APCAR SMITH PLANNING

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PLANNING STATEMENT

LOWLANDS TENNIS CLUB
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CONTENTS

1.00 INTRODUCTION

1.01 This Statement is submitted in support of a planning application by Lowlands Tennis Club. The Club was founded in 1935. It hosts six courts, all of which have floodlighting. The application seeks planning permission for the replacement of the existing 36 metal halide floodlights with 28 LED lights. The replacement floodlights will utilise the existing 24 columns which will not change in number, appearance, height or location. All lights around the perimeter, adjacent to the residential streets, will be fitted with back shields.

1.02 The application is accompanied by the following documents:

- Statement on behalf of Lowlands Tennis Club (produced by M Lewis Esq of the Club's Tennis Committee)
- Site Location Plan (with the application site of the two sets of three tennis courts being outlined in red and the rest of the land in the Club's ownership outlined in blue)
- Drwg No MLS781/Lowlands/Extlight/001 Rev A showing the existing floodlight arrangements and existing light spill contours
- Drwg No MLS781/Lowlands/Extlight/002 Rev A showing the proposed floodlighting arrangements with proposed light spill contours
- Drwg No MLS781/Lowlands/Extlight/003 Rev A showing existing and proposed elevations (including existing and proposed back shields)
- Drwg No MLS6/6.0M/CFL/single Rev A showing detail of a lighting column (back shield not seen as to be installed within the bracket profile and only 1.5mm in thickness)
- Midlands Lighting Solutions Lighting Assessment Report (29.08.24)
- Midlands Lighting Solutions Appendix 1 - Calculation Reports
- Midlands Lighting Solutions Appendix 2 – Reference Drawings (uploaded separately as the formal submission plans)
- Midlands Lighting Solutions Appendix 3 – Product Data Sheets
- Midlands Lighting Solutions Appendix 4 – Reference Guidance Notes

1.03 Whilst the Club is dominantly "members only" facility non-members can use the courts for tennis coaching by the Club's coaches. A PE class run once a week for Canon Lane Primary School who have use of the tennis courts and WC's. Therefore there is also some community use of the Club's facilities.

1.04 As the application documentation demonstrates the proposals will not give rise to any harm to amenities of surrounding residents as there will be no increased light spillage or changes to the hours of use. Therefore the proposals will not result in any increased intensity of use. As there will be no increase in light

spillage there will be no adverse impacts on biodiversity interests as a result of the proposals and hence no need for the submission of an Ecological Assessment with this application. An Ecological Assessment would only be required if there were to be increased light spillage that could affect ecological interests on and around the site.

2.00 SITE AND SURROUNDINGS

2.01 The tennis club site is within a residential area facing Devonshire Road to the south west, Lowlands Road to the north west, The Link to the north east and the rear gardens of properties fronting Boldmere Road to the south east.

2.02 The Club contains six all weather tennis courts arranged in two groups of three. The courts are surrounded by mesh fencing. There are a total of 24 floodlighting columns around and between the courts with a total of 36 metal halide floodlights at the top of these columns, at a height of 6m above court level. The existing arrangement of the columns and floodlights can be seen on Drwg No MLS781/Lowlands/Extlight/001 Rev A. As can be seen as existing there are back shields fitted to only 6 of the existing 36 floodlights.

2.03 There are two vehicular/pedestrian entrances to the site - one from Lowlands Road with a driveway/footpath/parking area (where 5 or 6 cars park but not formally laid out) between the two sets of courts and the other from The Link which provides access to the Club's main car park (laid out to provide 24 car spaces).

2.04 To the south east of the courts, roughly centrally positioned along the south eastern boundary of the Club's grounds, is the single storey clubhouse building. Within the clubhouse is a members' bar, open nightly, and with a variety of events for members and non-members taking place throughout the year. The Club is run voluntarily by its members and for its members. Any profits made are ploughed back into the Club for improvements to the facilities.

2.05 There is also a small children's tennis court within the site on the Devonshire Road frontage with a mature hedge between this court and the road. This small court is separated from the clubhouse by a patio area. There are no floodlights to this court nor are any proposed.

