



Officer Report

Application Number:	HGY/2024/0871		
Application Type:	Full planning permission		
Address:	Tennis Club, Southern Road, Hornsey, London, N2 9LH		
Proposal:	Demolition of the existing clubhouse and redevelopment of the site to provide a detached three storey block containing a new clubhouse with apartments above and a terrace of houses, one new tennis court, refurbishment of two of the existing tennis courts, creation of a vehicular access off Cherry Tree Road, with associated landscaping, car parking, cycle storage, and refuse storage.		
Case Officer:	Josh Parker		
Valid Date:	27/03/2024		
Applicant:	Mr James Winestone		
Agent:	Mr Max Plotnek		

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 1.1 This is an application for the demolition of the existing clubhouse on site and the redevelopment of the site to provide a detached three storey block containing a new clubhouse with apartments above and a terrace of 5 x 2 storey houses on the southern section of the site. One new tennis court will be provided on site along with the refurbishment of two of the existing tennis courts.
- 1.2 The development will also involve the creation of a vehicular access point from Cherry Tree Road which fronts onto the adjoining borough of Barnet. Lastly the scheme will involve associated landscaping, car parking, cycle storage, and refuse storage.

Site and Surroundings

- 1.3 The application site relates to a tennis court of 4 tennis courts and grassland, located North of Cherry Tree Wood, on the very western boundary of Haringey and next to the border with London Borough of Barnet. The site is currently accessible through a private pedestrian link accessed from Southern Road.
- 1.4 The surrounding pattern of development comprises a mix of terraces and semi-detached, two-storey houses served by on-street car parking. East Finchley Underground Station is located approximately 400 metres to the east of the site, providing regular Northern Line services into London.

Relevant Planning and Enforcement history

- 1.5 There is no recent planning history in relation to the site, however Pre-Application Advice was sought in February, March 2023 and June where different options and changes were explored and advice given by Officers.

2. CONSULTATION RESPONSE CONSULTATION RESPONSE

- 2.1 The following were consulted on the planning application:

1. LBH Design Officer – The proposed scheme is considered modest and appropriate in scale. However, it is important to note that the two-storey houses along Summerlee Gardens and Cherry Tree Road are not particularly low in density. These properties are terraced rather than detached or semi-detached, and the surrounding context includes buildings of three and even four storeys, such as those immediately north of the site on Southern Road.

The form and detailed design of the clubhouse building, including the residential units above, are deemed appropriate. However, careful consideration should be given to minimising any potential overlooking and ensuring that neighbouring properties do not experience significant loss of daylight or sunlight. It is believed that these concerns can be effectively addressed.

Regarding materials, the proposal currently includes timber cladding for the townhouses along the southern edge. A more durable masonry material palette is preferred, as it would not only enhance longevity but also better integrate with the existing streetscape.

2. LBH Carbon Management – Revise Energy Statement, Need an overheating statement, UGF and BNG calculation and Statement
3. LBH Arboricultural Officer – No objections.
4. LBH Waste Management – A solution for the collection would need to be sorted as the entrance is through LB Barnet. This can be solved through a condition finalising details.
5. LBH Transportation Group – No objections, details of bike storage details to be conditioned.
6. Barnet Council – Object on the following grounds:
 - Object to scale, massing, and bulk, view to be harmful to low-density, peaceful environment of the area.
 - Cherry Tree Road and Summerlee Gardens, the development conflicts with character and appearance of the streetscene, harming visual amenity and prevailing development pattern.
 - Clubhouse and residential units are considered overly bulky and large, affecting No.31 Cherry Tree Road, due to projection beyond the rear wall.
 - Barnet's Drainage Engineers express concerns about the lack of a drainage strategy - Downstream area, including Cherry Tree Wood, is prone to flooding.
 - Barnet's Highways department has no objection in principle but highlights potential negative impacts on highway conditions due to displaced resident parking.
7. Sports England – Object on the following grounds:
 - Demand Analysis: In consultation with the Lawn Tennis Association (LTA), it is noted that there is sufficient local demand for a 4-court club. The club currently operates close to the benchmark capacity of 160 members and anticipates an increase in demand.
 - Residential Development: Sport England advises assessing noise implications on new residential units. They would object if Tennis use is compromised due to noise concerns from new residential properties.
 - Net Loss of Courts: The proposal results in fewer Tennis Courts, contrary to local needs as identified by the LTA.
 - Design Standards: It is unclear if the new and refurbished courts meet LTA guidelines.

Fortis Green Tennis Club - Object on the following grounds:

- Loss of one tennis court - net loss of sports facilities.
- Loss of clay court surfaces - Unique clay courts highly demanded, not justified to be replaced with all-weather courts.
- Replacement courts smaller and below LTA minimum space standards.
- Cramped surrounds and loss of external coaching, children's play space, and socialising areas.
- Misleading portrayal of the current state of the club's facilities, implying they are in poor condition. Club invests significantly in maintaining and resurfacing the courts annually.
- Misrepresentation of the club's occupancy levels and quality of existing facilities. Club has active membership and expanding youth programme.
- Loss of green space on site.
- Potential safeguarding risks with new residential block proximity.
- Uncertainty due to lack of a new long lease deterring further investment.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of press & site notice displayed in the vicinity of the site and letters. The number of representations received from neighbours, local groups, etc. in response to notification and publicity of the application were as follows:

No of individual responses: 124

- Objecting: 116
- Support: 5
- Neither: 2

Note: 3 of the 4 comments of support also raise issues with the design however are generally supportive of the proposal in principle, therefore they have been considered as both as comments of support and objection for the purpose of the analysis above.

3.2 The following issues were raised in representations and are addressed further on in this report or below:

Principle

- Loss of greenspace;
- Overdevelopment;
- Lack of affordable housing;
- Area not designated for development;

- Loss of clay courts;
- Potential conflict with residents and tennis club operations;

Consultation Process

- Lack of letters and site notices;
- Lack of consultation, requiring additional time for representations;

Note: In respect of consultation 107 letters were sent including 4 site notices being put up.

