

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

**Reference:** **21/0701/FUL** Received: 9th February 2021  
Accepted: 9th February 2021

Ward: Childs Hill Expiry 6th April 2021

**Case Officer:** **Alissa Fawcett**

Applicant: Mr Edward Ben-Nathan

Proposal: The installation of low level LED floodlighting to court Nr's 1 - 3 and increase in height of chainlink fencing. (AMENDED DESCRIPTION).

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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:

- 2020 048 OD 010 - Location Plan
- 2020 048 OD 011- Block Plan
- 2020 048 OD 012 - Existing Layout
- 2020 048 OD 013 - Proposed Layout
- 2020 048 OD 014- Existing Elevations
- 2020 048 OD 015 A - Proposed Elevations (amended)
- 2020 048 OD 016- Existing 3D View 1
- 2020 048 OD 017- Existing 3D View 2
- 2020 048 OD 018 - Proposed 3D View 1
- 2020 048 OD 019 - Proposed 3D View 2
- Design and Access Statement

Planning Statement  
Lighting Management Plan  
Lighting Design P.A.01 -

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 floodlighting of courts numbered 1 to 3 on the approved plan shall only be operated during the hours of 9am to 9.30pm Monday to Friday and 9am to 8.30pm on Saturdays and Sundays and these hours shall be controlled by a time switch.

Reason:

To ensure that flood lighting does not unduly prejudice the enjoyment by neighbouring occupiers of their properties.

- 4 The lighting scheme in the drawings hereby approved shall be carried out in accordance with the approved Brondesbury Sports Club Floodlight Three Tennis Court Nrs 1-3 Lighting Design PA 01 Lighting Assessment (12.11.2020) and maintained as such.

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

- 5 Before the floodlights are brought into use, the Lighting 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).

- 6 All new external lighting must be installed in accordance with Bat Conservation Trust:- Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. Confirmation that the lighting complies with the guidance shall be submitted prior to first use.

Reason: To ensure compliance with laws and regulations all external lighting associated with the scheme must be in accordance Bat Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM016. Policies CS5 and CS7 of the Local

**Informative(s):**

- 1 In accordance with paragraphs 38-57 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. A pre-application advice service is also offered. 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 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. There is an established tree line between the application site and the properties located immediately adjacent to the application site.

Tennis Courts 1 - 3 are bounded by a 3.6m high chain link fence on the North elevation and 2.75m high fencing on the West, East and South elevations, with wind break mesh. They are also separated from the rear gardens of properties 1 - 5 Harman Drive by vegetation and existing domestic fencing.

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

**2. Site History**

Reference: C04254G  
Decision Refused

Decision Date: 6th October 1993

Description: Installation of 15x6 metre high floodlighting columns to the four newest all weather tennis courts

Appeal: Dismissed

Appeal Decision date: August 1994

The Inspector ruled that the floodlighting and level of lighting proposed would result in light spillage. Concerns were also raised regarding additional noise and disturbance.

Reference: C04254H/01

Decision: Approved

Decision Date: 3 July 2002

Description: Floodlighting to two tennis courts (rear of 42-50 Farm Avenue)

Reference: F/03540/08

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

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.

The application was refused for the following reason;

1. The proposed hours of use for the floodlighting would, by reason of the extended time period and resulting light spill and light intrusion into the neighbouring properties, be detrimental to the residential amenities of the occupiers of the neighbouring properties, contrary to policies GBEEnv1, GBEEnv2, D2, Env6, L19 and L20 of the Adopted Unitary Development Plan (2006).

The decision was subsequently appealed to the Planning Inspectorate and allowed on 3rd August 2009 with the Inspector stating that there was no evidence that light spillage would be harmful to neighbouring properties.

Reference: F/03641/09

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 20 November 2009

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

Reference: F/04431/11

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

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/02788/14

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

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: 15/01262/FUL

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

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

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

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: 17/0239/FUL

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Refused

Decision Date: 19 September 2017

Description: 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.

