

LOCATION: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB
REFERENCE: F/02788/14
WARD(S): Childs Hill

Received: 22 May 2014
Accepted: 11 June 2014
Expiry: 06 August 2014

Final Revisions:

APPLICANT: Brondesbury Cricket, Tennis and Squash Club
PROPOSAL: Retention of 8no. x 12 metre high steel masts for cricket/tennis protection netting/fencing.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Tennis Court Boundary Net Specification.

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).

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.

The item has been referred to the Planning Committee following discussion at the Finchley Golders Green Area Committee on 03/09/2014.

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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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". The NPPF retains a 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 and is recognised in the NPPF as part of the development plan.

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 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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: Brondesbury Cricket Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB
Application Number: 03641/09
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/11/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of new single storey building to replace existing tennis shelter.**
Case Officer: David Campbell

Site Address: 5A Harman Drive London NW2 2EB
Application Number: C04254J/06
Application Type: Material Minor Amendment/Vary Condition
Decision: Refuse
Decision Date: 04/10/2006
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation to condition 2 (hours of use of floodlighting) of planning permission C04254H/01 dated 03/07/2002 (floodlighting to two tennis courts at rear of 42 - 50 Farm Avenue) to allow use of the floodlights between 9am and 10pm all year around (AMENDED SITE ADDRESS)**
Case Officer: Kevin Waters

Site Address: Brondesbury Cricket, Tennis and Bowls Club Harman Drive NW2
Application Number: C04254A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/07/1973
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 2 squash courts and store with groundman's flat over and eight parking spaces.**
Case Officer:

Site Address: Brondesbury CT and BC Sports Ground Harman Drive NW2
Application Number: C04254B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 24/04/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extension at rear of clubhouse to provide toilets**
Case Officer:

Site Address: BRONDESBUURY CRICKET, TENNIS & BOWLS CLUB HARMAN DRIVE LONDON NW2
Application Number: C04254C
Application Type: Full Application

Decision: Approve with conditions
Decision Date: 25/05/1977
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Site Address: Brondesbury Cricket Club Harman Drive NW2
Application Number: C04254D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/08/1979
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension.**
Case Officer:

Site Address: Brondesbury Cricket Tennis & Squash Club Harman Drive LONDON NW2
Application Number: C04254G
Application Type: Full Application
Decision: Refuse
Decision Date: 06/10/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of 15 x 6 metre highfloodlighting columns to the four newest allweather tennis courts.**
Case Officer:

Site Address: BRONDESBURY TENNIS CLUB Harman Drive LONDON NW2
Application Number: C04254E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/01/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey pavilion**
Case Officer:

Site Address: Brondesbury Cricket, Tennis and Squash Club Harman Drive NW2
Application Number: C04254F
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/11/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of single storey wooden chalet to form shelter**
Case Officer:

Site Address: Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB
Application Number: F/04431/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 09/03/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.**

Case Officer: David Campbell

Site Address: University College School Sports Ground, Ranulf Road, London, NW2 2BH
Application Number: F/04029/13
Application Type: ES Screening Opinion
Decision: ES Not Required
Decision Date: 11/09/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Environmental Impact Assessment - Screening Opinion**
Case Officer: James Stone

Site Address: Brondesbury Cricket, Tennis & Squash Club, 5A Harman Drive, London, NW2 2EB
Application Number: F/00480/14
Application Type: Conditions Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details for condition 4 (Photometric tests data) pursuant to planning permission F/04431/11 dated 05/03/12. RETURNED**
Case Officer: Graham Robinson

Site Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB
Application Number: F/00162/14/ENQ
Application Type: Pre-Application Enquiry
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Development of a new indoor tennis court and a new single storey pavilion at Brondesbury Cricket Ground.**
Case Officer: Graham Robinson

Site Address: BRONDESBURY CRICKET TENNIS & SQUASH CLUB, 5A HARMAN DRIVE, LONDON, NW2 2EB
Application Number: F/03540/08
Application Type: Material Minor Amendment/Vary Condition
Decision: Refuse
Decision Date: 03/08/2009
Appeal Decision: Allow subject to conditions
Appeal Decision Date: 03/08/2009
Proposal: **Variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around.**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 79 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Netting is tall and excessive in height
- Loss of view
- Masts have already been constructed
- Affect the amenity of neighbouring properties
- No evidence to support need for masts
- There has not been adequate research into the safety issues associated with the masts.

Internal /Other Consultations:

N/A

Date of Site Notice: 26 June 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is Brondesbury Cricket, Tennis and Squash Club. The site is accessed from Harman Drive, between no.5 and no.7. There is an access drive that runs between these properties leading to the sports club. The sports club is surrounded by residential properties on Horton Avenue to the west, and Farm Avenue to the north.

Proposal:

The proposals are for the installation of 8no. x 12 metre high steel masts for cricket/tennis protection netting/fencing. It should be noted that the works have already been undertaken and are retrospective.

Planning Considerations:

The main issues are considered to be:

- The impact on the character and appearance of the area
- The impact on neighbouring amenity

The applicant has advised

The impact on the character and appearance of the area

The netting and masts are principally visible from within the sports ground and from the rear gardens and windows of neighbouring residential properties.

Such netting at a height of 12m can reasonably be expected to be seen within a sports ground. Whilst it is acknowledged that the nets are of significant height, it is considered that their slimline design, colour and spaced netting ensure that they do not appear unduly obtrusive within this context.

It is not considered that the proposals are materially harmful to the character and appearance of the streetscene or general locality.

The impact on neighbouring amenity

The masts and netting have been constructed and are visible from the rear windows and gardens of properties on Farm Avenue.

The right to a particular view is not a planning consideration, only whether the visual impact of the mast and nets are acceptable.

Although the masts and nets are visible from the rear gardens of property, it is not considered that their impact is unduly oppressive or dominating as viewed from neighbouring residential properties, given the design of the masts and the distance of them away. They would not cause harmful loss of light or outlook.

The masts are sited approximately 15m from the rear boundaries of properties on Farm Avenue.

Furthermore, the masts have been painted green which helps minimise their visual impact against the backdrop of trees and shrubs. It is however recognised that there would be less screening during winter months. Given the distance of the masts away from the boundary, it is not considered that the visual impact of the mast and netting warrants refusal of the application.

It is not considered that the masts and netting materially harm neighbouring visual or residential amenity.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

Loss of view - *The loss of a view is not a material planning consideration.*

Masts have already been constructed - *Noted, though the proposals must be assessed on their own merits.*

No evidence to support need for masts - *Addressed in main report.*

There has not been adequate research into the safety issues associated with the masts.- *The applicant has provided a technical risk assessment. Although it is acknowledged that this is a desk study it is not considered that further information with regard to this could be reasonably required.*

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

The application is recommended for **APPROVAL**.

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