Design & Character

- Design is not harmonious with the club and courts;
- Scale of the buildings are overbearing;
- Designs do not flow with surrounding dwellings;
- Aesthetically incongruous with residential area;
- Loss of make shift community garden at the end of Cherry Tree Road;

Impact on amenity

- Loss of privacy;
- Loss of daylight/sunlight;
- Windows and balcony create overlooking;
- Clubhouse creating noise disturbance from functions;
- Overlooking on the club and players/persons;
- Construction disturbance;

Trees/ Environmental Impacts

- Loss of trees;
- Loss of habitat;

Transport/ parking

- Increased traffic to narrow Cherry Tree Road;
- Insufficient parking, leading to parking stress;
- Access, and how the 'ransom' strip would sufficient for turning;
- Construction traffic disruption;
- Destruction of the roads from the construction phase;
- Sweep paths within the carpark;
- Waste refuse collection;

Non planning considerations:

- The church has a positive impact on the community supporting numerous non-profitable groups which this development would be able to support.
- MHURC have debt from previous developments and the profits from this would cover the debt.

- Consultation from the developer was misleading;
- The club condition and the condition assessment was undertaken by the company who would complete the works for the proposed courts.

4. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development;
2. Design and layout;
3. Impact on the adjoining conservation area;
4. Housing mix;
5. Standard & quality of residential accommodation;
6. Inclusive access;
7. Impact on neighbouring amenity;
8. Flood Risk and Drainage;
9. Basement development;
10. Trees & landscaping;
11. Ecological Impacts;
12. Parking & transport considerations;
13. Energy & sustainability;
14. Waste and recycling.

Principle of development

Policy concerns sports facilities

- 4.2 The National Planning Policy NPPF (2024) highlights key criteria for protecting sports facilities, in paragraph 104. It outlines three conditions where the loss of such facilities might be acceptable: (1) if an assessment shows they are surplus to requirements, (2) if equivalent or better replacements are provided in terms of quality and quantity in a suitable location, or (3) if the development provides alternative sports or recreational benefits that outweigh the loss.
- 4.3 Section 8 of the NPPF, "Promoting Healthy and Safe Communities," emphasizes the role of sport and recreation in fostering healthy, inclusive communities. It advises that planning policies should support healthy lifestyles by providing accessible sports facilities, green spaces, and encouraging walking and cycling. Paragraph 102 reinforces that planning decisions should be based on up-to-date assessments of the needs for open spaces, sport, and recreation, helping to guide the development of local plans and inform decisions on developer contributions.

- 4.4 Policy S5 of the London Plan 2021 also addresses the protection of sports and recreation facilities, aligning with the NPPF. It states that these spaces should be retained unless they are deemed surplus to requirements, can be replaced by better alternatives, or the proposed development offers greater benefits through alternative recreational provisions. These criteria ensure that sports facilities continue to serve community needs effectively.
- 4.5 Paragraph 96 of the NPPF sets out that planning policies and decisions should aim to achieve, inclusive and safe places which promote social interaction and enable and support healthy lifestyles. Paragraph 98 advises that planning policies and decisions should guard against unnecessary loss of valued facilities and services. Paragraph 104 states that existing open space, sport and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements or 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 the development is for an alternative sport and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.
- 4.6 London Plan Policy S1 states that development proposals that would result in the loss of social infrastructure in an area of defined need will only be permitted where there is a realistic proposal for re-provision that continue to serve the needs of the neighbourhood and wider community or the loss is part of a wider public service transformation plan. The policy continues to set out that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless the loss is part of a wider public service transformation.
- 4.7 Policy S5 seeks to ensure that there is sufficient supply of good quality sports and recreational facilities by, among other things, retaining existing sports and recreation land and facilities for sports and recreation unless and assessment has been undertaken that clearly shows the sports and recreation land or facilities to be surplus to requirements (for the existing or alternative sports and recreation provision) at the local and sub-regional level or 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 the development is for alternative sport and recreation provision, the benefit of which clearly outweigh the loss of the current or former use.
- 4.8 Local Plan Policy SP13 seeks to protect and enhance existing open space. Policy DM20 of the Haringey Local Plan Development Management DPD (2017) states that development that protects and enhances Haringey's open space will be

supported and requires no net loss in open space. Policy DM 49 seeks to protect existing social and community facilities unless a replacement facility is provided which meets the needs of the community. Paragraph B of Policy DM49 states that where proposals may result in the loss of a community facility, evidence will be required to show the facility is no longer required in its current state; the loss would not result in a shortfall in provision of that use; and the existing facility is not viable in its current use and there is no demand for any other suitable community use on the site. Paragraph C of Policy DM49 adds that the evidence should also provide relevant accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time (minimum 12 months) and that no suitable user has been/or is likely to be found. Whether or not the proposal complies with these criteria is assessed below.

- 4.9 Haringey's Open Space and Biodiversity Study (2014) shows that the site is not located in an area of open space deficiency nor was it specifically identified in the assessment. The assessment recommends that open space improvements are prioritised in spaces in or close to deficiency areas.

Current and proposed changes to the facility

- 4.10 The site currently comprises four clay tennis courts and an associated clubroom/pavilion building, classified as an outdoor sports facility under Use Class F2. The United Reform Church (URC) owns the site and previously leased it to Fortis Green Tennis Club (FGTC), though this lease has now ended. The application proposes updates to the existing facilities, including constructing a new clubhouse, funded in part by a residential element. The new lease would be extended to 125 years, and the applicant suggests safeguarding the updated tennis facility through a Section 106 agreement.
- 4.11 The proposal includes the re-provision of three courts with an artificial surface designed to mimic clay. One court would be expanded to meet the Lawn Tennis Association's (LTA) minimum dimensional standards, though not all courts would meet LTA specifications. The new clubhouse would be 95 sq.m in size and feature two changing rooms, storage space, toilets, a bar/kitchen area, and a lounge.

