

Item No. 7.2	Classification: Open	Date: 7 March 2018	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 17/AP/4258 for: Full Planning Application Address: OLD COLLEGE LAWN TENNIS CLUB, 10 GALLERY ROAD, LONDON SE21 7AB Proposal: Provision of LED floodlighting to courts nos.6 and 7 for use Monday to Saturday 8:00 to 21:00. Extension of use of existing floodlights on courts nos. 4 and 5 on Sunday 8:00 to 20:30.		
Ward(s) or groups affected:	Village		
From:	Director of Planning		
Application Start Date 11/11/2017		Application Expiry Date 06/01/2018	
Earliest Decision Date 04/12/2017			

RECOMMENDATION

1. That planning permission is granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is the Old College Lawn Tennis Grounds, located on the eastern side of Gallery Road. It is located within the Dulwich Village Conservation Area and is designated as Metropolitan Open Land, a green chain park, an air quality management area and the suburban density zone.

Details of proposal

3. Full planning permission is sought for the installation of LED floodlights for courts 6 and 7; they would be used from Monday to Saturday 08:00 to 21:00. It is also proposed to extend the time that existing floodlights are used on courts 4 and 5 on Sunday 08:00 to 20:00. The scheme has been amended to address concern raised by the council's ecology officer. The proposed operating hours have been reduced from 08:00 to 21:30 Monday to Saturday to 08:00 to 21:00 Monday to Saturday to mitigate the impact on bat commuting.
4. At present the floodlights on courts 1 to 5 and can operate between 08:00 to 21:30, Monday to Saturday and courts 1-3 between 08:00 to 20:30 on Sundays. This is restricted by way of a condition on an earlier planning application permission (reference: 12/AP/1573). The applicant wishes to extend the use of the existing floodlights on courts nos. 4 and 5 to Sunday between 08:00 to 20:30.
5. The floodlights are coin operated and would cut out at the designated times.

Planning history

6.

03/AP/1473 Application type: Full Planning Application (FUL) The erection of nine 6.1m high floodlights to serve two tennis courts. Decision date 13/11/2003 16:52:41 Decision: Grant (GRA)
06/AP/0392 Application type: Full Planning Application (FUL) Variation of condition 2 of planning consent 03AP1473 to extend the floodlight time by one hour to 9pm on courts 4 and 5 on Monday to Saturday Decision date 11/09/2006 Decision: Granted (GRA)
09/AP/1372 Application type: Full Planning Application (FUL) To provide floodlighting to Court no.3 with 3no. new lighting posts; repositioning of 3no. existing posts next to Court no2; repositioning of 2no lighting posts to Court no1; relocation of gate and new gate in wire mesh fencing. Decision date 10/09/2009 Decision: Granted (GRA)
11/AP/0815 Application type: Full Planning Application (FUL) Replacement of the existing pair of timber gates for vehicle access with a pair of wrought iron gates for vehicle access and a wrought iron pedestrian access gate. Decision date 09/06/2011 Decision: Granted (GRA)
12/AP/1573 Application type: Full Planning Application (FUL) Relocation of 4 floodlighting posts around tennis courts 4 and 5 and use of floodlighting for courts 1-5 between the hours of 08:00 to 21:30 Monday to Saturday and for courts 1, 2 and 3 between the hours of 08:00 to 20:30 on Sunday. Decision date 23/07/2012 Decision: Granted (GRA)

Planning history of adjoining sites

7. None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

8. The main issues to be considered in respect of this application are:
- The principle of development;
 - Amenity;
 - Design and impact upon the character and appearance of the Dulwich Village Conservation Area;
 - Ecology

Planning policy

National Planning Policy Framework (the Framework)

9. Section 7 - Requiring good design
Section 9 - Protecting Green Belt land
Section 12 - Conserving and enhancing the historic environment