The application was refused for the following reason;

"1. The proposed tennis court, by reason of its siting would by reason of its associated noise, disturbance and general activity, be harmful to the residential amenities of neighbouring occupiers. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012."

The application was subsequently appealed to The Planning Inspectorate and allowed. The appeal inspector made the following comments;

" 4. The appeal site forms part of a large sports facility. From my site visit, it was apparent that the overall facility included a number of tennis courts, some of which appeared to have floodlights installed.

5. The proposal seeks to convert a grassed area, historically used as a bowling green, into a hard surfaced tennis court. At the time of my visit, the appeal site was being used as part of organised school holiday activities for children. In addition to the tennis court, a number of additional parking and cycle spaces are also proposed.

6. The boundary with the adjacent residential properties consists of an existing close boarded fence with high vegetation screening. Overall this forms a dense boundary treatment with those properties. This would be strengthened by the installation of a 2.75m high timber acoustic fence between the proposed tennis court and the boundary.

7. With regard to the issue of the effect on the adjacent residents, the facility is well established for sports use, and has existing tennis courts, some of which are floodlit, close to other residential boundaries. Use of the existing tennis courts already creates a degree of noise and disturbance, as does the use of the appeal site for out of school clubs and school holiday activities, as I witnessed on my site visit.

8. However, the sports club has been operational for a number of years, and is part of the established character of the area. The sounds arising from winter night time use of the court would not be significantly different to those of summertime play although illumination of the court would draw more attention to the playing.

9. The sounds associated with a tennis match would be unlikely to be intrusive in the early evenings in winter, when doors and windows are normally shut and other activities, such as watching TV, generate internal noise. The club has suggested as part of a noise management plan to restrict junior tennis and training programmes to conclude before 1930 on weekdays, and 1800 on weekends, which would alleviate the concerns with regard to late evening disturbance from children playing tennis.

10. During summer months, the overall site is undoubtedly well used for various sporting activities. The addition of one tennis court, with the mitigation measures proposed, would not lead to a significant increase in noise and disturbance experienced by adjacent residents. As such, I am satisfied that there would be no significant harm to the living conditions of the adjacent occupiers, who would continue to have a good standard of amenities commensurate with the location.

11. In summary, I find that the proposal is consistent with Policy DM01 of the Barnet Local Plan (Development Management Policies) Development Plan Document (2012) which amongst other matters states that proposals should allow for privacy and outlook for adjoining and potential occupiers and users.

12. I acknowledge the comments and concerns of local residents in relation to this proposal with regard to additional traffic movements and the on-going problems with parking for visitors to the club, the loss of trees, noise and disturbance and the potential for additional air and light pollution. The increase in parking spaces proposed would assist in addressing the concerns of residents regarding parking issues and it would not be expected that the additional court would attract a significant number of additional vehicles, as the club is already well used for all manner of events. A specialist report regarding the additional floodlighting has been submitted in support of the scheme, and the Council have raised no objections to that issue, nor the loss of the trees to facilitate the parking areas or additional noise that could be generated by the proposals. I am satisfied that, subject to the imposition of conditions, that the general amenity issues would be adequately addressed."

Reference: 18/4238/FUL

Address: Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB

Decision: Approved subject to conditions

Decision Date: 5 September 2018

Description: Replacing of existing storage buildings

### **3. Proposal**

The applicant seeks consent for the installation of low-level LED floodlighting to courts 1 - 3, provided through the introduction of 12 slender 6m high lighting columns with 14 LED shrouded "box" type fittings, painted dark green RAL 6005.

It is also proposed to replace the fencing surrounding courts 1-3;

North, East and West Elevation - New 3.60m High Chainlink Fence off 100 x 50mm RHS Posts RAL 6005

South Elevation - New 2.75m High Chainlink Fence off 100 x 50mm RHS Posts RAL 6005

Brondesbury is a Sports Club originally founded in 1887, its objective is noted as being; "The Club's Object is to promote and provide facilities for amateur eligible sports primarily but not exclusively including cricket, tennis and squash, in north-west London and to encourage community participation in the same."

