

London Borough of Haringey
Development Management

17 April 2023

**FORTIS GREEN TENNIS CLUB, SOUTHERN ROAD, N2 9LH
PRE-APPLICATION REQUEST 2**

Dear Sir or madam

Please accept this letter as a request for a follow-up pre-application meeting with written advice for development at Fortis Green Tennis Club. The request is accompanied by the below documents and the pre-application fee will be paid directly to the Council upon request.

- Design and Access Statement (DAS) by PH+
- Preliminary Ecology Appraisal and Preliminary Roost Assessment by Arbtech
- Heritage Statement by Cogent
- Landscaping Scheme by PLAN
- Trees by Tim Moya Associates
- Transport Technical Note and meeting note following pre-app with Barnet Highways

Prospective applicant

The prospective applicant is Fortis Green LLP.

Description of development

The proposal is for the redevelopment of the site to provide eight new homes, one new clay tennis court, a new clubhouse, refurbishment of two of the clay tennis courts, and the creation of a vehicular access off Cherry Tree Road, all with associated landscaping, car parking, cycle storage, and refuse storage. An accommodation schedule is below.

Unit	Type	Size (GIA sqm)	Amenity (sqm)
1	2B4P (house)	94	139
2	4B7P (house)	128	85
3	4B7P (house)	128	85
4	4B7P (house)	121	82
5	2B4P (house)	96	108
6	1B2P (flat)	60	5
7	1B2P (flat)	51	7
8	2B3P (flat)	67	17
Clubhouse		86	45 (viewing area)

Pre-application 1

On 28 February 2023 a pre-application meeting took place with the case officer and design officer at Haringey Council concerning the development of the tennis club and its grounds. The proposal consisted of:

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- The refurbishment of the two northern tennis courts.
 - The re-provision of a new clay tennis court.
 - A new building with three apartments and the re-provision of a new tennis club house at ground floor.
 - 5 new terraced houses to the south of the site
 - New vehicular connection from Cherry Tree Road into the site.
 - 5 car parking spaces.

A summary of the written feedback from the officers, is set out below:

- The improvements to the tennis club would be required to justify the loss of the court and open space associated with the club. The Officer required a viability case to be presented.
- The mix of uses on the site were thought to create issues for public and private spaces, and officers stated the proposed residential use should not jeopardise the community use. Officers thought the noise and disturbance from the mix of uses would be “problematic”.
- Cherry Tree Road at the west of the site is within LB Barnet and as such the proposed new access will require their authorisation.
- Officers considered the proposed development would lead to a change in the character of the site in terms of the openness of the tennis club and landscaped area, and the design and impact on heritage assets would need to be fully justified.
- The scale and massing of clubhouse and mews terrace were a concern and would need to be addressed and reduced.
- Re-landscaping was required as well as further information on how this will mitigate the level of development. Officers suggested using landscaping as means of designating public and private areas and routes into site. The trees would need to be retained where possible.
- The scale, massing and siting of the mews houses were considered to be detrimental to immediate neighbours and required reconsideration. Officers also had amenity concerns.
- The privacy of the new dwellings needed further consideration to ensure outlook wouldn't be impacted.

Pre-application 2

The feedback from the meeting has been taken on board and the proposed development revised to address the comments. The key changes proposed are:

- A thorough justification for the loss of the single court against the relevant policy framework.
- The buildings are now proposed in a white brick and the pitched roofs are now flat roofs.
- The scale and massing of the clubhouse has been adjusted to improve the relationship in views down Cherry Tree Road.
- The internal configuration of the apartments has been reworked so that the dwellings primarily face south & east, away from the upper courts.
- A reduction in GIA of mews houses 2-5 and flat 8.
- A reduction in GIA of the Clubhouse.

A more detailed explanation of the changes is set out in the submitted Design Statement.

Planning considerations

Viability and reason for proposed development

There are many government, local council, and sports bodies, including the Lawn Tennis Association (LTA), that provide finance for tennis club upgrades and many clubs have used these facilities successfully. The Fortis Green Tennis Club however is in an unfortunate position with regards to its funding, and the proposed development has therefore been put forward to generate revenue and safeguard its long-term viability for the community. The land is owned by the United Reformed Church and leased on a short-term basis to the Tennis Club, so the Club does not qualify for funding from the

above mentioned bodies. In addition to this, the four tennis courts were not originally built to be LTA compliant so also do not qualify for LTA finance. An alternative method of securing consistent and reliable funding for the Club is therefore required. In addition to the revenue from the proposed residential units, the change to the size of the courts will be able to unlock access to LTA finance.

