

Officer's Report

Application Number	HGY/2023/1185
Type	Full planning permission
Location	Downhills Park, Downhills Park Road, London N17 6PB
Proposal	The installation of new low level LED floodlighting to two outdoor tennis court Nrs 1 and 2 reconfigured from three tennis courts.
Case Officer	Kwaku Bossman-Gyamera
Valid Date	02/05/2023
Applicant	Ms Andrea Keeble
Agent	Mr Lee West

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 Planning permission is sought to erect seven 7m high lighting poles with new low level LED floodlights to the two tennis courts within the application site. The lighting will be located at equidistant intervals around and within the two courts.

1.2 The proposal involves the resurfacing and development of two tennis courts in the footprint of the non-compliant courts currently present at the site. Two new mini courts, new fencing and a lighting scheme will also be implemented in association with the courts.

1.3 The proposed hours of operation for the lights are Monday to Sunday – dusk to 9pm. These operating hours for the lights will ensure that the tennis coaching programmes can continue during the winter months (approx. 16 hours per week) and that a minimum of 35 hours of additional court time is made available for casual pay and play. Shutting the light down at 9:pm will minimise any potential impact on local residents.

2. SITE AND SURROIUNDINGS

2.1 The application site relates to an outdoor area of land at Downhills Park Tennis courts comprising existing outdoor tennis court NRS 1 and 2, reconfigured from three tennis courts - none of which are currently floodlit. Downhill Park Tennis currently has three existing outdoor with 2 double tennis courts and a single court which lie within the heart of an established public park. The site comprises large section of regularly managed grassland, intersected by pedestrian footpaths, lines of mature and semi-mature trees and area of introduced shrub planting. The courts are located in the southern portion of the site.

2.2 The site immediately bound to the north and east by Downhills Park Road. Residential and commercial development is present in the surrounding landscape, with Lordship Recreational Ground located just beyond Downhills Park Road.

2.3 The site is allocated as Metropolitan Open Land, as identified on the policies map of the Development Management Document. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

3. PLANNING HISTORY

3.1 There is no recent planning history in relation to the site.

4. CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

Internal:

- 1) LBH Nature Conservation – no comment
- 2) LBH EHS – Street Lighting Engineering – no comment
- 3) LBH EHS – Noise – no objection.
- 4) LBH Sport England: The proposed floodlighting would allow the tennis courts to be used into the evening and therefore within the peak period for sporting participation. In consequence, the proposed development would enhance the facility and would be beneficial to sport. Sport England recommends that the proposed floodlighting reflects Sport England design guidance.

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 68 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting:0

Supporting:2

5.2 The following Councillor(s) made representations:

- Cllr Sarah Williams has written in support of the application. Extending the usable time of the tennis court is welcome, whilst noting that the lighting design ensures wildlife will not be negatively impacted.

5.3 The following issues were raised in representations that are material to the determination of the application are summarised and addressed in the next section of this report:

- Adjoining occupier has written in support of the application. The courts are rather run down at present and the tree probably needs better maintaining over one of the courts. Appreciate the idea of installing some floodlighting and improving the state of the courts.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Design and appearance; and
3. Impact on neighbouring amenity.

Principle of development

6.2 NPPF sets out twelve Core Planning Principles, one of which is to “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs’ (paragraph 17). Paragraph 73 of the NPPF also acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Paragraph 70 seeks to ensure that (inter alia) facilities and services are able to develop and modernise in a way that is sustainable and allow them to continue to provide those services.

6.3 London Plan Policy S5 ‘Sports and recreation Facilities’ supports sports lighting in areas where there is an identified need for sports facilities to increase sports participation opportunities unless the sports lighting gives rise to demonstrable harm to local community or biodiversity. Sports facilities are also supported by Local Plan Policy SP14 ‘Health and Well-Being’ and SP16 ‘Community Facilities’.

6.4 The proposed development would allow for evening use of the existing courts which would in turn provide improved sports facilities for local residents and visitors in line with local and national planning policy and the promotion of active, healthy communities. These public benefits of the proposal should be weighed in the assessment including should any harm associated with other areas of consideration be identified.

6.5 Therefore, the proposed development is acceptable in principle, subject to the determining material considerations discussed below.

Design and appearance

6.6 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D4 ‘Delivering good design’ states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

6.7 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey’s sense of place and identity. DPD Policy DM1 ‘Delivering High Quality Design’ requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

6.8 The proposal is for the installation of 7 columns with 8 x 660-Watt LED panel fittings to serve two existing outdoor tennis courts which are located around the site. The floodlighting installations would be lower than the others on site and are carefully located to minimise spillage and glare, both horizontal and vertical lux level spillage to neighbouring properties and gardens.

