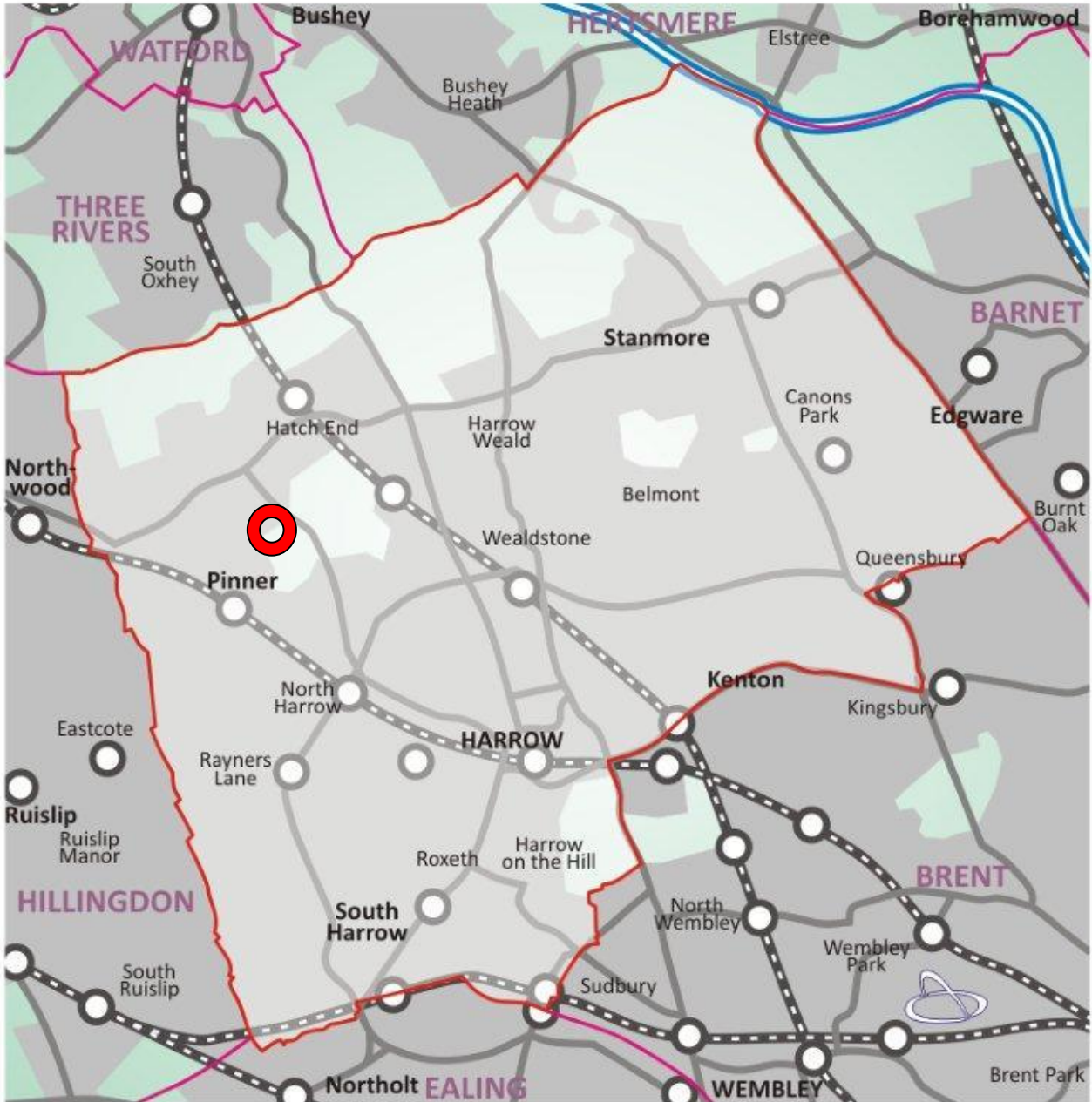