The condition of the playing facilities is extremely poor and not conducive to attracting new members. The reason for this is twofold. Firstly it is due to the lack of revenue to support regular maintenance. Secondly, the physical characteristics of the site, being a backland parcel of land where access is restricted to a narrow alley off Southern Road, means larger vehicles that are required for maintenance and minor upgrades have not been able to access the site. In order to ensure the newly refurbished Club is maintainable in the long-term, a wider access must be created. The new entrance from Cherry Tree Road has therefore been proposed, which is the only feasible location around the site for a new access.

Membership over the last four years has grown by 15 members but the Club needs to expand its membership further in order to generate additional revenue. It is expected that the development plans would generate at least 30 additional members, but hopefully more. In addition to this, the Club has hired a new tennis coach who wants to provide tuition to young people, and to both members and non-members. The sustainable growth of the Tennis Club and its long-term viability is dependent on the improved facilities, without which the courts will likely continue to deteriorate and become defective.

Principle of development

NPPF paragraph 99 states existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

London Plan Policy S5 reiterates the requirement to retain sports facilities, unless an assessment can show the facilities are surplus to requirements, or if a case can be made that the loss would be replaced by equivalent or better provision in terms of quality and quantity, or if the public benefits of an alternative recreation provision would outweigh the loss. Local Policy DM49 Part A places importance on the provision of social facilities that meet the needs of the community. Where there is a loss of a community facility, Part B of the policy requires evidence to show that the existing facility is no longer required in its current use, the loss would not result in a shortfall, and the facility is no longer viable and there is no demand for any other suitable community use on the site. Part d of the policy states the Council will consider supporting the consolidation of equal or enhanced provision to meet an identified need.

In the first instance, it is reiterated that there will not be a total loss of the facility and the Club owners are dedicated to retaining the courts in the long term serving the needs of the local community. Taking this into consideration, as well as the above policy, the proposed development is considered on balance acceptable. Although there will be a net loss overall of one tennis court, once finished the facilities will be of a significantly higher quality than what is currently on the site and of more benefit and use to the local community. In line with The London Plan, the loss of the two courts to the south of the site will be replaced by one new court of higher quality. The three new courts (one new and two refurbished) will be of a higher specification than the four courts currently on site and will all be compliant with LTA standards. Similarly with the Clubhouse, the loss of the small existing shed structure will be replaced with a larger, more permanent, and higher quality 86sqm building. The new Members Club will be a significant betterment of the existing inadequate provision - providing accessible toilets and showers, kitchen facilities, and lockers. As shown in the DAS, the courts and the Clubhouse are tired and in need of meaningful renovation, which has been historically difficult due to the narrow access from Southern Road. The various improvements will significantly improve

the appearance of the site, enable the club to grow its members, encourage young people to play tennis, host local competitions, and ensure the courts will stay at a high standard of repair. The principle of improving the quality of the tennis courts and the Clubhouse is considered to be a benefit to the local community that weigh in favour of the development, and the harm arising from the loss of one court is considered to be outweighed by the substantial benefits arising from the upgraded accessible facilities.

In addition to the above, the improvements to the facility enable the long-term stability of the tennis club and guarantee their presence at the site into the future with a new 125 year lease granted to the tennis club if the improvements can be secured. The lease between the church and the tennis club has run expired with the tennis club paying only a peppercorn rent to remain. Unless it is possible to increase the value of the land to benefit the church, it is inevitable that the church will take this land back to be used by the church for their own use, meaning the sports facility would cease altogether.

With regards to the provision of housing on the site, given its brownfield and accessible nature being just 500m from East Finchley station, the principle of residential accommodation should be welcomed in planning terms. This is also directly in line with London Plan Policy H2 which specifically states that optimising housing at small sites (below 0.25 hectares) should be pro-actively supported to 'significantly increase the contribution of small sites to meet London's housing needs. The proposed development also complies with part b of Local Policy DM7 as the development is considered to relate appropriately and sensitively to the surrounding area, create a good access, be a creative response to the features of the site, provide amenity space for the residents, and safeguard the amenity of the adjoining houses. The carefully considered location of the proposed residential units ensures the sustainable and ongoing use of the site for tennis and does not jeopardise its long-term primary function as a local sports facility. The development of housing is the only way to cross subsidise the improvements to the tennis club, as outlined above.

Design

Feedback from the first pre-application meeting raised concern relating to the scale of the clubhouse, stating that it should be subordinate to the terrace. In response to this feedback, the design team have revised the proposal to create a more subservient and sensitive development. The massing of the clubhouse building adjacent to 31 Cherry Tree Road has been reduced and the partial pitched roof redesigned to a flat roof. As shown on page 25 of the DAS, the ridge line of the flatted block is set lower than the adjacent property at 31 Cherry Tree Road and it does not exceed its mirrored mass outline. In addition to this, the materials proposed in both buildings are now a light coloured brick to reduce their visual dominance. The upgrades to the rest of the site, including new fences, pathways, nets, gates, landscaping, etc is also an improvement to its overall appearance and will create a high quality comprehensively designed site.

