and an analysis of key views within and across the Conservation Area, the Council is unable to make an informed and balanced decision on the proposals.

The case law presented above illustrates clearly that proposals for floodlighting are very sensitive and can have a substantial impact upon conservation areas and listed buildings.

### **Other Matters**

No ecological assessment has been submitted as part of the application. The surrounding area includes a number of older properties and large mature trees, which are likely to provide a suitable habitat for bats. The open space of the existing playing fields is likely to provide a suitable foraging



habitat for bats. The installation of lighting in this location, which is typically quite dark for an urban location, may have an impact upon foraging corridors for bats. In the absence of a formal assessment on this matter it is considered that the Council cannot make an informed decision on the current proposals.

In light of the above analysis, it is respectfully requested that planning permission be refused for the floodlighting proposals as currently sought in application reference 16/01790/FUL.

Yours sincerely

  
**Director**  


**15, Christ Church Road, Cheltenham, GL50 2NY**

31<sup>st</sup> October 2016

Ms Tracey Crews,  
Director of Planning,  
Cheltenham Borough Council,  
Municipal Offices, Promenade,  
Cheltenham,  
GL50 1PP

**16/01790/FUL - Erection of 6 No. retractable lighting columns to provide illumination of the 'old Astro pitch' at Cheltenham Ladies' College Playing Field**

Dear Ms Crews,

It is with dismay that we find ourselves in the same position of having to strongly object to the above planning application to create a second floodlit pitch at CLC involving the installation of 15 metre floodlight to the old Astroturf hockey pitch located within the Lansdown Central Conservation area and within metres of our home. We are sure the Planning Committee remember the protracted events of last year culminating in the last minute withdrawal of the floodlight component of the combined sports hall and floodlight application (15/01171/FUL). This was the result of the arrival of a draft report commissioned by the Council instigated as a result of the inaccuracies, inconsistencies and inadequate detail provided by the applicants lighting assessment.

We understand a full report did arrive and was disclosed to the CLC but residents despite repeatedly asking have still been denied access. CLC have now submitted a new application 11 months later. However, nothing in this new application is presented to allay our fears. The floodlights when illuminated will still be completely out of character with the area and produce significant intrusive light detrimental to the surrounding environment.

**Lansdown Central Conservation Area**

The National Planning Policy Framework (NPPF) is clear in its objectives with regard to development in Conservation Areas. These Conservation Areas represent heritage assets to be conserved and enhanced. Any development should make a positive contribution to local character and distinctiveness. The floodlights would fail this completely, when extended and in use they will be taller than the adjacent 4 storey houses and the sports centre. Should this uncontained floodlighting be allowed the character of this area will be changed forever. The warm glow of the subtle lighting of Christ Church's facade (Grade II listed) and the soft street lighting will be lost and completely at odds with the overwhelming bright white rectangle immediately behind the houses. This light will be visible from a considerable distance and accentuated by the surrounding low level of lighting. The lights when on will be easily visible from Christ Church Rd, Douro Rd, Lansdown Crescent, Malvern Rd, Wendover Gardens and Eldorado Crescent. Their presence will dominate the evening

winter landscape and severely and adversely affect the whole feel of this conservation area.

The framework also states that heritage significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and warns that when assessing any application which may affect this, local planning authorities need to consider the implication for cumulative change. We consider that this is of particular relevance in view of the planning narrative in this particular area and the evidence of developmental creep. It has been agreed that that the area is graded as E2 (even with existing lights on as stated in July 15). Clearly this would no longer be achievable if unscreened floodlights were allowed. Does this mean future calculation of this locality's environmental zone would be with the new floodlights illuminated placing it well in excess of the E4 environmental zone?

Planning authorities are also told to consider future implications. Despite the school's avid declaration that floodlight use would only be for the pupils and a selected visiting guests we draw attention to the fact that use of the old astro pitch is greatest and most consistent on Sundays when used by others. The "new" pitch is preserved for pupils but the sports centre has a long and committed involvement with commercial enterprise (sports club membership and roller discos - certainly not in the original plans!), how long before floodlit hours are requested beyond those suggested for commercial benefit?

The NPPF also recognizes that heritage assets are often in private hands, thus sustaining them in the long term often requires an incentive for their active conservation. Installation of floodlights at the rear of Victorian villas in this locality is the reverse of this.