	LTA minimum	Existing	Proposed
Southern courts 2-court cage	31.70m x 34.75m	28.64m x 35.19m	(lost to houses)
Northern courts 2-court cage	31.70m x 34.75m	26.91m x 30.71m	28.30m x 31.82m

Single court 1- court cage	17.07m x 34.75m	N/A	17.07m x 34.75m (revised)
Total courts		4	3

Table 1: Court size for LTA minimum vs proposed.

- 4.12 However, these changes would result in the net loss of one of the four courts, some open space, and the natural clay surface, which is unique to the site. While the remaining three courts would have high-quality artificial surfaces, concerns remain regarding the loss of natural clay courts.

Condition of courts and need for Club position

- 4.13 A report by Sovereign Sports, a specialist tennis court construction company, assessed the courts' condition and found severe subsidence, large depressions, and uneven surfaces posing potential safety risks. FGTC disputes these claims, arguing that the courts are well-maintained annually. The club also raises concerns over a conflict of interest, as Sovereign Sports is the contractor set to carry out the proposed works. While there is recognition that the courts would benefit from investment, FGTC insists they remain functional and safe for use.
- 4.14 The Local Planning Authority (LPA) notes FGTC's claim that securing funding has been difficult due to the one-year rolling lease, preventing long-term investment. FGTC asserts that it has both the financial means and ambition to improve its facilities but requires a long-term lease to proceed. Additionally, FGTC argues that the current clubhouse is fully functional, offering changing rooms, a small kitchen, and clear views of all courts. The existing green space, currently serving as a social hub, would be removed, confining social interactions to the clubhouse and a small adjacent area.
- 4.15 The LPA acknowledges these differing perspectives but emphasises that its role is not to arbitrate on investment levels or delivery models. Instead, it must determine whether the space, in its current configuration of four courts, is surplus to requirements. Based on the representations made, the LPA concludes that this has not been sufficiently demonstrated.

Impact on local tennis capacity and stakeholder interest

- 4.16 The applicant's "Need for Tennis" report states that within a 3km radius, 75 courts serve up to 4,040 players. Referencing the London Borough of Haringey Tennis Needs Assessment (2015), which recorded 3,424 registered members across local clubs, the applicant argues that demand for FGTC has declined due to deteriorating courts. They suggest that synthetic all-weather courts would attract more players and increase membership capacity from 80 to 120.

- 4.17 However, concerns remain over whether synthetic courts would significantly boost capacity. The loss of one court could create scheduling bottlenecks during peak hours and coaching sessions, potentially diminishing members' experience. Additionally, without floodlights, extended usability would be limited. Similar facilities in the borough have installed floodlights with restricted hours (7 AM to 9 PM), which could be an option subject to further assessment.
- 4.18 Both Sport England and the LTA have submitted representations following discussions with FGTC, a coach, the applicant, and the LPA. They confirm that the site is actively used year-round, with coaching sessions from February to December and ambitions to expand the junior program. They express concerns that losing one court would reduce peak-period capacity and impact coaching programs. As a result, they do not support a 25% reduction in courts, citing fewer opportunities for both members and non-members to participate in the sport.
- 4.19 There are also concerns about how the proposed residential units above the clubhouse would coexist with the sporting facility. Sport England recommends applying the "Agent of Change" principle to mitigate conflicts. While sports facilities and residential areas frequently coexist in London, careful planning is necessary to ensure soundproofing and ventilation prevent friction between residents and club members.
- 4.20 While the proposed improvements offer benefits, the loss of one court is considered harmful to FGTC's future operations. Officers conclude that the improvements would not outweigh the loss of one court. While accepting the loss of one court is numerically small given the current small nature of this club and unlike other bigger clubs which may have surplus court such a trade off is easier to balance. In the case here FGTC has a limited number of courts proportionate to its membership. Therefore, reducing the total number of courts is inevitably expected to negatively impact the club's operations and ability to attract local participation in tennis.

Supply of housing / small sites

- 4.21 Providing additional residential units is consistent in respect of Government, London and local plan policies in respect of increasing housing supply and higher levels of density in relation to accessible locations, with both the 2023 National Planning Policy Framework (NPPF) and London Plan putting particular emphasis on 'small site' development.

- 4.22 Paragraph 73 of the NPPF (2024) recognises the importance small and medium sized sites can make in meeting the housing requirement of an area, with these often built-out relatively quickly. Chapter 11 supports the effective use of land. Paragraph 135c seeks to secure development which is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 4.23 The London Plan (2021) sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 - 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. Policy H1 of the London Plan 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites.
- 4.24 Policy H2 of the London Plan states that planning decisions should support well-designed new homes on small sites, to significantly increase the contribution of small sites to meeting London's housing needs and to support those wishing to bring forward custom led housing. Specifically, the policy outlines a clear presumption in favour of development proposals for small sites such as this (below 0.25 hectares in size) and states that these should play a much greater role in housing delivery.
- 4.25 The London Plan in table 4.2 sets a minimum target to deliver 2,600 homes from small sites in Haringey over a 10-year period. It notes that local character evolves over time and will need to change in appropriate locations to accommodate more housing on small sites.
- 4.26 This scheme would deliver 8 new dwellings on the site. As such, this proposal would make a minor contribution to the overall housing target for the Borough, as well as the housing delivery target for small sites.

Summary

- 4.27 Taking account of the points above the benefit of such additional housing would not outweigh the net loss of one court within this established recreational facility. Therefore, it is argued that it has not been robustly demonstrated that this loss is justified in terms of current demand and membership levels, or the future needs of tennis in the local area.
- 4.28 Whilst the general principle of providing new housing in Haringey is supported by national, regional and local policy, the proposal would result in the permanent loss of 25% of the tennis courts available vital for the function of Fortis Green Tennis Club, a facility that is considered important to the local area,

whereby there is inconsistent evidence to suggest that the investment into the facilities/ the club would outweigh the loss of a court. The club has been without security of a long lease, creating uncertainty hindering any potential further investment and with the current level of interest, and participation the loss of a single court is viewed to be detrimental to the future function of the club. The principle of development is therefore not supported. The proposal conflicts with London Plan Policies S1 and S5, Local Plan Policies SP13, SP16, DM20 and DM49 and paragraphs 96 and 104 of the NPPF.