Officers also raised concern with the loss of the openness of the site and a change to its character, stating it was a 'significant change to the character of this green and undeveloped end of street setting'. It is acknowledged that the proposed development will change the character of the site given the introduction of eight new homes and a new Clubhouse. The proposed development however is not considered to result in material harm to the character of the site or wider area. The locations of the two blocks are sensitively sited with consideration to the sloping topography of the site and their design and massing is appropriate to the surrounding context. The public visibility of the site is also limited to Cherry Tree Road and the development will not be visible from the streets on Southern Road or from Shakespeare Gardens. Furthermore, the verdant nature of the site and the comprehensive landscaping scheme will ensure the green character is retained. The creation of a new access will change the appearance of the end of Cherry Tree Road, however the benefits arising from it are considered to outweigh any harm, as the Club will become more accessible as well as larger maintenance vehicles. The landscaping strategy also shows a row of trees proposed near to this entrance that will act as screening from the street. The development is a high-quality response to this constrained backland site and considered in accordance with Local Policy DM1.

Housing mix

In response to the feedback received the massing has been reduced and the mix of units therefore amended; Unit 5 and Unit 8 are now two-bed units where previously they were three-bed units. The proposed development therefore provides a good mix of units for the site's sustainable location (2 x 1-beds, 3 x 2-beds, 3 x 4-beds) and is considered in accordance with Local Policy DM11.

Quality of accommodation

At the first pre-application meeting Officers required the proximity of the tennis courts to habitable bedrooms to be reviewed. The lack of screening was also raised as a concern and Officers stated that they thought noise and disturbance would be a 'significant issue'. In response to this, the top floor terrace has increased in size and moved to the southern elevation of the building and the first floor balcony moved from the south east to the south west corner. All units proposed are dual aspect, all comply with national space standards, and all have outdoor amenity space compliant with The London Plan. The rear amenity spaces for the mews houses are significantly oversized and deliver planning benefits weighing in favour of the development. In this respect, the quality of the accommodation is considered to be acceptable in accordance with London Plan Policy D6.

With regards to the concern around noise, the existing site is bounded by residential uses on three sides, which is a common circumstance for small local tennis courts, and has appeared to successfully integrated itself into these surroundings historically without giving rise to significant amenity impacts. The nature of the development being a small private residential development in close proximity to, and in places directly overlooking the tennis court means that anyone either buying or renting the properties will be acutely aware of the possibility that they might hear people playing tennis throughout the week. Tennis is not a team sport and not considered to be a particularly noisy sport requiring loud whistles or involving groups of spectators, so the proximity of the courts to habitable windows is not considered to create 'significant' issues for the new residents as asserted by Officers. Tennis is also a seasonal sport, and the Club will likely not be at full capacity every day throughout the whole year. The Club also does not allow play before 9am on weekdays and 9:30am on Sundays and so residents will not be disturbed before these hours. The new homes will also be built in the most sustainable way to ensure high acoustic insulation should any activity become particularly loud. Furthermore, the layout of the flatted units has been amended since the pre-application meeting so that both flats now have outdoor space not overlooking the courts. Overall, the proximity of the residential units to the tennis courts is not considered to result in adverse impacts to new residents.

Neighbouring amenity

Officers suggested that staggering the mews houses forward and reducing their depth should be considered. Officers also stated the scale of the clubhouse should be reduced for design reasons and required consideration of the amenity impact on the immediate neighbour at no.31 and overlooking of the rear of properties facing onto the site. In response to the comments raised by Officers, the mews terrace has been brought forward and the gardens made larger.

Looking at the relationship between the flatted block and 31 Cherry Tree Road, there are no habitable windows along the property's eastern elevation, and the proposed development has not proposed windows on its western elevation, so opportunities for overlooking into the property are considered limited. The building also does not protrude further than the prevailing line of development along Cherry Tree Road and so there will be no opportunity for overlooking into the front of the property from the terraces on the first and second floors, similar to the existing properties along the road as a continuation of the terrace. In terms of the relationship between the mews houses and 42 Cherry Tree Road, the mews houses are set back from the street frontage and there are no windows proposed along the western elevation of House 1. The mews houses are also set lower than Cherry Tree Road and so are subservient to the terrace of properties. With regards to the relationship between the mews houses and 18 Shakespeare Gardens, the fifth house steps down to two storeys adjacent to the rear garden boundary and no windows directly face the property.

