

Item No. 7.3	Classification: OPEN	Date: 11 September 2012	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 12/AP/1794 for: Full Planning Permission Address: NORTH DULWICH TENNIS CLUB 152A EAST DULWICH GROVE LONDON SE22 Proposal: Erection of six floodlights to tennis courts 1 and 2.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 1 June 2012		Application Expiry Date 27 July 2012	

RECOMMENDATION

- 1 That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 This application is before Members following a 'call-in' request by local ward members, (Councillors Toby Eckersley and Michael Mitchell) with agreement from the chair of the main planning committee.
- 3 The application relates to North Dulwich Tennis Club which is located on the north-western side of East Dulwich Grove, close to the junction with Red Post Hill. The club is located at the rear of a number of houses and shares its northern boundary with James Allen's Girls School (JAGS). The club comprises 4 tennis courts and a single-storey clubhouse, and currently has around 164 members and three qualified coaches. It is accessed via a gated pathway between numbers 154 and 156 East Dulwich Grove.
- 4 The site forms part of an air quality management area, the suburban density zone and Dulwich Village Conservation Area. North Dulwich train station is to the west of the site, and the railway embankments are designated borough open land and a site of nature conservation interest. Two maple trees within the rear garden of number 154 are protected by Tree Preservation Order 413.

Details of proposal

- 5 Full planning permission is sought for the erection of 6 x 8m high floodlighting columns around courts 1 and 2. They would be green in colour and would include a rear shield to minimise light spillage. Members would have to use a token to activate the lights, which would be fitted with automatic cut-off switches. When the application was

originally submitted permission was sought to use the floodlighting between 15:00-22:00 Monday to Saturday, and 15:00-18:00 on Sundays and Bank Holidays. However, following discussions with officers this has since been reduced and the following hours of use are now sought:

- 6 1st May-30th September - 15:00-21:00 Monday to Saturday;
1st October-30th April - 15:00-20:00 Monday to Saturday;
All year round - 15:00-18:00 on Sundays and Bank Holidays.

Planning history

- 7 The only planning history for the site is for the erection of a single-storey extension to the clubhouse which was granted consent in 1972 (reference: TP/2120/150). The supporting information states that the club was founded in the early 1900s.

Planning history of adjoining sites

- 8 None directly relevant. There have been a number of applications for householder and tree works on the adjoining properties on East Dulwich Grove and Red Post Hill.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 9 The main issues to be considered in respect of this application are:
 - a) principle;
 - b) amenity;
 - c) design and impact upon the character and appearance of the Dulwich Village Conservation Area;
 - d) transport;
 - e) ecology.

Planning policy

Core Strategy 2011

- 10 Strategic policy 1 - Sustainable development
Strategic policy 2 - Sustainable transport
Strategic policy 4 - Places to learn and enjoy
Strategic policy 11 - Open spaces and wildlife
Strategic policy 12 - Design and conservation
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 11 3.2 - Protection of amenity
3.12 - Quality in design
3.13 - Urban design
3.14 - Designing out crime
3.16 - Conservation areas
3.28 - Biodiversity
5.6 - Car parking

London Plan 2011

- 12 Policy 3.19 Sports facilities

Policy 7.8 Heritage assets and archaeology

National Planning Policy Framework (NPPF)

- 13 The NPPF came into effect on 27 March 2012 and is a material planning consideration.

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

Principle of development

- 14 The proposal is to provide floodlighting to two tennis courts within an established tennis club, and this does not raise any landuse issues.

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

- 15 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 16 Neighbouring residents have raised concerns that the proposed development will result in unacceptable levels of noise and light pollution, especially during the winter months when the trees surrounding the site will lose their leaves, and will compromise security and could lead to increased incidences of burglary.
- 17 With regard to noise and disturbance, it is noted that the club is located at the rear of a number of houses, and that access is via a pathway between numbers 154 and 156. The rear gardens to the houses on East Dulwich Grove are approximately 37m long and those on Red Post Hill around 36m long, and there are generally mature trees along the boundaries with the tennis club.
- 18 Owing to concerns regarding the impact on the amenity of the neighbouring properties the proposed hours of use of the floodlighting have been reduced from 22:00 as originally requested, to 21:00 in the summer months between May and September, and until 20:00 from October to April. These hours are considered to be a reasonable compromise in terms of enabling the club to make a better use of its facilities, and protecting the amenity of neighbouring occupiers. There are currently no restrictions on the hours during which the courts can be used, although this would be dictated by daylight levels and the applicant has advised that during the summer months members play up until around 21:30-22:00. It is the view of officers that the reduced hours of floodlighting now proposed would improve the facilities offered by the club and would not unduly compromise the ability of people to enjoy their homes and gardens.
- 19 A number of residents have stated that a precedent for more limited hours of use for floodlighting has been set at Alleyn's School in Townley Road, for which planning permission was granted in June last year for the erection of 8 floodlighting to an existing sports pitch (reference: 11-AP-0495). They were restricted by a condition and can only be used up until 18:30 Monday to Saturday between the 1st October and the 31st March, not at all on Sundays and bank holidays. However, this condition was imposed for ecological reasons to ensure no harm to a site of nature conservation interest and to protect the habitats and populations of known bat species in the area; the condition was not imposed on amenity grounds. It is noted that there are two

floodlit tennis courts at JAGS sports club on the opposite side of the railway line which can be used until 21:00 Monday to Saturday.

