



Officer Report

Application Number:	HGY/2024/2070
Application Type:	Full planning permission
Address:	The Hornsey Club, Tivoli Road, Hornsey, London, N8 8RG
Proposal:	Installation of four de-mountable Instant Padel courts on the site of the existing hardstanding tennis court for a temporary period until 31st October, 2024.
Case Officer:	Adam Silverwood
Valid Date:	20/08/2024
Applicant:	Mr Jim Chapman
Agent:	Mr Luke Dewey

RECOMMENDATION

Approve

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

- 1. APPLICATION DETAILS**
- 2. SUMMARY OF RECOMMENDATION**

Approve Temporary Permission: Subject to Conditions

- 3. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

Proposed development

This application seeks temporary permission for the 'installation of four de-mountable Instant Padel courts on the site of the existing hardstanding tennis court for a temporary period until 31st October, 2024.

Site and Surroundings

The application site is located at the end of Tivoli Road. The area is primarily residential in character, although additionally includes the Hornsey Cricket Club. There is a large area of open space to the immediate north and east of the site that serves the cricket club. The application site is bounded to its south by residential dwellings and is primarily accessed by Tivoli Road.

Relevant Planning and Enforcement history

ENF/2024/0173 – Planning Enforcement was contacted on the 4th April 2024 in relation to the proposed works detailed within this planning application. This temporary permission is a result of this enforcement action.

4. Consultation response

4.1 The following were consulted regarding the application:

- LBH Conservation Officer

The following responses were received:

Internal:

LBH Conservation Consultees

‘The existing tennis courts lie at the end of Tivoli Road which is within the Crouch End Conservation Area. The houses along this road are predominantly Edwardian in red brick and with more ornate stone dressings, with single-storey canted bays on the north-east side of the road and full-height bays on the opposite side. Post-war rebuilding aside, the houses are well preserved, retaining most original doors and sash windows, although some façades have been painted. The road terminates with a row of garages, with the cricket club, and development site behind.

It is unfortunate that the development site lies at the terminus of Tivoli Road as this means that development here is inherently more prone to being prominent. The main concern with the development and its impact on the conservation Area is making the site adjacent much more prominent.

It is unclear where the proposed floodlights are, and no light spill diagrams have been submitted. From the elevations it appears as if these will be on each pitch corner and would be located unscreened at the terminus of Tivoli Road. Drawing attention to the garage block and unscreened barriers through additional height and floodlighting, rather than the buildings along Tivoli Road would cause some harm to the Conservation Area. However the level of this harm is hard to fully assess as no complete set of elevations or lighting plans have been provided. Screening, preferably through soft landscaping would likely help reduce any impact. Information on these and a heritage statement should be provided.

If minded to grant then it is recommended that prior to the installation of floodlighting details for the proposed lighting and mitigation measures are conditioned. If this proposal is reoccurring or permeant, in addition to the above concerns over the lighting, more appropriately designed barriers would be to be considered.’

External:

Sport England:

Conditional approval, dependent upon the imposition of conditions.

‘Since at the time of writing there are no other Padel facilities locally, the Tennis courts do not appear to have been in the best condition, the temporary period is only for circa six weeks, that there are pay and play Tennis courts locally where Tennis players could/have used during the temporary period and that a new sports facility is being proposed., Sport England will not object to the application as it could be considered to broadly align with the spirit of Exception 5 of Sport England’s Playing Field Policy, its ‘Provide’ objective of its Planning Policy and Paragraph 103 of the NPPF.’

Officer Comments: Sport England has stated that their support is dependant upon the imposition of a condition (and informative) requiring the reinstatement of the tennis court once this temporary planning permission expires. Sport England has confirmed that they are amenable to alternative mechanisms that would result in the tennis courts being reinstated.

Without the surety of reinstatement of the tennis court, Sport England considers that the proposed application would be contrary to paragraph 130 of NPPF (2023) and their own policies.

Sport England’s comments are noted by officers, form a material consideration of the planning application and are considered within the relevant section of this report.

1. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of a site notice displayed in the vicinity of the site, a notice placed in the local press, and letters sent to neighbouring properties. 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: 92

Objecting: 30

Supporting: 60

The 60 representations in support of the application state the following reasons:

- Positive impact upon community
- Increased and varied recreational opportunities locally and for all ages
- Create jobs within the local economy
- Positive upon local health
- Negative Impacts can be mitigated
- Positive use of underutilised space
- Supplying an emerging need for a new sport
- Previous tennis courts were under used
- Quality of life benefits
- Development is reasonable and appropriate for the area

The 30 responses in objection to the proposed application raise the following concerns:

- Planning application has not been validated correctly
- Omits necessary details within application form
- Development on Metropolitan Open Land

- Potential for erosion of the designation
- Potential for light pollution
- Potential impact upon traffic and parking availability on Tivoli Road
- Increase in rubbish and behaviour problems
- Tennis courts were in active use
- Greater noise impact due to harder Padel bats

5.2 The following local groups/societies made representations:

Glasslyn, Montenotte and Tivoli Residents Association (GMTRA):

‘We know that several of our residents are dismayed at the loss of the tennis courts. However, since the location is on designated Metropolitan Open Land, the playing of Padel here is permissible and consistent with that designation. In view of this, and taking into account that the application is for temporary installation until October 31st only, while GMTRA does not support the application we will not object either, on the assumption and proviso that the tennis courts will be fully reinstated at the end of the temporary period.’

Officer Comments: The above comments are noted by officers, form a material consideration of the planning application and are considered within the relevant section of this report.

Applicants Response

The applicants for the proposed development have considered the received comments and have provided a response, which is detailed below:

‘The tennis section of our club folded around 1999 due to the deteriorating standard of the courts. There is an over provision of high-quality courts in the area and the membership decided to leave and join those clubs rather than raise the considerable amount of money required to resurface the area to LTA standards. As a result, the courts fell into complete disrepair and have not been used for competitive tennis since. As a club we decided to allow free use to anybody who wanted to use them as a gesture to the local neighbours. People would occasionally use them for a ‘knock about’. No maintenance work has been carried out on the area which will never be returned to tennis as there are not enough players to ever cover the cost of refurbishment which would run into hundreds of thousands of pounds. They remain derelict and unusable for any proper sporting use which is why we currently have some temporary Paddle courts laid over them.’

One representation has been received by a Local Councillor:

Cllr Cressida Johnson:

‘I object to this application on behalf on members of Crouch End Tennis Club and local residents who have contacted me as a ward councillor. The application has wrongly stated that the tennis courts were under-utilised as CETA has over 100 families who have used these courts for low-cost inclusive tennis coaching for children for over ten years. The Padel offering is a business and therefore constitutes a loss of a community sports facility for the local children.’

5.3

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. Design and impact of the proposed development on the character and appearance of the conservation area;
3. Impact on the amenity of adjoining occupiers;
4. Impact upon the Highways Network

Principle of the development

6.1 Policy G3 of the London Plan (2021) states that 'Metropolitan Open Land is afforded the same level of protection as the Green belt' and that 'MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the green belt.' The policy further states that MOL 'protects and enhances the open environment and improves Londoners' quality of life by providing localities which offer sporting and leisure use, heritage value, biodiversity, food growing and health benefits through encouraging walking, running and other physical activity'.

6.2 Within paragraph 154 (b) of the National Planning Policy Framework (2023), it is stated that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are b) the provision of appropriate facilities (in connection of use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of the land within it. In accordance with Policy G3 of the London Plan, this is considered to apply to planning determinations within Metropolitan Open Land.

6.3 Paragraph 103 further states that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless 'c) the development is for alternative sports and recreational provision, the benefits clearly outweigh the loss of the current or former use'.

