

LOCATION: Finchley Manor Lawn Tennis And Squash Rackets Club,
Lyndhurst Gardens, London, N3 1TD

REFERENCE: F/03160/13 **Received:** 23 July 2013
Accepted: 24 July 2013

WARD(S): Finchley Church End **Expiry:** 18 September 2013

Final Revisions:

APPLICANT: Mr O Roger

PROPOSAL: The installation of floodlighting to two existing tennis courts.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Letter from Olly Roger- Development Committee Finchley Manor Tennis Club dated June 2013; Letter from LTA British Tennis dated 14th May 2013; Letter from Sports Facility Planning and Design Ltd dated 19th July 2013; Design and Access Statement; Lighting Design by Luminance Pro Lighting Systems Ltd dated 7th March 2013; Drawing no. 2012-999-001; Drawing no. 2012-999-002; Drawing no. 2012-999-003; Drawing no. 2012-999-004; Drawing no. 2012-999-005 (date received 23-July-2013).

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The floodlights hereby permitted shall not be operated except between the hours of 9.00am to 9.30pm Mondays to Fridays and weekends.

Reason:

To safeguard the amenities of neighbouring residents and wider area in accordance with policies DM01, DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant London Plan Policies:

- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.19 – Sports Facilities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012):

- Policies CS NPPF
- Policy CS 1 – Barnet’s Place Shaping Strategy – The Three Strands Approach
- Policy CS 5 – Protecting and Enhancing Barnet’s character to create high quality places
- Policy CS 7 – Enhancing and Protecting Barnet’s Open Spaces
- Policy CS 9 – Providing safe, effective and efficient travel

Relevant Development Management DPD (2012):

- DM01 Protecting Barnet’s character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM17 Travel impact and parking standards

Relevant Planning History:

Application:	Planning	Number:	F/03075/11
Validated:	27/07/2011	Type:	APF
Status:	DEC	Date:	26/09/2011
Summary:	APC	Case Officer:	Neetal Rajput
Description:	Erection of a single storey timber building.		

Application:	Planning	Number:	F/04208/11
Validated:	14/10/2011	Type:	APF
Status:	DEC	Date:	16/12/2011
Summary:	APC	Case Officer:	Neetal Rajput
Description:	Erection of a single storey steel storage shed.		

Site history for additional landparcel(s):

Site Address:	Finchley Manor Lawn Tennis Club Lyndhurst Gardens LONDON N3
Application Number:	C00171N
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	12/07/1989
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Installation of fifteen 6m high floodlighting columns around four tennis courts

Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 145 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Effect on traffic, access and parking.
- Parking spaces (51 on-site) shared between other facilities and not solely available to members of the Tennis Club.
- Scale and appearance

- Court 2 on elevated ground therefore the effective height has not been considered.
- Existing floodlight from other courts flooding through habitable windows of neighbours resulting in loss of privacy.
- Light pollution
- Noise disturbance
- Loud conversations beyond 10pm from car park and Club House.
- Other facilities in area.
- Calculations for light over spill have not considered that gardens on Lyndhurst Gardens slope down from the Tennis Club and therefore relative height is greater than calculated.
- Hours of use- condition that lights are turned off at 10.00 or 9.30.
- Impact on nature
- No provision of cycle parking
- Existing floodlight should consider adverse effects of light pollution.

Internal /Other Consultations:

- Traffic & Development (Street Lighting) - No objection.

Date of Site Notice: 01 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located to the southern side of Lyndhurst Gardens within the Finchley Church End ward. The Finchley Manor Club lays to the rear of residential properties on Grass Park and Lyndhurst Gardens. The Finchley Manor Club operates as a tennis club to local residents and the wider community.

The club currently has ten existing outdoor tennis courts. Poolside Manor which is located to the north east of the tennis club shares the parking facilities on site.

The club was founded in 1881 and has a comprehensive junior tennis club which the applicant advises is compromised by the lack of floodlighting to the existing courts.

Proposal:

The applicant seeks planning permission for the installation of 12no floodlighting columns to courts 1 and 2 adjacent to the boundary with no.34 to 50 (evens) Lyndhurst Gardens. Each court will benefit from 6no. columns along the perimeter of the court with a height of 6.7 metres.

In 1989 approval was granted for the installation of fifteen 6m high floodlighting columns around four tennis courts. The agent has confirmed that the existing floodlighting columns are 6.7 metres in height.

Planning Considerations:

Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision of sports venues to enhance the sustainability of communities and residential environments.

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation will be supported. It further states that the provision of floodlighting should be supported unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.

Policy DM01 (f) of the Local Plan states that development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.

Policy DM04 (d) of the Local Plan states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

The general principle of the use of the site for sporting activities is established. The main material consideration is whether the siting of the floodlighting adjacent to residential dwellings is appropriate and whether the hours of use of the floodlighting would result in demonstrable harm to residential amenity.

In order to assess the impact of floodlights, it is important to understand how other sporting facilities in the Borough are operating. Full details of recent planning permissions at other sites are found in the planning history section above. The table below summarises the approved hours of use of floodlights at the three sites - all permission were allowed in 2012.

