

Location **The Avenue Tennis Club The Avenue London N3 2LE**

Reference: **16/6509/FUL** Received: 10th October 2016
Accepted: 10th October 2016

Ward: Finchley Church End Expiry 5th December 2016

Applicant: Mrs Sally Bentley

Proposal: The installation of floodlighting to one existing tennis court [AMENDED DESCRIPTION]

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 2016 CAS 010
Drawing No. 2016 CAS 011
Drawing No. 2016 CAS 012
Drawing No. 2016 CAS 013 A Revision A [Uploaded 02 June 2017]
Drawing No. 2016 CAS 016
Drawing No. 2016 CAS 017 A [Uploaded 02 June 2017]
S.F.P.D Outdoor Lighting Design document Amendment Version 2: 02.06.2017 [Uploaded 05 June 2017]

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 operation hereby permitted shall not be in use before 9:00 am or after 21:00 pm on Monday to Fridays and before 9:00 am or after 20:00 pm on Saturday to Sundays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a tennis club located on The Avenue in Finchley Church End.

The club is accessed via a pedestrian walkway located just off Sylvan Avenue.

2. Site History

Reference: 16/0006/RCU

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 April 2016

Description: Installation of 12 floodlights to existing tennis courts (retrospective application)

Reference: F/04562/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Refused

Decision Date: 02 February 2015

Description: Submission of details of Condition 4 (Photometric Certificate) pursuant to planning permission F/00532/12 dated 12.11.2012

Reference: F/02582/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 10 June 2014

Description: Submission of details for condition 3 (Levels) pursuant to planning permission F/004535/13 dated 26/03/2013.

Reference: F/00435/13

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 March 2013

Description: Variation of condition 1 (Plans) and condition 4 (Fencing) for "Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site" pursuant to planning permission F/01866/12 dated 10/7/12. Variation includes layout and fencing details.

Reference: F/00532/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 12 November 2012

Description: Installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/01866/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 10 July 2012

Description: Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/04857/11

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 26 January 2012

Description: Submission of details for condition 3 (Materials) pursuant to planning permission F/04618/09 dated 16/2/10.

Reference: F/04618/09

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 16 February 2010

Description: Erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts.

3. Proposal

The site, as existing, is served by three main tennis courts, as well as a smaller, junior tennis court.

Two of the main tennis courts are currently served by floodlighting (as per the previous approval reference: 16/0006/RCU, dated 14 April 2016). This is comprised of 9 lighting columns, which accommodate a total of 12 light box fittings.

The application proposes to install floodlighting to serve the third main tennis court. This would include 3 new lighting columns along the east of the site, whereby each of these new columns would be served by 1 lighting box fitting. 3 of the existing columns would also be fitted with an additional lighting box fitting in the direction of the third court.

This would result in a total of 12 lighting columns on site, accommodating 18 light box fittings.

The applicant states the reasoning of this application is the need for greater court capacity during outside-daylight hours of the winter months.

4. Public Consultation

A site notice was erected 20 October 2016.

Consultation letters were sent to 49 neighbouring properties.

6 responses have been received, comprising 5 letters of objection and 1 letters of support.

The objections received can be summarised as follows:

- Will increase parking pressure and traffic in the surrounding road
- Will cause unacceptable level of noise, disturbance and activity
- Will increase light pollution
- Will increase and worsen problems with refuse from the club
- Time restrictions regarding use ignored on regular basis

The representations received can be summarised as follows:

- In reference to the previous permission for floodlighting at the site, baffles have been very effective. I have suffered no nuisance nor impact when the lights are used.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 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 2016

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 2050. 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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM13, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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. The SPD 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.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that 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.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the visual amenity, character and appearance of the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to local highways network and parking pressure

5.3 Assessment of proposals

Impact on character and appearance of the area:

The application site is not within a conservation area nor is it a listed building. The site is not within the Green Belt or Metropolitan Land. Therefore, there are no designations or restrictions that would preclude development of this type.

The surrounding area is predominantly residential. The tennis courts abut the Wilf Slack Sports Ground to the south of the site.

The proposed 3 new columns would be sited adjacent to an existing 9 columns, which were granted permission in 2016.

As existing, light columns, perimeter fencing and other paraphernalia associated with the tennis club are visible from the houses and gardens surrounding the site. It is therefore not considered that the additional lighting columns or floodlight box fittings would have a significant impact on the visual amenities or character of the area.

Impact on neighbouring amenity:

Impact of illumination:

The Local Planning Authority acknowledges that it is important that any new floodlighting is designed and installed to minimise light spillage so that visual disturbance to neighbouring properties is kept to a minimum, in particular the homes along Lichfield Grove whose rear elevations face the tennis courts.