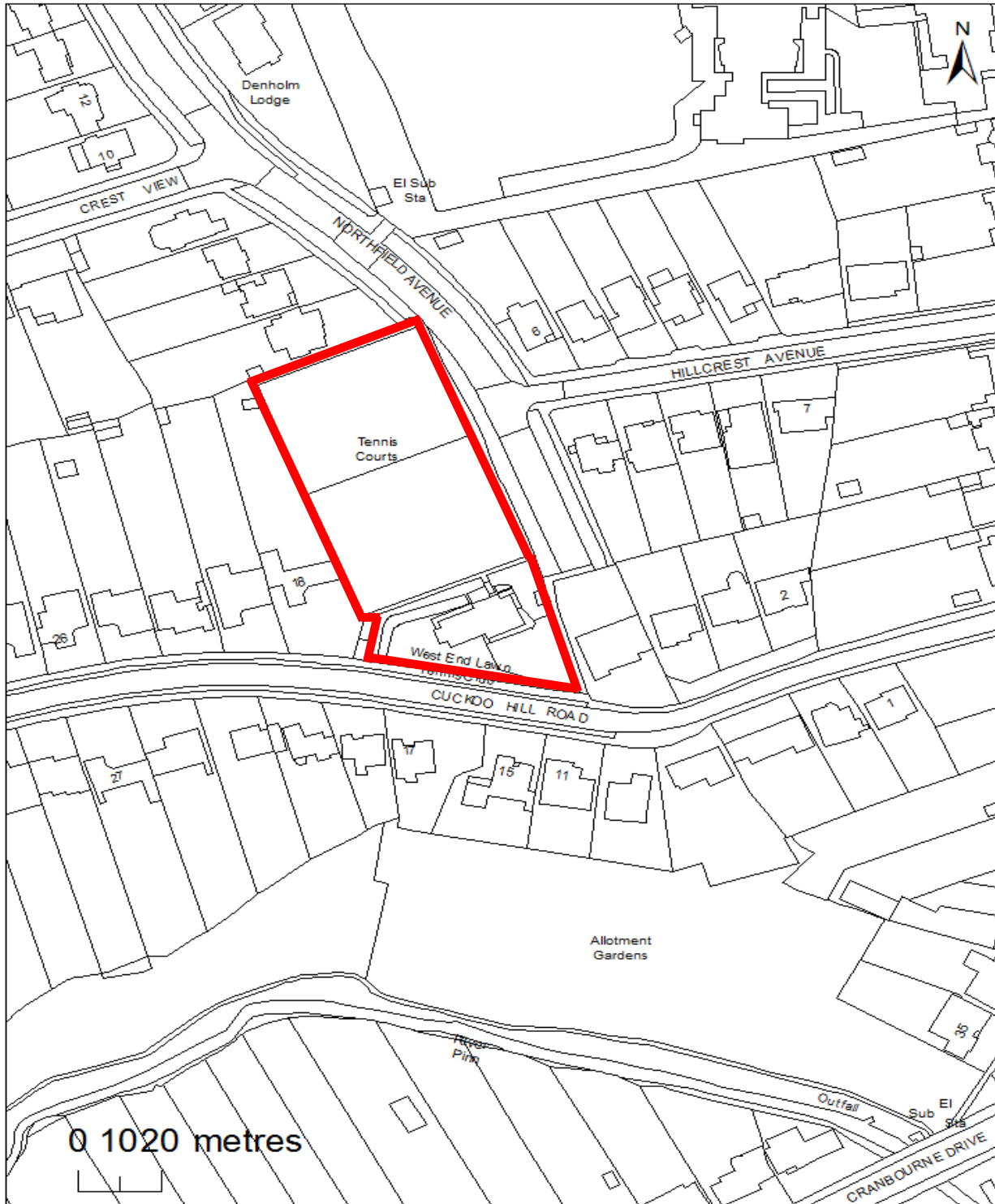


