

**Location**                      **Brondesbury Cricket Tennis And Squash Club 5A Harman Drive  
London NW2 2EB**

**Reference:**                      **17/0239/FUL**                      Received: 16th January 2017  
Accepted: 16th January 2017

Ward:                              Childs Hill                              Expiry 13th March 2017

Applicant:                      Mr Edward Ben-Nathan

Proposal:                      Conversion of one natural turf bowls green to one all weather porous  
macadam tennis courts with the installation of low level LED floodlighting.  
Creation of 16.no new parking spaces and 18.no new cycle spaces.

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- Location Plan (2015014010D Rev D)
- Block Plan (2015014011C Rev C)
- Existing Layout (2015014012)
- Proposed Layout (2015014013C Rev C)
- Proposed Elevations (2015014017C Rev C)
- Proposed Car Parking (2015014018A Rev A)
- Brondesbury Sports Club Lighting Assessment (09.01.2017)
- Brondesbury Sports Club Management Plan (21.08.2017)

Drawing 012 and the Lighting Assessment was received on 16.01.2017, the Management Plan on 21.08.2017, with all other drawings received on 07.04.2017.

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 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 2015 014 013C Rev. C shall be provided and shall not be used for any purpose other than parking of vehicles in connection with recreational activities associated with Brondesbury Cricket Tennis and Squash Club. Larger vehicles including coaches or minivans shall not be permitted use of the new parking spaces hereby approved.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 6 The use of the all weather porous macadam tennis court and the hours of operation of the associated floodlighting hereby permitted shall take place only between the hours of 09:00 and 21:00.

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

- 7 The lighting scheme in the drawings hereby approved shall be carried out in accordance with the approved Brondesbury Sports Club Lighting Assessment (09.01.2017) and maintained as such.

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

- 8 No development shall take place until details of the Noise and Operational Management Plan to detail how the car park will be constructed and managed so as to provide sufficient mitigation for noise generated by vehicles and machinery has been submitted to and approved in writing by the Local Planning Authority.

The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 9 Before the tennis court is brought into use, the Management Plan hereby approved shall be implemented in full and adhered to at all times thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

**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.
- 2 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 3 The layout of the parking spaces shall be designed to allow for the parking spaces to be independently accessible.

## **Officer's Assessment**

The item was deferred from the meeting on 14/06/17 for the applicant to provide management statement for the proposed tennis court.

Officers consider that this illustrates satisfactorily how the tennis courts could be managed without causing harm to neighbouring amenity. A condition is suggested in order to ensure that the development will operate in accordance with this management plan.

### **1. Site Description**

The application site is located south of properties on Harman Drive within the Childs Hill Ward. It can be accessed via a private access road located on the bend on Harman Drive. The Cricket and Tennis Club site is large and is surrounded by residential properties and mature tree lines. The proposed location of the all-weather tennis court is immediately to the rear of residential properties on Harman Drive and would replace an unused bowling green. There is an established tree line between the application site and the properties located immediately adjacent to the application site.

The application site is not a listed building and does not lie within a Conservation Area.

### **2. Site History**

Reference: 15/01262/FUL

Decision: Approved subject to conditions

Decision Date: 3 June 2015

Description: Replacement of the existing three lane outdoor cricket nets with a new four lane facility.

Reference: 16/2940/FUL

Decision: Approved subject to conditions

Decision Date: 27 June 2016

Description: Extension to existing tennis pavilion to provide a timber framed structure for use as a toilet facilities and an office

Reference: F/02788/14

Decision: Approved subject to conditions

Decision Date: 17 September 2014

Description: Retention of 8no. x 12 metre high steel masts for cricket/tennis protection netting / fencing.

Reference: F/04431/11

Decision: Approved subject to conditions

Decision Date: 5 March 2012

Description: Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.

Reference: F/03540/08

Decision: Refused

Decision Date: 3 December 2008

Description: 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.

Reference: F/03641/09

Decision: Approved subject to conditions

Decision Date: 20 November 2009

Description: Erection of new single storey building to replace existing tennis shelter.

