

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/0723

Ward: Muswell Hill

Date received: 29/04/2009

Last amended date: 20TH August 09

Drawing number of plans: TMC/01, 02A & TMC/03.

Address: 185A Park Road N8

Proposal: Creation of 6 x multi use games areas and two tennis courts together with close netted wire fence 4 meters high; new gravel footpath and 1 metre high retaining wall along with the insertion of 3 x underground rainwater collect and holding tanks. Placing of 10 x new seating benches and planting of trees and refurbishment of existing building into changing rooms. (AMENDED DESCRIPTION & AMENDED PLANS).

Existing Use: Recreation / MOL

Proposed Use: Recreation / MOL

Applicant: Mr Chris Hadji-PanayiSport Club UK Ltd

Ownership: Private

PLANNING DESIGNATIONS

Road Network: Classified Road

Officer Contact: Matthew Gunning

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

The application site is located within the grounds formerly know as North Middlesex, Lawn Tennis and Bowls Club which is accessed of Park Road. The site comprises of a large clubhouse with an associated car park located to the northern part of the site. The site is largely dominated by the cricket pitch, however along the western boundary of the site there are three tennis courts and a bowling green with an associated pavilion building which is no longer actively used and are in a state of disrepair. The cricket pitch and clubhouse are actively used by North Middlesex Cricket Club.

The northern boundary of the site is bounded by the rear gardens of the properties on Cranley Gardens, while along the eastern boundary the site adjoins

the rear gardens of No's 171-191 Park Road There is a footpath along the southern boundary which links Wood Vale and Park Road. Along the western boundary there are a number of tennis courts. The application site falls within land designated as Metropolitan Open Land (MOL). The site does not falls within a Conservation Area.

PLANNING HISTORY

HGY/1992/1034 – Erection of single storey pavilion extension to provide additional changing room facilities and replacement tennis clubhouse. – Approved 13/04/1993

HGY/1995/1392 – Change of use from tennis clubhouse to function room/restaurant – Refused 20-02-96

HGY/2007/1710 – Retention of refrigeration unit and three air conditioning units – Refused 09-10-07

HGY/2007/2299 - Retention of three air-conditioning units –Approved 31/12/2007

HGY/2008/1743 - Change of use and Refurbishment of derelict storage building into Day Nursery Use Class (D1) – Refused 02-12-08

HGY/2007/1834 - Demolition of existing storage and erection of new nursery building – Refused 23-10-07

HGY/2008/0380- Resiting of two storage containers to boundary of cricket ground –Refused 08/04/2008

HGY/2008/1743 - Change of use and Refurbishment of derelict storage building into Day Nursery Use Class (D1). – Refused 02-12-08

DETAILS OF PROPOSAL

This application is for the creation of 6 x multi use games areas (MUGA) (which could be used for basketball, netball and football) and two tennis courts to be enclosed by 4 meters high close netted wire fence. The proposal will also involve the creation of a new footpath and 1 metre high retaining wall along with the insertion of 3 x underground rainwater collect and holding tanks. In addition the proposal will involve the placing of 10x new seating benches and planting of trees and refurbishment of existing building along the western boundary of the site into changing rooms. This application has been amended from that initially submitted so as to maintain more open space and vegetation along the boundaries of the site. One of the large multi functional pitches has been lost with the introduction of two smaller tennis courts closer to the rear gardens of Cranley Gardens.

CONSULTATION

Transportation Group
Ward Councillors
Transportation Officer

171-191 Park Road
119- 185 Cranley Gardens
1-35a Wood Vale

RESPONSES

Letters of objection has been received from the residents of the following properties: No's 5, 99, 119, 121, 129, 133, 135, 137, 139, 143, 145, 151, 153, 161, 167, 169, 171, 175, 179 Cranley Gardens; No's 169, 181, 187, 191 Park Road; No's 2, 5, 9, 11, 17, 19, 21, 22, 25, 29, 35, 45, 77 Wood Vale; No's 8 & 69 Connaught Gardens; 94 Woodland Gardens, 7 Claremont Road N6, 9 Healey Street, NW1 and from Cranley Gardens Residents Association, Muswell Hill and Fortis Green Residents Association and CREOS (Crouch End Open Space). These objections are summarised as follows:

- Inappropriate sports facility for this location;
- Semi-commercial sports activity of this intensity is inappropriate for a residential area;
- The Pavillion club is already a major nuisance in the area and adding football will make this worse;
- Owners appear to have intentionally allowed this particular area of the site (existing tennis/bowls) to become run down;
- The proposal would result in substantial noise and other nuisance affecting properties immediately adjacent to and around the site;
- The security of adjoining properties would also be seriously prejudiced throughout this period;
- The ability of residents to enjoy relaxation in their gardens on fine days would essentially be completely abolished, through continual noise, notably the constant blowing of referees whistles and shouting by players and their supporters;
- Loss of peace and quiet presently enjoyed by residents;
- Noise and swearing associated with soccer;
- The development would be in clear breach of restrictive covenants applicable to the site;
- The proposal would constitute a breach of their basic human rights;
- Detrimental impact on MOL and detrimental impact on the character, appearance and openness of the area;
- Number of car parking spaces has been exaggerated;
- Additional cars and the resulting increase noise pollution to neighbours-already a registered problem relating to the Phoenix Bar;
- Additional cars entering and leaving onto to the already congested Park Road which will be further congested when the hospital opens and present increased dangers to Highgate Wood School pupils entering and leaving the area.
- Park Road is likely to become still more congested with the opening of the new Hornsey Central Hospital;
- Significant increases in congestion over prolonged periods, seven days a week;
- Overspill parking in Park Road, Cranley Gardens and other nearby roads;

- Aesthetic value of the area would be diminished considerably;
- Excessive hardsurfacing of the site;
- Concern that the applicant will seek to include floodlighting in the future;
- The rainwater recovery system would also seem likely to involve installation of plant and equipment of various substantial natures;
- Overdevelopment of the site;
- Astro turf would be an eyesore;
- 4m high fence will be visually intrusive;
- Out of character with the nature of the site and its designation as MOL
- Proposal involves substantial construction work on MOL;
- Impact on views;
- Impact on cricket matches – the two sports are incompatible at the same time & in close proximity;
- There is no assessment of traffic, noise, environmental impacts;
- Low intensity sport or parkland would be much more appropriate;
- Drawings and design statement do not give sufficient detail;
- Inadequate consultation;
- Detrimental effect on the local flora and fauna;
- Impact on bats and other important habitats;
- The facilities proposed are already available locally; namely Highgate Wood School, Powerleague on Colney Hatch Lane;

97 signed petition letters objecting to the application have been received as well as a petition with 75 signatures, also objecting.

Cllr Block – Objects to the application and raises concerns about the viability of the proposal;

Wood Vale Tennis Club - Support the principle of creating new recreation facilities however have concerns that the noise levels will go up and the character of the playing fields will be changed.

Letters of support have been received from the following residents of the following properties: No 10 Cranely Gardens, No 10 Wood Vale, No's 187 & 222B Park Road, No 1 Ossian Mews, N4, No 54 Graham Road N15, No 22 Highpoint, North Hill N6, No 58 Hermiston Avenue N8, No 9 Shanklin Road N8. In these letters of support some comments have been made, namely

- Would like to see an end time of sundown or 7pm, whichever is earlier, imposed as a condition;
- Would like the screen of trees that is to be planted to include hedges, to fill in the gap between trees and try and control the noise a bit more.
- Would like to see additional screening

St Thomas Moore School Sports Partnership – Support the application as it will improve and widen the range of sports which can be played at the facility. They point out that schools across the Borough use the facility;

A petition with the signatures of 162 people in support of the application has been submitted by the applicants (The Pavilion

Transportation -."Restricted width of the site access: - The width of the vehicular access is narrow and not sufficient for two cars to pass or indeed for this access to be shared with pedestrians and cyclists contrary to the UDP Policy M8. This problem is also compounded by the high level of predicted generated traffic ensuing from this development proposal. Although the data available from TRAVL trip prediction tool is old and may not accurately reflect the present day scenario, our interrogation with this database has revealed that, based on comparable London site (Campden Hill Lawn Tennis Court - W8), this development proposal (based on 2167sqm/ 5 additional courts) would generate a combined in and out movement of nil and 48 vehicles in the morning and evening peak hours respectively.