 = application site



West End Lawn Tennis Club, Cuckoo Hill Road, Pinner	P/1721/18
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West End Lawn Tennis Club, Cuckoo Hill Road, Pinner	P/1721/18
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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

21st November 2018

APPLICATION NUMBER: P/1721/18
VALIDATE DATE: 02/05/2018
LOCATION: WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER
WARD: PINNER SOUTH
POSTCODE: HA5 1AY
APPLICANT: MRS KATHERINE PINCHING
AGENT: IONIC DEVELOPMENT CONSULTANCY LIMITED
CASE OFFICER: CATRIONA COOKE
EXPIRY DATE: 15/06/2018

PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application for planning permission relating to the following proposal.

Installation of three floodlights attached to chainlink fence posts at tennis court 6; one floodlight fitted to column 1

The Planning Committee is asked to:

RECOMMENDATION

- 1) agree the reasons for approval as set out in this report, and;
- 2) grant planning permission subject to the Conditions listed in Appendix 1 of this report.

REASON FOR THE RECOMMENDATIONS

The proposal would provide increased sporting opportunities within the winter months for members of the local community. Furthermore, it is considered that the proposed floodlighting would not have an unduly harmful impact on the character of the property, biodiversity or the residential amenities of the neighbouring occupiers.

INFORMATION

This application is reported to Planning Committee due to the level of objection from neighbouring properties and level of Members interest in previous applications.,

Statutory Return Type: 18 (Minor Development)
Council Interest: N/A
Additional Floor Area: 0sqm
GLA Community
Infrastructure Levy (CIL)
Contribution (provisional): N/A
Local CIL requirement: N/A

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan - Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

LIST OF ENCLOSURES / APPENDICES:

- Officer Report:
- Part 1: Planning Application Fact Sheet
- Part 2: Officer Assessment
- Appendix 1 – Conditions and Informatives
- Appendix 2 – Site Plan/Proposed Plan
- Appendix 3 – Site Photographs
- Appendix 4 – Previous Appeal Decisions

OFFICER REPORT

PART 1: Planning Application Fact Sheet

The Site	
Address	West End Lawn Tennis Club, Cuckoo Hill Road, Pinner, HA5 1AY
Applicant	Mrs Katherine Pinching
Ward	Pinner South
Local Plan allocation	N/A
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	N/A
Other	N/A

PART 2: Assessment

1.0 SITE DESCRIPTION

- 1.1 The West End Tennis Club is located on the northern side of Cuckoo Hill Road and consists of 6 courts and a clubhouse with a parking area at the front.
- 1.2 There are existing 6m floodlighting columns which provide lighting to courts 1 & 2 and 5m floodlighting columns which provide lighting to courts 4, 5 and 6. There are also two 4.5m floodlighting columns adjacent to the common boundary with no. 18 Cuckoo Hill Road.
- 1.3 There is a change in gradient from the north end of the site towards the south.
- 1.4 The tennis club is surrounded by a 4.6m high chain link fencing which is supported by metal poles.
- 1.5 The areas is generally residential, which are characterised by substantial detached metroland properties with well-established gardens.
- 1.6 The site is bounded by residential dwellings at no. 2 Northfield Avenue immediately to the north and no. 18 Cuckoo Hill Road located to the west.

2.0 PROPOSAL

- 2.1 The application proposes to replace the existing chain link fence and fence posts to Court No. 6 adjacent to the boundaries with no. 2 Northfield Avenue and 18 Cuckoo Hill Road.
- 2.2 The replacement fence would be similar to that which exists on site and would feature a green mesh screening across the whole width to the top 2.0m section of the replacement chain link fencing.
- 2.3 It is proposed to attach a total of 3 luminaries onto the fence supports which would face directly towards Court 6.
- 2.4 In addition, it is proposed to attach one new luminaire on the existing column (column 1) which serves court 2 at a maximum height of 4.5m and would face towards court 6.

2.5 The proposed luminaires would be similar to those which currently in use at the site.

2.6 The proposed floodlighting would be used Monday to Sunday between the hours of 08:30 and 21:30

3.0 RELEVANT PLANNING HISTORY

Ref no.	Description	Status and date of decision
WEST/923/00/FUL	Provision of 9 six metre high floodlighting columns to courts 1 and 2 anti, glare screening and landscaping (revised)	Refused: 06/01/2001
APP/M5450/A/01/10 74774	Appeal of WEST/923/00/FUL	Allowed: 23/01/2002
P/2946/07/CFU	Installation of 9 floodlighting columns to courts 4 & 5 at northern end of site	Refused; 02/11/2007; Reasons for Refusal; 1) <i>The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy D23.</i>
APP/M5450/A/08/20 73769	Appeal of the Above	Dismissed; 11/11/2008
P/3872/08	Install of 8 floodlighting columns to courts 4 & 5 at northern end of site	Refused; 26/02/2009 Reasons for Refusal; 1) <i>The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to harrow unitary development plan policy d4.</i> 2) <i>The proposed floodlighting columns by reason of their excessive height, appearance and number would have an</i>

