

**LOCATION:** The Avenue Tennis Club, The Avenue, London, N3  
**REFERENCE:** F/00532/12  
**WARD(S):** Finchley Church End

**Received:** 06 February 2012

**Accepted:** 14 February 2012

**Expiry:** 10 April 2012

**Final Revisions:**

**APPLICANT:** The Avenue Tennis Club

**PROPOSAL:** 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.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; High Output Environmental Sports Luminaire [Using 'RLS-TE-100-EC' Single Lamp High Output Sports Luminaire] document; 'Lo-Line EC' Lighting Column' document; Plan no's: Lighting Design (Pack of 4 Drawings) - ALX06131201 dated 13 June 2012; TC1-EX1; TC1-EX3 (Date stamped 28 February 2012); TC1-PP3 (Date stamped 28 February 2012).

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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 or after 21:30 on Monday to Fridays and before 9:00 or after 20:00 on Saturday to Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 4 The floodlights hereby permitted shall cease, and be removed within three months of the date of failure to meet requirement (i) as outlined below:-

(i) within three months of implementation, a photometric test certificate showing that illuminated levels outlined within the approved documents have been achieved shall be submitted to and approved in writing by the Local Planning Authority and the floodlights and equipment hereby approved shall be retained on site in accordance with the approved details.

Reason:

To ensure the protection of the amenities of the occupiers of surrounding dwellings.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D5, ENV6, ENV12, L19, L20.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM17.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

## **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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

### 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 Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D5, ENV6, ENV12, L19, L20.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

## Development Management (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04, DM17.

## Relevant Planning History:

**Site Address:** The Avenue Lawn Tennis Club The Avenue London N3  
**Application Number:** C01669B  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/10/1968  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of a pavilion**  
**Case Officer:**

**Site Address:** The Avenue Lewn Tennis Club The Avenue London N3  
**Application Number:** C01669A  
**Application Type:** Outline Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/12/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of Sports Club Pavilion**  
**Case Officer:**

**Site Address:** The Avenue Finchley London N3  
**Application Number:** C01669  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 25/10/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of a new pavilion**  
**Case Officer:**

**Site Address:** Tennis Club, The Avenue, London, N3  
**Application Number:** F/04618/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 16/02/2010  
**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 clubhouse. Installation of 12 floodlights to existing tennis courts.**

**Case Officer:** Robert Marchant

**Site Address:** Avenue Tennis Club, The Avenue, London

**Application Number:** F/04857/11

**Application Type:** Conditions Application

**Decision:** Approve

**Decision Date:** 26/01/2012

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

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

**Case Officer:** Neetal Rajput

**Site Address:** The Avenue Tennis Club, The Avenue, London N3

**Application Number:** F/01866/12

**Application Type:** Full Application

**Decision:** Approve with conditions

**Decision Date:** 10/07/2012

**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists

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

**Case Officer:** Junior C. Moka

#### Consultations and Views Expressed:

Neighbours Consulted: 45 Replies: 17

Neighbours Wishing To Speak 2

\* Please note that a petition of 47 signatures was submitted against this proposal

The objections raised may be summarised as follows:

1. Already affected by the size of the new club house;
2. All the trees have been cut and the landscaping has been changed resulting in the loss of natural light and noise barriers;
3. The flood lights will be very invasive leading to a loss of privacy;
4. Surrounding properties and their gardens are within a close proximity to this development;
5. Parking concerns on Sylvan Avenue, The Avenue and Lichfield Grove as a result of the increase use of the site if this proposal is approved. Parking is already difficult on both these surrounding roads as a result of visitor's cars;
6. Light pollution and spillage as a result of this proposal resulting in a negative impact for immediate neighbours;
7. Noise pollution and nuisance as a result of the increased use of the site if this proposal is approved - it approved the LPA may be subject to litigation claims by residents of light and noise nuisance from premises under the Environmental Act 2005 should this scheme proceed and allow late night games;
8. A possible solution could be to consider reducing the height of the floodlights;
9. A condition restricting the hours of artificial light to 7pm, 8.30pm or 9pm would seem sensible and more considerate (*each time respective time was suggested by 3 different objectors*);
10. Concerns about the scale and appearance of the floodlights which are completely out of synchronisation with the location of the club.