We have therefore considered that this restricted vehicular access would not be able to cope with this high vehicle movements, taking into account also that the entire length of the bus route Park Road is heavily parked and the significant level and speeds of vehicles traversing along this road. Hence, we would advise the applicant to create a 4.1metres- wide access which would allow entering and exiting vehicles to pass each other and ultimately ensure that these vehicles access and leave this site promptly without impeding the movement of buses and other traffic on Park Road. Alternatively, we would suggest that the applicant erects a priority signage indicating that 'priority is given to vehicles entering the site from Park road', in the form of roundel Ref.No 615, as contained in the 'Traffic Signs and General Directions 2002', at the exit from the western side of the site access at a point where the vehicular access starts narrowing down, eastbound towards Park Road.

Lack of disabled/cycle parking provision: While the Council's parking standard for this development, as detailed in Appendix 1of the UDP, states that 5 per cent of the parking spaces provided for a development of this nature shall be dedicated to the mobility impaired patrons/staff, which means that at least 4 of the car parking spaces should have been earmarked for these vulnerable road users, the applicant has not provided these parking facilities. In addition, while the parking standard stipulates that cycle parking provision must be made, the applicant has not provided any. We would have expected a development of this magnitude to provide a minimum of 20 cycle rack, enclosed under a secure shelter. This contravenes the UDP Policy M10

Consequently, the highway and transportation authority object to this application."

Comment: While Planning Officers note this objection from Transportation condition 5 and 7 seeks to address these objections. Condition 5 requires details of works to create a 4.1metres-wide access onto Park Road to be submitted to and approved in writing by the Local Planning Authority while Contion 7 requires 2 disable car parking spaces to be provided on site.

RELEVANT PLANNING POLICY

National Planning Policy

PPG2 Green Belt
PPG17 Planning for Open Space Sport and Recreation' (2002):
PPG 24 'Planning and Noise'

London Plan

3D.10 Metropolitan Open Land
3D.14 Biodiversity and nature conservation

Unitary Development Plan 2006

G9 Community Well Being
UD3 General Principles
UD4 Quality Design
ENV2 Surface Water Runoff
ENV6 Noise Pollution
CLT1 Provision of New Facilities
OS2 Metropolitan Open Land (MOL)
OS11 Biodiversity
OS13 Playing Fields
OS17 Tree Protection, Tree Masses and Spines
M6 Road Hierarchy
M10 Parking for Development

Supplementary Planning Guidance

SPG8d Biodiversity, Landscape & Trees

Other

Planning Policy Statement 'A Sporting Future for the Playing Fields of England'
Sport England
Sport England 'A guide to the Design, Specification and Construction of Multi Use
Games Areas (MUGAs) including Multi Sport Synthetic Turf Pitches (STPs) Parts
1, 2, 3'

ANALYSIS/ASSESSMENT OF THE APPLICATION

In terms of this application the principal issues are considered to be: (1) the principle of development and its impact on MOL; (2) the design and layout of the proposed development; (3) impact on the residential amenity of nearby residents; (4) traffic and car parking and (5) impact on ecology.

Principle of development/ Impact on MOL.

As pointed out above the site is located within Metropolitan Open Land (MOL) and this designation therefore severely limits the use of the site and buildings and the opportunities for development. Section 3.248 of the London Plan states that land designated as MOL is the same as 'Green Belt' in terms of protection from development, and therefore the principles of control over 'Green Belt', set out in PPG2, also applies to MOL. Policy OS2 of adopted Local Plan states that "the character and quality of MOL will be safeguarded" and that "limited development" serving the needs of the visiting public may be permitted if clearly ancillary to the identified purposes of MOL. The policy also states that "essential facilities for outdoor sports or recreation" will be acceptable where they do not have an adverse impact on the openness of the MOL.

In planning terms there is no material difference between the use of the land as tennis courts and the use as MUGA. In terms of this application the question is whether the use of the former bowling green area to accommodate 5 multi use games area courts would be acceptable in planning terms. As there are 15 tennis courts immediately next to this part of the site and given that this part of the site has been used for a sporting activity the provision of the 5 MUGA courts would be considered acceptable within the designation of the land for playing field/ sports use.

This application has been amended from that initially submitted so as to maintain more open space and vegetation along the boundaries of the site, particularly along the North West corner to the rear of No 133-139 Cranley Gardens where a gap of 22m will be maintained. In addition one of the large multi functional pitches has been lost with the introduction of two smaller tennis courts in a similar position although different orientation to two existing tennis courts.