The London Plan 2016

Policy 7.17 Metropolitan Open Land

Policy 7.4 - Local Character
Policy 7.6 - Architecture

Core Strategy 2011

- 10. Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 11. The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 - Protection of amenity
Policy 3.12 - Quality in design
Policy 3.13 - Urban design
Policy 3.25 - Metropolitan Open Land
Policy 3.28 - Biodiversity
Policy 5.2 - Transport Impacts

Summary of consultation responses

- 12. A total of 14 responses have been received to the application, one objection and 13 comments in support.
- 13. The objection raises the following concerns:
 - 1. The proposed lighting is too close to neighbouring houses and results in light seepage. The glare from the courts is unacceptable.
 - 2. The noise from the courts at night will disturb use of adjoining properties, particularly in winter months.
 - 3. The lighting is a further urbanisation of a protected area of Dulwich.
 - 4. Questions the need for the extension of the courts when the existing courts are not always fully used under floodlight.
- 14. The objector also noted that the existing lights are regularly left on all night; the timers do not seem to always work so there is no guarantee of the cut off times.
- 15. The representations in support comment that the proposal would allow further use of the tennis courts for school children and local residents in the evenings. They note that it would promote healthier lifestyle and improve local sports facilities.

Principle of development

16. The London Plan states that paragraphs 79 - 92 of the Framework apply equally to Metropolitan Open Land. This section of the Framework (Protecting Green Belt Land) details what is and what is not appropriate development on Green Belt and by extension on MOL. The provision of appropriate facilities for outdoor sport is development that is appropriate. This also accords with saved policy 3.28 of the Southwark Plan and Policy 7.17 of the London Plan. The principle of the development is acceptable. The impact on openness, a matter of significance, is considered below.

Impact on the openness of Metropolitan Open Land

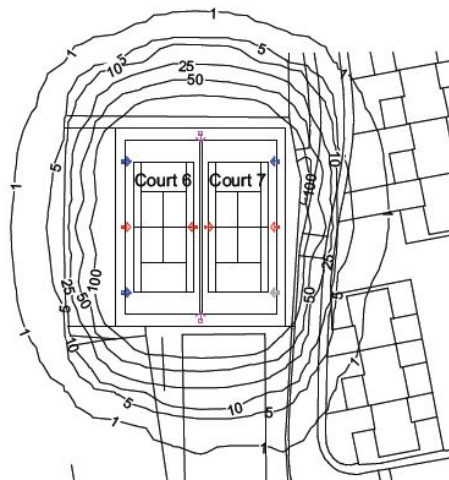
17. The new floodlights would be in an area where there are already floodlights and seen as part of the infrastructure of this part of the site. They would not affect the openness of the MOL.

Environmental impacts

18. Due to a bat survey not accompanying this application, the ecology officer has requested that the use of the floodlights should be between restricted to 08:00 to 21:00 Monday to Saturday, and 08:00 to 20:30 on Sundays and banks holidays between the dates of 11 May to 8 June and between the dates of 11 to 17 August. A condition has been recommended that would restrict the use of the floodlights to these hours all year.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

19. Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
20. The proposal is for 10 floodlights around courts 6 and 7. Dwellings on College Gardens are approximately 10m from the courts. A light spill diagram (see below) has been provided that shows the spill would be lower than 5 Lux on windows of the nearest dwelling. Guidance from the Institute of Lighting Professionals suggests that the spill should be no more than 10 Lux at the times that the floodlights would operate.



21. Allowing the floodlighting to courts 6-7 to be used from 08:00 to 21:00 on Monday to Saturday is acceptable as is the extension of hours on courts 4 and 5 from 08:00 to 20:30 on Sundays as these hours are already established on the site for courts nos. 1 to 3.

Design and impact upon the character and appearance of this part of the Dulwich Village Conservation Area

22. Saved policy 3.12 of the Southwark Plan requires development to be of a high standard of architectural design and 3.16 require the character and appearance of conservation areas to be preserved or enhanced.
23. The new floodlights within the grounds of an established tennis club and an extension to the hours during which the floodlighting can be used would not be harmful to the visual amenity of the locality; it would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is noted that the site is reasonably well screened from Gallery Road by mature vegetation.