Design & Layout

- 4.29 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 '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.
- 4.30 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. Policy DM1 requires that new development must contribute to the character and amenity of the local area by amongst other things relating positively to neighbouring structures by having regard to building heights; form, scale and massing around the site; urban grain; local architectural styles; detailing and materials.
- 4.31 The submitted scheme's built form would be split into two sections, with the clubhouse/flats located in the middle of the site and a set of predominantly two-storey terraced buildings to the southernmost part, backing onto Cherry Tree Wood.

Design Detail – clubhouse building

- 4.32 The clubhouse building and residential accommodation above would be a three-storey building with distinct sections that would break up the floors. The ground floor would house the new club and changing rooms, facing east onto the new court. The clubhouse and new court would be set into the site meaning the northern side of the ground floor would be stepped into the existing topography. The front of the building would be set back to follow the primary building line of the northern terrace on Cherry Tree Road.
- 4.33 The first-floor would feature a section of balconies facing east, with a covered outdoor area below, connected to the clubroom. The eastern portion of the

building bulk would gradually step in to avoid obstructing light to No 31 Cherry Tree Road, as such softening the transition from the terrace to this clubroom/apartment building.

- 4.34 The materials for the clubhouse/apartment block would consist of a palette of light and dark green brick, complementary brown metalwork, and Siberian larch. The wood and metalwork would correspond with the terrace below, with vertical sections on the top and ground floor concealing bin storage. Officers would have some concerns regarding the weathering of these materials, but as this could be addressed by imposing a planning condition, allowing the chosen material and its durability to be examined in more detail.
- 4.35 Although this building would appear bulky, the contemporary design and secluded setting at the end of a cul-de-sac, with tennis club use at the ground floor, would make the building's appearance seem less uncharacteristic. The stepping of the massing from the north, as well as the eastern and southern upper floor recessions, would allow the bulk to respond to the massing of the northern terrace and integrate within the roofline and general building line. Given the building's placement within the natural topography at the end of a cul-de-sac, the bulk and massing would not be harmful.
- 4.36 It is noted that Barnet Council has objected to the scheme, citing concerns over its bulk, mass, and impact on Cherry Tree Road residents. However, Haringey considers the scale acceptable given the site's secluded cul-de-sac location, which it is viewed allows for a different development pattern from the surrounding two-storey terraces and semi-detached houses. Concerns in relation to impact on amenity are discussed further below.
- 4.37 Additionally, it is pointed out that the two-storey homes on Summerlee Gardens and Cherry Tree Road are not particularly low-density, being terraced rather than detached or semi-detached. The area also includes three- and four-storey buildings, such as those on Southern Road.

Design Detail – Terrace Houses

- 4.38 In respect of the terrace this would be a two-storey building set back behind the Cherry Tree Road end terrace. The roofs would be green and flat, remaining two-storey throughout, except for a small section jutting out from the eastern flank. The front elevation would be slightly staggered, falling away from west to east, with cut-out sections featuring balconies and terraces at both the front and rear. Basement floors would sit below the footprint of the houses, served by front and rear lightwells.

- 4.39 The proposed design of these houses would be contemporary in nature. This is equally considered acceptable given the specific nature of this site, which would be somewhat secluded from public vantage points. This arrangement as already reflected above, allows for more freedom in the design approach rather than adhering strictly to a specific architectural context.
- 4.40 The terrace's material selection would be a mixture of wood/dark larch double-layered timber façade, with vertical slender battens fastened to horizontal battens behind. The balconies would feature vertical metalwork balustrades, aligning with the vertical larch. Officers would have some concerns about the durability of these materials in relation to weathering and staining; however, such a matter could be tested by imposing a planning condition, allowing the chosen material and its durability and qualities to be examined in more detail.

Landscaping

- 4.41 The overall landscaping and additional greening on site would serve to improve its appearance and provide an acceptable setting. Moreover, the introduction of green roofs would effectively break up and soften the built form while supporting local biodiversity.

Summary

- 4.42 In summary, noting the end of cul-de-sac and secluded nature of this site, it is viewed it can accommodate a pattern of development and building typologies different from its immediate surroundings. namely the linear pattern of development of two-storey terraces on Cherry Tree Road and Summerland Gardens and semi-detached houses on Shakespear Gardens. As such the general mass and design approach of the scheme is considered to be acceptable and would not be harmful to the area's character and appearance, however as reflected above some additional clarity and assurance would be needed in respect of materials in the event that this application were approved.

Impact on the character and appearance of the adjoining conservation area and setting of listed buildings

- 4.43 As noted above, the application site itself is not located within a conservation area but is adjacent to the Fortis Green Conservation Area (CA) to the north. Additionally, to the immediate north of the application site, fronting onto Southern Road, is a pair of semi-detached Grade II Listed Buildings—Nos. 29 and 31 Southern Road. The listing identifies these as an early- to mid-19th-century pair, each three storeys with a basement and two windows. The outer

entrance bays are slightly set back, with a recess on axis. The buildings are constructed of stock brick with a stucco frieze, cornice, and blocking course.

- 4.44 The ability to appreciate the setting of these listed buildings, as well as the character and appearance of the conservation area, will not be affected by the proposed development. This is because the part of the site being developed is located at a sufficient distance and is separated from both the boundary of the listed buildings and the conservation area.
- 4.45 Overall, in planning terms, the development will have no impact on these heritage assets, to which considerable importance and weight have been given.