### **Light Levels**

The applicants state again that vertical illuminance will fall within acceptable levels but looking at the recent abridged lighting report of Neil Johnson (compare current lighting impact study document with original of 7<sup>th</sup> July 2015) now just a sample of the previous values are documented. Closer inspection demonstrates omission of the more than significant light spillage in the gardens reaching 50 lux. This is of specific relevance with respect to the concerns raised regarding the floodlights at Dean Close school causing possible light spillage levels of 2 lux at the boundary of an adjacent garden (ref 10/00144). Planning is about balance but also requires consistency.

The sample values now shown are also a result of a difference in definition of "rear façade". Vertical sampling of those walls/rooms (kitchen, bedroom & study) closest to the floodlights at the rear are ignored in favour of a more removed dining room window.

This application also does not take into account the new reflective nature of the buildings being erected and the additive effect this will have light spillage on the conservation area of Christ Church and Lansdown.

Light levels values are useful for comparison but do not convey the impact of having a 15 metre floodlight adjacent to our garden boundary and the sense of loss of privacy this will bring. The Clean Neighbourhoods and Environment Act 2005 clearly defines light intrusion as a nuisance to be protected against, it does not require specific lux or luminance to be reached, merely that if normal living patterns or activities are altered or affected by light spillage it should be considered a nuisance.

### **Public consultation**

The applicants give a detailed history of their public consultations. These actually relate to several different applications for varying sites and activities. The only discernable change from the abandoned Oct '15 application is a reduction in retracted floodlight height.

Consultation on the current application involved one open meeting but was not a discussion (as required by the NPPF) but a statement of intent. At no point in the entire process, current or prior, have the applicants engaged in discussion. The reduced retracted height does not address the persistent major concern of illumination and intrusive light and its negative impact in a conservation area. At the consultation meeting the months of operation were also stipulated (outside of British summertime). This does not appear in the current application. It should also be noted that once floodlights are in place they could be used on any occasion between the allowed hours. Whilst hockey is documented as the main reason for extended pitch usage tennis has also been discussed at pre-planning meetings. It is therefore quite likely that it is not just winter months when the floodlights may be used but on many dull summer and spring days. It is therefore likely there will be many occasions when they are switched on at a time when curtains in our houses are open or we are using our gardens.

Also previous residents suggestions ensuring use of the "old astro pitch" only if the existing flood lit pitch is already in use have not been taken up. Surely this would be simple to achieve and show willingness to mitigate the negative consequences on neighbouring properties? A required minimum number of pupils using the pitch to initiate floodlight illumination was also suggested by residents but does not appear in the notes.

When directly questioned why the suggestions to move the pitch nearer the other floodlit pitch or at least where it could be screened, the head of CLC estates stated "they weren't being considered because he had be told they only wanted the old Astro turf pitch floodlit." Surely for an environmentally friendly and sustainable proposal optimisation of existing facilities and daylight is paramount. The existing floodlit pitch should be up-graded and its use maximised. Not only are the environmental benefits evident but this pitch is also further away and afforded some screening from adjacent houses.

### **Justification**

The NPPF states development in Conservation Areas should be weighed against public benefit. (1.12.134). This proposal carries no public benefit.

This a private school whose economic viability is not dependent on a second floodlit hockey pitch. These floodlights are a desire of the school's not a need. There is already a floodlit pitch, which as we have previously shown is under-utilised. The additional hours of use provided by floodlighting would be for extracurricular activity and allowing greater 'choice' for the girls, not as a necessity, this cannot justify the harm that floodlighting would do to the area. The continued lack of morning use of the pitches demonstrates no required need for additional access to curricular sport.

The independent schools inspectorate gave a glowing report of the CLC, congratulating them on their sporting achievements and availability of extracurricular activities (Oct 2014) predating the imminent increased indoor provision and with only the 1 current floodlit pitch. The school lay great claim as to the need of a second pitch by the girls "chosen physical activity", yet the prior CLC survey showed a move away from team sports (in keeping with similar findings by Sport England) to those that will be provided by the sports hall expansion, and was the argument used to justify the need for increased provision of indoor sports and the new large sports centre and should reduce demand on the pitches in the late afternoons and early evenings. Perhaps waiting to see the impact of the increased availability provided by the new large sports hall before pursuing additional floodlighting would be sensible?

Whilst trying to extend pitch use it should also be remembered that poor light is only one reason and wind, snow, low temperatures and rain are also factors. The floodlights, therefore, that will be present throughout the year are likely to add significantly fewer playing hours than initial calculations may suggest. With the already accepted considerable sports hall expansion indoor training is suggested as a more predictable and practical solution.