2.06 On the opposite side of Devonshire Road to the Club are three deciduous street trees planted within the pavement. On Lowlands Road there is hedgerow within which are two trees, between the courts and the back edge of the pavement adjacent to the western group of courts (the green courts). The eastern group of courts (the red courts) come up to the back edge of the Lowlands Road pavement. On the opposite side of Lowlands Road are two street trees within the pavement. Along The Link there is hedgerow adjacent to the eastern (red) courts at the back edge of the pavement and adjacent to the car park. There is one of tree in the very eastern corner of the site fronting The Link. On the opposite side of The Link there are no street trees.

2.07 The surrounding properties on The Link, Lowlands Road and Devonshire Road are setback to the rear of their front gardens/driveways, their front elevations being between 17.5m and 20m from the facing courts and the closest floodlights. The front gardens/driveways are primarily hard surfaced and used for car parking. Some of the properties retain soft landscaping with manicured planting beds. The only property that has a slightly different relationship with the facing courts is 26 Lowlands Road which has its flank elevation facing The Link and the north eastern side of the eastern (red) courts. That flank elevation is approximately 19 to 20m from the edge of the closest court.

2.08 As regards the rear gardens of the properties fronting Boldmere Road, there are a variety of trees (deciduous and evergreen) along the rear boundaries of the majority. The rear elevations of the houses themselves are between 35 and 45m from the edge of the closest court. The tennis courts with the floodlights are separated from the rear gardens of these properties by the Club's car park, clubhouse and children's court (which does not have floodlights).

3.00 PROPOSED DEVELOPMENT

3.01 The proposals simply involve the replacement of the 36 existing metal halide floodlights with 28 LED lights. Whereas, as existing, eight of the columns on the outside edges of the courts have two lights each, with the proposal only one light is needed on each of these (hence the reduction in the number of floodlights overall from and 36 to 28).

3.02 There will be no change to the floodlighting columns themselves. The proposed LED lights will be at exactly the same height as the existing metal halide lights (6m above court level).

3.03 Whereas, as existing, not all floodlights which back on to the residential streets have back shields, the proposals will incorporate back shields to all. The existing back shields will be replaced with new back shields so all will match.

3.04 The proposed LED lights will be positioned and angled so as to ensure no increase in light spillage off the courts. LED lights are more directional than the old metal halide lights that they will replace so resulting in the light being better focused on the courts themselves.

3.05 No other changes are proposed. The change to the lights will not alter the way in which the courts are used or their hours of use. However LED lights can be turned on and off as and when required as they do not need time to warm up. In contrast the existing lights are left on from when switched on until the end of the evening as they take a long time to warm up. As a result the proposed LED lights are likely to be on, overall, for reduced hours.

3.06 No changes are proposed in terms of how the Club operates nor to any of the other structures on and around the Club's grounds.

4.00 PLANNING HISTORY

4.01 There are a number of past applications for the site. We refer to those of specific relevance to the current proposals below.

4.02 In 1984 when planning permission was granted (Ref 21232/B/84/1402) for temporary accommodation for a sports and social club. That was followed the following year with permission being granted in February 1985 (Ref 218232/D/85/0209) for the erection of a new clubhouse with associated facilities, to replace fire damaged premises.

4.03 Of particular relevance to the current proposals is permission Ref 21232/G/94/0165, dated 31st January 1994, for the erection of 12 x 6m high floodlighting columns to part of the tennis club site. The approved plans show these as being the floodlights to the western group of courts (the green courts) at the junction of Devonshire Road and Lowlands Road. We note from the Officer's report that the application was referred to Committee with a recommendation that planning permission be refused. However it is evident that Councillors voted to overturn that recommendation with the planning permission being granted, subject to a number of conditions controlling the use of the floodlights. Of particular importance and relevance to the current application is Condition 2 which states that the floodlighting shall not be used at night after the hours of 21:30 with this being specified as being necessary in the interests of residential amenities of the area. The Club continues to abide by these hours and it is intended that they will continue to do so.

4.04 Subsequently, in November 1997, permission was granted (Ref 21232/K/97/1943) for the installation of additional lighting to three tennis courts comprising 18 lanterns on 12 x 6m columns. This permission related to the three eastern most tennis courts (the red courts) at the junction of Lowlands Road and The Link. As with permission Ref 21232/G/94/0165 this permission was also subject to a condition (Condition 2) stating that the floodlighting shall not be used at night after 21:30 hours.