The existing tennis courts and building in this part of the site are rather run down in appearance and have been the target of vandalism and other anti-social behaviour. Currently the bowling green area is being used for playing soccer in particular by trespassers who climb over the fence to gain access to this part of the site. The proposal would bring this part of the site into more active use and provide a more secure and managed sporting facility.

Design &Layout

The application proposes the establishment of a 6 MUGA courts and two tennis courts in this part of the site. Court No 1 will be the largest court and will measure 34m by 66m. The five other courts would occupy a slightly larger area to that occupied by the bowling green. These courts will be 25.5 m in depth by 17m in width. The courts will have a part astro/ part synthetic grass surface. As pointed out above two smaller tennis courts are in a similar position although in different orientation to two existing will be created. The new tennis courts will not be any closer to the rear boundary of the nearby properties on Cranley Gardens.

The playing surface will be have a similar appearance to the existing courts and the tennis courts surrounding this site, and as such would not have an adverse impact on the appearance and openness of the broader site.

In order to create these various courts the ground on this part of the site will in part have to be built up and levelled. This part of the site is already elevated above the existing cricket ground. The ground works to this part of the site will have to be engineered to enable the drainage into the 3 submerged water tanks. A new retaining wall will be constructed at the junction between the cricket ground and this part of the site. A red brick wall will be constructed next to the concrete retaining wall. The proposed courts will be bounded by 4 metre high green weld mesh.

The existing redundant old pavilion used in association with the bowling green will be brought back into use and used as changing rooms. The building has mains water and drainage in place. It is proposed to face this building in a Cedar shiplap, horizontal boarding treated with a clear weatherproof sealant. The windows will be replaced with high level split timber double glazed windows. The proposed courts will be bounded by a 4m high close netted wire fence.

A shingle stone footpath access path from the main pavilion building will be created. This has been moved away from the rear garden fence of Cranley Gardens by 4m, in order to protect the privacy and amenities to these properties and to provide a buffer and area for additional planting. Additional tree planting is proposed for the northern boundary of the site to help reduce the transmission of noise and disturbance to the adjoining residents. No lighting is proposed as part of this planning application.

Impact on Residential Amenity

As outlined above the Local Planning Authority have received a significant number of objections from local residents, who raise concern that the operational use of this part of the site as a MUGA; which they believe would lead to more activity and noise and disturbance which in turn would have a detrimental affect on residential amenity.

As outlined above the layout of the scheme has been amended from that initially submitted so that the MUGA is moved further away from the nearest residential properties (No 133-139 Cranley Gardens). The nearest MUGA court will be 44m

away from the northern boundary. The rear gardens of these properties on Cranley Gardens are in excess of 35m deep.

There is more screening along the western boundary of the site which adjoins other tennis courts and which are located behind the rear gardens of properties (No's 1 to 35a) on Wood Vale. The closest property on Wood Vale is 75m away from the boundary of the application site.

The distances between the MUGA and the nearest properties are well in excess of Sport England's guidance, which recommends a distance of 30 metres between a residential property (actual dwelling) and a MUGA. It is therefore considered that the proposal should not result in adverse impact from the noise generated with the MUGA in use. A restriction on the hours of use will be placed on the consent.

Traffic and Car Parking

Many of the objection letters received are on the grounds of additional traffic generation, congestion and parking difficulties for local residents on the adjacent and surrounding roads.

There are currently 45 car parking spaces on site which are located along the northern boundary of the site behind property No's 165 to 177 Cranley Gardens. A Transport Assessment has not been submitted with the application. Given that this part of the site has been previously used for sports and given the proposal does not involve flood lighting (i.e. which would generate evening activity) a transport assessment is not considered necessary in this instance.

The Council's Transportation Officer has expressed concern about the restricted width of the site access and therefore asks that a 4.1metres-wide access which would allow entering and exiting vehicles to pass each other be created. This would ensure that vehicles access and leave this site promptly without impeding the movement of buses and other traffic on Park Road. Alternatively, it is suggested that the applicant erects a priority signage indicating that 'priority is given to vehicles entering the site from Park road', in the form of roundel Ref.No 615, as contained in the 'Traffic Signs and General Directions 2002', at the exit from the western side of the site access at a point where the vehicular access starts narrowing down, eastbound towards Park Road.

