

## **REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

**Reference No:** HGY/2008/1439

**Ward:** Crouch End

**Date received:** 03/07/2008

**Last amended date:** N / A

**Drawing number of plans:** 2008-021-001, 2008-021-002, 2008-021-003, 2008-021-004, 2008-021-105, 2008-021-106 & 2008-021-007.

**Address:** St Aloysius Playing Field, Hurst Avenue N8

**Proposal:** Construction of three floodlit porous macadam tennis courts and associated access pathways (additional information supplied in support of application including suggested planning conditions).

**Existing Use:** D2

**Proposed Use:** D2

**Applicant:** Mr John Marcus, Coolhurst Lawn Tennis Club & St

**Ownership:** Private

### **PLANNING DESIGNATIONS**

Conservation Area  
Road Network: Borough Road

**Officer Contact:** Jeffrey Holt

### **RECOMMENDATION**

GRANT PERMISSION subject to conditions

### **SITE AND SURROUNDINGS**

The subject site consists of grassed recreational land adjacent to Coolhurst Lawn Tennis Club, Courtyard, N8. The site lies in the south-eastern corner of St Aloysius College Sports Field. To the east is the Lawn Tennis Club and to the south and south-west are the rear gardens of properties on Avenue Road. A steep embankment separates the subject site and the adjacent rear gardens and tennis club due to the site's ground level being approximately 4m higher.

The site is designated as Significant Local Open Land (SLOL) and is Crouch End Conservation Area.

### **PLANNING HISTORY**

HGY/2004/0110 - Replacement of existing inflatable air hall with framed fabric covered court for year round use – GRANTED

HGY/2003/0276 - New floodlighting columns to tennis court 4, new mini-tennis court and junior practice area. Replacement Air Hall to tennis court 4. – GRANTED

HGY/2002/1125 - 12 new floodlighting columns to tennis courts 4 & 5 (8m in heights) (6.7m in height) and creation of new proposed mini tennis court with junior practice area – REFUSED

HGY/2001/0345 - Conservation Area Consent for the demolition of two existing squash courts and construction of four new squash courts plus covered link and undercroft – GRANTED

HGY/2001/0343 - Demolition of two existing squash courts and construction of four new squash courts plus covered link and undercroft – GRANTED

HGY/1996/1335 - Demolition of existing clubhouse and ancillary outbuildings and erection of a new squash court with adjacent two storey building containing changing rooms and fitness areas – GRANTED

HGY/1996/1334 - Replacement of existing single court airhall with new 2 court airhall.

HGY/1996/1333 - Installation of new floodlights to Courts 6, 7 & 8. – REFUSED

HGY/1994/1454 - Erection of a new covered tennis court building and new squash court. – GRANTED

HGY/1991/0192 - Installation of eight floodlighting poles, supporting twelve asymmetric floodlights with 1KW M.V. lamps to Courts 4,4,6.(as identified on Ordnance survey plan attached to application. – GRANTED

*Full history dating back to 1982 attached.*

## **DETAILS OF PROPOSAL**

Permission is sought for the construction of three floodlit porous macadam tennis courts and associated access pathways.

The area of hardstanding for the proposed courts is 46m long and 34.7m wide. It is located in the south-east corner of the St Aloysius' College Sports Field, to the west of the existing courts of The Coolhurst Lawn Tennis Club. The courts are enclosed by a 2.75m high green chain link fence.

Around the perimeter of the courts are 8 floodlights, each 10m high and painted green.

A 1.5m wide access path is proposed from the courts to Hurst Avenue running along the edge of the sports field. This path is illuminated by low-level bollard style lights and is separated from the sports field by a 1.8m high green chain link fence. Another path is proposed connecting the new courts to the existing courts and Club House.

## **CONSULTATION**

Ward Councillors

Local Residents:

1-6 (c) Courtside, N8

1-23 (o) incl. flats within, Coolhurst Road

2-66 (e) incl. flats within, Avenue Road

1-23 (o) incl. flats within

Site Notice

Hornsey CAAC

Conservation Team

Transportation Group

Conservation Officer

## **RESPONSES**

Project Officer (Nature Conservation)

Floodlighting can have an adverse effect upon wildlife and I would advise that a survey for bat roosts be carried out prior to development. Consultation suggests that bats are present in the area and floodlighting could result in disturbance of a roost and constitute an offence.

Transportation Group:

Although the public transport accessibility level for this site is low, we have considered that this development proposal would not generate any significant traffic that would have noticeable adverse impact on the adjoining roads. It is also worth noting that this area has not been identified within the Council's UDP as that renowned to have car parking pressure and in any event, the use of this sort of facility tend to be by the local people with minimal car usage and seldom visit at peak traffic times. The applicant has also proposed 12 cycle racks as detailed on Plan No.2008-021-002 Rev.C. However, there is the concern that the applicant has not demonstrated that a clear-cut pedestrian/cyclists access with adequate width, will be provided.