It is recognised the development of this small site will result in a minor increase to pedestrian and vehicular activity along Cherry Tree Road, however this increase is not considered to result in significant harm to existing residents. When looking along Cherry Tree Road, most houses have driveways and the road itself appears to be reasonably full of parked cars. In this sense the noise and disturbance associated with five additional vehicles will not harm

Ecology

A preliminary ecological appraisal (PEA) and preliminary roost assessment (PRA) have been carried out and submitted with this pre-application request. The survey found the following:

- The invasive species Buddleia was identified on the site.
- There was no evidence of great crested newts, however it might be possible that reptiles are present and the site likely promotes populations of common invertebrates.
- A badger sett was identified at the southern end of the site.
- The woodland and planted shrubs around the site were considered suitable for hedgehog foraging, sheltering, and commuting.
- The scattered trees on the site were considered to provide foraging and nest-building resources for birds.

The PEA recommends the following to adhere to guidance, legislation, and planning policies:

- Submission of a Construction Environmental Management Plan with the full planning application.
- Carry out two bat emergence and re-entry surveys during the active bat season (May to August).
- Remove the Buddleia from the site and clear the site outside of the reptile hibernation season (November to February) and hedgehog hibernation season (November to March).
- Carry out further badger surveys before planning permission is granted.
- Undertake the construction works outside the bird nesting season (March to August).
- Adopt a low impact lighting strategy for the site, plant fruit bearing trees, native trees, and species-rich grassland, and install bird boxes on retained mature trees.

Heritage

The submitted Heritage Statement assesses the effects of the proposed development on the heritage significance of the nearby heritage assets, which are the grade II listed pair of semi-detached houses at 29-31 Southern Road, and the Fortis Green Conservation Area, which includes the listed pair and their rear gardens, the adjoining Victorian townscape on Southern Road, and the townscape northwards of Southern Road. The report asserts that the site's sense of openness would be retained, there are no issues with encroachment or enclosure, and that there are no issues with dominance in the relation of the proposed development with the listed building. The report concludes that the proposed development would preserve the significance of the listed building and the conservation area. The proposed development therefore does not conflict with the policies in the London Plan and Haringey Local Plan.

Transport

The pre-app is accompanied by a Transport Technical Note as well as a meeting note following a pre-app with Barnet Highways.

The proposals seek the creation of a new access off Cherry Tree Road enables vehicles. This has been discussed at a pre-application meeting with Barnet officers where the principle of this access was considered to be acceptable. Please refer to the enclosed meeting note.

The proposed development also provides a total of five off-street car parking spaces for the eight units. This was accepted at the first pre-application meeting. The nature of the tennis club being a local provision means that it is highly unlikely residents will drive to the Club, however the CPZ along

Cherry Tree Road will prevent those driving from using the road to park. No parking is available for tennis club visitors.

Secure cycle storage is provided in line with London Plan Cycling Design Guidance and TLF Chapter 8. The 3. apartments over the Clubhouse are provided with a secure internal cycle store accessed from within the entrance area, while the mews houses to the south are each provided with a secure and covered external cycle store, with integrated planter above.

One Sheffield Stand (2 spaces) for visitors is provided adjacent to the bin storage facility for the terraced houses, with a further 2no. Sheffield Stands (4 spaces) are provided for visitors to the Tennis Club adjacent to the Clubhouse entrance.

Trees and Landscaping

A comprehensive landscaping has been prepared and submitted with this pre-application request. The scheme put forward seeks to retain the green and verdant setting of the site through the planting of 18 new trees and associated shrubs and hedges.

An arboricultural impact assessment and tree survey have been submitted with this pre-application request. The report sets out that the surveyed trees do contribute to a verdant wider local area and that the site is not a significant contributor of trees to the local area, though it does serve to maintain the prevailing character of the area. The survey identifies 1 x category A tree, 13 x category B trees, 21 x category C trees, and 3 x category U trees. A total of 3 x category B trees, 14 x category B trees, and 3 x category U trees are proposed to be removed to facilitate the proposed development however in order to mitigate these losses, a total of 18 new trees are proposed to be planted. The report concludes the loss of the specified trees and shrubs is not considered to be significant, given that removals are isolated to a small area of the site that is only visible from the end of the cul-de-sac that is Cherry Tree Road.

Conclusion

The development is a comprehensive solution to the funding issue surrounding the Tennis Club and delivers planning benefits significantly improving the quality of the facilities and delivering high quality residential homes, including much needed family homes with large private amenity spaces. The revised proposal is considered to have addressed all the Council's concerns arising from the first pre-application meeting and is therefore considered acceptable.

Yours sincerely



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