

Committee Date	11.11.2021	
Address	Knoll Lawn Tennis Club Mayfield Avenue Orpington BR6 0AQ	
Application Number	21/03849/FULL1	Officer - Robin Evans
Ward	Petts Wood and Knoll	
Proposal	Installation of 9x 6m high lighting columns with 12x 530W 4000K LED flood lights to existing outdoor tennis courts 4 and 5.	
Applicant	Agent	
Mr Alexander Pastron	Mr Lee Burton	
Knoll Lawn Tennis Club Mayfield Avenue Orpington BR6 0AQ	19 The Grove Studley B80 7QL	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4 Urban Open Space</p>
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Representation summary	Neighbour letters sent 16 September 2021 Site notice displayed 21 September 2021 Newspaper advert published 29 September 2021
Total number of responses	53
Number in support	40
Number of objections	13

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact detrimentally on the character of the area,

- The development would not have a significantly harmful impact on the amenities of neighbouring residents.

2. LOCATION

2.1 The application site is Knoll Lawn Tennis Court, Mayfield Avenue, Orpington. The tennis club is located on a triangular shaped parcel of land on a backland area between the highways of Mayfield Avenue, Lynwood Grove and Westholme. A public footpath runs between Mayfield Avenue and Lynwood Grove along the southern boundary of the site. The land slopes downwards from west to east and the boundaries are marked by a mixture of close boarded fencing, trees and vegetation. There are three hard surfaced areas accommodating four courts in the wider northern part of the site and one court on the narrower southern part of the site. More specifically the application site concerns a pair of tennis courts Nos. 4 and 5 at the northern end of the site abutting properties on Westholme. The other three courts at the site have external flood lighting; the single court at the southern end (Court No. 1) has recently installed external floodlighting (permission 19/02723/FULL1 refers). The area is residential in nature and is generally characterised by large detached dwellings in spacious plots. The site does not lie within a Conservation Area and is not subject to a TPO however it is an area of Urban Open Space.



Fig. 1 Site location plan.



Photo 1. Courts 4 and 5 viewed from the southeast looking northwest.



Photo 2. Courts 4 and 5 viewed from the southwest looking northeast.



Photo 3. Courts 4 and 5 viewed from the northeast looking southwest.

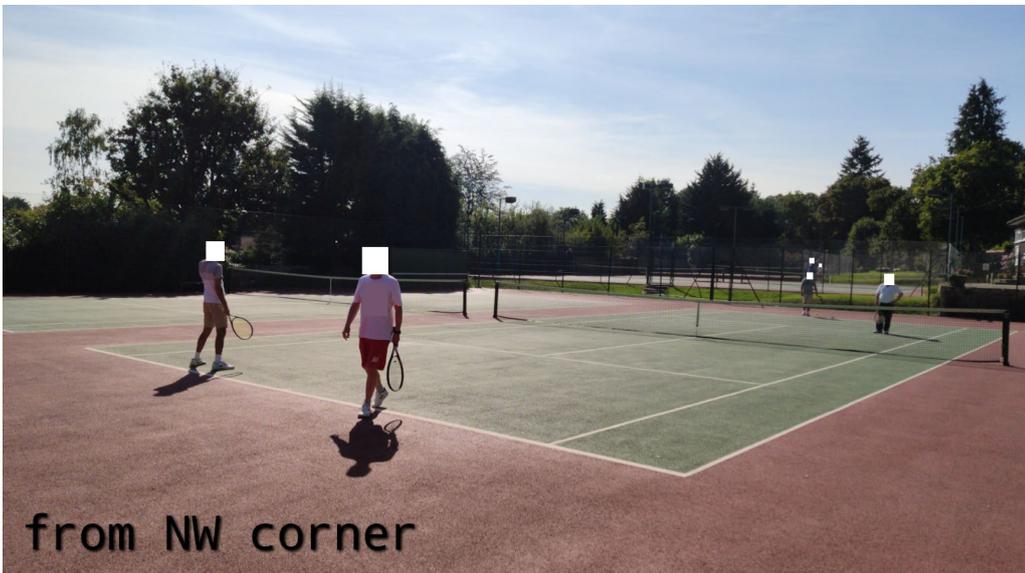


Photo 4. Courts 4 and 5 viewed from the northwest looking southeast.



Photo 5. Site entrance looking north towards Court 1 (foreground) and Courts 2 and 3 (beyond).



Photo 6. Access strip between Courts 2 and 3 (pictured right) and Courts 4 and 5 (pictured left) viewed from the clubhouse at the western side looking east. Note the oldest existing lighting technology is at Courts 2 and 3 where light spill emitted on to land beyond/behind the columns is diffused and relatively restricted.



Photo 7. Court 4 and 5 (foreground) looking southeast towards Courts 2 and 3 (beyond).