4.05 The current proposals are simply to replace the actual light bulbs/light fittings and back shields (with additional back shields proposed) to the same and floodlighting columns as approved under permissions Ref 21232/G/94/0165 and 21232/K/97/1943 - no additional columns but, given the nature of the proposed LED lights which are more directional, enabling a reduction in the number of light fitting units from 36 to 28.

4.06 More recently, in May 2023 an application for a Certificate of Lawfulness of Proposed Development was refused (Ref 21232/APP/2023/130) respect of the proposed changes to the existing lights to install LED lights on the existing polls

(ie the same development for which planning permission is now sought and to which this Statement relates). The reason for refusal alleged that the proposal to replace the existing lights for new LED lights and to use the existing poles would have material consequences and would constitute a form of development under Section 55 of the Town and Country Planning Act 1990. Unlike this application that application for a Certificate of Lawfulness did not provide any significant detail in respect of the proposed lighting. There was no comparison with the existing lights/light spill and hence the Local Authority would not have been aware that, contrary to the assertion in the reason for refusal, the proposed change would not give rise to any material planning consequences as there would be no change in terms of light spillage or visual appearance. Therefore in short the Council came to their decision on this previous application due to insufficient information having been provided to demonstrate that there would be no material consequence. This application seeks to overcome that by providing all possible information to demonstrate that no harm will be caused.

5.00 PLANNING POLICIES RELEVANT TO THE PROPOSALS

5.01 There are policies contained in the National Planning Policy Framework, the London Plan and the London Borough of Hillingdon's Local Plan that are relevant to the proposals; policies that encourage sporting facilities and also policies that seek to ensure that no harm is caused. As is discussed below the proposals comply with all relevant policies.

National Planning Policy Framework (December 2023)

5.02 As is explained in the following section LED floodlighting is more sustainable in its nature than the existing metal halide lights. The proposals therefore comply with the general requirements of the NPPF in respect of achieving sustainable development, in particular the environmental objective as set out at Para 8(c) which includes reference to using natural resources prudently, mitigating and adapting to climate change, including moving to a low carbon economy.

5.03 Para 96 seeks to enable and support healthy lifestyles with specific reference to the provision of sports facilities. Para 102 acknowledges that access to, and opportunities for, sport and physical activity are important for the health and wellbeing of communities. Whilst the proposals, in themselves, do not provide for a new sporting facility or for increased physical activity, the replacement lights will allow that existing use of the land, which complies with these aspects of the NPPF, to continue unhindered.

5.04 Aspects of Section 14 relating to meeting the challenges of climate change are also of relevance to the proposals. Para 159 requires development to reduce greenhouse gas emissions. Para 164 requires Local Authorities to give significant weight to supporting energy efficiency in their decisions. As is discussed in the following section the proposals assist in these respects being more sustainable than the existing lighting.

5.05 Section 15 refers to planning decisions contributing to and enhancing the natural and local environment, minimising impacts on biodiversity. Para 198 refers to ways in which plans should protect and enhance biodiversity and geodiversity with Para 186 advising in respect of the determination of planning applications with regard to impact on habitats. As is discussed in the following section the proposal, to replace the existing metal halide floodlights with LED floodlights will not impact on habitats or biodiversity interests.

5.06 Para 191 is also of fundamental relevance to the proposals with its reference to ensuring that new development is appropriate when taking into account the likely effects (including cumulative effects) on living conditions, the natural environment and the potential sensitivity of the site or the wider area. There is

reference to mitigating and reducing to a minimum potential adverse impacts resulting from noise and limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Matters in respect of light pollution are discussed in detail in the Lighting Assessment which we return to below. Given that the proposals simply replace the existing floodlights with new floodlights, and with the Club being willing to accept a condition limiting the hours of use of the floodlights until 21:30 hours (as with the two previous permissions), as is discussed below there will be no impact on noise or other living conditions.