### **3. Proposal**

The proposed development includes:

- Conversion of one natural turf bowls green to one all-weather porous macadam tennis courts with the installation of low level LED floodlighting (measuring 34.7m in length and 17m in width)
- The proposed tennis court has a:
  - 3.6m High Chain-link Fence surrounding parameter
  - 2.75m High Sound Reflective Timber Fence
  - Nominal 5m High Column with 6.no LED Panel Fitting on each side (total 12.no)
- Low Level Blockwork Retaining Wall
- 2.5m set-back from rear garden wall of no.6 and no.7 Harman Drive
- 23.5m set back from the rear building line of no.7 and 22m from the rear building line of no.6 Harman Drive
- 16.no new gravel car park bays in addition to 5.no existing parking spaces (21.no in total). Loss of a number of mature trees to accommodate no.8 parking spaces (included within total of 16.no new car spaces).
- 18.no New Cycle Bays

### **4. Public Consultation**

Consultation letters were sent to 83 neighbouring properties.

15 responses have been received comprising 13 letters of objection and 2 letters of support.

The following is a summary of public comments:

Letters in support:

- Additional health and social benefits;
- Existing bowling green has been used for years by children during holidays, including for marquees and the cricket team on Sunday mornings;
- No noise complaints have been received to date;
- People bought property knowing a sports club was located close to their houses;
- Limited parking issues.

Letters in objection:

- Lighting and noise issues due to increased use of site;
- Extra car and coach emissions due to increased use of site;
- Lack of on-site parking provision causing parking congestion on adjacent streets;
- Extra traffic due to expanding use of sports club;

- Worry that hard surface will allow its use for additional recreational activities;
- Tennis Courts in close proximity to neighbouring gardens will reduce quiet enjoyment of private amenity space;
- The proposed activity will generate more noise than its existing use;
- Would prefer the site to be used for parking to help mitigate parking / traffic congestion;
- No requirement for additional recreational capacity;
- Concerns that statements regarding parking capacity are incorrect;
- Court surface should be artificial grass and not hard court;
- Court should not be allowed for any other use but tennis;
- Noise Insulation barriers should be constructed and installed to best practice standards;
- Tennis Court to be used by children and therefore used by more than 4 people at any one time.

## **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 document. Both were adopted in September 2012. The following policy documents were consulted:

#### Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM04, DM13 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (Adopted 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 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:

- i. The principle of a tennis court in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Parking and highways

### **5.3 Assessment of proposals**

#### The principle of tennis court in this location

Policy 3.19 of the London Plan (2016) demonstrates the importance placed on increasing participation in sports and increasing access to sports facilities. It states that 'development proposals that increase or enhance the provision of sports and recreation facilities will be supported'. The proposed all-weather tennis court is to be located within a designated sports club which already has a number of tennis courts. It is therefore considered that the site is appropriate for recreational activities and a tennis court and is supported by the London Plan (2016).

## The Impact on the appearance and character of the area

Development Management Policy DM01 b states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, space and streets'. It is deemed that the proposed all-weather tennis court and associated fencing, 18.no cycle bays and 16.no car parking spaces would have a limited visual impact on neighbouring properties. Given the low level nature of the development (3.6m chain-link fence / 5m columns to accommodate LED lightning), and the fact there is an established mature tree line separating the neighbouring properties and the proposed tennis court, limited visual disturbance or impact is likely to be caused to neighbouring properties. As the proposed tennis court, associated infrastructure and new parking provision is not visible from the public highway, it has limited impact on the established streetscene. The proposed development is consistent in use and visual appearance to the tennis courts and parking infrastructure currently on site and therefore no visual harm is expected from the development. It is acknowledged that the provision of some of the proposed parking spaces will result in the loss of mature trees. However, these trees are not TPO trees or street trees and therefore no objection is made. The loss of these trees is expected to have a limited impact on the appearance and character of the area given they are not visible from the public highway, the site boundary still retains an acceptable tree coverage and the trees provide no significant visual screening for adjacent properties. It is deemed that the site has limited landscaping value.