We will subsequently require the applicant to provide a 3metres-wide pedestrian/cyclists access which shall be complemented with sufficient lighting. In addition, there is no indication that the proposed racks would be stored under a shelter.

Consequently, the highway and transportation authority would not object to this application subject to the conditions that the applicant:

1. submits a scheme for the provision of a 3metres-wide pedestrian/cyclist access which shall be complemented with sufficient lighting.

Reason: To promote more the use of sustainable modes of transport to and from this site.

2. Provides 12 (twelve) cycle racks which shall be enclosed under a shelter.

Reason: To improve the conditions for cyclists at this location.

#### Hornsey CAAC

- No comment – we feel this is not a conservation issue

#### **Local resident responses to initial consultation:**

One objection from CASCH Resident Association:

- Various objection to items on the application form

##### *Light*

- There have been previous applications to floodlight existing courts that have been refused due to the potential harm to residential amenity
- This sentiment is held by the organisation with regard to the current application
- The floodlighting of the courts will ‘seriously affect surrounding houses on Avenue Road by lighting up the , by direct glare from the lamps and by lighting up bedroom and living room windows and by preventing enjoyment of garden patios on warm summer nights’
- A letter from Lee West Associates (the agent) submitted in support of the application refers to Policy Lei 3.2 (sic) of the Unitary Development Plan 2006. We understand that there is no such clause in the current UDP and are unsure what clause is referred to
- Despite advice from a planning officer, a topographical survey is essential to assess the application

##### *Noise*

- The tennis courts will be in use 8am to 10pm 7 days each week, 365 days each year. The resultant noise will harm residential amenity

### *Parking*

- Heavy emphasis is placed on the promotion of youth tennis in the supporting documentation however, it is not confirmed that the courts will be for the exclusive use of youth tennis. There will therefore be an increase in adult use. No extra parking spaces will be provided for these extra adult players
- The club has insufficient spaces for existing court usage
- The proposed new courts will worsen street parking problems

10 objections from local residents, summarised below:

- Floodlighting will cause light pollution and nuisance
- Tree will provide little protection during winter
- Additional people walking through field will pose a threat to security
- The proposal will increase activity and prolong it into the night, leading to further disturbance
- Access pathway is unnecessary
- Detract from current view of open space
- Increased traffic

9 expressions of support from local residents, summarised below:

- Proposal is for the benefit of local junior level sport
- The extent of light spillage would be less than the current floodlights
- The access path is secure and will allow club users to park Hurst Avenue, taking pressure away from other roads
- The access path will be illuminated by low impact lighting
- Additional cycle racks will reduce car use

### **Post re-consultation:**

5 objections from local residents:

- The floodlights will cause intrusive light and glare
- The expansion will increase the number of visitors to the club leading to associated traffic and parking impacts on surrounding roads
- Parking should be provided on-site
- The access path to Hurst Avenue is a security risk
- The site currently suffers from inadequate drainage and the proposal will exacerbate this
- Tennis courts and light will spoil the outlook from the rear of properties on Avenue Road
- Floodlights will allow for later play which will be a disturbance

## **RELEVANT PLANNING POLICY**

### **National Policy**

#### **PPG17: Sport and Recreation**

This PPG describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. It recognises the importance of quality open space, sports and recreation facilities in supporting social inclusion, community cohesion and health and wellbeing.

### **The London Plan**

The London Plan, adopted in February 2004 and updated in February 2008, forms the Spatial Development Strategy for Greater London. It contains key policies covering housing, transport, design and sustainability in the capital. It contains key policies covering housing, transport, design and sustainability in the capital.

### **Unitary Development Plan 2006**

The Council's Unitary Development Plan was adopted by the council in July 2006 following its Public Enquiry and modifications procedures. It incorporates relevant national policy guidance and complies with the London Plan. The principles which are relevant to this case are set out below.

### **POLICY UD3: GENERAL PRINCIPLES**

New development in the borough should complement the existing pattern of development in that part of Haringey. The policy aims to ensure that future development in the borough will not worsen the quality of life for those living and working in Haringey.

### **POLICY UD4: QUALITY DESIGN**

The Council wishes to support good and appropriate design, which is sustainable, improves the quality of the existing environment, reinforces a sense of place and promotes civic pride.

The Council considers that people deserve a safe environment in which they can live and move around without fearing that they might be a victim of crime. This is an important component of peoples' quality of life. Good design of buildings and their relationship with their environment affects the perception of an area, as well as the opportunity for disorderly or criminal behaviour.

Any proposals for developments and alterations or extensions, which require planning permission or listed building consent, will be expected to be of high design quality.