- 20 The application includes a lighting study which considers the effect of the proposed floodlighting on the adjoining sites. The study is based on there being 12 floodlights around the courts, to include lighting to courts 3 and 4, and finds that even if all of the courts were lit, no unacceptable light pollution would occur. Notwithstanding that, the application now before Members is only for lighting around courts 1 and 2.
- 21 Residents have raised concerns that the lighting study does not take into account that the trees at the end of their gardens lose their leaves during the winter months and that they would experience unacceptable levels of light pollution. The proposal has however, been reviewed by the Council's Environmental Protection Team which has advised that no unacceptable light pollution would occur. There would be some light spillage onto the bottom part of their rear gardens, but this would not be to an extent that would cause any significant loss of amenity. The lights would be fitted with automatic cut-off switches, and a condition to secure this is recommended to ensure that they cannot be used beyond the specified times.
- 22 Concerns have also been raised that the provision of floodlighting could represent a security risk and increased incidence of burglary. Whilst this is noted, improving the security of areas often involves improving the lighting, and the Metropolitan Police adviser is of the view that the proposal could improve security at the back of the houses owing to the increased use and provision of lighting.

Transport

- 23 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse transport impacts, and 5.6 establishes maximum parking standards.
- 24 Concerns have been raised that the proposal would increase demand for parking during the evenings when it is required by residents, and that if permission is granted it should be on the basis that the club has to secure some parking for its members.
- 25 The site has a public transport accessibility level (PTAL) of 3 (medium) and is within walking distance of North Dulwich railway station; the number 37 bus stops outside JAGS. There are double yellow lines around the junction of East Dulwich Grove and Red Post Hill, none outside the application site, then double yellow lines just after 152 East Dulwich Grove and onwards, in front of JAGS. A number of the properties along this part of East Dulwich Grove have their own off-street parking at the front, often for more than one car. It is not considered that the extended hours of use that the proposal would permit would significantly increase demand for parking to a degree that would warrant the refusal of planning permission, as it would permit people who were already at the site to play for longer, therefore no significant increase in parking demand is anticipated. The club has advised that approximately half of its members walk or cycle to the club and that the requirement for the floodlights is to enable continuity of play between seasons and to retain its current members, and that the number of members is unlikely to increase significantly.

Design and impact upon the character and appearance of the conservation area

- 26 Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments are of a high standard of architectural and urban design; 3.16 requires developments to preserve or enhance the character or appearance of designated conservation areas.
- 27 No concerns have been raised regarding the appearance of the lighting columns per

se, but concerns have been raised that the site is located in a conservation area and that the introduction of floodlighting would be harmful to its appearance. Whilst this is noted, conservation area status does not necessarily prevent the provision of floodlighting and there are other floodlit sports facilities in the conservation area, including the Old Lawn Tennis and Croquet Club in Gallery Road. Given that the lights would only be on during specified hours it is not considered that there would be any undue harm to the character or appearance of the conservation area, and the site is not widely visible from the public realm. It is also noted that there is lighting to the station, which is within the conservation area and is also grade II listed.

Ecology

- 28 Saved policy 3.28 of the Southwark Plan 'Biodiversity' states that the Local Planning Authority will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, requiring an ecological assessment where relevant.
- 29 The railway embankments to North Dulwich Station which is to the west of the site are designated borough open land and a site of nature conservation interest, and neighbouring residents have raised concerns as to whether the proposal would impact upon wildlife and whether this has been considered in the application submission.
- 30 The application has been reviewed by the Council's Ecology Officer who has advised that as the lighting would very specific to the courts, there would appear to be very little light pollution and a negligible impact on the adjoining site of nature conservation interest.

Other matters

Mayoral CIL

- 31 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.
- 32 The proposal is for the provision of plant / equipment which is not CIL liable.

Conclusion on planning issues

- 33 The proposed development raises no landuse issues and subject to conditions, would not result in any significant loss of amenity to neighbouring occupiers. The proposal would preserve the character and appearance of this part of the Dulwich Village Conservation Area and would not impact upon the adjoining site of nature conservation interest. It is therefore recommended that planning permission be granted.

Community impact statement

- 34 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.

- 35 a) The impact on local people is set out above.
- 36 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified above.
- 37 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 40 Two representations have been received in support of the application, from 6a Red Post Hill and 209 East Dulwich Grove.
- 41 Nine representations have been received objecting to the application, from 4 and 6 Red Post Hill, 154, 158A, 160, 162, 164B and 166 East Dulwich Grove, and one address withheld.
- 42 Following reconsultation on the reduced hours of use, 5 people wrote back stating that they still objected to the application, including one new objection (no address provided). Full details are at Appendix 2.