The CLC actually already have a floodlight pitch. Its introduction was also contentious. It is considerably further from any residential property than the new proposed site but still required screening with a large embankment and trees. It appears to have been built to a high specification with spectator seating but remains underused with or without lighting (timetabled use and "lights on" do not constitute actual usage). We have been led to believe that its 12 metre tall floodlights are insufficient and illumination of the central pitch is inadequate. Rather than correct this, new plans are to floodlight another pitch with even taller floodlights but one so close to residential properties that no screening to limit light spill or noise reduction will be possible. The floodlights when extended will be near childrens' bedroom windows. Although the lighting engineers calculations imply light falling directly on the windows will be within permitted limits this completely understates the impact of a very brightly lit large area less than 20m from their windows.

### **Rejection of Well Place Application**

We would like to draw attention to the documented reasons for rejection of the previous planning application for the erection of floodlights on the Well Place tennis courts by the same applicants. This was a smaller scheme with floodlights only 8m in

height, on an enclosed site not visible from the surrounding public roads but only 300m away from the site of the current proposal. (APP/B1605/A/08/2082812)  
The stated reasons include:-

- “ I consider also that the appearance of a brightly lit space in close proximity to the private rear sides of the surrounding houses, where darkness would normally be expected, would in itself have a negative effect on the living conditions of local residents. I conclude that the proposal would harm the living conditions of nearby occupiers, contrary to local Plan CP4.”
- “There is a need for local amenity to be protected when considering applications for floodlighting. In this case it is necessary to balance the benefits of improving facilities against both the legal duty to preserve or enhance the character or appearance of the Central Conservation Area and the need to protect the living conditions of local residents.....and I conclude the appeal should fail.”

Light spillage levels are greater in the current proposal and the site is not contained, particularly with floodlights aligned with the large gap between houses 11 and 15 on Christ Church Road. These reasons make it even more applicable to reject this proposal.

### **Road Safety**

We have major concerns about the road safety and regularly hear screeches of breaks and horns going as cars try to pull out of the junction with Douro Road. A motorist approaching Christ Church Road from Douro Road will be faced with bright floodlights interspersed by much darker house frontages making appreciation of other road users, particularly cyclists and pedestrians at night or in twilight far more difficult to appreciate when in the shadow of a building. The eye adapts preferentially and quickly to a bright light making shadow more intense. Thus, light produces glare which occurs when the relative overbrightness of a light source against a dark background interferes with a person's ability to view an area or object. i.e. glare can conceal rather than reveal. In damp/misty conditions this junction will be even more treacherous due to light dispersal. That fact that nobody has been seriously injured in recent times does not make it acceptable to ignore the potential risk.

The coaches are often parked illegally close to junctions or blocking driveways, leave their engines running and several are often parked at a time. This poses significant danger at any time of day but on a dark evening would be an even more significant threat. Christ Church road has experienced and increase in traffic over the years and this will further compound the situation especially at peak rush hour time.

### **Noise pollution**

Any use of a hockey pitch brings with it a considerable amount of noise. It is proposed that matches will be played which will create a significant increase in the noise levels of the usual hockey practice from players and supporters. This will be at a time when our family will be trying to eat, converse and relax after a busy day.



Combine this with the glare of the floodlights because the kitchen blind is usually open until after sunset, and our pleasant evening is going to be shattered. CLC propose to put protection on the surrounding boards, but not the goals, to dampen the noise of the ball striking it. Only last Sunday 2 girls spent a significant time practicing shots, which sounded like shots being fired, and could be heard as far away as Lansdown Terrace. The protection to outside boards will not impact on this. Boards do not reduce the noise from screaming (stand in our garden when CLC score!), the whistles or more recently the horn used to help the officials.

### **Conclusion**

We are privileged to live in such a location. The CLC are a valued local school and business which has done much to ensure the continued success of the town and have contributed to improving the local environment with refurbishment and improvement of several notable local buildings. However, it is a symbiotic relationship and the school is advantaged by its location in a pleasant residential area and this should be preserved. We cannot support the current proposals of floodlighting and conclude the above proposal is at odds with the NPPF and will lead to a significant further loss of local amenity (defined as "the pleasant or normally satisfactory aspects of the location"). We find it especially difficult to understand how it could be considered acceptable to floodlight a site with no containment, in a conservation area, within metres of residential properties and in clear view of many road at multiple points when a more sensible and economic approach would be to upgrade the lights for the existing floodlit pitch, which exists, and affords some protection from the light

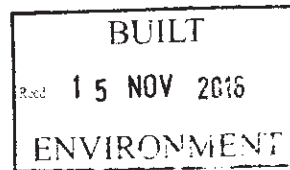
**Yours sincerely,**

A solid black rectangular box used to redact the signature of the sender.