Upon amendments, the three new columns have been reduced in height from 6.7 metres to 5.5 metres with a tilt angle of 2 degrees, which the agent states will reduce to the spillage figures to the rear gardens serving the properties along Lichfield Grove by 50 to 75%. Upon amendments, lighting levels have been reduced from 88 lux to 26 lux.

The Council's Lighting Technician has been consulted as part of this application.

The closest of the three new columns would be sited at a distance of 8 metre from the rear gardens of the properties serving Lichfield Grove and 17 metres from rear elevations of these dwellings. The three new columns would be sited at a distance of 22 metres from the rear gardens of the properties serving Sylvan Avenue.

The closest new box fitting (installed to the an existing column) would be sited at a distance of 6 metre from the rear gardens of the properties serving Lichfield Grove and over 13 metres from rear elevations of these dwellings. The windscreen is maintained at a height of 3.00m with the existing fencing to this eastern elevation being 3.60m high. Outbuildings in neighbouring properties along Lichfield Grove closest to the proposed columns will also further shield lighting levels. Furthermore, the lighting will be subject to conditions restricting the hours of use.

On the basis of the above, the Lighting Technician is satisfied that the proposals would mitigate impact to an acceptable level.

In addition, the Council's Environmental Health department have confirmed there are no past records of lighting complaints by residents from the existing floodlighting on site.

Impact on outlook and light:

The new columns would be 5.5 metres in height and would be sited at a distance of 8 metre from the rear gardens of the properties serving Lichfield Grove and 17 metres from rear elevations of these dwellings.

By reason of their size and distance from the rear elevations of the adjacent properties, it is not considered the new columns would impact the light or outlook received to these properties or gardens to an unacceptable level.

Impact of noise:

A certain level of noise is expected to emanate from existing sports facilities. The proposals do not increase capacity of tennis club only the usability of the extra court.

Subject to conditions restricting the hours of use, it is not considered that noise from use of a third court would impact the amenity or living conditions of neighbouring residents to an unacceptable level.

Furthermore, the Council's Environmental Health department have confirmed there are no past records of noise complaints by residents from the existing tennis club or floodlit courts.

Impact on highways:

The tennis club is accessed via Sylvan Avenue. During the warmer months, play is continued until dusk. The occurrence of dusk is a variable time throughout the calendar year, but can extend beyond 21.00 pm in the summer months.

The Highways department have been consulted as part of this application.

The Highways Officer has noted that the installation of additional flood lighting may increase the amount of playtime seasonally in winter months similar to other (warmer) months. Therefore if ones takes the maximum daily trip generation in summer months, the addition of flood lights will not exceed the existing maximum daily trips due to the warmer weather.

Furthermore, it is noted that the Controlled Parking Zone on Sylvan Avenue operates Monday to Friday 14.00pm to 15.00 pm. Apart from these times parking is not limited during the remainder of the day, or evening.

As such, it is not considered the installation of an additional three new lighting columns would not cause unacceptable impact on highways or parking.

Provision of sports facilities:

The London Plan (2015) notes in Paragraph 3.110 that sports and recreation facilities are important parts of the social infrastructure, providing a range of social and health benefits for communities and neighbourhoods.

Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported.

Policy 3.19 states that the provision of sports lighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the sports lighting gives rise to demonstrable harm to local community or biodiversity.

As this assessment has discussed, it is not considered that the sports lighting would give rise to demonstrable harm to the local community, including impact on visual and residential amenity. The site does not fall within a Site of Metropolitan or Local Importance for Nature Conservation, a Site of Specific Interest or a local nature reserve. As such, it is not considered the lighting would give rise to demonstrable harm to biodiversity.

On the basis that it is not considered the proposal would give rise to demonstrable harm to the local community, and it will increase opportunity for higher levels of physical activity and participation in sports, this application is, on balance, deemed acceptable. The application is found to be in accordance with Policy 3.19 of the London Plan 2015 and the wider principles of the NPPF (2012) and Barnet Core Strategy (2012) which seek to promote healthy communities.

5.4 Response to Public Consultation

- Will increase parking pressure and traffic in the surrounding road

As assessed above, the addition of flood lights will not exceed the existing maximum daily trips due to the warmer weather. It is not considered therefore that the proposal would impact parking pressure and highways to an unacceptable level.

- Will cause unacceptable level of noise, disturbance and activity

A certain level of noise is expected to emanate from existing sports facilities. Subject to conditions restricting the hours of use, the proposal is not considered to cause unacceptable impact on noise and disturbance. Furthermore, Council's Environmental Health department have confirmed there are no past records of noise complaints by residents from the existing tennis club or floodlit courts.