6.4 Haringey's Development Management DMD states that 'new development shall protect and improve Haringey's parks and open spaces. All new development shall: protect and enhance, and where possible, extend the existing boundaries of the boroughs green belt, designated Metropolitan Open Land and other open spaces from inappropriate development'.

6.5 With regard to Section 72 of the Town and Country Planning Act 1990 and Planning Policy Guidance Paragraph 14, it is stated that a local planning authority may grant temporary period only and that 'circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that planning circumstances will change in a particular way at the end of that period'. It is further stated that 'it will rarely be justified to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities).

Further permissions can normally be granted permanently or refused if there is a clear reason for doing so, and there is no presumption that a temporary grant of planning permission will be granted permanently’.

6.6 This application relates to the conversion of the existing tennis court to four padel courts. According to the Lawn Tennis Association Padel is a bat and ball game, similar in design to tennis. The applicants have advised that Padel is of developing popularity within the UK and is underserved by available courts. Officers search, using information provided by the Lawn tennis Association, indicates that no other Padel courts are located within the borough.

6.7 This application for temporary permission, on metropolitan open land, is considered to be acceptable in principle. As this development is solely related to the provision of outdoor sport it is considered to comply with the tests as described within paragraphs 154 (b) and 103 of the National Planning Policy Framework. Additionally, as a temporary permission for a developing sport within the United Kingdom it is considered to be in accordance with the Planning Policy Guidance paragraph 14 as a reasonable use of the land to assess the effect of the development on the local area and the viability of the proposed use.

6.8 Impact on the character and appearance of the conservation area

6.9 The proposed development seeks to retain for a temporary period (until 31st October, 2024) four Padel courts of the dimensions 23 metres length by 13 metres width. The Padel courts have surrounding fencing at a height of 3.5 metres.

6.10 Comments have been sought from Haringey’s Conservation Consultees who have provided the below response:

‘The existing tennis courts lie at the end of Tivoli Road which is within the Crouch End Conservation Area. The houses along this road are predominantly Edwardian in red brick and with more ornate stone dressings, with single-storey canted bays on the north-east side of the road and full-height bays on the opposite side. Post-war rebuilding aside, the houses are well preserved, retaining most original doors and sash windows, although some façades have been painted. The road terminates with a row of garages, with the cricket club, and development site behind.

It is unfortunate that the development site lies at the terminus of Tivoli Road as this means that development here is inherently more prone to being prominent. The main concern with the development and its impact on the conservation Area is making the site adjacent much more prominent.’

6.11 It is appreciated by officers that the use of this site for Padel would have the potential to attract users to this site, the extent to which this would be above that of the existing tennis courts has not been evidenced by the applicants.

6.12 It is considered by officers and representors that the site area was not at an ideal standard and is further considered by officers that a temporary permission to determine a

viable use of the site would allow it to later seek potential planning benefits through a full permission, such as active surveillance, over that of leaving it fallow.

6.13 The Padel courts are not considered to be unduly detrimental to the character and appearance of the area. The site had been previously used for tennis courts, and Padel uses a near identical style of court. As no associated buildings are proposed as part of this application the Padel courts are not considered to be materially different to the previous use of the site and is therefore considered acceptable in this regard.

6.14 Impact on the amenity of adjoining occupiers

6.15 Representations have been received by adjoining occupiers that consider that the use of Padel in this site would generate a greater negative impact upon residential amenity than the previously existing tennis use. Representations cite the harder Padel bats used that would create more noise than the strunged bats used in a game of tennis.

6.16 Officers have considered the relevant objections received and consider, that although there may be some degree of increase in noise due to the bats used that this would be within acceptable tolerances of noise generation for physical activity within metropolitan open land. It is further considered by officers that, as there is insufficient information that details an increased amenity impact from Padel over that of tennis, a temporary planning permission would be an acceptable means of determining the impact of the development.

6.17 The Padel courts had intended to be furnished with floodlighting that would allow for active play during night hours. As a temporary permission until the 31st October, where the sunset is approximately at 4:30pm, the Padel courts could be expected to be floodlit until its 8pm closing time which would result in around 3.5 hours of floodlit use.