Housing Mix

- 4.46 In terms of housing mix, London Plan Policy H10 and DM DPD Policy DM11 explain that schemes should generally consist of a range of unit sizes. In determining the appropriate housing mix regard should be had to: local evidence of need, the housing demand identified in 2017 London SHMA, the requirement to deliver mixed/inclusive neighbourhoods, the nature/location of the site, the aim to optimise housing potential and the need for additional family housing.
- 4.47 A higher proportion of one and two bed units is generally more appropriate on sites which are close to a town centre or locations that have higher public transport access, in line with London Plan Policy H10. DM DPD Policy DM11 notes that the Council will not generally support proposals which result in an overconcentration of 1 or 2 bed units. The proposal has a range of bedrooms and sizes bedroom and family-sized units the
- 1 bedroom x 1;
 - 2 bedroom x 3;
 - 4 bedroom x 4.
- 4.48 The housing mix proposed for this site, as set out above, is considered appropriate in terms of both location and character. East Finchley Underground Station is approximately 400 metres west of the site, while the district centre of Muswell Hill is around 800 metres to the east. The area has a PTAL rating of 3, indicating 'moderate' access to public transport. In a location like this, a higher proportion of family-sized units is preferred, whereas schemes with a greater concentration of one- or two-bedroom units are more suitable for town centre sites.

- 4.49 The proposed development would provide an acceptable mix of units, with a higher proportion of family-sized homes considered the most appropriate given the site's conditions and level of accessibility.

Standard and quality of residential accommodation

- 4.50 The Nationally Described Space Standards, Local Plan Policy SP2, London Plan Policy D6 and the Mayor's Housing SPG set out the minimum unit sizes for new residential development proposals to ensure an acceptable level of living accommodation offered to prospective occupiers of new residential proposals.
- 4.51 DM DPD 2017 Policy DM12 states that all new housing and residential extensions must be of a high quality and are required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor's Housing SPG.
- 4.52 In assessing the proposal against the above requirements, the units would meet/ exceed the minimum unit size requirements as laid out in the London Plan and Nationally Described Space Standard Amenity space provision and would be dual aspect units with adequate outlook and levels of light. The different units would also benefit from private amenity space and would be located immediately next to Cherry Tree Wood as well as being in close proximity to other public open space – namely Highgate Woods.
- 4.53 As such the living quality in connection with such accommodation is considered, acceptable in relation to internal and external space and in accordance with the policies outlined above.

Unit	Type	Size (GIA sqm)	Amenity (sqm)
1	4B7P (house)	140	106.7
2	4B7P (house)	140	66.1
3	4B7P (house)	140	69.8
4	4B7P (house)	140	74.1
5	2B3P (house)	98	107.2
6	1B2P (flat)	50	5.6

7	2B3P (flat)	64	7.8
8	2B3P (flat)	76	5.3
Clubhouse		95	45 (viewing area)

Inclusive access

- 4.54 London Plan Policy D5 requires all new development to achieve the highest standard of accessible and inclusive design, seeking to ensure new development can be used easily and with dignity by all. London Plan Policy D7 require that 10% of new housing is wheelchair accessible and that the remaining 90% is easily adaptable for residents who are wheelchair users.
- 4.55 In this case the terraced dwellings would be compliant with Part M4(2). A WC would be provided on the ground floor just off the main foyer, which would be suitable for ambulant disabled users. The apartments units would not however meet the requirements of Part M4(2) given this block has no lift, however Part M4(1) could be met.
- 4.56 It is however pointed out that Paragraph 3.7.6 of the London Plan provides some flexibility to the requirement of Policy D7 to provide a lift on specific small scale infill sites of less than 0.25 hectares and where the proposal is less than four storeys in height. That is the case here, where level access could not be achieved in relation to the flats as opposed to the 5 terrace houses. A mix of compliance with M4(1) and M4(2) would however be acceptable with this capable of being secured by a condition in the event of being approved.

Impact on neighbouring amenity

- 4.57 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.
- 4.58 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.

- 4.59 As mentioned in the pre-application advice provided by the LPA, the site is currently open in appearance, with a minimal built form. As such, it provides some visual amenity value to adjoining residential properties. The proposed development, as viewed from adjacent sites and properties, would alter the existing outlook and vistas. However, the scheme has been designed to avoid being dominant or harmful to residential amenity.
- 4.60 A daylighting assessment has been submitted, prepared in accordance with the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Third Edition' (2022). The assessment identifies 10 neighbouring properties as potentially sensitive receptors and evaluates impacts in terms of Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH), Daylight Distribution (DD), and overshadowing of gardens.
- 4.61 A total of 150 windows across 10 neighbouring properties have been assessed using the VSC metric. The results indicate that 148 windows meet the BRE recommendations, achieving a 99% compliance rate.
- 4.62 As discussed below, the two windows that do not meet BRE recommendations serve 42 Cherry Tree Road. In terms of Daylight Distribution (DD), a total of 49 rooms across these 10 properties were assessed, with all meeting the BRE guidelines.
- 4.63 Sunlight exposure was also evaluated for 94 windows using Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours, with full compliance achieved. Additionally, the 10 assessed amenity areas all meet the BRE recommendations.

No. 31 Cherry Tree Road

- 4.64 The introduction of the new clubhouse and flats would place a large building adjacent to the end-of-terrace dwelling at No. 31, which has a small ground-floor, first-floor window, and a roof light, all facing east towards the site.
- 4.65 To mitigate impact, the clubhouse has been set back and staggered in terms of height, with the bulk of the building positioned against and above the tennis court.

- 4.66 Officers acknowledge that introducing a building where none previously existed will have some impact on No. 31's amenities. However, this impact is not considered harmful in planning terms, as the bulk is broken up and set into the natural topography. Notably, the taller section of the building is positioned further into the site. Given these factors, along with the eastward positioning and separation gap, the development would not adversely affect the amenity of No. 31.
- 4.67 While some additional overlooking may occur toward No. 31 and the gardens beyond, it would not be significant, given the existing mutual overlooking typical of terrace properties. Additionally, the terrace and amenity spaces for the new units would be located at the front of the building, facing into the development site.