London Plan (2021)

5.07 The proposed replacement floodlighting, enabling the continuation of the use of the six tennis courts until 21:30 hours daily, would be encouraged in principle by Policy S5. Part B of the policy requires development proposals for sports and recreation facilities to increase or enhance the provision of facilities in accessible locations, maximise their use. The policy specifically refers to supporting the provision of sports lighting within reasonable hours where there is an identified need and the lighting is required to increase or maintain the potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity. There is undoubtedly an identified need – or the Club would not be going to the expenditure of replacing the additional floodlighting with more sustainable lighting. As discussed below as there will be no increased light spill. The proposals will not give rise to any demonstrable harm to either the local community or to biodiversity.

5.08 Policy D14 relates to noise with Part A(1) requiring that development proposals avoid significant adverse noise impacts on health and quality of life. As is discussed below the proposals will have no impact in this respect as the Club are willing to accept a condition on the planning permission in respect of the proposed floodlighting only being used until 21:30 hours nightly, as is the case with both of the extant permissions.

5.09 Policy G6 is relevant to the proposals, supporting the protection and conservation of priority species and habitats and requiring proposals to manage impacts on biodiversity. In this respect, and as is discussed below, given that the proposals do not affect light spillage when compared to that existing, the change in the type of floodlighting, from metal halide to LED, will not have any biodiversity impacts.

5.10 LED floodlights, by being more sustainable, will comply with Policy SI1 contributing to an overall improvement in air quality generally. Similarly it will comply with Policy SI2 in respect of assisting in minimising greenhouse gas

emissions. The reasoning behind this is explained in the following section as part of our consideration of the sustainability benefits.

5.11 As the proposals will not result in any intensification in the use of the courts it is not considered that there are any other policies that are of relevance.

LB Hillingdon – Local Plan : Part 1 – Strategic Policies (2012)

5.12 Policy EM4, which relates to open space and informal recreation, supports the principle of the proposed development with its reference to meeting local community needs and facilitating active lifestyles. It includes reference to protecting existing trees and landscape features. As is discussed below the proposals will not affect any of the trees or landscape features that surround the courts.

LB Hillingdon – Local Plan : Part 2 – Development Management Policies (2020)

5.13 Policy DMCI2 relates to new community infrastructure. Whilst the proposals are not for a new community facility they do enable continued use of the existing facility and therefore the policy is of relevance. Part A specifically states that proposals for the refurbishment of existing premises for community facilities will be supported. It is considered that the proposed replacement metal halide lights with LED lights is a refurbishment. It is not providing a new or altered facility or altering the nature of the existing use.

5.14 The proposals are also considered to comply with the relevant aspects of policy DMHB11 as far as is relevant to the nature of the proposals. Of particular relevance is the fact that the proposals do not involve any increased height to the floodlight columns or additional columns being provided. The existing columns remain unchanged with the proposals simply involving the replacement of the lights themselves. As such the proposals will harmonise with the local context as required by Part A(i). They will also comply with this aspect of the policy by not impacting on the environment. There will also be full compliance with Part A(v) protecting amenity, biodiversity and green infrastructure as result of the light spillage not increasing from that existing.

5.15 Part B of Policy DMHB11 requires development not to adversely impact on neighbours amenities. As is discussed below there will be no change in this respect given that there will be no increased light spillage and no increased intensity or hours of use.

5.16 Policy DMEI2 relates to the reduction in carbon emissions and requires all development to make the fullest contribution in this respect. This is of relevance to the proposals as metal halide lights produce more carbon emissions than LED (as is discussed in the following section).

5.17 Policy DMEI7, relating to biodiversity protection and enhancement, is also acknowledged to be of relevance. Part A requires design and layout of new development to retain and enhance any existing features of biodiversity or geological value within a site and, where loss is unavoidable, provide replacement features on site. Where development is constrained and cannot provide enhancements on site then there is reference to appropriate contributions being sought to deliver off-site improvements. In this respect, and as is discussed in the following section, the proposals will not give rise to any harm to any biodiversity interests. As a result of the demonstrated reduction in light spillage the proposals could potentially result in an enhancement if there are any habitats within the very limited soft landscaped areas on and in the vicinity of the site. This is discussed further in the following section.