6.9 The columns will be slender and will be painted green together with the LED panel fittings in dark green. The columns are located on the outer run of each court with the lighting mounted at 7m. The LED panel fittings will be 550 Watt and will have a tilt angle of zero degrees to the horizontal, as such minimising sky glow and light spillage.

6.10 The floodlight columns and fittings would be largely screened by the use of the existing 2.75m high mesh boundary fencing to the around the courts.

6.11 It is considered that the proposed floodlights are consistent with the use of the site and in terms of scale, position and 7m height would appear in keeping with the existing sports courts and adjacent street floodlights. The lights would not have any significant impact within Downhills Park Road or the surrounding roads. They would be publicly visible from the Downhills Park Road and Apple Tree Road but being of generally slimline design and seen in context with the existing row of courts, they would not cause any demonstrable harm to the character and appearance of the site or the wider surrounding area.

6.12 On this basis, the proposal is acceptable and policy compliant in the above regards.

Impact on neighbouring amenity

6.13 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

6.14 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

6.15 The nearest residential properties to the application site are No's 69-79 Keston Road which adjoin immediately to its south – eastern side. The nearest of the proposed floodlights would be positioned approx. 17m from the rear fence line of these properties beyond which their rear gardens are between 17 and 25m deep.

6.16 Due to the separation distance involved, and the slim-line nature of the columns it is not considered that the proposal would significantly harm nearby residential occupiers' amenity by reason of impacts on their light, outlook or sense of enclosure.

6.17 A Lighting Assessment has been submitted with the application. This concludes that the floodlighting would be sited and screened so as not to cause detrimental intrusion of light into adjacent premises and/or residential properties. The lighting, located on 7m high columns is designed to direct light onto the courts and would not result in any harmful overspill of lighting into the atmosphere due to its design. Environmental Health have raised no objection to the proposed development.

6.18 The hours of operation of the proposed floodlighting would be: Monday to Sunday- no use after 21.00

6.19 These hours are considered to be a reasonable compromise in terms of enabling the courts to make beneficial use of its facilities and protecting the amenity of neighbouring occupiers. It is important to note that there are currently no restrictions on the hours during which the courts can be used, although this would be dictated by daylight levels and the applicant has advised that during the summer month members play up until around 21:00. Officer's view that with the mitigation proposed here, there will be no significant change in noise levels associated with this facility given the current use of the site and given the separation distances in question.

6.20 Overall, the hours of floodlighting proposed would not unduly compromise the ability of people to enjoy their homes and gardens. It is considered that any increase in activity at and around the

site in association with the hours of operation would not significantly harm the amenity of nearby residents, given the existing use, scale of development and the site characteristics.

6.21 Subject to the described condition the proposal is considered to be policy compliant in the above regards.

Transport considerations

6.22 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

6.23 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking, cycling, and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

6.24 An additional level of traffic and parking demand would be expected from the enhanced facility proposed; however, this would be minor in nature and reasonably capable of accommodation within the surrounding highways. Highways raise no objection on parking, traffic or highway safety grounds. The proposal is considered to be policy compliant in the above regards.

Other considerations

6.25 The lighting design is sensitive to the ecology and biodiversity of the site as well as mitigating successfully any potential impact on nearby residents.

6.26 An Ecological Survey has been carried out that demonstrates low impact on local wildlife.

6.27 The Council's Tress Section has been engaged to check all the plans including the ducting. There are no adverse impacts on nearby trees. Some hedge and shrub clearance are required as well as removal of self-seeded trees that have impacted on the perimeter of the court and is authorised by the Tree Section. Overall, the impact on nearby trees is minimal and acceptable.

Conclusion

6.28 The proposal is considered acceptable and as such the development would provide sporting and community benefits in association with the existing use of the land and would have an acceptable impact on the character and appearance of the area, neighbour amenity and the surrounding transport network. The proposed development is found to be acceptable and compliant with planning policy in all other regards. Should any areas of harm be identified these should be weighed against the public benefits, as part of the overall assessment of the proposal. The proposal is recommended for approval subject to conditions.

6.29 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

7. CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION subject to condition(s):

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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

- 3 The floodlighting hereby approved shall not operate (be switched) outside the hours of:

- Monday to Sunday: 09.00 - 21.00
- and Bank Holiday: 09.00 -21:00

and accordingly, the flood lights shall be fitted with automated time switches.

Reason: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.

- 4 The floodlighting shall be installed fully in accordance with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2021) for zone E3, including the lux levels shown within the approved lighting design (Ref P.A. 07 Rev 1 by S.F.P.D Ltd) in relation to the curtilages of neighbouring properties, and thereafter maintained as such, unless alternative details are submitted to and approved in writing by the local planning authority.

Reason: In the interests of safeguarding the residential amenity of nearby dwellings.