No. 42 Cherry Tree Road

- 4.68 The staggered layout of the terrace units includes book-end units stepped forward from the front building line and positioned marginally inward from their respective boundaries, one being with No 42. This property, located west of the proposed terrace units, has several window openings facing the existing tennis courts, notably two large ground-floor panes, one first-floor window, and a roof light.
- 4.69 All windows in the terrace units would be oriented forward and rearward, with only solid walls positioned perpendicular to No. 42, except for a rear terrace and a westward-facing first-floor bedroom window in Unit 1 (which is a secondary window and could be conditioned to be partly fixed and obscure).
- 4.70 It is accepted the direction and orientation of this terrace would overlook the garden and amenity space of No. 42, creating an unacceptable privacy impact. Officers acknowledge that if planning permission were granted, this terrace could be removed as this is not essential given such a unit of accommodation would have a generous sized garden.
- 4.71 As noted above, the daylighting assessment indicates that the two large east-facing ground-floor windows of No. 42's kitchen fail the VSC test. However, the VSC metric is a spot measurement taken from the window's centre and does not account for the size or number of windows serving a room. In this case, the kitchen/living area is served by nine additional windows, and the two non-compliant windows are not the primary light sources. As such, the impact is modest and would not justify refusal on its own.

No. 18 Shakespeare Gardens

- 4.72 The end terrace unit on the side next to Shakespeare Gardens properties has equally been broken down and sited to be sensitive to amenity. Here existing vegetation along the eastern boundary would be retained, helping to soften the visual impact of the terrace.
- 4.73 In specific the eastern end unit is single storey, as such ensuring no unacceptable amenity impacts on this property on other in Shakespeare Gardens.

Summary

- 4.74 In summary, the relationship between the proposed development and adjoining properties is considered acceptable and would not result in undue harm to amenity in terms of outlook, daylight/sunlight conditions, or overbearing impact.

Flood Risk and Drainage

- 4.75 London Plan (2011) Policy 5.13 (Sustainable drainage) and Local Plan (2013) Policy SP5 (Water Management and Flooding) require developments to utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so and aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy.
- 4.76 Policy also requires drainage to be designed and implemented in ways that deliver other policy objectives, including water use efficiency and quality, biodiversity, amenity and recreation. Further guidance on implementing Policy SI.13 is provided in the Mayor's Sustainable Design and Construction SPG (2014) including the design of a suitable SUDS scheme. The site is located within Flood Zone 1 and is therefore considered to have a low probability of flooding.
- 4.77 Representations received have raised concerns with how the runoff and or drainage would work on site as non-permeable surfaces can create run off issues. In this instance the site would result in the loss of a court and some green space, however the introduction of green roofs, gardens to the terrace units and planting etc would mitigate this loss in turn attenuating run off from this site.
- 4.78 In the case here as the site is not in a high-risk flood zone, as identified by the Environmental Agency, and noting the nature of the application, a minor application, no additional mitigation would be required. In the event however if planning permission were approved exact details of the type of green roofs

to be used as well as exact detail of hard and soft landscaping element would be secured.

Basement development

- 4.79 DPD Policy DM18 ("Residential Basement Development and Light Wells") requires householder extensions for basement development to demonstrate that a proposal would not adversely affect the structural stability of the application building and neighbouring buildings, does not increase flood risk to the property and nearby properties, avoids harm to the established character of the surrounding area, and does not adversely impact the amenity of adjoining properties or the local natural and historic environment. Policy DM24 outlines the requirement for new developments to manage and reduce surface water runoff.
- 4.80 The supporting text to Policy DM18 states that, in established residential areas, basements are an increasingly popular way of gaining additional space in homes. However, it is important that such development is carried out in a way that does not harm the amenity of neighbours, compromise the structural stability of adjoining properties, or increase flood risk. Where appropriate, applicants would need to submit specific information to demonstrate that these issues have been addressed.
- 4.81 The London Plan 2021 relates more specifically to large-scale basement development. However, paragraph 3.10.6 recognizes that small-scale basement excavations, when appropriately designed and constructed, can contribute to the efficient use of land and provide extra living space. Paragraph 3.10.5 equally highlights the need to manage potential impacts on the local environment and residential amenity sensitively through the planning application process.
- 4.82 A Basement Impact Assessment (BIA) prepared by Talon Consulting has been submitted with this application. This assessment undertakes a screening process to evaluate the potential impact of basement construction, based on a desktop analysis. It considers local geology and hydrogeology, the impact on surrounding buildings, and the likely methodology for constructing the basement.
- 4.83 The proposed development involves constructing a basement floor approximately 2.5 meters below site level in relation to terrace houses to the south. The natural grading of the gardens would be used to manage surface water and reduce the risk of floodwater ingress into the basement. In this instance the LPA view that further details on the grading of the garden and any associated retaining walls would be required. The BIA outlines that the design

intent is to incorporate robust waterproofing membranes and integrated drainage systems to mitigate flood risk.

- 4.84 The British Geological Survey Map indicates that this area of London is underlain by London Clay and is within an area of negligible risk from groundwater flooding. Groundwater is unlikely to be a significant feature based on the site's geological conditions. The Environment Agency's Flood Map for Planning indicates that the site is within Flood Zone 1 (Low Risk) and is also in a zone of low risk of flooding from surface water.
- 4.85 The basement works would involve significant excavation within the site. However, the BIA acknowledges that construction can be coordinated with careful underpinning and temporary support measures to ensure that ground movement or vibration from deep excavation would not adversely affect neighbouring properties.
- 4.86 The BIA indicates that the basement would be created using a contiguous or secant piled retaining structure, with some areas of excavation possibly formed using open-cut methods.
- 4.87 While this project has not yet been developed to a detailed design stage, as stated in the BIA, the works would need to be monitored and managed accordingly. The BIA outlines that, based on expected ground conditions, ground movement is likely to remain within acceptable limits (Category 0 or 1 on the Burland Scale). This matter could be further controlled through the imposition of a planning condition requiring the works to be overseen by a suitably qualified engineer.
- 4.88 Overall, the information provided in the BIA demonstrates that the structural stability of neighbouring buildings can be safeguarded and that the works do not pose a flood risk to future residents or neighbouring properties, aligning with the requirements of Policy DM18.
- 4.89 As with all basement projects, the more intrusive aspects of basement design and construction would take place after the planning process. Other legislation provides further safeguards to identify and control the nature and magnitude of effects on neighbouring properties. This includes compliance with modern building regulations and party-wall agreements with adjoining owners. Furthermore, if planning consent is granted, relevant planning conditions would also be imposed.