6.00 PLANNING CONSIDERATIONS

6.01 Within this section of the Statement we consider the proposals in the context of the following issues.

- Impact on residential amenities
- Impact on ecological interests
- Sustainability issues
- Material fall-back position

6.02 Given the nature of the proposals, simply replacing metal halide floodlights with LED lights and changing and adding to the existing back shields, we do not consider that there are any other issues that fall to be considered in the assessment of this application.

Impact on Residential Amenities

6.03 The documentation prepared by Midlands Lighting Solutions, and submitted with this application, demonstrates conclusively that the proposed changes to the floodlights, with the replacement and additional back shields, will not result in any increase to light spill that could affect the amenities of residents who live around the Club's site.

6.04 The 10 and 5 lux contours have been prepared on the basis of there being no trees or shrubs separating the tennis courts and the floodlight columns from the surrounding residential properties. In reality there are a number of trees and shrubs, a mixture of deciduous and evergreen, which would limit light spillage. These submitted lux contours showing the extent of horizontal spill, are therefore very much a worst case scenario and assume all trees and other planting does not exist.

6.05 A comparison of the existing and proposed 10 and 5 lux contours (the existing are shown on Drwg No MLS 781/Lowlands/Extlight/001 Rev A and the proposed on Drwg No MLS 781/Lowlands/Extlight/002 Rev A with Figure 4 on Page 7 of the lighting assessment showing the existing and proposed side by side at a smaller scale) demonstrates that there is no worsening in respect of light spillage. Indeed the light spill will be improved as a result of the proposals.

6.06 As existing the 10 lux contour includes part of the front gardens of the facing properties on Devonshire Road with the 5 lux contour extending very slightly beyond the front elevations of three of these houses. With the proposals the 10 lux contour does not extend into any of the front gardens with the 5 lux contour including part of the gardens of three properties. Thus on the

Devonshire Road frontage it can be seen that the proposals result in a significant improvement.

6.07 As regards The Link, as existing the 10 lux contour includes part of the side garden of 26 Lowlands Road with the 5 lux contour extending beyond that property's facing flank elevation. With the proposals the 10 lux contour stops at the edge of the roadway with the 5 lux contour including only a small part of No 26 Lowlands Road's side garden area. Therefore there is also a significant improvement in terms of light spill along The Link.

6.08 Looking at Lowlands Road the improvements are less noticeable but there are marginal improvements. As existing the 10 and 5 lux contours cross the front gardens of the Lowlands Road properties with, for the eastern group of courts (the red courts) the 5 lux contour going slightly beyond the front elevations of two of the facing houses. With the proposed replacement lights and back shields, together with the additional back shields, for the western group of courts (the green courts) the 10 lux contour is along the pavement and the 5 lux contour midway across the facing properties front gardens. For the eastern group of courts (the red courts) with the proposals the 10 lux contour ends on the back edge of the pavement and the 5 lux contour is marginally forward of the front elevations of all facing properties. Therefore there is also an improvement along Lowlands Road, albeit not as noticeable as along The Link and Devonshire Road.

6.09 As to the relationship with the rear of the Boldmere Road properties, there is no noticeable change. As existing the 10 lux contour does not touch any of these properties rear gardens; the 5 lux contour extends very marginally into the rear gardens of these properties other than where directly behind the highest part of the existing clubhouse building.

6.10 It should be borne in mind that the existing light contours are based on the light omitted from the existing metal halide lights and take into account the existing back shields. As is mentioned in the "Methodology" section of the Lighting Assessment this was based on a survey undertaken on 16th April 2024. That was then emulated with calculation software before being compared with the proposed LED lights. It should also be noted that, as is referred to in the "Considerations" section of the Lighting Assessment, the calculations/lux contours do not take into consideration the proposed shielding. Therefore with the proposal the contours and light spillage will actually be significantly less than is shown on the frontages to Devonshire Road, Lowlands Road and The Link due to the impact of the proposed back shields all along the road perimeters.