Other matters

24. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.
25. The proposal is for the relocation of existing plant and an extension of the hours during which it can be used, and this is not CIL liable.

Conclusion on planning issues

26. The proposed development would be acceptable in principle, would not result in any loss of amenity to neighbouring properties and would preserve the character and appearance of this part of the Dulwich Village Conservation Area. It is therefore recommended that conditional planning permission be granted.

Community impact statement

27. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
 - a) The impact on local people is set out above.
 - b) No issues relevant to particular communities/groups likely to be affected by the proposal have been identified.
 - c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

28. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

29. Details of consultation responses received are set out in Appendix 2.

Human rights implications

30. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
31. This application has the legitimate aim of providing additional floodlights. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2083-E Application file: 17/AP/4258 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning		
Report Author	Chris Kirby, Planning Officer		
Version	Final		
Dated	22 February 2018		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Finance and Governance	No	No	
Strategic Director of Environment and Social Regeneration	No	No	
Strategic Director of Housing and Modernisation	No	No	
Director of Regeneration	No	No	
Date final report sent to Constitutional Team		22 February 2018	

APPENDIX 1

Consultation undertaken

Site notice date: 12/12/2017

Press notice date: 14/12/2017

Case officer site visit date: n/a

Neighbour consultation letters sent: 11/12/2017

Internal services consulted:

Ecology Officer
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

5 College Gardens London SE21 7BE	12 Gallery Road London SE21 7AD
6 College Gardens London SE21 7BE	18 College Gardens London SE21 7BE
7 College Gardens London SE21 7BE	19 College Gardens London SE21 7BE
4 College Gardens London SE21 7BE	2 College Gardens London SE21 7BE
21 College Gardens London SE21 7BE	17 College Gardens London SE21 7BE
22 College Gardens London SE21 7BE	12 College Gardens London SE21 7BE
3 College Gardens London SE21 7BE	14 College Gardens London SE21 7BE
16 College Gardens London SE21 7BE	15 College Gardens London SE21 7BE
The Old College 16 Gallery Road SE21 7AD	172 Court Lane London SE21 7ED
The Wardens Flat The Old College SE21 7AD	30 Thompson Road East Dulwich SE22 9JR
8 College Gardens London SE21 7BE	Oaks Avenue London SE19 1QX
9 College Gardens London SE21 7BE	2a Panmure Road London SE26 6NA
10 Gallery Road London SE21 7AB	16 Alleyn Road London SE21 8AL
20 College Gardens London SE21 7BE	28 Jennings Road London SE22 9JU
1 College Gardens London SE21 7BE	25 Lescombe Close SE23 2RR
10 College Gardens London SE21 7BE	6 Allison Grove London SE21 7ER
11 College Gardens London SE21 7BE	4 Strathdale Streatham SW16 2HT
Belair Cottage 1 Gallery Road SE21 7AB	210 Camberwell Grove, London London SE58RJ
13 College Gardens London SE21 7BE	97 Court Lane Dulwich SE21 7EF
5 Gallery Road London SE21 7AD	29 Southey Road London SW9 0PD
	35 Shakespeare Road London SE24 0LA

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Oaks Avenue London SE19 1QX
16 Alleyn Road London SE21 8AL
172 Court Lane London SE21 7ED
2a Panmure Road London SE26 6NA
210 Camberwell Grove, London London SE58RJ
25 Lescombe Close SE23 2RR
28 Jennings Road London SE22 9JU
29 Southey Road London SW9 0PD
30 Thompson Road East Dulwich SE22 9JR
35 Shakespeare Road London SE24 0LA
6 Allison Grove London SE21 7ER
8 College Gardens London SE21 7BE
97 Court Lane Dulwich SE21 7EF