The Club has a current membership of 521 members (an all time high) ranging from 3 to 81 years old. There are 9 adult teams and 7 junior teams requiring training time, alongside members who wish to play for pleasure.

#### **4. Public Consultation**

A site notice was erected on 16/02/2021.

Consultation letters were sent to 71 neighbouring occupiers.  
9 objections have been received.

The views of objectors can be summarised as follows;

- Impact on character and appearance
- Light pollution
- Greater noise disturbance for neighbours
- Lack of information regarding apparatus and spillage
- Close proximity to residential neighbours
- The clubs activity has increased over time, from summer time to all year
- Increase in traffic
- Height of columns
- Level of courts 1-3 approx. 2m higher than houses in Harman Drive
- Insufficient vegetation screen
- Appeal Decision APP/N5090/A/09/2100937 re:30 June 2009 re F/03540/08 noted distance between properties and level change
- Lack of evidence regarding need
- Courts 4-7 not always in use, available for junior use and restricted to finish by 730pm
- Hours of use for courts 1-3 should be restricted to 730pm as experience most disturbance
- Proposed hours of use too long and should be reduced.

An additional 14 day consultation was carried out on the 13th December 2021 on the fencing details which showed the replacement of the existing fences, as shown on the originally submitted proposed layout plans.

No responses were received.

Internal / other consultations:

Street Lighting: No comments following additional information

Environmental Health: No objections, no complaints regarding the Club held.

Trees: No objection subject to suggested condition

## **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 20 July 2021. 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 2021

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.

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

#### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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, DM16.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

Sustainable Design and Construction SPD (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 character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the highway
- Whether harm would be caused to local ecology

## **5.3 Assessment of proposals**

This application seeks consent for the installation of floodlighting to tennis courts 1 to 3 at the Brondesbury Sports Club. There are 7 tennis courts at the club and courts 4 - 7 already have floodlighting. There has been no objections received by the Environmental Health department regarding the existing lighting from neighbours. The new lighting will have a cut off time of 9.30pm during the week and reduced to 8.30pm at weekends.

The courts will be individually switched, utilising shared fittings to save power and turned off when not in use. Courts 1 - 3 will only be used if the others are occupied and will not have priority over the existing 4 floodlit courts. The use of LED fittings allows of instant lighting which reduces impact on neighbouring residents.

Due to the growth in membership numbers, the additional lighting is sought to allow members to utilise all courts outside summers months and will be particularly useful for those only able to attend outside of normal working hours.

The design of the lighting is in accordance with the latest 2020 ILP guidance note for the reduction of obtrusive light on neighbouring house windows. This is specified in the compliance report that has been included in the application. In order to minimise potential light spillage the light fittings have been designed with external deflectors to reduce rear light spillage and source intensity (glare). Therefore, whilst the courts are properly illuminated, the light falling onto any nearby residents' property is kept to an absolute

minimum, further reduced by the existing vegetation.

It is also proposed to replace the existing fencing which surrounds courts 1-3. On the North Elevation the fencing will be replaced to the same height - 3.6m. The existing fencing to the West and East elevations is currently 2.75m high and is proposed to be replaced with new 3.6m high fencing and on the South elevation the existing fencing of 2.75m high will be replaced to the same height.

Impact of lighting:

Whilst it is recognised that the site topography results in the hooded top of the columns being visible from neighbouring gardens it is considered that due to the fencing and vegetation, as well as the angle of the lights will not result in any loss of amenity to neighbouring occupiers.

The council's street lighting officer has viewed the submitted documents and raises no objection to the detail, as such it is considered that the impact of the new lighting will be acceptable and not unduly detrimental to the amenity of neighbouring occupiers.