#### Internal /Other Consultations:

### Street Lighting

Unfortunately light levels escaping boundary limits are still over the lux levels which the council stipulated.

The baffles proposed are very effective. However due to the close proximity of installation to residents properties this will always be an issue.

Light levels do drop to acceptable levels by properties; however properties to left & right will have some light intrusion at rear of gardens. According to the applicants submitted design.

### Highways

No objection

Date of Site Notice: 23 February 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is a small tennis club located on The Avenue in Finchley Church End, the club is accessed via a pedestrian walkway located just off Sylvan Avenue.

### Proposal:

The proposal relates to the 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.

The floodlights are 6.7 metres tall with the use of 'RLS-TE-100-EC' single lamp high output sports luminaire.

This application follows the recent approval planning permission (F/01866/12 dated 10/07/2012) for the '*construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site*'.

Previous to this application, there was a approval for planning permission (F/04618/09 dated 16/02/2010), for the '*erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts*' in which during the consultation process to this application 2 objection letters were received.

### Planning Considerations:

The main considerations in this case are the impact of the proposal on:

- Living conditions on existing/future residential occupiers surrounding the site;
- Character of the use of the site and surrounding area.

### Living conditions of existing/future neighbouring residents:

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policy ENV12 says that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

The site currently has three tennis courts on it and is not considered the addition of a further court will generate a significant increase in noise and disturbance than currently exists. It is also not considered that an unacceptable level of noise or disturbance as a result of comings and goings would result.

The Statutory Development Plan is the London Borough of Barnet Unitary Development Plan adopted on 18th May 2006. The Council refers to Policies GBEnv1, GBEnv2, D2, ENV6, L19 and L20 of the adopted Unitary Development Plan 2006.

In considering these policies the LPA following advice from the Council's Street Lighting team need to make a judgement with regard to this issue. As noted above, light levels do drop to acceptable levels by properties; however properties to left & right will have some light intrusion at rear of gardens which has been caused by minimal screening either natural or man made.

On balance considering all matters and the approved planning permission (F/04618/09 dated 16/02/2010) which also included the installation of 12 floodlights, this application is considered to comply with National, London Plan, and Council Policies (Local Plan & UDP) and Guidelines regarding matters relating to living conditions of existing/future neighbouring residents.

It is considered that a condition restricting hours to 9:00 - 21:30 Monday to Friday and 9:00 - 20:00 Saturday to Sunday all year round will not cause additional disturbance for surrounding properties. In addition, consideration has been given to the use during the winter months, with the floodlights being on for significantly longer periods of time, but due to the distance of the floodlights from the surrounding properties this would not cause acceptable disturbance or the loss of amenity to these neighbouring properties through light spill and light intrusion.

### Character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

It is considered that the new junior tennis court and fence enclosure following the reduction of levels to the rear of the site will not have a significant impact on the character of the area and residential amenity of neighbouring properties that back onto the site. The size, location and design would not cause unduly over shadowing to gardens of these neighbouring properties.

As such the proposal would not cause any significant harm to the street scene. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP). It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected.

The application is also considered to comply with National, London Plan, and Council Policies (Local Plan & UDP) and Guidelines regarding matters relating to Character and appearance following the previous approval for the construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Considered to have been covered in the above appraisal. It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal. The attached condition restricting hours is considered to address objectors concerns.