6.18 Insufficient information has been provided by the applicants to provide surety that the floodlighting would not be unduly detrimental to amenity of adjoining occupiers, and as such has been removed from the application at officers request. This will be secured by condition.

6.19 It is considered by officers that the proposed permission for temporary use of the site as a Padel court would not present a significant impact upon neighbouring amenity over and above that of the existing tennis courts and is considered to be, on balance, acceptable.

6.20 Impact upon the Highways Network

6.21 Policy T4 of the London Plan (Assessing the mitigating Transport Impacts), states that 'development plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

6.22 Policy T6 (Car Parking) states that 'car parking should be in line with the levels of existing and future public transport accessibility and connectivity.' It further states that 'car free development should be the starting point for all development, proposals in places that are (or planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car free development has

no general parking but should still provide disabled persons parking in line with part E of this policy’.

6.23 Part L of Policy T6 states that ‘where sites are re-developed, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy’.

6.24 Policy DM31 (Sustainable Transport) of the Haringey Development Management Document states that ‘the council will require that developments with high trip generating characteristics locate where public transport accessibility is high and car parking is minimised to mitigate generated car travel’. It further states that ‘the council will require the submission of a Travel Plan and a transport assessment/ statement in support of development proposals in accordance with the Transport for London thresholds’.

6.25 Policy DM32 (Parking) states that ‘development proposals will be assessed against the car parking and cycle parking standards set out in the London Plan’ and further states that ‘the council will support proposals for new development with limited or no on-site parking where: a) there are alternative and accessible means of transport available, b) public transport accessibility is at least 4 as defined in the public transport accessibility index, c) a controlled CPZ exists or will be provided prior to the occupation of development, d) parking is provided for disabled people’.

6.26 The site is located next to an area of unmarked car parking and accessed via Tivoli Road. The application is not supported by a transport statement that details the likely trip generation from the Padel courts or how this is comparable to the previous tennis use.

6.27 The four Padel courts, according to the Lawn Tennis Association, when operating at full capacity could have the potential to attract eight personal vehicles were the attendees to travel to the site using non-sustainable means per session. The site has a Ptal rating of ‘1a’ which is the second lowest rating possible and therefore some travel by independent means is a reasonable assumption.

6.28 Officers attended the site on the 18th September during the afternoon while the Padel courts were in operation and noted that the existing cars parked on the adjacent car park were significantly greater than the capacity of the Padel courts when in operation.

6.29 It is considered by officers that the use of Padel, as a lesser known sport would not necessarily generate a higher trip generation over that of the previously existing use. As a temporary permission for a meanwhile use that is already ‘in-situ’ and seeking to be retained in place until the 31st October 2024, it is considered by officers that this should allow for acceptable assessment of the impact of the development on the surrounding area. Further information, as detailed within policy DM31 and DM32 would need to be provided in order to achieve any permanent planning permission.

Conclusion

The proposal is considered acceptable as it is temporary in nature. The issues raised have been considered but not considered significant enough to warrant refusal in this instance. The application would expire sixteen days from the date of the expected decision and in

this instance is considered sufficient to allow for an assessment of the potential impact of the development. Further, more detailed information, must be provided should any application for permanent permission later be sought. This application is further considered acceptable, dependent upon the land returning to its prior use and conditions have been sought to this effect.

8. RECOMMENDATION

GRANT TEMPORARY PERMISSION: SUBJECT TO CONDITIONS

Conditions:

- 1 The development under consideration shall be for a limited period expiring on 31st October 2024.

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

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

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

- 3 This permission shall be for a period, not exceeding the date of 31st October 2024. The use hereby permitted shall be discontinued and the land restored to its previous condition on or before the 31st November 2024.

Reason: In the interest of the preservation of local sport provision and neighbouring amenity.

- 4 The development hereby permitted shall not at any time be floodlit or benefit from any other illumination.

Reason: In the interest of neighbouring amenity.