Impact of comings and goings, and noise and disturbance on neighbouring occupiers:

In terms of potential noise and disturbance resulting from the proposed development, the courts will be available until 9.30pm on weekdays and 8.30pm on weekends. An hours of use condition is applied to the permission. The courts are already able to be used into the evening in the summer months and the floodlighting would also allow their use during the winter months, when residents are less likely to be using their gardens. The Inspector's comments in relation to the planning appeal 17/0239/FUL set out above, are of relevance in this case in so far as they relate to the general activity associated with a large established sports facility.

Impact on highways:

The proposed new lighting is considered to be located a sufficient distance away from the Public Highway so as not impact upon it.

Impact on Ecology

Local wildlife records show that there are bats in the local area to the development. External lighting can significantly disrupt bat foraging behaviour which could be considered unlawful under the regulations, referred to as the Habitats Regulations. This makes it illegal to kill, injure, capture, or cause disturbance that affects populations of bats, obstruct access to bat roosts, or damage or destroy bat roosts. Individual bats are protected from 'intentional' or 'reckless' disturbance under the Wildlife and Countryside Act 1981 (as amended) the wildlife and countryside act 1980 as amended.

Therefore prior to commencement of works details relating to external lighting design shall be submitted and approved. To ensure compliance with laws and regulations all external lighting associated with the scheme must be in accordance Bat Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment.

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM016. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G6 of the

London Plan 2021.

## **5.4 Response to Public Consultation**

The views of objectors are noted. Concerns that the potential impact of the floodlighting will be detrimental on character and appearance of the area have been raised. However, it is considered that the view of the top of the columns, which are shown to be painted dark green are not considered to be significantly harmful to either the character and appearance or amenity of occupiers of residential properties on Harman Drive facing the Club.

It is recognised that the level of courts 1-3 approx. 2m higher than houses in Harman Drive and concerns are raised that the columns are too high, however, as noted above, the fact that columns are visible is not detrimental to amenity in itself; the columns are dark painted and are not considered to be an eye-sore to neighbouring occupiers.

The concerns that the proposed floodlighting will result in light pollution are noted, however, the details have been reviewed by the Council's Lighting department who raise no objection to their installation in terms of the impact on the amenity of neighbouring occupiers.

The introduction of floodlighting to tennis courts 1-3 may result in some additional noise disturbance for neighbours, however, it is considered that with the restricted hours of use condition, and bearing in mind the established nature of the sports club, this is not considered to be significantly harmful so as to justify refusing the application.

The comments made that there is a lack of information regarding apparatus and light spillage are noted, however, the details have been submitted.

It is recognised that the proposed floodlighting is within close proximity to residential neighbours, however, there exists floodlighting to the other tennis courts 4-7 and there have not been any recorded complaints by the Council's Environmental Health department.

There is no dispute that the Club's activity has increased over time, from summer time to all year, this is not necessarily an issue as long as the amenity of neighbouring occupiers is maintained.

It is not considered that the proposed development will result in an increase in traffic which would be detrimental to the amenity of neighbouring occupiers.

There are concerns raised that the existing vegetation screen is insufficient. In this case there would be limited scope for additional planting and existing vegetation does provide a degree of screening of the courts.

The comments regarding Appeal Decision APP/N5090/A/09/2100937 re:30 June 2009 re F/03540/08 noted distance between properties and level change have been recorded in the site history section of the report above.

The concern is raised that there is a lack of evidence regarding the need for additional floodlighting, however, the application documents set out the reasons why the Club have made the application. Applications must be considered on their merits.

There have been a number of comments regarding the proposed hours of use for courts 1-3 and that they should be reduced. As noted in the report above the hours are restricted to 9.30pm during the week and 8.30pm at weekends, the submitted information notes that these courts will be used only once courts 4-7 are full. On balance it is considered that the hours of use are appropriate as proposed.

## 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 the additional information and 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.