Human rights implications

- 43 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.
- 44 This application has the legitimate aim of providing floodlighting. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

- 45 None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2120-150 Application file: 12/AP/1794 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	Gary Rice, Head of Development Management	
Report Author	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	18 July 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	29 August 2012	

Consultation undertaken

45 **Site notice date:** 21/06/2012

Press notice date: 21/06/2012

Case officer site visit date: 09/07/2012

Neighbour consultation letters sent: 19/06/2012

Internal services consulted:

46 Ecology Officer
Environmental Protection Team
Metropolitan Police

Statutory and non-statutory organisations consulted: None

47 **Neighbours and local groups consulted:**

Date Printed	Address
19/06/2012	158B EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	162 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	158A EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	152 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	154 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	156 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	168 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	164A EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	154A EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	160 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	160A EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	164B EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	164C EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	2 RED POST HILL LONDON SE21 7BX
19/06/2012	4 RED POST HILL LONDON SE21 7BX
19/06/2012	6A RED POST HILL LONDON SE21 7BX
19/06/2012	THE VILLAGE GARDEN 12 RED POST HILL LONDON SE21 7BX
19/06/2012	10 RED POST HILL LONDON SE21 7BX
19/06/2012	166 EAST DULWICH GROVE LONDON SE22 8TB
19/06/2012	144 EAST DULWICH GROVE LONDON SE22 8TE
19/06/2012	HAMPTONS 12 RED POST HILL LONDON SE21 7BX
19/06/2012	6 RED POST HILL LONDON SE21 7BX
19/06/2012	8 RED POST HILL LONDON SE21 7BX
19/06/2012	NORTH DULWICH RAILWAY STATION RED POST HILL LONDON SE21 7BX
21/06/2012	144 EAST DULWICH GROVE LONDON SE22 8TE
20/06/1837	by email
20/06/1837	209 EAST DULWICH GROVE LONDON SE22 8SY

48 **Re-consultation:** The same residents and anyone not originally consulted but who commented on the application were reconsulted on 31st July 2012 following the reduction in the proposed hours of use, and were given an additional 14 days to comment.

Consultation responses received

Internal services

Ecology Officer

- 49 I have reviewed this application and have the following comments: I considered the impact on bats but as the lighting is very specific to the courts there appears to be very little light pollution.
- 50 As long as the lights are installed in compliance to the plan there would be negligible impact on the adjacent SINC site and the wildlife there.

Environmental Protection Team

2nd July 2012

- 51 I am satisfied that the proposed height and intensity of the proposed floodlighting to courts Nos 1 & 2 will not result in spillage to the nearest residents properties of 152- 158 East Dulwich Grove during evening seasonal use.
- 52 The applicant has not indicated times of use, it would be appropriate for this to be restricted/ tailored to weekday Saturdays / Sunday to ensure minimal disturbance from play use and people departures; I suggest we impose a condition.

10th July 2012

- 53 The proposed hours of use are acceptable. I believe they consulted residents on these times so should be fine.

Metropolitan Police

- 54 Thank you for asking me to comment on this application. I understand why there are objections, however from what I have seen proposed the increased use of the area and proposed lighting levels may well increase security not diminish it.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

- 55 Two representation has been received in support of the application on the following grounds:
- The club provides a valuable facility but is limited as members who work or study during the day cannot use the facilities in the winter months during the week owing to a lack of floodlights;
 - The club will be able to manage access to the facilities responsibly and without causing nuisance to neighbours which will increase rather than decrease security considerations in the area;
 - Other sports clubs in the area have floodlighting and this puts the tennis club at a disadvantage as they do not have any;
 - It is important for local adults and children to be able to use the facility all year round not just at the weekends during winter months;

- Noise should not be a significant factor as tennis is not considered a noisy sport;
- The club has taken precautions against the impact of light on the surrounding properties which could also be regulated by setting a suitable end time for play.

56 Nine representations have been received objecting to the application on the following grounds:

- The proposal would spoil the look of the area and would be harmful to the conservation area.
- Should be treated in the same vein as floodlighting permitted at Alleyn's School, i.e. to be used up to 18:00 on weekdays only.
- The original proposal that the applicant showed to neighbours was for 12 floodlights and they may try to increase the number of lights in the future.
- There has been no consideration of the impact of the additional use of the facilities.
- Light pollution and trees surrounding the site are deciduous and will not provide any screening during winter months when the lighting would be used the most.
- Concerns that the Environmental Protection Officer has not properly considered the impact of the proposals.
- Loss of privacy.
- Noise pollution.
- There are already many similar floodlit facilities in the area.
- Increased security risk and risk of burglary.
- Could lead to applications to hold social functions in the clubhouse and redevelopment of the club house.
- Will increase demand for parking during the evenings, and if permission is granted the club should be required to secure some parking for its members.
- Impact on wildlife.
- Sympathetic to the aims of making the facility more available to local school children but the 10pm floodlighting will only benefit adult members.
- Membership of the club is low and does not warrant floodlighting.

Re-consultation on reduced hours

57 Five representations were received objecting to the application raising the same concerns as listed above.