Trees, landscaping and biodiversity

- 4.90 Policy SP13 emphasises the protection and enhancement of biodiversity and green spaces in development proposals. It requires projects to integrate ecological features such as green roofs, rainwater harvesting, and wildlife habitats while safeguarding existing trees and planting new ones where suitable. Additionally, it promotes the conservation and improvement of designated nature sites, including SINC's and LNRs, ensuring long-term ecological benefits.
- 4.91 DPD Policy DM19 mandates that developments on designated sites, including SINC's, must protect and enhance the site's ecological value. Additionally, DPD Policy DM1 requires proposals to integrate with the site's natural topography, levels, and tree cover.
- 4.92 London Plan Policy G7 states that valuable existing trees should be retained, with any removals compensated through adequate replacement planting. It further encourages the inclusion of new trees, particularly those with large canopies, in development proposals. Similarly, DM Policy (2017) DM1, Delivering High-Quality Design, expects developments to consider trees on and around the site.

Impact on trees

- 4.93 An Arboricultural Report by TIM MOYA Associates accompanies this application. It outlines the removal of 20 trees, four shrub groups, and three individual shrubs, including three Category B trees. To compensate, 18 new trees would be planted, predominantly in the central and southern areas of the site. Additionally, pruning would be required for eight trees and one hedgerow, including five Category B trees, works which are viewed to be acceptable. Specifically, the report concludes that the tree and shrub removals are minor, as they are concentrated in a small area and visible only from the end of Cherry Tree Road. In terms of the basement works with the terrace houses such works would not affect the root protection zones of trees in the adjoining Cherry Tree Wood, given the generous separation distance.
- 4.94 While the removal of existing vegetation onsite would change the site's current character, mitigation measures including the green roof, garden to the new houses and compensatory planting would offset and mitigate loss. If planning permission were granted, the specifics of the compensatory planting could be secured through conditions.

Ecology & biodiversity

- 4.95 As part of this planning application, several reports addressing ecological considerations have been submitted. These include a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) conducted by Arbtech, along with a Badger Survey Report also prepared by Arbtech. These technical reports have provided a detailed analysis of the site's ecological characteristics and have recommended various mitigation measures to minimise potential environmental impacts.
- 4.96 The PEA identified that Cherry Tree Wood, an ancient woodland and local park located adjacent to the southern boundary of the site, serves as a valuable foraging and roosting habitat for bats. The ecological assessment also identified the presence of scattered trees, shrubs, and other features that could support various wildlife species. Specific findings from the surveys included the presence of the invasive plant species Buddleia, the potential for reptile habitation, the suitability of the site for common invertebrates, and a badger sett at the southern end of the site. Additionally, the woodland and surrounding vegetation were noted as important habitats for hedgehogs and birds.
- 4.97 The Badger Survey Report confirmed that while a badger sett was identified on-site, there was no evidence of active badger activity within the holes observed. The report recommended further surveys to establish the presence or absence of bat roosts within buildings on the site, ensuring that appropriate mitigation measures could be implemented if required. If bat roosts were found, a bat-licensed ecologist would need to be engaged to guide the development process
- 4.98 To mitigate potential ecological impacts, the reports propose a series of measures. A Construction Environmental Management Plan would be implemented to limit indirect impacts on Cherry Tree Wood. Two bat emergence and re-entry surveys would be conducted during the active bat season between May and August. The Buddleia would be removed, and site clearance would be scheduled outside the reptile and hedgehog hibernation seasons, which last from November to March. A low-impact lighting strategy would be adopted both during and after development and construction activities would be scheduled outside the bird nesting season, which runs from March to August.
- 4.99 In the event that consent was granted these ecological considerations could have been addressed through a series of conditions providing the opportunity for the LPA to review additional information and to ensure the implementation of the recommended mitigation measures
- 4.100 Regarding Mandatory Biodiversity Net Gain (BNG), which applies to minor applications submitted from April 2024 onward, this application was submitted

before that date. Therefore, a formal BNG plan or metric is not required. However, the application includes an extensive landscaping plan and green roofs, the planting of fruit-bearing trees, native tree species, and species-rich grassland, as well as installing bird boxes on mature trees, measures which could be secured by way planning conditions.

Highway, Parking and Transport considerations

- 4.101 Local Plan Policy SP7 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 and cycling and seeking to locate major trip generating developments in locations with good access to public transport.
- 4.102 The site has a PTAL of 3, considered 'moderate' access to public transport services. Four different bus services are accessible within a 6- to 8-minute walk of the site, and East Finchley Underground Station is an 8-minute walk away.
- 4.103 The site is located just within the eastern edge of the Fortis Green CPZ, which operates from 11:00 to 13:00, Monday to Friday. Shakespeare Gardens and Southern Road fall within this zone up to the Borough Boundary, which runs immediately west of the site. Summerlee Gardens and Cherry Tree Road are LB Barnet roads, where formal CPZ parking arrangements appear to be in place, administered by Barnet.
- 4.104 It is proposed to create a new highway access on the western side of the site via Cherry Tree Road to enable vehicle access. This new access would be off an LB Barnet Road rather than an LB Haringey Road, and its approval has not yet been agreed upon by LB Barnet. The proposed vehicle manoeuvres into and out of the site appear acceptable, as all vehicles could enter and exit in a forward direction. The developer would need to enter into and conclude a Section 278 Agreement under the Highways Act with LB Barnet. The tennis courts and clubhouse would remain largely unchanged as part of the redevelopment. It is anticipated that there would be no net change in trip generation associated with this element of the proposal.
- 4.105 The Transport Report indicates that the proposed residential element of the site would generate an additional 112 two-way trips over the course of a day, distributed across all transport modes, including cars, buses, cycling, walking, and rail. In terms of car trips, there would be a total of four two-way trips during the morning peak hour, three two-way trips during the evening peak hour, and 43 trips across the surveyed day. This equates to an additional vehicle trip every 15 minutes during the morning peak hour and one every 20 minutes during the

evening peak hour. Given the site's accessibility to public transport, the additional trip generation is considered modest and not a cause for concern.