## **POLICY ENV7: AIR, WATER AND LIGHT POLLUTION**

Pollution can come from a range of uses, such as industrial processes, transport, construction, foul and surface water misconnections and energy consumption. Inappropriate lighting can cause light pollution to habitable rooms nearby and/or can contribute to light pollution of the night sky.

## **POLICY OS3: SIGNIFICANT LOCAL OPEN LAND (SLOL)**

The London Plan acknowledges that there are open spaces within the built environment which although not of strategic importance are nevertheless important at a local level. The SLOL designation reflects this local importance. SLOL designation means that designated sites have one or more of the following values: recreational, biodiversity, amenity and landscape.

## **POLICY CSV1: DEVELOPMENT IN CONSERVATION AREAS**

The Council will require that proposals affecting Conservation Areas preserve or enhance the historic character and qualities of the buildings and/or the Conservation Area.

### **Supplementary Planning Guidance**

SPG1a	Design Guidance
SPG2	Conservation and Archaeology
SPG8e	Light Pollution

## **ANALYSIS/ASSESSMENT OF THE APPLICATION**

The main issues relating to this proposal are:

1. Impact on neighbouring properties
2. Impact on the Conservation Area
3. Need for new facilities
4. Traffic and Transportation

### Impact on neighbouring properties

Policy UD3 requires development proposals have no significant adverse impacts on residential amenity in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise pollution.

### *Light*

In addition to Policy UD3 above, Policy ENV7 requires developments to include measures to avoid, reduce and only then mitigate the emissions of pollutants, where appropriate, and to locate potentially polluting activities from sensitive areas or uses (such as homes).

According to the submitted drawings and technical specifications, light from the proposed floodlight columns will fall to a maximum of 20m away from the courts. However, the farthest reaching light is also the least luminous and it will fall only onto the far ends of the gardens of 32, 34 and 36 Avenue Road. These gardens are upwards of 40m deep so there will be no direct intrusion into any windows on the buildings themselves. However to further prevent light nuisance, the Council will require tarpaulin sheets to be attached to the chain link fence around the courts to help contain any light spillage. In addition, there are trees which would provide some additional screening. However, in order to maintain this screening during the winter months the applicant has proposed planting evergreen vines to provide year-round protection. These vines would take several years to reach maturity so it is also proposed that the courts would not be used after 8:30pm between 01 November and 01 May each year until the vines create an adequate barrier. One further measure would be the implementation of a 'last on, first off' policy where the proposed courts would only be used when no alternative is free.

Lighting is proposed to the pathway to Hurst Avenue and objections have been raised concerning potential light nuisance. It is proposed that the pathway lighting will consist of downward facing lights on low bollards running on a 3 minute on-demand basis. As a result, the path will only be lit when in use. In addition, the path will not be used after 8pm.

On balance, with the implementation of the conditions volunteered above, it is considered that any light spillage or nuisance from the proposed floodlights and pathway will be sufficiently attenuated to avoid harm to the amenity of neighbouring residents.

### *Noise*

The subject site is already in use as a sports facility and it is immediately adjacent to the Club's existing courts. The club and playing fields are both long established uses and local residents would be accustomed to some level of associated noise. By locating the courts near to the club's existing courts, the sources of noise would be clustered together maintaining a spread of activity similar to the current situation. In addition, the precedent for night play is already established by the existing floodlit courts. Therefore, although there is capacity for more players, it is considered that the noise generated would not be significantly different in nature or degree to current levels.

### *Security*

Objections have been raised by local residents regarding a potential loss of security, mainly as a result of the proposed pathway to Hurst Avenue. The pathway is bounded by a high fence which runs parallel to the existing fence which encloses the playing field. The path does not provide access to the playing fields. A similar high fence separates the courts from the playing fields. Access to the pathway is proposed to be via a locked self-closing gate. To ensure further security, a condition will be applied to prevent use of the gate after 8pm.

### Impact on the Conservation Area



The subject site is located in a Conservation Area and designated area of Significant Local Open Land (SLOL). As such it is subject to Policy CSV1 which seeks to ensure that proposals affecting Conservation Areas preserve or enhance the historic character of the Conservation Area; as well as OS3, which requires that development in SLOL meets all of the following criteria:

- a It is ancillary to the use of the open space;  
)
- b It is small in scale;  
)
- c) It does not detract from the site's open nature and character
- d It is required to enhance activities associated with the particular open nature  
) and character; and
- e It positively contributes to the setting and quality of the open space.  
)

The proposed courts are a sporting use and are considered to be ancillary to SLOL's current use a sports field. Relative to the size of Aloysius College Sports Field, the proposed courts are small in scale, occupying approximately 3% of its area. Although the proposal brings hard surfacing, floodlights and fencing to the SLOL, it is considered that these would not detract from its open nature and character. The courts are in located in the south east corner, the corner furthest from the public realm. The fence is a green painted chain link fence, which would blend in with the surrounding vegetation. Similarly, the floodlights are also green to soften their visual impact. The proposed 1.5m wide pathway to Hurst Avenue skirts the edge of the SLOL and would have little impact on its appearance. Overall, it is considered that the proposal would not detract from the setting and quality of the open space and would make a positive contribution to its use current use as a sports facility.