	Brondesbury	Farm Walk	The Avenue	Compton School
Weekdays	Until 9.30pm	Until 9.30pm	Until 9.00pm	Until 10.00pm
Weekends	Until 9.30pm	Until 8.00pm	Until 8.00pm	Until 9.30pm

The application seeks permission for the use of the floodlighting up to 10pm on weekdays and 9.30 at weekends. However, given the concern with regards to light pollution, it is considered that it would be suitable for the hours of use of the proposed floodlighting to be restricted to 9.30pm on weekdays; this has been addressed by a relevant condition and agreed by the agent.

The use of lit court has been established on the site by the existing floodlighting. The floodlighting columns on neighbouring courts are both similar in size and have similar relationships with neighbouring residential properties.

It is considered that the box type fitting luminaries with rear and side baffles address the concern with regards to light spillage. The Council's lighting technician has been consulted and has confirmed that the proposal addresses the concern with regards to light pollution and the applicant has indicated how the light spill will be controlled to limit the light affecting neighbouring properties. In addition, the amount of vegetation and screening on the boundary should not result in any significant loss of amenity to neighbouring properties as a result of the proposed floodlights and hours of use.

A lighting study accompanies the application and shows how the proposed floodlighting reduces light spill and glare. It is not considered that the proposed floodlighting on the existing tennis courts will give rise to any significant additional noise and disturbance. It is noted that the same amount of noise would be created in the summer months when the lighting would not be required. This is not therefore considered to be a reason to refuse the application.

No intensification of use is proposed and therefore it is not considered that the installation of floodlighting would result in an increase in parking pressures in the area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered above. Development Management Policy DM16 (Biodiversity) states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity. It is considered that in view of the existing hours of use, objections on the grounds of the impact on nature do not warrant refusal for the application

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

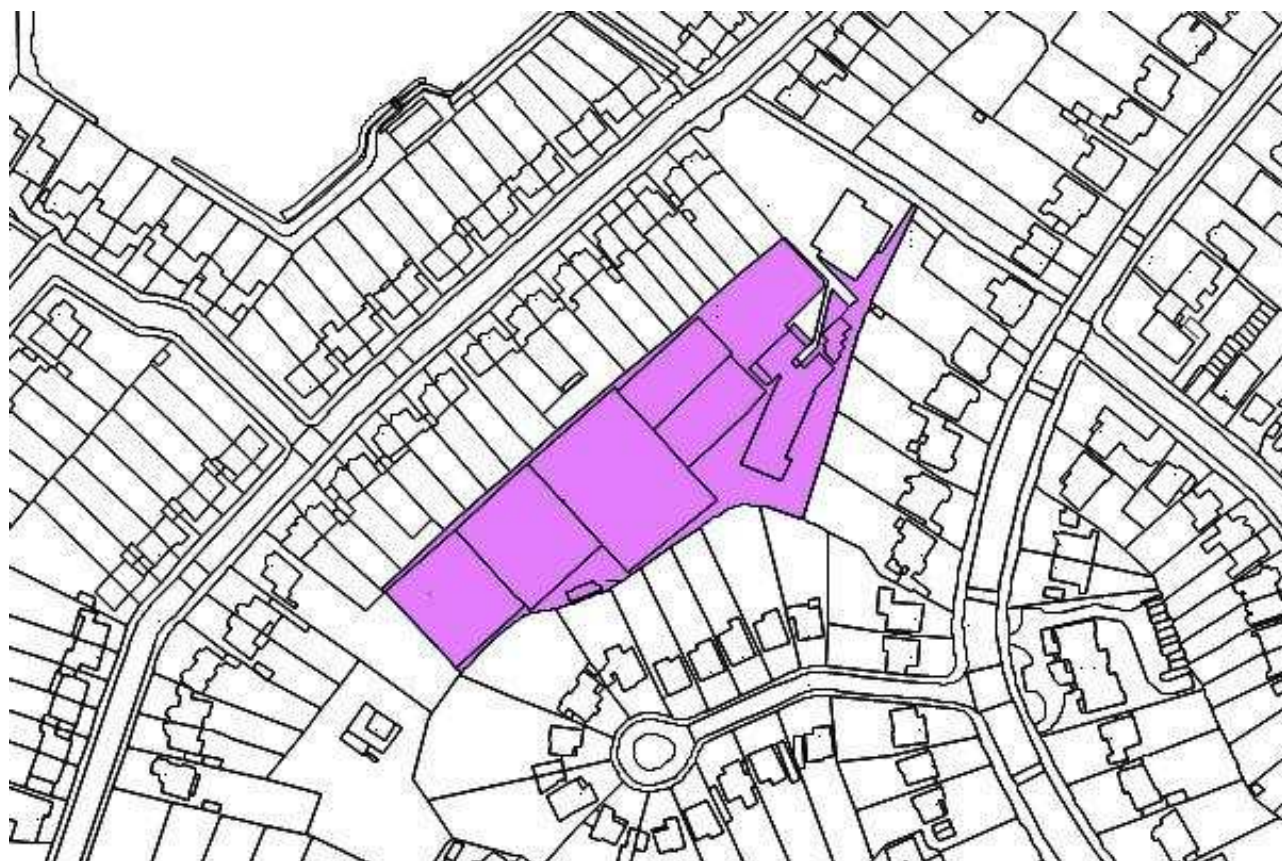
5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, local roads or the amenities of any neighbouring property.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN: Finchley Manor Lawn Tennis And Squash
Rackets Club, Lyndhurst Gardens, London, N3 1TD

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