		<i>over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy d23.</i>
APP/M5450/A/09/21 05014	Appeal of the Above	Appeal Dismissed; 14/09/2009
P/1283/10	Provision of three x 5 metre floodlighting columns to courts 4 and 5 (revised)	Granted: 22/9/2010
P/1425/13	Installation of new 5.0m high floodlight columns with 2x luminaries to Court 6, New luminaries to existing 5.0m column between Court 5 & 6	Granted: 15/04/2014
P/2142/15	Installation Of Two New 4.5 Metre High Floodlight Columns With 2 X Luminaries To Court 3; Netting To Boundary Fence	Granted:
P/1468/16	Installation of Three 4.5m Floodlighting Columns with Four Luminaires (Courts 4 and 5); Addition of Four Luminaires Fitted to Existing Columns at a Height of 4.5m (Courts 1& 2); Netting to Boundary Fence.	Refused; 18/05/2016 Reasons for Refusal <i>1. The proposed floodlighting columns by reason of their height, position and proximity in relation to no. 2 Northfield Avenue and the proposed netting, by reason of its impervious form would appear visually obtrusive to the detriment of the residential amenities of the occupiers at no. 2 Northfield Avenue, contrary to policy 7.4 and 7.6 of the London Plan 2015, policy CS1.B of The Harrow Core Strategy 2012 and policy DM1 of the Development Management Policies Local Plan 2013</i> <i>2. The proposed floodlighting, in the absence of sufficient information to ensure that they would not impinge on the health and wellbeing of</i>

		<p><i>protected bat species within the area, would potentially have an adverse impact on the health of those protected species of locally important bio-diversity. The proposal is contrary to policy DM20 and policy DM 48 (C) of the Development Management Policies Local Plan 2013.</i></p> <p><i>3. The proposed floodlighting, in absence of sufficient information in relation to cumulative lightspill from the proposal site, would potentially result in excessive levels of glare and visual intrusion on the residential amenity of neighbouring properties to the detriment of those neighbouring occupiers, contrary to policy 7.4 of the London Plan 2015, policy CS1.B of The Harrow Core Strategy 2012 and policy DM1 and DM48 of the Development Management Policies Local Plan 2013.</i></p>
APP/M5450/W/16/3 156257	Appeal of Above	Dismissed: 02/12/2016
P/4320/17	Four floodlight luminaires to be fitted to new replacement chain link fence posts (court nos 4 and 5) ; addition of four luminaires to existing columns (column nos. 1 2 And 3) at a height of 4.5M (facing courts nos. 4 And 5) (amended description)	Granted 30/01/2018

4.0 CONSULTATION

- 4.1 A total of 11 consultation letters were sent to neighbouring properties regarding the application on the 2nd May 2018. The overall public consultation period expired on 23rd ,May 2018

4.2 Adjoining Properties

Number of letters Sent	11
Number of Responses Received	3
Number in Support	0
Number of Objections	3
Number of other Representations (neither objecting or supporting)	0

4.3 3 objections were received from adjoining residents.

4.4 A summary of the responses received along with the Officer comments are set out below:

Summary of Comments	Officer Comments
<p>Residential Amenity Proposed lights in association with previously approved lights would result in unacceptable impacts on adjoining neighbours.</p> <p>Impacts of light spill and reflective light.</p> <p>Impacts of noise and disturbance</p>	<p>Light spill impacts and outlook issues are addressed in section 6.4 of the report</p>
<p>Other issues Reference to Enforcement issues surrounding lighting on Court 3</p> <p>Proposals do not address previous refusals and inspector decisions</p>	<p>Enforcement case for the breach of planning was investigated and closed in January 2017 following compliance with planning conditions.</p> <p>Application are assessed on own merits. The current proposal differs to those applications previously considered by the Inspector.</p> <p>This is not a material planning consideration</p>

Points regarding the necessity to provide extra lighting and the fact there are evenings when the courts are not fully occupied.	
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4.9 Statutory and Non Statutory Consultation

4.10 The following consultations have been undertaken:

Consultee	Summary of Comments	Officer Comments
LBH Environmental Health	No Response received.	Noted.
LBH Lighting Engineer	No objections, lightspill is similar to what was found acceptable under the previously refused application. Post installation condition should be attached.	Noted. Impacts regarding light spill are addressed in section 6.4
LBH Bio-diversity	Overall the proposals should have relatively little impact in relation to the existing situation. The proposed gain will be acceptable – and may be conditioned accordingly	Noted
Sports England	No Response Received	Noted
Pinner Association	No Response Received	Noted

5.0 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.’

5.2 The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 In addition to the above a new draft London Plan (2017) has currently been issued for consultation. Whilst the draft policies from part of a material consideration of this assessment limited weighting has been applied as the new London Plan has not yet been formally adopted.