The Council's Transportation Officer has asked the 5% of the parking spaces provided are disabled parking. Given that there are in fact only 45 spaces on site this would amount to 2 spaces. In addition 20 cycle rack in an enclosed secure shelter is requested to be provided on site. These will be secured by way of conditions.

Given that this MUGA will not have floodlighting it considered this development will generate a different levels of demand, traffic and car parking requirement when compared to a Powerleague operation which firstly have larger pitches and secondly normally cater for adults who play after work. The proposed MUGA will in part be used by schools who will travel by minibus and by member of the local

community who may car share (particularly parents bringing a number of children) or walk to this facility.

Given that the cricket is normally played on site between April and the end of September it is expected that the focus times for the playing of the different sports will differ therefore also having a bearing on the traffic flow and parking demand.

Impact on Ecology

The proposal will lead to further hardsurfacing of part of the site, however part of the site is already hard surfaced. The area of hardsurfacing has been reduced in order to bring the development further away from boundaries of the site which have vegetation and which is of importance for ecological reasons. Additional planting will be provided along the northern boundary of the site which will help biodiversity of the site as well reduce its visual impact. Given the extent of hardsurfacing to this part of the site and given the fact that there are numerous tennis courts surrounding this part of the site and the fact that this site has no specific ecological designation within the current UDP, the LPA would not be in a position to refuse this application on such a ground.

SUMMARY AND CONCLUSION

The proposed multi use games area as per the amended scheme in terms of scale layout and design is considered acceptable and compatible with the established use of this site. The proposal will not adversely affect the residential amenities of the nearby residents by reason of noise or disturbance and the traffic impact associated with the development will not adversely affect adjoining roads network. As such the proposal is considered to be in accordance with policies UD3 'General Principles', UD4 'Quality Design', ENV6 'Noise Pollution', M6 'Road Hierarchy; M10 'Parking for Development; OS2 'Metropolitan Open Land (MOL)', OS11 'Biodiversity', OS13 'Playing Fields', OS17 'Tree Protection, Tree Masses and Spines' and is therefore recommended for APPROVAL.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2009/0723

Applicant's drawing No.(s) TMC/01, 02A & TMC/03.

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. That prior to the commencement of the development, hereby approved, full details of the surface treatment of all areas of hardsurfacing within the applicable part of the site as well as details of the close netted wire fence shall be submitted to and approved in writing by the Local Planning Authority. These areas shall then be constructed and marked out in accordance with the approved details prior to their first use, or other timescale as agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity of the area.

4. A scheme for native tree/shrub planting around the proposed MUGA (including details of species, number, size, location and density) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved tree planting shall be completed within the first planting season following completion of the development approved. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

5. Prior to development commencing details of the number of, type, finish and location of 20 secure cycle stands as well as 2 disable car parking spaces shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with the approved details.

Reason: To ensure satisfactory facilities for cyclists and adequate disabled parking provision.

6. The MUGA shall not be used other than between the hours of 08.00 and 18.00 during the winter months (October to March) and between the hours of 08.00 and 21.00 during the summer months (April-September).

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site.

7. No part of the development hereby permitted shall be brought into use until works to create a 4.1metres-wide access onto Park Road, which would allow

entering and exiting vehicles to pass each other, have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented. Reason: To minimise vehicular conflict and conflict of vehicles with pedestrians/cyclists and to ensure highway safety at this location.

REASONS FOR APPROVAL

The proposed multi use games area as per the amended scheme in terms of scale layout and design is considered acceptable and compatible with the established use of this site. The proposal will not adversely affect the residential amenities of the nearby residents by reason of noise or disturbance and the traffic impact associated with the development will not adversely affect adjoining roads network. As such the proposal is considered to be in accordance with Policies UD3 'General Principles', UD4 'Quality Design', ENV6 'Noise Pollution', M6 'Road Hierarchy', M10 'Parking for Development', OS2 'Metropolitan Open Land (MOL)', OS11 'Biodiversity', OS13 'Playing Fields' and OS17 'Tree Protection, Tree Masses and Spines' of the Haringey Unitary Development Plan.