6.11 Also, as is referred to in this same section of the Lighting Assessment, the existing lighting would not be operating at 100% of its capacity. We are aware from the Club that the lights to Court 1 were all replaced approximately five years ago; other lights/bulbs have changed as they have failed, on an ad hoc basis. Therefore apart from Court 1 there has been no comprehensive change for a number of years. This is of relevance to the comparison of existing and proposed light spill given that, as we return to below, the replacement of the existing metal halide bulbs with like for like would not be development requiring planning permission and is therefore the Club's fall-back scenario if this application is refused. If all metal halide bulbs were to be replaced with new ones the light spill would increase from that shown as existing.

6.12 It should also be borne in mind that the existing metal halide floodlights use a lamp and reflector to distribute the light. With metal halide floodlights a large percentage of the light produced therefore needs to be reflected and redirected back to the target area. Thus it is much harder to control and increases the risk of light spill. However, the proposed LED lights are fully directional, omitting wasted light over just a 180° angle, which can then be further shaped and directed by shields.

6.13 As is referred to in the Statement dated 19th July 2024 as produced by Mr M Lewis for and on behalf of the Club, a benefit of the proposed LED lights is that they do not take time to warm up (unlike the existing metal halide lights). With the existing lights, once they are switched on to avoid interruptions in play (due to their “warm up” time) they are left on until the time clock switches them all off at 9:30pm. It is therefore being usual that, between the hours of dusk and 9:30pm, all lights to all six courts will be on. With the proposed LED lights, as a result of their providing full light immediately once switched on, Club members will be directed to switch lights off when not required for play. The 9:30pm automatic switch off will continue to be in place just in case a member forgets to turn the lights off. In addition, with the proposed LED lights, it will be possible to switch the lights on and off for each court individually.

6.14 The Lighting Assessment identifies the application site as being within Environmental Zone E3 (based on the Guidance Note for the Reduction of Obtrusive Light GN012011). As is referred to that includes suburban areas having a medium district brightness. This zone E3 identification would be as a result of the surrounding streets streetlights, security lights and other light sources. The Lighting Assessment discusses, on Page 5, what this means in terms of requirements for control of obtrusive light, and the “post-curfew” time, usually taken at 22:00 or 23:00 hours. The floodlights will not be in use during these hours and therefore it is the "pre-curfew" column of Table 2 on Page 5 of the Lighting Assessment that is of relevance. As can be seen from this

table (the second column) up to 10 lux would be considered acceptable on a window during pre-curfew hours. As the light spillage contours show, there are no properties that are touched by the 10 lux contour. Indeed only a few are touched even by the 5 lux contour.

6.15 The proposals will not have any impact whatsoever on noise and disturbance. The hours of use will not be extended. As with the two existing permissions the Club are willing to accept a condition that the floodlights will not be used beyond the hours of 21:30.

6.16 As a result the proposals comply with the requirements of the NPPF (in particular Para 191 is relevant to this issue), London Plan Policies S5 and D14, and LB Hillingdon Policy DMHB11.

Impact on Ecological Interests

6.17 As the Midlands Lighting Solutions documentation demonstrates and as discussed above, the light spillage in all directions will be no worse than that existing and which has been found to be previously acceptable by the grant of the 1994 and 1997 planning permissions for the existing floodlighting and columns. Indeed with the reduced light spillage, as a result of the proposed lights (unlike the existing metal halide lights) being fully directional, there is no risk of increased light spillage that could affect existing ecological interests.

6.18 Given this there should be no need to submit an Ecological Appraisal with this application.

6.19 The proposals will not result in the removal of any habitats which could be used by foraging or commuting bats or indeed any other habitats since the proposals will reuse the existing floodlight columns. Therefore there will be no dig involved and no impact on surrounding planting.

6.20 For these reasons the proposals comply with the relevant aspects of Section 15 of the NPPF, protecting the landscape and biodiversity interests and conserving habitats and ecological networks. Similarly the proposals comply with Policies G6 of the London Plan and LB Hillingdon Policy DMEI7.

Sustainability Issues

6.21 LED floodlights, as proposed, are significantly more energy efficient when compared with metal halide lighting (as is existing with the benefit of the 1994 and 1997 planning permissions and with the potential to simply replace the

existing lighting on a like for like basis without needing planning permission - discussed in the following subsection).