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

6.0 ASSESSMENT

6.1 The main issues are;

Principle of the Development and Regeneration
Character and Appearance of the Area
Residential Amenity
Biodiversity

6.2 Principle of Development

6.2.1 Policy 3.19 of the London Plan states that proposals that increase or enhance the provision of sports and recreational facilities will be supported. It goes on to say that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to the local community or biodiversity.

6.2.2 Policy DM48 of the Development Management Policies Local Plan (2013) notes that proposals that would increase the capacity and quality of outdoor sport facilities, and those that would secure community access to private facilities, will be supported subject to criteria

6.2.3 The proposal would increase the opportunities for sport on the site, in particular during the winter months. The impact of the proposal on the character of the area, neighbouring amenity and biodiversity is considered to be acceptable as set out in the report below.

6.2.4 Whilst the development relates to a private recreation facility, the tennis club is provided for members of the local community. It should be noted that even though fees are required to use the tennis facilities at the club, fees are also required to use Council owned public leisure facilities. Therefore the community use of the tennis club is the same in this regard. The improvement of the site would be of benefit to facilities in the local area in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48.

6.3 Character and Appearance of the Area

- 6.3.1 Policy 7.4 of the London Plan (2016) requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan (2016) requires buildings to make a positive contribution to a coherent public realm, streetscape and wider cityscape. Policy CS1.B of the Core Strategy requires all new development to respond positively to local context in terms of design, siting, density and spacing and reinforce the positive attributes of local distinctiveness.
- 6.3.2 The long established West End Lawn Tennis club is sited within residential area and borders residential sites on its northern and western sides. The eastern and southern side of the club primarily borders the highways of Northfield Avenue and Cuckoo Hill Road respectively.
- 6.3.3 With regard to the visual impact of the replacement northern boundary fencing and the luminaires themselves, the site is an established tennis court which is characterised by existing vertical columns for lighting and a 4.6 metre high boundary fence with regular metal supporting posts. Thus there is already a significant vertical component to the visual appearance of the site when viewed from the adjoining highways and from within neighbouring gardens.
- 6.3.5 There are existing 5m high floodlighting columns which provide lighting to courts 4, 5 and 6 and 6m high floodlighting columns providing lighting to courts 1 and 2. In addition there are two 4.5m high floodlighting columns each with two luminaires which serve court 3, four luminaires to the existing columns (on courts one and two). Therefore, the proposed three luminaires on court 6 and one floodlight would be satisfactory and would maintain the recreational character of the site.
- 6.3.6 With regard to the views of the site from the adjacent highways, the site is obvious in its use. It is considered that luminaires themselves are a feature which is expected to be related to such activities and that, whilst not an overriding factor in the consideration of the application, such furniture can be expected to be part of the visual appearance of such sites. .
- 6.3.7 The design and access statement which accompanies the current application states that the proposed fence would be similar to the one which exists on site and would feature columns of a similar width. In addition, the current 2.0m high screening which is currently in place would be replaced on a like for like basis. Noting the factors above, it is considered that the replacement fence would maintain the character of the area.
- 6.3.8 In summary, and noting the objections received, it is considered that the proposed replacement fence and luminaries would be in keeping with the character of the site and would have no undue impact on the character of the area in accordance with the NPPF (2018), Harrow Core Strategy (2012) CS1.B, policies 7.4.B and 7.6.B of The London Plan and the Development Management Policies Local Plan (2013) Policy DM1.

6.4 Residential Amenity – Visual Impact

- 6.4.1 Objections have stated that the current proposal fails to address the previous reasons for refusal and inspectors decisions in relation to the visual impact of the floodlighting columns.
- 6.4.2 The current proposal seeks to introduce a replacement chain link fence with associated supports. The proposed fence would be of an identical height and would feature green screen netting to a height of 2.0m. Therefore it is considered that the appearance of the replacement fence would maintain the visual amenities when viewed from no. 2 Northfield Avenue.
- 6.4.3 Three new luminaires are proposed to be attached to the fencing at intervals adjacent to the boundary with no.2 Northfield Avenue and no. 18 Cuckoo Hill Road. The proposed luminaires, due to their limited size are considered to have an acceptable impact on visual amenities of neighbouring properties.