Planning, Environmental, & Regulatory Services

Cheltenham Borough Council  
P.O. Box 12

Municipal Offices  
Promenade, Cheltenham



12th Nov. 2016

Dear Sir:

re Floodlights plan for Cheltenham  
Ladies' College sports field.

As a home-owner and resident of the  
Christchurch Rd area I wish to object  
strongly to the proposal of installing 15-metre  
high floodlights to the sports field which  
is surrounded by houses and the centre  
of a residential area.

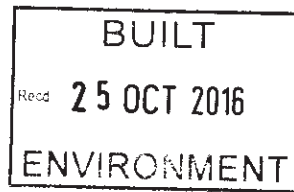
The increase of noise, pollution  
and above all bright lights shining  
directly into homes is undeniably  
insupportable.

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I therefore wish to express my  
objections to this proposal.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.



Page 104

Stchurch Rd  
eltenham  
GL50 2PB  
24<sup>th</sup> Oct 2016

Dear Sir,

I wish to register a complaint against the proposed installation of 15 metre high flood lights in Cheltenham Ladies College Sports field

These will cause light pollution and possibly noise and parking problems if matches are played.

Subject to it not only on my own account but for the many old people who will be affected.

There is a block of warden assisted flats, and an old peoples home directly bordering the sports field, and it risks making their lives very uncomfortable.

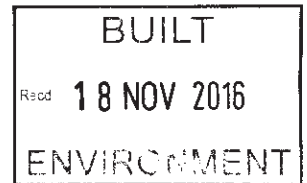
Yours faithfully

[Redacted Signature]

[Redacted Signature]

FORM 2

[REDACTED] Drakes Place Cheltenham GL502JF



11 11 2016

Ref 16/01790/FUL

Dear Sir

We would like to object very strongly to the plans to flood light the sports field next to Christ church road.

This will cause extreme light pollution and cause a very detrimental effect to resident's health, wellbeing and privacy. With absolutely no benefit.

Best regards

[REDACTED]





17, Christ Church Road,  
Cheltenham  
Gloucestershire, GL50 2NY

16<sup>th</sup> January 2017

Dear Councillor

**Re: CLC application for floodlighting (16/01790/FUL)**

Because of the very limited time between the publication of the Planning Officer's report for this application and the planning meeting in which it will be considered - just seven days - we apologise for taking the unusual step of writing directly to you to clarify our continuing concerns.

We are very concerned that the Planning Officer's report has not addressed our reasonable concerns and is incomplete and ambiguous in some fundamentally important aspects.

We would be very grateful if we could ask you to consider:

1. Will permission set an unwanted precedent?

This development would set a precedent that would inhibit the ability of the Planning Committee to decline similar proposals in and around Cheltenham. This application is set in a Conservation Area which has a low (E2) level of night time illumination. When other private schools enter the commercially driven floodlight 'arms race', they will be able to cite this development as a precedent.

We have commissioned an independent report (Harwood Savin Ltd Town Planning Consultants Historical and designated and non-designated heritage assets in relation to national and local statutory policy and guidance: 21 November 2016) of similar applications that are held on the National Planning Database and freely available to planning officers. We would be grateful if you could take some of your valuable time to review this as no reference is made to it in the Planning Officer's report. A number of similar cases around the country have been cited for comparison.

Within your own jurisdiction a similar planning application by Dean Close School was declined on the basis of a light spill of just 2 lux at the corner of a neighbouring garden; this current application will cause 25 times greater light pollution with no potential for any shielding after commissioning.

2. Do the applicant's needs outweigh the loss of amenity within the Conservation Area?

For this to be fairly assessed the applicant should provide a clear and cogent account of their need to have two floodlit pitches, a sports hall and the new very large Health and Fitness Centre. The applicants have not provided any such evidence, indeed, they reference an Independent Schools Authority report that praised the existing facilities and welcomed the new Health and Fitness Centre, but critically advised that any further illumination of a

second pitch should be deferred until the effects of the development, to date, had been realised. As any improvement in CLC pupils' health and wellbeing provided by the increase in all-weather facilities in the new Health and Fitness Centre has yet to be measured, allowing this proposal would be contrary to evidence-based practice of procurement that drives current planning guidelines. Indeed, as guardians of the future, a more sustainable approach would be to assess any additional need only when there is clear measured evidence, rather than through speculation and arbitrary demand.

