

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

REPRESENTATIONS

Number of contributors	11
Number of objections	11
Number of representations	0
Number of supporting	0

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⁻²) 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 an 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.

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 condidions (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 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.

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.

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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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.

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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

Harwood Savin Ltd

Town *Planning* Consultants

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

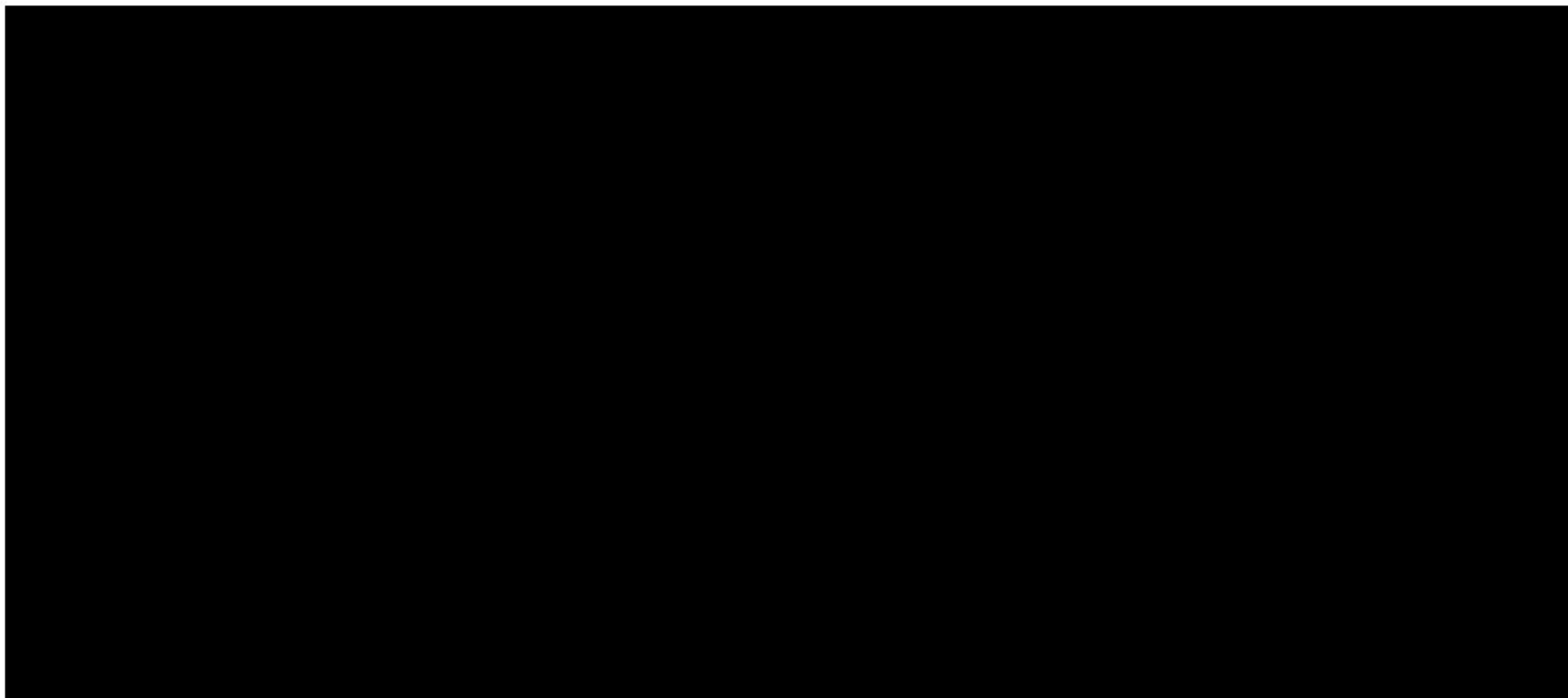
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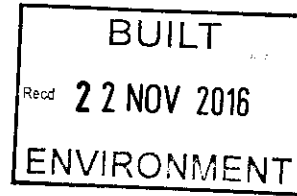
Town Planning Consultants

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
21st 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 used to redact the signature of the sender.

17 Christ Church Road
Cheltenham
Gloucestershire
GL50 2NY

21st 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 to 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

21st 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 ^a	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
^a 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). 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 ^a			
	No road lighting	M4/M5	M2/M3	M1
Tl^b	15% based on adaption luminance of 0.1 cd m^{-2}	15% based on adaption luminance of 1 cd m^{-2}	15% based on adaption luminance of 2 cd m^{-2}	15% based on adaption luminance of 5 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,

[Redacted signature]

17 Christ Church Road
Cheltenham
Gloucestershire
GL50 2NY
21st 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]

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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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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.

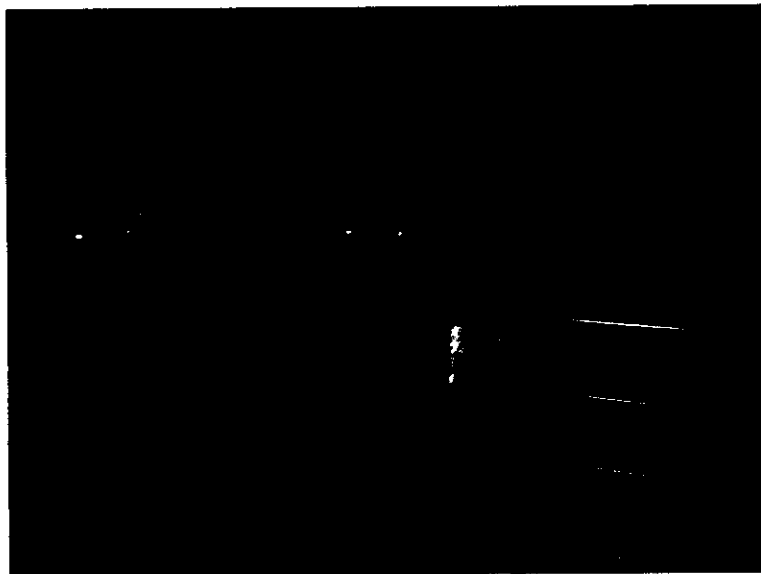
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Policy SD9 (clause 3) seeks to ensure that 'designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness 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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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

31st 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 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 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.

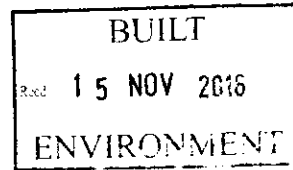
Conclusion

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.

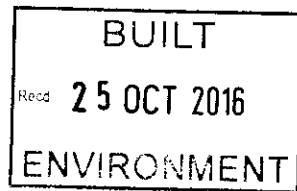
As a home-owner and resident of the
Christchurch Rd area I wish to object
strongly to the proposal of installing 15-metre
high floodlights to the sports field which
is surrounded by houses and the centre
of a residential area.

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

I therefore wish to express my
objections to this proposal.

Yours sincerely,

A large black rectangular redaction box covering the signature area.



6 Christchurch Rd
Cheltenham
GL50 2PB
24th 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.

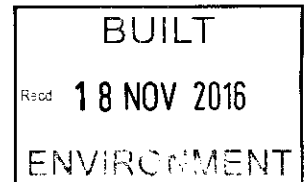
Yours faithfully

[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]