Residential Amenity – Light Spill

- 6.4.4 Objections received highlight that the proposal would result in undue light spill into neighbouring properties. The applicant has provided light spill diagrams indicating the cumulative effect of the existing and proposed lighting. It is noted that the maximum recommended vertical illuminance into house windows is 5 Lux within Environmental Zone E2 (in line with the Institute of Lighting Professionals guidance).
- 6.4.5 The Council's lighting engineer notes that in terms of the luminaires, these were to the same specification which were found to be acceptable in terms of lightspill within the inspectors decision dated 2nd December 2016. Furthermore, the light spillage would be further mitigated due to the proposed use of flat glass luminaires, mounted horizontal (e.g. zero degrees elevation angle).
- 6.4.6 The design and access statement submitted by the applicant indicate 250 Watt Lamps. The proposed lights would match the existing lights on the site. A condition has been recommended restricting the hours of use of the floodlights between 8.30am and 9.30pm. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed which is the same as the condition which was placed on existing floodlights on the site.

- 6.4.7 In terms of noise and disturbance, it is considered that there would not be additional noise and disturbance to the immediate adjacent occupiers as a result of the proposal. The use of lights on court 6 is likely to result in some increase in use during winter months. The applicants have suggested (in their application) a time limit of 2130 to match that allowed for the existing illuminated courts. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed.
- 6.4.8 The illumination of courts 6 for the time proposed would not result in any greater intensity than could be accommodated at present during summer months and it is not therefore considered that the development would result in unreasonable activity, beyond that which would be expected within such recreation sites.
- 6.4.9 In summary, and noting the objections received, it is considered the proposal would not have an adverse impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) - Policy DM1 and would therefore have an acceptable impact on neighbouring amenity.

6.5 Impacts on Biodiversity

- 6.5.1 A report has been submitted as part of the current application. The Biodiversity Officer has raised no objection. Therefore it is considered that the proposed floodlighting would not have undue impacts on local bio-diversity. It is considered that the proposal would comply with the NPPF (2018), Harrow Core Strategy (2012) policy CS1.E, London Plan (2016), policy DM20 of the Development Management Policies Local Plan (2013).

7.0 **CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 The proposal would provide increased sporting opportunities within the winter months for members of the local community. Furthermore, it is considered that the proposed floodlighting would not have an unduly harmful impact on the character of the property, biodiversity or the residential amenities of the neighbouring occupiers. Accordingly, the development is recommended for grant.
- 7.2 For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

APPENDIX 1: Conditions and Informatives

Conditions

1 Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 Approved Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, Design and Access Statement; 2018 Protected Species 20th July and 10th August 2018; LS11312-2-3; LS11312-2-3A-V1; LS11312-2-3A-V2; LS11312-2-3B-V1; LS11312-2-3B-V2; LS11312-2-3C-V1; LS11312-2-3C-V2; LS11312-3-3-INT; LS11312-3-3-ISO; WELTC/FLOOD/600

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

3 Floodlights – Hours Of Operation

The floodlights hereby approved shall only be used between 08:30am and 21:30 on any day for club activities and shall not be used at any other time.

REASON: In the interests of the amenities of neighbouring occupiers and the character of the area.

4 Floodlights – Maintenance

The floodlights hereby approved shall be maintained in the approved condition and no operation of the lights will occur if any fault, breakage, or other situation should arise where light would spill outside of the areas indicated on approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area.

5 Floodlights – Angles

The floodlights hereby approved shall not be used until post installation measurements are taken on site in relation to the proposed luminaire set up/aiming angles and are submitted to, and approved in writing by the Local Planning Authority. The lighting configuration shall thereafter be retained.

REASON: To ensure that the scheme is installed according to the approved drawings to avoid any undue impact on the neighbouring properties

Informatives

1 Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2018)

Draft London Plan (2017)

D1 London's Form & Characteristics

D2 Delivering Good Design

D3 Inclusive Design

S5 Sports & Recreational Facilities

G6 Biodiversity & Access to Nature

The London Plan (2016)

7.4 Local Character

7.6 Architecture

7.19 Biodiversity and Access to Nature

3.19 Sports Facilities

Harrow Core Strategy (2012)

Core Policies CS1.B/E

Core Policy CS5

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM20 - Protection of Biodiversity and Access to Nature

DM48 – Enhancing Outdoor Sport Facilities

2 Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
 2. building on the boundary with a neighbouring property;
 3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB. Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

4 Protection of Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

5 Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:

0800-1800 hours Monday - Friday (not including Bank Holidays)

0800-1300 hours Saturday.

6 Compliance with Planning Conditions

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

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