- 4.106 Concerns have been raised regarding refuse collection due to the site's specific geographic constraints. Notably, the site is uniquely positioned on the boundary between the boroughs of Haringey and Barnet, with access from Cherry Tree Road. As a result, the site is not suitable for conventional refuse lorry collection by Haringey's waste operatives, necessitating an alternative solution. The applicants acknowledge this constraint and have proposed that the development be serviced by private refuse collectors. This is not unusual for constrained sites, and in such cases, a refuse management strategy, detailing the private collection arrangements would need to be submitted to the LPA. This could be secured through planning conditions and shared with Barnet Council for consultation.
- 4.107 For the eight new residential units, five off-street parking spaces are proposed. According to the 2011 Census, average car ownership per household was 0.9 vehicles, a figure that has likely decreased since then. The proposal includes five family-sized units, and the provision of five parking spaces for eight units is considered acceptable to minimise displacement. Additionally, the clubhouse has demonstrated blue badge parking provision in front of the building, and cycle parking would be provided in accordance with London Plan standards. This includes two Sheffield stands for apartment residents, five private cycle stores (one per house), and a visitor space located near the house entrance.
- 4.108 Given the site's proximity to other residential properties and its access from Cherry Tree Road, it would be appropriate for a detailed draft of a Construction Logistics Plan to be submitted in the event of planning consent. This plan should outline how the development would be carried out while minimising, mitigating, and managing potential impacts on the safe and smooth operation of the public highway and the surrounding area.
- 4.109 Overall, if permission were granted, subject to conditions, the impact of the proposal on transport, highways, and parking would generally be acceptable. However, as noted, approval from Barnet Council would also be required in respect of access to the site.

Energy and sustainability

- 4.110 The London Plan sets out detailed policies on energy efficiency, renewable energy, climate change, and water resources. Local Plan Policy SP4 promotes and requires all new developments to incorporate measures to reduce energy use and carbon emissions during design, construction, and occupation. Low-

and zero-carbon energy generation is required for all new developments, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.

- 4.111 DPD Policy DM21 also requires new developments to consider and implement sustainable design, layout, and construction techniques. Proposals must apply the energy hierarchy to minimise energy use and meet or exceed the minimum carbon dioxide reduction requirements.
- 4.112 An Energy and sustainability statement has been submitted to support the application. It outlines that the site could achieve a 72% reduction in regulated CO₂ emissions over the Part L (2021) baseline, which is supported in principle. However, the modelled heating efficiency is inconsistent with the submitted SAP sheets. Heating efficiencies of 92%, 107%, 266%, and 322% have been modelled for the residential part of the development. Additionally, in the absence of a BRUKL sheet for the Be Lean scenario, it is unclear how the applicant has proposed a 31% carbon saving under Be Lean.
- 4.113 Given these concerns, additional information is required to demonstrate how the identified reduction in regulated CO₂ emissions over baseline Building Regulations requirements will be achieved. Further details on the energy efficiency solutions and technologies incorporated into the building design would also need to be provided as well as any offset payments required to achieve 'zero carbon' needs to be clarified.
- 4.114 It is accepted that appropriately worded conditions could be imposed to address these matters if planning permission were to be granted.

Waste and recycling

- 4.115 DM DPD Policy DM4 requires proposals to sustainably manage waste that arises from development during the design, construction and occupation phases. All proposals should make on-site provision for general waste, the separation of recyclable materials and organic material. Adequate internal and external storage space should be provided to manage the volume of waste arising from the site.
- 4.116 Communal refuse facilities are shown enclosed within the building at ground floor level, with an additional external bin store located at the front of the houses for their use. This would be accessible to both residents and refuse collectors from the street. The details of the location and storage arrangements for waste and recycling could be secured through a condition. The current plans

show tracking curves for a small collection vehicle and sufficient designated areas for the bins to be sited.

- 4.117 As reflected above, a refuse management strategy detailing the private collection arrangements would need to be submitted to the LPA for approval, given the unique access arrangements for this site, a matter that could be addressed by way of a planning condition.

Conclusion

- 4.118 The proposed development is considered acceptable in isolation regarding its massing, design, unit mix, and its impact on transport, heritage assets, and neighbouring amenity. The site's secluded nature allows for a different pattern of development compared to its surroundings, and the scheme would not be harmful to the area's character and appearance.
- 4.119 However, there is an in-principle objection to the loss of one tennis court and the resulting reduction in the facility's size, specifically the application has not robustly demonstrated that this loss is justified considering current demand, membership levels, or potential investment in current configuration as four courts. This is contrary to planning policies and Sport England's position on safeguarding sports facilities that are actively used and support recreation, health and well-being.
- 4.120 All other relevant policies and considerations, including equalities, have been taken into account. As such given the above this application is recommended for refusal.

5. CIL APPLICABLE

- 5.1 Based on the information given on the plans, the Mayoral CIL charge will be £ (937m x £69.27) and the Haringey CIL charge will be £ (937 sqm x £422.45). In the event the scheme were allowed on appeal and the scheme implemented this would be collected by Haringey and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

6. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reason:

The proposed redevelopment of the site, with the loss of one court in connection with this established tennis club, has not been robustly

demonstrated, taking into account current demand and membership levels with this facility and possible alternative investment in its current configuration as a four-court club, thus failing to meet the criteria set out in London Plan Policies S1 and S5, Local Plan Policies SP13, SP16, DM20, and DM49, as well as paragraphs 96 and 104 of the National Planning Policy Framework and Sport England's policy to protect existing sports facilities, while also harming the provision of sports facilities that support health and well-being in the area, contrary to the planning policies that seek to safeguard such assets, as set out above