## The impact on the amenities of neighbouring occupiers

Development Management Policy DM13 states that 'new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community and educational uses will be expected to protect the amenity of residential properties'. A range of public comments have been raised outlining potential amenity impacts resulting from the proposed development and these are addressed separately below:

### Noise

The site is an existing sports club and therefore already generates associated noise. What is in question is will the additional noise generated from 1.no tennis court and 16.no new car park spaces be detrimental to the amenity of neighbouring occupiers. While it is accepted that noise will be generated from the use of the court by single or multiple players, it is deemed that the noise generated will be limited and isolated and the times of use will further help to reduce any potential impact on neighbouring amenity. It has been noted that the court may be used for groups of children (no younger than 8 years old) which will likely involve more than 4 players using the court at any given time. However, weight has been given to the fact these group sessions will be supervised at all times by a qualified adult coach. The applicant has worked with the local residents to draft a Noise Management Plan which limits junior tennis players and programmes to hours of use before 7.30pm on weekdays and 6pm on weekends, with a ratio of 1 coach to 6 junior players. It is considered that the times and supervision are reasonable and should ensure noise from the use of the proposed tennis court is contained to appropriate hours.

In addition, children already have use of existing tennis courts located on the site and sited close to the rear of adjacent residential properties on Harman Drive. As the existing courts are located closer to residential properties than the proposed court, it is therefore considered that the proposed would also be acceptable from an amenity perspective.

Significant weight has been given to the fact the tennis court is located in excess of 22m from the rear building line of the nearest adjacent residential properties. This is in excess of the recommended 21m separation outlined in section 7.3 of the Residential Design Guidance SPD (2016) for new residential properties to protect against overlooking and noise disturbance and to maintain appropriate levels of privacy. It is therefore concluded that given the significant distance between the proposed tennis court and adjacent properties and given the fact the proposed use is already employed on site (multiple courts), it is not considered that the noise generated by no.1 isolated tennis court would significantly impact neighbouring residential amenity, or result in an unacceptable or disproportionate level of noise disturbance. It is also noted that the proposed tennis court is not a change of use from an unused portion of land, but from a bowling green, which is also open to larger groups of participants should the club decide to reactive its use as such.

The proposed no.8 parking spaces closest to the tennis court are located 16m from the rear building line of the nearest adjacent property and the no.8 proposed parking spaces to the east of the site are more than 20m from the nearest adjacent property. In addition, there is an established tree line along the site boundary providing a further screen against any potential noise resulting from additional vehicle capacity and use. The proposed parking spaces have a greater separation from adjacent properties than existing spaces located along the private access route to the sports club. Considering the parking spaces address a fundamental need and issue raised by public comments, it is considered that their benefit in relieving localised parking stress, in addition to the outlined set-backs and existing tree line, are an appropriate and essential part of the proposal. As the proposal is for a single tennis court only and there is only a limited amount of people a tennis court can accommodate at any given time, even when in use by children, it is not considered that there would be a significant increase in traffic flow and subsequent noise. Larger vehicles, including coaches will not have access to these parking spaces given space restrictions preventing access and turning; this will be conditioned. Therefore, the parking spaces included within this application, will only be used by smaller vehicles with less potential to emit unacceptable levels of noise. In addition, there is no other location on the site which would suitably accommodate additional parking and associated access routes. Should, as some members of the public have suggested, the application site (bowling green) be developed and used as a club car park, it is deemed the impact on residential amenity via noise and pollution would potentially be more acute than the proposed layout and use.

The loss of a number of trees along the eastern edge of the proposed car park is not expected to have a significant impact on noise disturbance to adjacent residents, particularly given the presence of an existing tree line along the site boundary and the more than 20m separation between the proposed parking spaces and the rear building line of adjacent properties. Having considered the above, the potential increase in noise from the proposed parking spaces is expected to be localised, limited and acceptable. Nominal noise impacts are expected from the cycle bays located adjacent to neighbouring residential properties.