#### Need for new facilities

National Planning Policy Guidance 17 the importance of quality open space, sports and recreation facilities in supporting social inclusion, community cohesion and health and wellbeing. The proposed courts and floodlighting expand the existing tennis facilities to accommodate more players, including juniors from local schools, thereby making such facilities available to a wider demographic. This would be in accordance with the policy aims of PPG17. However the Guidance also requires that developments on playing fields remain ancillary to the primary function of the playing fields as well minimise impacts on nearby residents. The proposal is located on an underutilised part of the playing fields and is designed to mitigate its potential amenity impacts. Consequently, the proposal manages to work towards the key goals of PPG17 while remaining appropriate to its location.

#### Transportation

Policy UD3 requires development proposals to not have a significant impact on public and private transport networks, including highways or traffic conditions. The Council's Transportation Group do not object to the proposal. Although the public transport accessibility for this site is low, it is considered that the proposal would not generate any significant traffic that would have noticeable adverse impact on the adjoining road. The applicant has also proposed 12 cycle parks.

There is concern that the access path to Hurst Avenue is not wide enough to adequately serve as a cycle path however, the path is not intended to serve cyclists directly as steps would be required due to a change of levels. Therefore, it is considered that 1.5m would be wide enough for a pedestrian only path.

## **SUMMARY AND CONCLUSION**

The application proposes a 3 floodlit tennis courts and an access pathway at St Aloysius College Sports Fields.

Subject to appropriate conditions, the proposed floodlights and path lighting are considered to cause no harm to residential amenity through light intrusion. The noise generated from the 3 courts will not be significantly different in nature or degree to existing noise levels. The development will be secure and pose no security risks to neighbouring properties and will generate no significant increase in traffic or parking on adjoining roads. The additional court capacity and improved access will be of substantial benefit to the local community by accommodating a greater range of users. The proposal is therefore considered to be in compliance with Planning Policy Guidance 17 'Sport and Recreation', and 'Policies UD3 'General Principles', UD4 'Quality Design', CSV1 'Development in Conservation Areas', ENV7 'Air, Water and Light Pollution' and OS3 'Significant Local Open Land (SLOL)' of the Unitary Development Plan 2006.

## **RECOMMENDATION**

### **GRANT PERMISSION**

Registered No. HGY/2008/1439

Applicant's drawing No.(s) 2008-021-001, 2008-021-002, 2008-021-003, 2008-021-004, 2008-021-105, 2008-021-106 & 2008-021-007.

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. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

4. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of: Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the residential amenity of the area.

5. That a scheme for the screening of the courts shall be submitted to, and approved in writing by, the Local Planning Authority. Such agreed scheme is to be implemented before the use of the courts hereby approved commences.

Reason: In order to minimise light nuisance to neighbouring properties.

6. The lights on the southernmost court shall not be used past 2030 between 01 November and 01 May each year, for a period of four years.

Reason: In order to protect nearby residents from light nuisance until there is adequate natural screening between the lights and neighbouring residential properties.

7. The courts hereby approved shall be operated on a "last on, first off" basis, so that, during times when floodlights are required, the courts shall only be used when the existing floodlit courts are not available.

Reason: In order to minimise light nuisance to neighbouring properties.

8. Notwithstanding the description of lighting in the application, no development shall be commenced until precise details of the lighting to be used in connection with the access pathway hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

Reason: To ensure that the lighting scheme for the pathway will not cause a light nuisance to adjoining residents.

## REASONS FOR APPROVAL

Subject to appropriate conditions, the proposed floodlights and path lighting are considered to cause no harm to residential amenity through light intrusion. The noise generated from the 3 courts will not be significantly different in nature or degree to existing noise levels. The development will be secure and pose no security risks to neighbouring properties and will generate no significant increase in traffic or parking on adjoining roads. The additional court capacity and improved access will be of substantial benefit to the local community by accommodating a greater range of users. The proposal is therefore considered to be in compliance with Planning Policy Guidance 17 'Sport and Recreation', and 'Policies UD3 'General Principles', UD4 'Quality Design', CSV1 'Development in Conservation Areas', ENV7 'Air, Water and Light Pollution' and OS3 'Significant Local Open Land (SLOL)' of the Unitary Development Plan 2006.