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TODAYS DATE: 26-7-95 NAME: SA Basch



## The Planning Inspectorate

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Your Reference:  
CL/FC:91/128  
Our Reference:  
T/APP/A3655/A/92/204479/25  
Date:

18 SEP 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY CHRIS LANE TENNIS AND HEALTH  
APPLICATION NO: EH 92/0162

*Del.  
24/9/92*

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Woking Borough Council to refuse planning permission for the provision of floodlighting to Courts 1, 2, 3, 4, 6 and 7 at Chris Lane Tennis and Health, Westfield Avenue, Old Woking. I held a hearing into the appeal on Thursday 23 July 1992.

2. On 4 July 1991 the council granted permission for the erection of floodlights on the same courts at the appeal site subject to conditions. The main differences between the appeal proposal and this extant planning permission are: the height of the poles would be 12 metres compared to 8 metres; the level of illumination on the playing surface would be 450 lux compared to 360 lux; the operational shut off time would be 2200 hours for the full week which compares to 2130 Monday to Saturdays and 1830 on Sundays.

3. From my inspection of the appeal site and surroundings, the written representations and from the matters presented to me at the hearing, I am of the opinion that the main issues in this case are the effects of the proposed scheme on firstly, the appearance and character of the area and; secondly, the general living conditions of nearby residents by reason of glare, noise and disturbance.

4. The appeal site is the large irregular shaped curtilage of a tennis centre which includes a club house, four covered courts, eight outdoor courts and car parks. The outdoor courts are located near the southern and eastern boundaries of the site. Six of these eight courts would be floodlit; the two exceptions are nearest the eastern boundary of the site. There are two detached residential properties, Kingfield Cottage and Penlan, near the eastern boundary of the site; the latter stands close to the outdoor tennis courts.

5. Policy RT5 of the Surrey Structure Plan, approved in 1939, and Local Plan Policy 84 seek to encourage developments for public and private recreation use provided that there are not any unduly adverse environmental effects in adjacent areas including noise and/or traffic generation. The second public inquiry into the Woking Borough Local Plan (as modified September 1991) has now closed. Policy 7 sets out criteria which the council expects new





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development to satisfy in order to achieve a high standard of design and layout. I have attached substantial weight to the fifth criterion which has been added in accordance with the Inspector's recommendations that a new development be adequately and appropriately screened from adjoining land uses.

6. I deal with the first main issue and the effects of the proposed columns and lighting units on the area during daylight hours. The character of the area derives partly from the large sporting and recreation facilities, such as the nearby Woking football ground and the appeal site, but is dominated by the surrounding residential development. A prominent feature in the area is the large floodlighting columns with their battery of lighting units which have been erected at the football ground. They can be seen from many points in the surrounding area from long distances. In this case the proposed floodlighting columns would be tubular steel with an appearance similar to street-light columns with smaller lighting units. In my opinion the scheme would be sympathetic to the existing development of this large tennis complex. The floodlighting would be seen from many points in the surrounding area, but bearing in mind the slender nature of these columns and the distance that they would be located from the majority of surrounding residential properties I do not consider that they would be a dominant feature. I conclude that, subject to additional planting being provided along the eastern boundary of the site to reinforce the existing trees and shrubs to mitigate the effects of the scheme on the appearance of the area, the proposed scheme would not cause undue harm to the character of the area. This could be covered by a condition.

7. Turning now to the second issue, the landscaping covered by this condition would also help to protect the amenities of the occupiers of Penlan and Kingfield Cottage by screening the columns from view at a low level from these properties. However, this planting would not prevent the floodlights from being seen when they were lit during the hours of darkness, either from the gardens of these properties, or from other points in the surrounding area. The proposal would provide a significantly higher level of illumination at court level than the approved scheme to facilitate a higher standard of play. However, the higher columns would enable the floodlights to be pointed vertically downwards, thereby enabling the light to be directed more accurately onto the playing surface. On the evidence presented to me, I am satisfied that, provided the floodlights were aligned correctly and suitable hoods and visors were attached to them, the light emanating from the floodlighting would be cut-off so that it would not result in an unacceptable level of glare to the residents living in the surrounding area. This could be covered by a condition.

8. The proposal would enable the tennis courts to be used throughout the year during the hours of darkness. There would be some noise associated with this use, for example, when players arrived on and left the courts and during play there would be the raised voices of players and umpires/coaches and the sound of ball on racquet. I do not consider that this noise would have an adverse effect on the amenities of the residents of the surrounding properties, apart from Kingfield Cottage and Penlan. These properties are close to the tennis courts and I have come to the view that it would be necessary to restrict the hours of operation of the floodlights to protect their general living conditions. In my opinion 2200 Monday to Saturdays and 1830 on Sundays would be reasonable times for the floodlights to be extinguished to provide a balance between the requirements of the tennis club and the amenities of the local residents. I consider that the earlier finishing time would be necessary on Sundays because the occupiers of Kingfield Cottage and Penlan would be more likely to be at home and the noise would be more noticeable in the relatively low ambient noise levels on Sundays. This could be covered by a condition.

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9. I deal now with the question of additional noise associated with the pedestrian and vehicular movements to and from the site by people wishing to use the courts when floodlit. Vehicular access to the large car parks on the site is via a long access road which runs south-eastwards from Westfield Ave. The access runs to the rear of residential properties fronting Westfield Ave while the parking area is to the side and rear of houses fronting Granville Road. As I saw at my site inspection the club is a large busy complex with a number of indoor facilities, including a licensed bar, which attract many people throughout the day and night. Although there would be some additional traffic arriving and departing late in the evening as a result of the proposal, in my opinion, the noise and disturbance associated with this traffic would not be significant relative to that generated by the existing use. I do not consider that the proposal would result in an unacceptable level of additional disturbance. I conclude that, provided the hours of use of the floodlights were restricted and that they were aligned and screened in the way that I have outlined, the proposal would not cause undue harm to the general living conditions of nearby residents by reason of glare, noise and disturbance.

10. I have taken account of all the other matters in the representations including the other matters raised by local residents, many of which do not relate to the proposal before me. I am of the opinion that neither they, nor any other matter raised outweigh the considerations that have led me to my decision.

11. I propose to allow this appeal subject to the conditions to which I have referred. As to the other conditions suggested by the council I consider that the means of control of the hours of operation of the floodlighting is not relevant to planning so I will not impose that part of condition 5. My decision is based on a level of illumination higher than 360 lux so I will not impose condition 3. Neither will I impose conditions 6 and 7 because they do not relate to the development proposed.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the provision of floodlighting to Courts 1, 2, 3, 4, 6 and 7 at Chris Lane Tennis and Health, Westfield Avenue, Old Woking in accordance with the terms of the application No. EH 92/0162, dated 15 February 1992, and the plans submitted therewith, subject to the following conditions :

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. the floodlights hereby approved shall be illuminated only between the hours of 0900 and 2200 Mondays to Saturdays and 0900 and 1830 on Sundays and shall not be illuminated at any other time.

3. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all the existing trees, shrubs and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

4. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless

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the local planning authority gives written consent to any variation.

5. development shall not begin until a scheme for the alignment of the floodlights and the fixing of hoods and visors has been submitted to, and approved by, the local planning authority; all works which form part of the scheme shall be completed before the floodlights are brought into operation and shall not be varied without the prior approval of the local planning authority;

13. An applicant for any consent, agreement, or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen  
Your obedient servant

*R. E. Hurley*

R. E. Hurley CEng MICE HMT  
Inspector

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