- Will increase light pollution

As assessed above, the Lighting Technician is satisfied that the proposals would mitigate impact to neighbouring occupiers an acceptable level.

- Will increase and worsen problems with refuse from the club

It is assumed that existing refuse arrangements would continue with the implementation of this proposal.

Considering the proposal is for an additional three floodlights only, it is not considered reasonable or necessary by Officers to attach conditions regarding refuse.

- Time restrictions regarding use ignored on regular basis

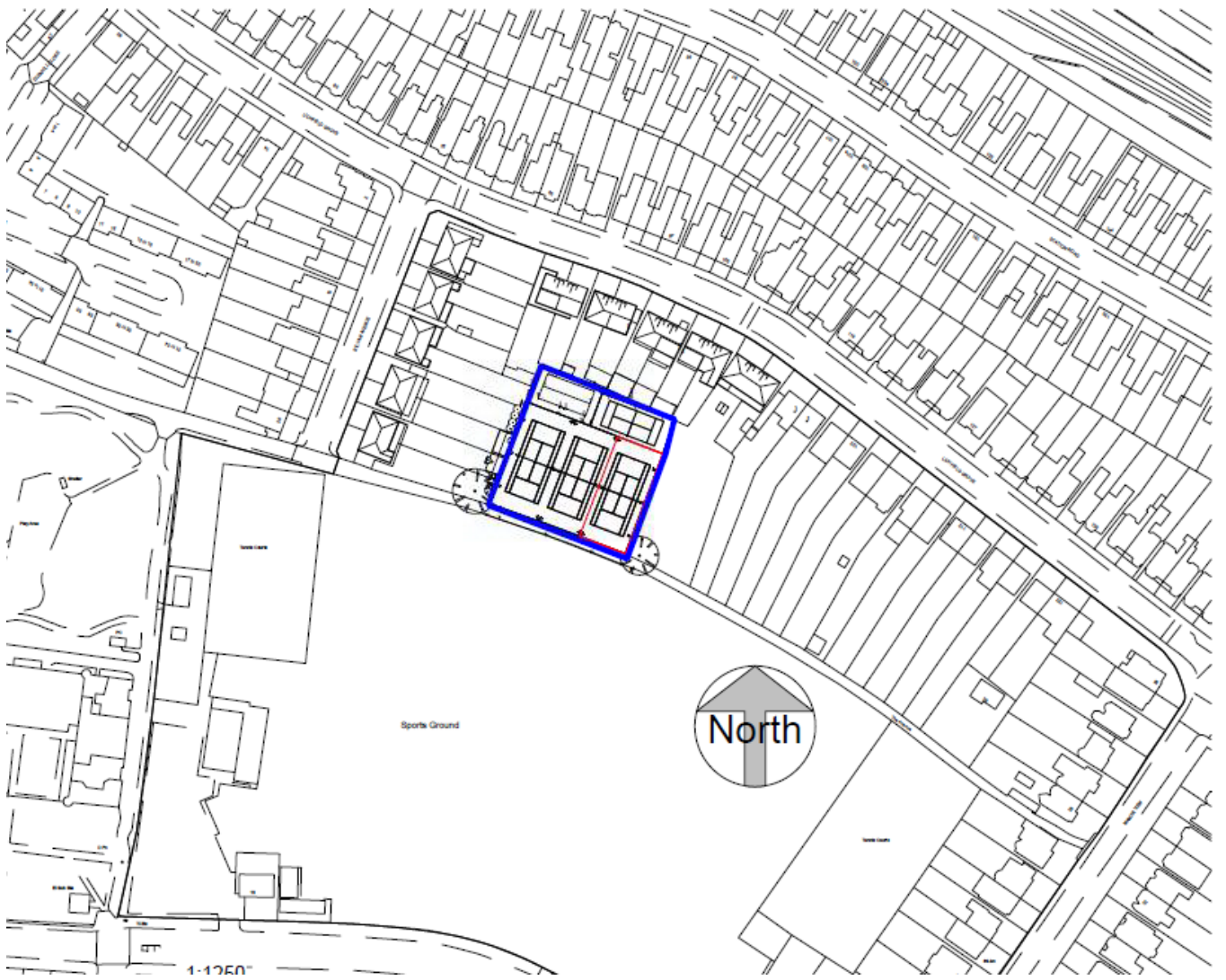
A condition restricting hours of use has been attached. If, in the future, these condition are not complied with then it will be dealt with accordingly as an enforcement matter. Residents should advise the Council if such instances occur.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the visual amenity, and character and appearance of the application site and wider locality. Subject to conditions, the development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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