### **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 proposal complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

The Local Planning Authority consider that this application has an acceptable impact on the amenities of the neighbouring occupiers.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

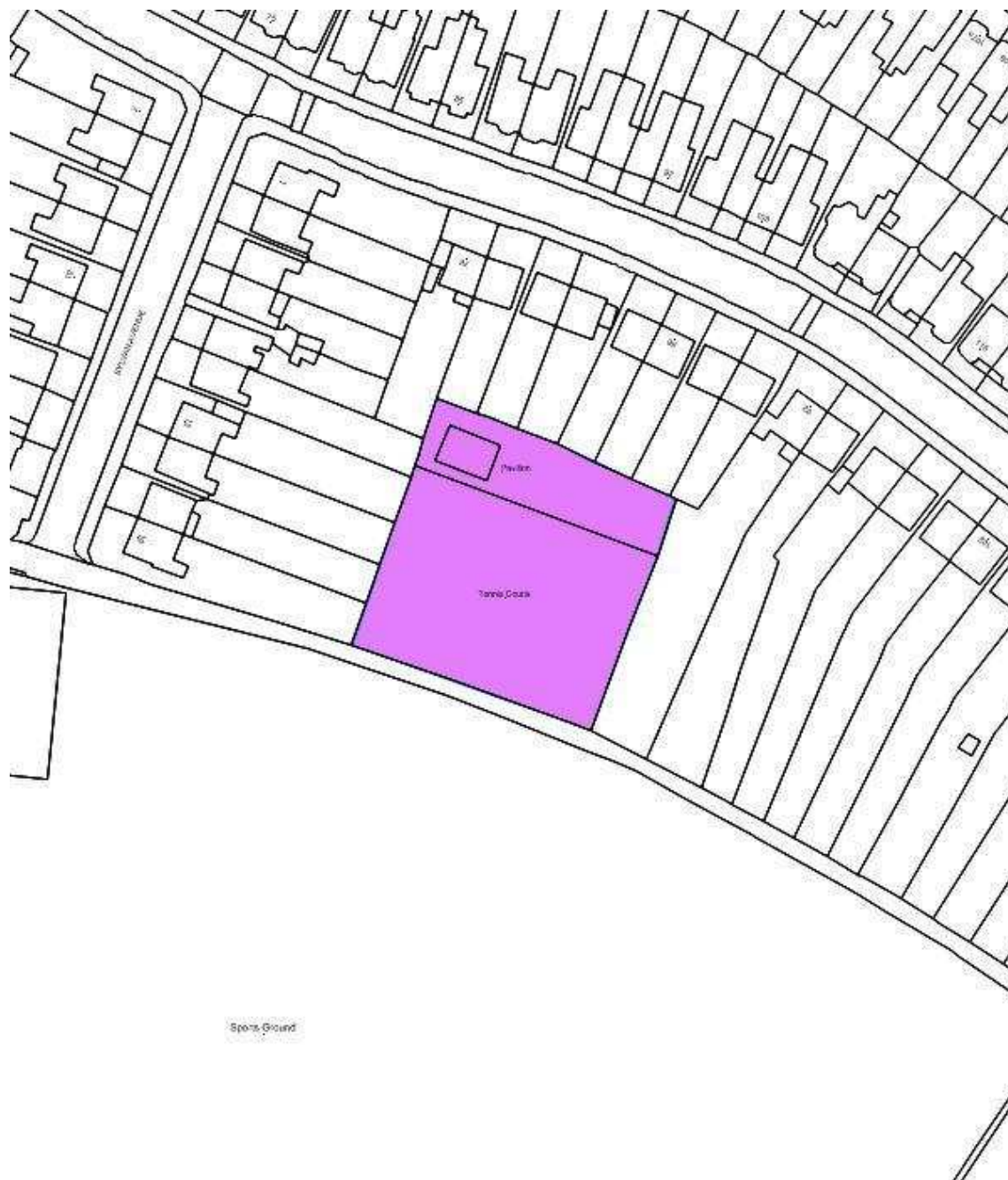


**SITE LOCATION PLAN:**  
**N3**

**The Avenue Tennis Club, The Avenue, London,**

**REFERENCE:**

**F/00532/12**



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