

Josh Parker
LB Haringey
Via email

24 June 2024

**Proposed development at Fortis Green Tennis Club
LB Haringey PA ref: 24/L/HR/67819**

Dear Mr Parker

Further to the recent response from Sport England regarding the development proposals at Fortis Green Tennis Club, I now respond with my comments. The issues raised are summarised as follows:

- Net loss of one tennis court
- Details requested over security of tenure
- Clarification on court dimensions
- Concerns over proximity of courts and noise complaints arising from neighbours

In the first instance, it is not quite clear if Sport England has reviewed the thorough and robust Tennis Needs Assessment (TNA) that was submitted with the application as many of the matters raised in their response have been addressed within that report.

Nevertheless, each of these matters is considered below.

Net loss of courts

The TNA sets out the case that the proposed development would outweigh the loss of one court and full details of this are in the TNA. There is no detailed rebuttal of anything in the Sport England response, other than the desire to maintain 4-courts.

The Sport England response does not take into account the current condition of the four courts. Accompanying the application, is a condition report by an independent tennis court specialist contractor (Sovereign Sports) that has confirmed that the courts are past their lifespan. The top two courts are suffering from subsidence and the bottom two courts are in extremely poor condition. Moreover, the condition and surface of the courts renders them unplayable for much of the year, particularly during periods of inclement weather. Consequently, the premise behind this proposal is to deliver three new all-weather synthetic clay tennis courts that can be played on all year, require low maintenance and will secure the longevity of the tennis club long into the future. The new courts will allow play to take place for many more playing hours, throughout the year. For this to occur, capital funds need to be generated in the absence of any other funding arrangement, hence the delivery of residential accommodation to cross subsidise the new facilities. The alternative, to be blunt, is that the club will cease as the current freeholder

(URC Thames North Trust) cannot continue to keep the club in place meaning there will be no tennis courts at Fortis Green.

The TNA concludes that three courts is sufficient for the club and also for the wider catchment and that the refurbishment of two and development of one new court, a new clubhouse, plus the long-term lease provides betterment for the loss in line with NPPF para 103. The 4 courts which are becoming unusable and with no prospect of improvement.

We are happy to work with the LTA and the club to explore how Fortis Green with a long-term lease, three fit for purpose tennis courts and a new clubhouse can deliver for tennis development in the area. We believe this is an exciting prospect for tennis. It is a significant investment for tennis, which would not otherwise happen. We believe it is a compelling case. A club with no security of tenure, very poor courts, which will begin to fail and an old clubhouse will not and cannot deliver for tennis, retain members or attract new people to the game.

That relevant policy to judge the application can be found at paragraph 103(b) of the NPPF Framework. It requires the loss resulting from any proposed development to be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. All LPAs should have a clear understanding of what the policy means since the High Court, in a case referred to as Mapledurham, has explained it. It is clear (and has been since the Mapledurham judgment in 2018) that para 103b requires the decision-maker, in this case the LPA, to consider whether or not mitigation provision is equivalent or better taking into account quantity and quality of proposed provision (and its location). The Court expressly rejected the 'over-mechanistic' idea of requiring equivalent or better provision in terms of both quantity and quality. Instead, an overall judgment has to be reached on the proposed mitigation package. Like for like replacement is also not required under the policy.

Our Needs Assessment concluded that three courts is sufficient for the club and also for the wider catchment and that the refurbishment of two courts, and delivery of one new court, a new clubhouse, plus the long-term lease (details below) provides betterment for the loss in line with paragraph 103 of the NPPF. It is unclear why from the Sport England response why this position has not been accepted.

Details of security of tenure

In addition to covering the costs of the new facilities, the improvements 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 expired with the tennis club paying only a peppercorn rent to remain. As freeholders of the site, URC Thames North Trust is fully committed to ensuring that the tennis club remains as sports facility for use of the whole community. The preference is for the current operators of the tennis club to sign the new lease that will be available to them. However, in the event the current operators decline to sign the lease, URC is committed to either running the improved facility themselves, or working to find an alternative operator. It is expected that the detail of this agreement will be secured in a section 106 agreement attached to any grant of planning permission. We would welcome the opportunity agree suitable heads of terms in that respect with Haringey planning officers and Sport England, if they desire to be involved in that discussion.

Clarification on court dimensions

None of the existing courts are the LTA minimum spec. The overall dimensions of the top two courts have been widened. Our proposal has tried to improve upon that albeit they won't quite meet the LTA minimums. As mentioned, the new courts will be all-weather synthetic clay tennis courts that can be played on all year, require low maintenance and will secure the longevity of the tennis club long into the future.

Concerns over proximity of courts and noise complaints arising from neighbours

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 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 9:30 am 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. Overall, the proximity of the residential units to the tennis courts is not considered to result in adverse impacts to new residents.

Summary

The existing tennis club courts are a clay surface, which have a limited lifespan. They have deteriorated over the years and now require continued maintenance. In the near future, they will be in need of replacement. Similarly, the clubhouse facility lacks basic modern facilities and is in need of enhancement to secure the longevity of this important local sports facility. The rental payments made by the current leasees are unable to sustain the level of ongoing additional maintenance required over and above what is covered by the terms of the current lease. The proposals comprise the development of eight new residential units that will cross-fund the building of a new clubhouse facility, three new low maintenance all weather synthetic clay tennis courts and an improved point of access off Cherry Tree Road. If planning permission is approved, the intention is that a new 125 year lease will be granted to the tennis club, at the same rent as currently paid, to ensure the longevity of the club. The developer will cover the cost of the construction of the new courts and the clubhouse. It is considered that this complies with paragraph 103 of the NPPF and should secure full support from Sport England.

Yours sincerely



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