### Lighting

Concern has been raised regarding lighting as the low level LED lights are fixed at a height of 5m. Barnet Development Management Policy DM01 f states that 'development proposals for lighting scheme should not have a demonstrably harmful impact on residential amenity or biodiversity'. The Local Authority's street lighting team were consulted about the low level LED lighting proposed around the tennis court and no

objection was made. A condition around a lighting curfew was recommended and will be conditioned to better protect the amenity of neighbouring properties.

### Traffic, Parking and Access

Development Management Policy DM17 18.8.2 states that each location for new development will be based on 'the level of public transport accessibility, parking stress including the level of on-street parking control, the population density and parking ownership of surrounding areas and ease of access by cycling and walking'. The Local Authority's highways team was consulted on the above proposal and having considered the local transport infrastructure and parking stresses, raised no objection. Much of the public objection concerned site / street parking and access provision. The objections raised and solutions proposed ranged from more on-site parking to a rejection of the proposal. It has been noted that parking and accessibility to and from the site is an issue and this has been further exacerbated by the increase in the use of the site over time. However, having considered the limited scale of the proposed development and the oversupply of car parking spaces and cycle bays provided, it is deemed that the proposal would have a positive impact on the existing on-site and on-street parking stress identified by some of the public comments. Not only does it provide 16.no additional parking spaces in return for 1.no new tennis court which has a limited use capacity at any one given time, it also relieves some of the on-street parking pressures caused by club members using the site for other recreational activities.

According to the London Plan (2016), 1.no cycle space is required per 20 peak period visitors. The 18.no proposed cycle spaces would accommodate 360 peak period visitors, an oversupply based on current peak period use. This is considered an oversupply of cycle provision which benefits the wider sports club and encourages alternative modes of transport to the site. Weight is also given to the fact many of the club users are based locally and either walk or cycle to the site and not all club members access the site via car. It is also considered that 1.no additional tennis court would not result in a significant increase or sudden influx of new club members requiring access to the site. Therefore, were this application refused, it would leave the site exposed to the same demand for parking from its current club members (which total in excess of 500), but without no.16 much needed parking spaces and 18.no cycle spaces. Therefore, while the local residents concern is understood, it is deemed that the application, which is for 1.no additional tennis court only, results in limited additional demand on infrastructure capacity but provides a significant supply of parking and cycle space which will have a demonstrable site benefit that will improve site accessibility and reduce on-street parking stress.

### Pollution

It is not deemed that the site will experience a significant increase in pollution caused by the introduction of no.1 additional tennis court. Indeed, it is not considered that the proposed tennis court will result in a significant increase in site vehicular access over and above existing use and that the provision of no.16 new parking spaces simply helps to accommodate vehicles which already use both the site and adjoining streets to park. Therefore, the net increase in vehicular use on the site and adjoining roads and the subsequent increase in pollution is expected to be nominal.

### Additional impact on amenity

As the application site is currently used for multi-person recreational activity and parking, it is not expected that this application, which in essence represents a change of use, will

significantly impact existing privacy levels. Due to the nature of the development, no overlooking, overshadowing or an increased sense of enclosure is expected.

### Summary

- The development is a change of use from a bowling green to a tennis court and therefore the Local Planning Authority consider the intensification of use on the site to be negligible, with a decision to refuse planning permission as entirely unreasonable based on its planning merits.

- Street / site lighting is considered acceptable.

- Environmental Health considers the proposal acceptable on a Noise and Operational Management Plan basis.

The proposal is acceptable on highways grounds with the proposed parking and cycle arrangements a significant improvement to the current sports club parking provision. The proposed additional parking spaces will help to alleviate local on-street parking which is currently a significant issue experienced by local residents.

- Any increase in pollution is expected to be negligible with the removal of no.16 cars (total new parking spaces provided) currently parked on adjacent roads relocated to a more centralised location on the sports club grounds; a significant benefit to local residents.

### **5.4 Response to Public Consultation**

The public comments raised have been considered as part of this application process and have informed the proposed site layout. All material planning considerations raised via public comments have been addressed in the assessment above. Public comments not directly addressed above, are considered below:

- No demand for additional tennis court: this is a commercial decision for the sports club and not a material planning consideration.

### **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 the proposed development would have an acceptable impact on the character and appearance of the application site and the general locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