For our part, we have clearly stated the loss of amenity to the whole community inherent in this proposal. This quiet and distinctive part of the Conservation Area is already compromised by the building of the Health and Fitness Centre, and will be lost for future generations. The residents, including families, the elderly and those in nursing and retirement homes, will be subjected to the noise of modern schools' hockey players and spectators, which have adopted the shrieking and grunting associated with Wimbledon tennis players. The illumination of our homes will destroy our privacy and comfort at a time when we gather to share the experiences of our days. The health and wellbeing of residents need not be compromised by the power of commercial interest

3. Are there any concerns regarding safety?

We have been told that the safety of the pupils participating in sports on the pitch is not a matter for the Planning Committee, therefore, we would simply point out that according to England Hockey this pitch will not be suitable for match play. Match play is an intended use because the applicants have asked for use by visiting schools.

Road safety, however, must be a concern for a Planning Committee. We have asked a specific question regarding this, which remains unanswered; will the light spill onto the roads adjacent to this development cause light pooling that will inhibit road users' vision? It is a requirement of the British Standard pertaining to the installation of sports lighting that this possibility should be considered. The incomplete documentation provided by the applicants fails to include the data required to do so. We can see no record of the County's Highways Department having been asked to consider this specific question.

4. Is the light level predicted acceptable in relation to National Standards?

The British Standards Institute has produced a document (BS EN 12193; Light and lighting – Sports lighting.pdf) that includes standards for the minimisation of light pollution. The standard for light spillage on adjacent **properties** in an E2 zone, which is clearly the appropriate designation and does not represent a compromise by the applicants, is just 5 lux. The applicant's documentation indicates that the light levels will reach as high as **10 times** that level.

The applicants and the Planning Officer have chosen to overlook the BSI standard, and to use the guidance notes issued by the Institute of Professional Lighting (Guidance Notes for the Reduction of Obtrusive Light GN01:2011), which acknowledges that all light spillage must be minimised, but that in certain circumstances a limit of 5 lux at the windows facing a development **may** be appropriate. In this, specific case, this level would seem inappropriate



because it is contentious. We would, therefore, request that the Planning Committee uses the British Standard, rather than the trade body's guidance, in its deliberation.

5. Is the proposal fit for purpose?

We have been told that this question does not fall into the Planning Committee's remit. However, in the light of the above 4 points it must be worth considering the possibility that in making compromises to shoe-horn the lighting into a pre-determined area that the applicants will not have a functional facility, despite the permanent disfigurement of the Conservation Area; both the applicants and the locality will lose.

Crucially, England Hockey, the sport's governing body, are currently revising their instructions for lighting hockey pitches, their recommendations are due to be published within the next few weeks (<http://www.englandhockey.co.uk/page.asp?section=2080>). At present, this proposal does not even fulfil the current safety standard required by England Hockey for Class III activity; reference to the applicant's plan shows, despite the Planning Officer's assertion, that the variation in lighting is too great even for the most basic sporting activity.

Therefore, we would be very grateful if you would consider deferring a decision on this matter, until our reasonable questions regarding safety and need have been addressed.

Thank you for your time,

Yours sincerely

[REDACTED]

[REDACTED]







<b>APPLICATION NO:</b> 16/01790/FUL		<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 4th October 2016		<b>DATE OF EXPIRY:</b> 29th November 2016
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College	
<b>AGENT:</b>	Mr David Jones	
<b>LOCATION:</b>	Cheltenham Ladies College, Malvern Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of 6No. retractable lighting columns to provide illumination of the 'old astro pitch' at Cheltenham Ladies' College Playing Field.	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Members attention is drawn to a typographical error at paragraph 6.6.3 of the officer report. The final sentence should read: *"It now ranges between 303 and 717"*.
- 1.2. Further to paragraph 6.7 of the Officer report, the Highway Authority has been asked to further comment on the proposal confirming their views on potential glare and traffic generation. They state:

*The proposed lights are some distance from the highway and the spill contour plan shows that no glare will be seen from the public highway. The entrance to the CLC Sports centre on Malvern Road is existing and Christchurch Road can accommodate coaches. The site is not intended for commercial use and there is no evidence that the site would generate any additional trips, than what can occur already. Therefore the impact on the highway network would not be considered severe in accordance with Chapter 32 of the NPPF.*

- 1.3 With reference to recommended Condition 3, following discussion with objectors and the agent it is proposed that this is amended to read:

#### **Condition 3**

The floodlighting hereby approved shall not be illuminated outside the following hours:

- Monday to Friday 1500 to 1900 hours
- Saturday 1500 to 1800 hours

Sufficient time must be allowed after the illumination is ceased for the flood lights to be retracted in accordance with condition 4. The floodlights shall not be illuminated on Sundays or Bank/Public Holidays.

**Reason:** In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).





## CLC application for floodlighting (16/01790/FUL) - Response Note 19/01/2017

<p>1. Will permission set an unwanted precedent?</p> <p>This development would set a precedent that would inhibit the ability of the Planning Committee to decline similar proposals in and around Cheltenham. This application is set in a Conservation Area which has a low (E2) level of night time illumination. When other private schools enter the commercially driven floodlight 'arms race', they will be able to cite this development as a precedent.</p> <p>We have commissioned an independent report (Harwood Savin Ltd Town Planning Consultants Historical and designated and non-designated heritage assets in relation to national and local statutory policy and guidance: 21 November 2016) of similar applications that are held on the National Planning Database and freely available to planning officers. We would be grateful if you could take some of your valuable time to review this as no reference is made to it in the Planning Officer's report. A number of similar cases around the country have been cited for comparison.</p> <p>Within your own jurisdiction a similar planning application by Dean Close School was declined on the basis of a light spill of just 2 lux at the corner of a neighbouring garden; this current application will cause 25 times greater light pollution with no potential for any shielding after commissioning.</p>	<p>It is an established principle of planning law that each application be determined upon its merits having regard to local and national planning policy.</p> <p>In the determination of any application it is necessary for the decision maker to weigh in the balance all relevant planning and environmental considerations.</p> <p>The planning inspector who determined a previous proposal on this site determined in respect to the impact upon the conservation area the following:</p> <p><i>.... "Having regard for the established use and character of the College sports field, the character of surrounding land uses, the proposed positions of the floodlights and their height when extended and retracted, it is my opinion that the proposal is acceptable in terms of the character of the Conservation Area."</i></p> <p>That case was dismissed on the grounds of the hours of use. The Curfew time of the appeal scheme was 20:30 hrs Monday- Friday; 20:00 Saturday and 19:00hrs Sunday (no bank holiday restriction proposed). In comparison with the CLC scheme this equates to an additional 1.5 hours of potential use per day.</p> <p>The Dean Close scheme referenced was approved by your authority. <b>IT WAS NOT DECLINED ON THE BASIS OF SPILL LEVEL.</b></p> <p>The Dean Close scheme was subject to a condition that required approval of additional details including the provision of a shielding mechanism to mitigate light spillage.</p> <p>The CLC application includes shielding to mitigate light spillage. Your authorities' independent lighting consultant has confirmed that the</p>
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## CLC application for floodlighting (16/01790/FUL) - Response Note 19/01/2017

	scheme is acceptable.
<p>2. Do the applicant's needs outweigh the loss of amenity within the Conservation Area?</p> <p>For this to be fairly assessed the applicant should provide a clear and cogent account of their need to have two floodlit pitches, a sports hall and the new very large Health and Fitness Centre. The applicants have not provided any such evidence, indeed, they reference an Independent Schools Authority report that praised the existing facilities and welcomed the new Health and Fitness Centre, but critically advised that any further illumination of a second pitch should be deferred until the effects of the development, to date, had been realised. As any improvement in CLC pupils' health and wellbeing provided by the increase in all-weather facilities in the new Health and Fitness Centre has yet to be measured, allowing this proposal would be contrary to evidence-based practice of procurement that drives current planning guidelines. Indeed, as guardians of the future, a more sustainable approach would be to assess any additional need only when there is clear measured evidence, rather than through speculation and arbitrary demand.</p> <p>For our part, we have clearly stated the loss of amenity to the whole community inherent in this proposal. This quiet and distinctive part of the Conservation Area is already compromised by the building of the Health and Fitness Centre, and will be lost for future generations. The residents, including families, the elderly and those in nursing and retirement homes, will be subjected to the noise of modern schools' hockey players and spectators, which have adopted the shrieking and grunting associated with Wimbledon tennis players. The illumination of our homes will destroy our privacy and comfort at a time when we gather to share the experiences of our days. The health and wellbeing of residents need not be compromised by the power of commercial interest</p>	<p>The CLC justification statement submitted with the application has set out the colleges need and justification for the additional floodlit pitch.</p> <p>The concerns expressed have been taken seriously by the college, however the objector's comments are in our view overstated and do not bear close scrutiny. The proposed curfew times allow for extended use during the winter months. Disturbance from players and spectators (if indeed such disturbance actually occurs) will happen throughout the day light hours currently. This proposal will not change that. The hours of use is to be limited to an early evening curfew. This will afford commensurate mitigation balancing the needs of the college with the appropriate protection of neighbours amenity.</p>
<p>3. Are there any concerns regarding safety?</p> <p>We have been told that the safety of the pupils participating in sports on the pitch is not a matter for the Planning Committee, therefore, we would simply</p>	<p>We have taken advice from the body undertaking the lighting research for England Hockey and the FIH. The advice from the governing body is that</p>