6.22 The increased energy efficiency is due to the fact that LED lights produce their light using diodes which require less energy than metal halide lights. In turn the reduced electricity usage decreases the carbon emissions produced by the burning of fossil fuels. It is generally acknowledged that proposed LED lighting will result in more than a 50% reduction in CO_2 emissions than metal halide lighting.

6.23 In addition metal halide lights utilise filaments which generate a large amount of heat wastage as a byproduct when they are producing light.

6.24 This reduction in both pollution levels and heat wastage has a long term benefit for both the environment and human health.

6.25 Another environmental consequence of metal halide lights is that they become hazardous waste when disposed of. This is because the gases and mercury they contain need to undergo special disposal procedures to avoid environmental contamination. This is of particular relevance given that the shelf life of the metal halide floodlights is the only about six years.

6.26 As a result of the above the proposals therefore comply with the relevant aspects of Section 14 of the NPPF by helping in moving towards a low carbon future, contributing to a reduction in greenhouse gas emissions and supporting low carbon energy. Similarly they comply with London Plan Policy SI2 and Local Plan Policy DMEI2.

Material Fall-Back Position

6.27 The fact that Lowlands Tennis Club are entitled, in perpetuity, to replace the existing metal halide floodlights, on a like for like basis, without requiring planning permission, is an important and relevant material fall-back. This should be taken into consideration by the Local Authority in their determination of the current application.

6.28 The status of fall-back development as a material consideration in planning decisions has been considered by the courts. The judgment in the Court of Appeal in the case of Mansell v Tonbridge and Malling BC (2019) considers the need to demonstrate a "real prospect" of the fall-back being implemented. The relevant law as to the "real prospect" of a fall-back development being implemented was referred to in the case of Samuel Smith Old Brewery. This referred to the basic principle being that "… for a prospect to be a real prospect,

it does not have to be probable or likely; a possibility will suffice". In the case of Lowlands Tennis Club there is an extremely high threshold of a "real prospect" of the fall-back being carried out. It is not merely theoretical. The Club make good use of their tennis courts into the evenings. They would not want to have to reduce their hours of use so as to only be able to have play taking place during hours of daylight. There is no reason why they should reduce those hours and indeed to do so would be a reduction of a sports facility contrary to planning policies - in particular contrary to Paras 96 and 102 of the NPPF, Policy S5 of the London Plan and LB Hillingdon Policies EM4 and DMCI2.

6.29 It has been demonstrated that the proposed LED floodlights will have less of an impact on residential amenities, visual amenities and local ecology than the metal halide floodlights which can be replaced in perpetuity in accordance with the 1994 and 1997 planning permissions. The application to which this Statement relates provides the Local Authority with an opportunity to grant planning permission for a development (the new LED floodlights) that will not only be beneficial in terms of these matters but that would also be preferable in terms of sustainability.

7.00 SUMMARY AND CONCLUSIONS

7.01 The proposals, to replace the existing 36 metal halide floodlights with 28 LED floodlights, including new and additional back shields, using the existing 24 floodlight columns, will not give rise to any intensification of the existing use of the site as the Club is happy to accept an hours of use condition identical to that included on both the 1994 and 1997 planning permissions. Similarly there will be no increase in terms of the number of persons on the site as a result of the proposed change to the floodlights. Therefore activity associated with the use of the tennis courts is not a consideration relevant to the determination of this application. This is particularly the case given that the material fall-back position is the replacement of the existing metal halide floodlights, for which planning permission is not required, in perpetuity.

7.02 The proposed light fittings will also be smaller than those existing. Due to the reduction in number and size the visual impact during the day will be reduced.

7.03 It has been demonstrated that the proposals will not give rise to any increase in light spillage. Indeed, as a result of LED lights being fully directional, whereas metal halide lights are not, the proposals enable the floodlighting to be better focused on the tennis courts themselves, so reducing horizontal light spillage and sky glow.

7.04 As a result the proposed change to the floodlights will not give rise to any harm to amenities of nearby residents and indeed there would be a benefit to all. Similarly there will be no harm to any protected species or any aspect of local ecological value.

7.05 The proposals also bring with them sustainability benefits as a result of reduced energy uses and reduced CO_2 emissions.

7.06 All relevant planning policies of national, strategic and local level are complied with.