

SECTION '2' – Applications meriting special consideration

**Application No :** 14/00217/FULL1

**Ward:**  
**Bromley Town**

**Address :** Wendover Tennis Club Glanville Road  
Bromley BR2 9LW

**OS Grid Ref:** E: 540894 N: 168532

**Applicant :** Mr Ian Laycock

**Objections :** YES

**Description of Development:**

Nine 6.7m high floodlights to courts 4 and 5

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency  
Urban Open Space

**Proposal**

Planning permission is sought for the installation of nine 6.7m high floodlights to courts 4 and 5 of the Wendover Tennis Club.

There are currently seven courts in all with the courts subject of the application (courts 4 and 5) being two of three running alongside each other in the middle 'row'.

**Location**

The application site is the Wendover Tennis Club surrounded primarily by residential properties fronting Masons Hill, Wendover Road, Glanville Road (from where the club is accessed) and Napier Road, which is a cul-de-sac.

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and both public and site notices displayed. 1 letter in support and 3 in objection were received, which are summarised as below (the representations are available on file):

- in support of extra floodlights adding that the existing lights are not an issue so has no objection to extra courts being flood lit;
- additional level of light and noise pollution
- objection to increase/extension of operating times;
- further erosion of privacy and peace detrimental to already reduced amenities;
- residents have endured many years of disruption, pollution and noise;
- damage to neighbour's boundary sustained from club's last project yet to be remedied;
- will have a negative impact on house prices;
- concern over personal and property safety caused by potential accidents of vehicles parked next to adjoining house; and
- if permission is granted it should be strictly monitored and adhered to;

It is also noted that the application includes 6 letters in support.

### **Comments from Consultees**

Environmental Health: States that although there would be some loss of amenity by virtue of light and noise, this would be minimal and if permission were refused, it is very unlikely that the decision would be upheld on appeal.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development  
 ER8 Noise Pollution  
 ER10 Light Pollution  
 G8 Urban Open Space

The following Council adopted SPG guidance are also a consideration:

Supplementary Planning Guidance 1 General Design Guidance

The application also falls to be determined in accordance with the following policy of the London Plan:

3.19 Sports Facilities

The above policies are considered consistent with the objectives and principles of the NPPF.

### **Planning History**

2003: Planning permission (ref. 03/01155) granted for nine 6.7 metre high floodlight

1998: Planning application (ref. 98/00791) refused and appeal dismissed for floodlighting to tennis courts 3 and 4.

1997: Planning permission (ref. 97/01463) refused and appeal allowed for reposition of hardsurfaced tennis courts 3, 4 and 5 and construction of two additional hardsurfaced courts on land formerly occupied by Bromley Garden Centre.

1997: Planning permission (ref. 97/00452) refused and appeal allowed for change of use of land from garden centre to recreation.

1996: Planning application (ref. 96/00536) refused for reposition hardsurfaced tennis courts 3, 4 and 5 and construction of two additional hardsurfaced courts with 2m high fencing on land formerly occupied by Bromley Garden Centre.

1996: Planning application (ref. 96/00366) refused and appeal dismissed for erection of floodlights to two tennis courts.

1996: Planning application (ref. 95/02739) refused for pole mounted floodlights to three tennis courts.

1989: Planning application (ref. 89/00233) refused for eight flood lighting columns to illuminate tennis courts.

## **Conclusions**

The main issue relating to the application, in line with that identified by the Inspector in a previous appeal decision, is the effect of the proposed floodlighting on the living conditions of nearby residents, with particular reference to the questions of visual impact (predominantly light) and of noise and disturbance arising from extended playing hours.

Before further assessing the effect on the living conditions of nearby residents, it is important for Members to consider the reasons the floodlighting is sought as well as the benefits it will provide. The additional floodlighting is required to enable the club to meet existing unmet demand for court time particularly during the winter months. Therefore, the floodlights will encourage fuller use of this established sports facility and it is therefore considered to be supported by planning policy in the London Plan and the NPPF. Members may also note that the tennis club have stated they have undertaken extensive pre-application consultation with local residents to take on board any concerns or objections as a result of the proposed scheme.

An application for floodlighting to courts 3 and 4 was refused and the appeal subsequently dismissed in 1999 with the Inspector concluding that the proposal would unacceptably affect the living conditions of nearby residents, both by reason of visual intrusion and by virtue of noise and disturbance. However, it is important for Members to note that a number of material considerations have arisen since the appeal decision some 15 years ago that mean they may consider the current application to be acceptable.

Lighting technology has greatly improved since the appeal decision 15 years ago. The proposed scheme incorporates the latest floodlighting technology with the floodlights being designed to create a consistent level of illumination across the surface of the tennis courts whilst avoiding light spill beyond the immediate confines of the court area. This conclusion is supported by Council's Environmental Health Officer (EHO) who states that light spillage is much reduced since the appeal proposal and would be further reduced by the proposed baffles to the rear of each luminaire.

The proposed courts to be floodlit no longer include the eastern most court (court 3) closest to the rear gardens of the properties fronting Napier Road. Instead, the current proposal includes the western most court which is screened by the large and established planting to Wendover Road and now provides an increased degree of separation to the properties fronting Napier Road. Members may also note that there is also a significant degree of separation (including the highway) to the residential properties on the opposite site of Glanville Road to the north of the club.

Planning permission was granted for floodlighting of courts 6 and 7 in 2003. Members may consider that the environment has therefore significantly changed since the Inspector made his decision 15 years ago. This assertion is supported by (EHO) who appeared at the previous appeal hearing. The EHO's recollection is that at the time of the appeal in 1999 there were no lights already on the site and consequently the impact of new lights would have been significant. As new lights have been granted permission at a later date this means that the current application should be viewed differently from the 1999 application and the impact when compared with the current permitted lights is much less than it would have been.

As far as noise is concerned, in the experience of the EHO, tennis clubs are very unlikely to give rise to a statutory noise nuisance although there may be some loss of amenity. This however, as with the lights, would need to be considered against the background of the existing permitted use, which has not since first operation in or around 2003 has not generated a large number of complaints with regard to noise or disturbance. To conclude, it is the view of the EHO that although there would inevitably be some loss of amenity by virtue of light and noise this would be minimal and if permission were refused, it is very unlikely that the decision would be upheld on appeal. The EHO does recommend that an hours of use condition be imposed which would restrict the use of the new lights to the same hours as those currently permitted.

Whilst the objection relating to property damage and safety arising from vehicle movements is noted however, it is not related to the current proposal and obviously if damage is caused to neighbouring properties then the owners/occupants of those properties have recourse through civil means.

Members may, having had regard to the above, conclude that the proposed additional floodlighting is acceptable in that it would not unduly effect the living conditions of nearby residents whilst providing increased access to sporting

facilities and the benefits they provide in accordance with London Plan policy and the NPPF.

Background papers referred to during production of this report comprise all correspondence on the files refs. 14/00217, 03/01155, 98/00791, 97/01463, 97/00452, 96/00536, 96/00366, 95/02739 and 89/00233, set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
         ACA01R    A01 Reason 3 years
- 2      ACK01      Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3      The floodlights hereby permitted shall not be used after 9.30 p.m. on Mondays to Fridays (inclusive) or after 7.00 p.m. on Saturdays or Sundays.

**Reason:** In order to comply with Policies BE1, ER8 and ER10 of the Unitary Development Plan and in the interests of the amenities of local residents.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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