## CLC application for floodlighting (16/01790/FUL) - Response Note 19/01/2017

<p>point out that according England Hockey this pitch will not be suitable for match play. Match play is an intended use because the applicants have asked for use by visiting schools.</p> <p>Road safety, however, must be a concern for a Planning Committee. We have asked a specific question regarding this, which remains unanswered; will the light spill onto the roads adjacent to this development cause light pooling that will inhibit road users' vision? It is a requirement of the British Standard pertaining to the installation of sports lighting that this possibility should be considered. The incomplete documentation provided by the applicants fails to include the data required to do so. We can see no record of the County's Highways Department having been asked to consider this specific question.</p>	<p>any lighting scheme subject to planning now should be designed to the 2011 recommendations.</p> <p>In terms of safety the reference point is the British and European standard, there is no suggestion that this standard will change. The lighting system as designed complies with the British Standard and European Standards.</p> <p>CLC are entirely comfortable that the 300 lux maintained level is appropriate for their needs .</p> <p><b>Road Safety</b></p> <p>The lighting spill plans indicate that there will be less than 1 Lux projected towards Christchurch Road assuming an open site with no obstructions. There are buildings and trees between the site and Christchurch Road, therefore there will be no pooling of light on the carriageway which will inhibit the vision of road users.</p> <p>The highway authority have raised no objection.</p>
<p>4. Is the light level predicted acceptable in relation to National Standards?</p> <p>The British Standards Institute has produced a document (BS EN 12193; Light and lighting – Sports lighting.pdf) that includes standards for the minimisation of light pollution. The standard for light spillage on adjacent properties in an E2 zone, which is clearly the appropriate designation and does not represent a compromise by the applicants, is just 5 lux. The applicant's documentation indicates that the light levels will reach as high as 10 times that level.</p> <p>The applicants and the Planning Officer have chosen to overlook the BSI standard, and to use the guidance notes issued by the Institute of Professional Lighting (Guidance Notes for the Reduction of Obtrusive Light GN01:2011), which acknowledges that all light spillage must be minimised, but that in certain</p>	<p>The ILP 'Guidance Notes for the Reduction of Obtrusive Light' GN01:2011 have been adopted as the bench mark for planning policy throughout the UK. BS EN 12193 does include a section relating to obtrusive light, however, this is an extract from the 2005 edition of the ILP 'Guidance Notes for the Reduction of Obtrusive Light'. This is repeated in all current CEN lighting guides including the ones for Road Lighting(BS EN 13201) and the Lighting of Outdoor Work Spaces(BE EN 12464) using the most up to date ILP Lighting Guidance.</p>

## CLC application for floodlighting (16/01790/FUL) - Response Note 19/01/2017

<p>circumstances a limit of 5 lux at the windows facing a development may be appropriate. In this, specific case, this level would seem inappropriate because it is contentious. We would, therefore, request that the Planning Committee uses the British Standard, rather than the trade body's guidance, in its deliberation.</p>	<p>Furthermore the measurement of obtrusive light is measured 'Flat on the glazing in the centre of the window' and does not relate to out buildings or gardens. The Institution of Lighting Professionals (ILP) is the UK and Ireland's largest and most influential professional lighting association, dedicated solely to excellence in lighting. Its membership is made up of lighting designers, consultants and engineers, it is not a trade organisation.</p> <p>By referring to and adhering to the recommendations of the ILP the applicant and planning officers have used the most appropriate advice and planning policy available.</p>
<p>5. Is the proposal fit for purpose? We have been told that this question does not fall into the Planning Committee's remit. However, in the light of the above 4 points it must be worth considering the possibility that in making compromises to shoe-horn the lighting into a pre-determined area that the applicants will not have a functional facility, despite the permanent disfigurement of the Conservation Area; both the applicants and the locality will lose.</p> <p>Crucially, England Hockey, the sport's governing body, are currently revising their instructions for lighting hockey pitches, their recommendations are due to be published within the next few weeks (<a href="http://www.englandhockey.co.uk/page.asp?section=2080">http://www.englandhockey.co.uk/page.asp?section=2080</a>). At present, this proposal does not even fulfil the current safety standard required by England Hockey for Class III activity; reference to the applicant's plan shows, despite the Planning Officer's assertion, that the variation in lighting is too great even for the most basic sporting activity.</p>	<p>For reasons previously set out this proposal will not impact negatively upon the conservation area. This has been considered and verified by the inspector determining a previous appeal on site.</p> <p>The lighting scheme complies with the British and European standards and the lighting lux level is appropriate for the users' needs and requirements.</p> <p>I am aware that England Hockey have been carrying out some work in conjunction with Loughborough University and will be publishing a new document in the near future, however, this is still being discussed and has not yet been published. We are only able to reference current standards and cannot pre-empt the content of a document which is still work in progress. In the UK and Europe the minimum safety standards are set by CEN who produce the European Standards, these include standards for almost every item we buy or install. The current standard for Sport Lighting is BS EN 12193 which requires an average maintained illuminance of 200</p>



## CLC application for floodlighting (16/01790/FUL) - Response Note 19/01/2017

	<p>Lux for Class II suitable for local and regional competitions. The designer and applicant has made reference to several design standards before deciding to use the illuminance levels detailed in the design drawings. The levels were chosen as they were higher than the recommendations in BE EN 12193, fulfilling the requirements for safe play, whilst still ensuring that the obtrusive light limitations for and environmental zone 2 were met. <b>The proposed system is and will be fit for purpose now and in the future.</b></p>
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**From:** [17 Christ Church Road]

**Sent:** 18 January 2017 09:39

**To:** Councillor Bernard Fisher; Councillor Karl Hobley; Internet - Built Environment; Councillor Simon Wheeler; [chairman@cheltladiescollege.org](mailto:chairman@cheltladiescollege.org); Councillor Paul Baker; Councillor Chris Nelson; Councillor Diggory Seacome; Councillor Klara Sudbury; Councillor Chris Mason; Councillor Colin Hay; Councillor Helena McCloskey; Councillor Garth Barnes; Councillor Pat Thornton; Councillor Adam Lillywhite; Councillor Tony Oliver

**Cc:**

**Subject:** Re: CLC floodlight proposal

Dear Councillor

Yesterday, I telephoned England Hockey to ask about their current recommendations for the lighting of hockey pitches. At present their old recommendations, used by the applicants, are obsolete and have not been published on England Hockey's website for at least two years. They were removed pending research at Loughborough University into the safe and adequate requirements for lighting hockey pitches. The research results have been finalised and have been accepted by England Hockey, and simply await ratification by the International Hockey Federation as the recommendations are to become the international standard.

Although not yet published, the results can be discussed with England Hockey, I made the phone call yesterday. There will be two levels of illumination: the higher is for international and national standard competition; the lower, which applies to all other hockey, including non-competitive ball-training, will apply to CLC's proposal for their fourth playing surface. This level requires a minimum light intensity of 350 lux and a variation of less than double the minimum lighting level. The current proposal by CLC therefore will fail to meet this minimum standard and so, the question arises as to why CLC would seek to install a lighting facility at enormous expense that will become obsolete even before the gantries are raised for the first time.

**Is it to establish a facility that at a later date will need to be modified to meet safety standards?**

I would be very grateful if you would consider whether an unusable facility should be allowed to proceed when its harm to the Conservation Area has already been accepted. Surely harm can only be acceptable if a significant balancing benefit can be demonstrated: an unsafe lighting proposal benefits no-one.

I would be very grateful if, on the basis of the potential for 'development creep' that permission is declined, or at least a decision is deferred until the imminent publication (a few weeks) of England Hockey's international standards.

Thank you for your attention,

Yours sincerely  
[name supplied]