3. PROPOSAL

- 3.1 Planning permission is sought for installation of 9x 6m high lighting columns with 12x 530W 4000K LED flood lights to existing outdoor tennis courts 4 and 5.
- 3.2 The application is supported by:
- Application form,
 - Application drawings,
 - Lighting specification,
 - Light Impact Assessment and guidance/guidelines,
- 3.3 In support of the application the Applicant provides the following background information and justification for the proposal:
- Club dates from 1950 and formal limited company from 1963, well managed and financially viable/secure with good future prospects,
 - Amateur sports volunteer club (not for profit) catering for all abilities, as recommended by the National Sporting Governing Bodies (NGBs),
 - Not for profit club provides good value, a financially, ability based, and socially accessible environment with a community feel compared with a more expensive and potentially more elite leisure centre/professionally run type facility,
 - Very few local facilities with flood lighting thereby reducing opportunity to play,
 - Current 3 lit courts are at capacity given coaching and playing schedule,
 - Club plays tennis all year round including junior coaching,
 - General population increase in the area, and particularly working age adults demographic, is increasing membership generally,
 - full-time working age demographic (with more people now returning to workplace) typically increases demand on weekday evenings e.g. 7pm-10pm,
 - Coaching programme increased requires 2 of the 3 existing floodlight courts for 80% of the weekday evenings,
 - Increased focus on coaching has increased the junior membership,

- Long waiting list for adult coaching and additional Coach recruited,
- Close relationship with local schools and free coaching/bursary programme for deprived background children,
- Increased non-members “visitors” and “guests” as well as members,
- Overall increases demand for all 5 courts 40% of which are not lit,
- Increased participation supports the club, Lawn Tennis Association and overarching Sport England and governmental sports, health and wellbeing aims,
- maintaining membership levels provides funding/investment for the improve of the club (not for profit) including resurfacing all courts and lighting Court 1 over last 5 years,
- More feasible and effective to improve existing sports facilities than to open completely new ones,
- Peak time weekdays 4pm-9pm,
- Peak time weekends 8.30am-5pm,
- Junior Coaching 4pm-7pm,
- Adult Coaching 7pm-9pm,
- 10pm curfew observed on all courts (lit or unlit),
- Flood lights required from September to May only and from 4pm onwards in December,
- Competition: Summer season 69 members played in 17 teams in 108 fixtures
- Competition: Winter Season a further 76 scheduled fixtures,
- Fixture last 3 hours and start from 6.30pm earliest (due to work/travel time) and therefore would run beyond 9pm providing insufficient time to complete the match,
- Lights are fitted with shrouds to focus light to the playing surface and minimise spill, on a timer and only when club is in use/attended,
- Noise impacts would not be different to existing use of site and current lit courts which operate until 10pm, except there would be two additional courts,
- Provision of additional planting/landscaping to soften/screen the site and the development,
- Traffic levels no higher than in the summer months when all courts are active in the later hours and without any traffic or parking issues,
- Members are courteous when leaving the site,



Fig 2. Proposed layout.

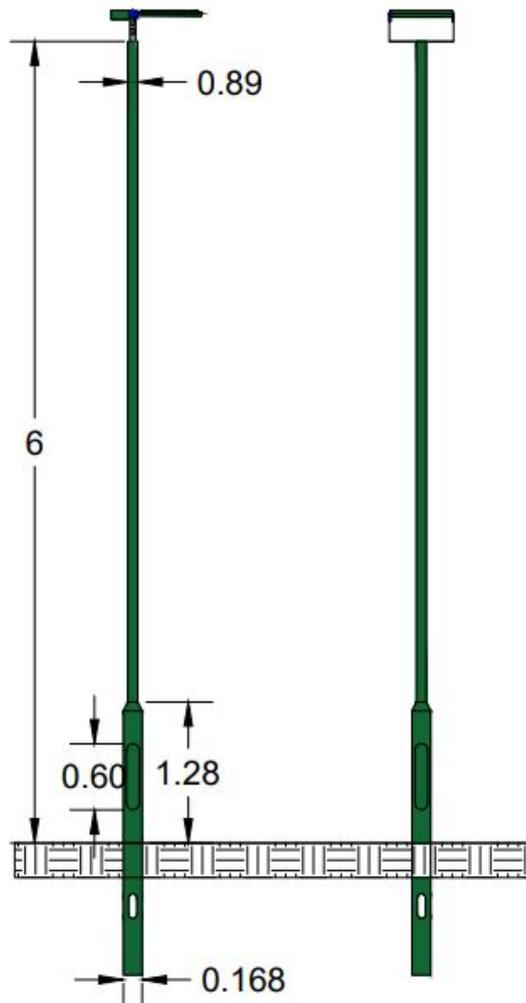


Fig 3. Proposed elevations.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows (to be listed in date order with oldest first):

4.2 90/00446/FUL – Erection of 6m high floodlighting columns to 2 existing courts was refused on 17 April 1990 for the following reason:

1. The introduction of tennis court illumination would be seriously detrimental to the present residential amenities, prospect and quietude of adjoining properties by reason of the extended use of the courts in the evening hours, and the visual impact of the illumination.

However, the subsequent appeal was allowed on 8 April 1991 for the following reasons:

The Appeal Inspector considered the main issue to be the effect of the playing of tennis and the use of floodlighting on neighbouring residential amenities and that this would not be significantly harmful (discussed in more detail below) subject to conditions including the restriction of the hours of use and the standard time limit to begin the construction/installation.

- 4.3 19/02723/FULL1 – Installation of 6x 6.7m high LED floodlighting columns to outdoor tennis court No. 1 was approved on 17 September 2019 and this has been implemented.

5. CONSULTATION SUMMARY

A) Statutory

- 5.1 LBB Environmental Health Pollution Officer: The application is supported by a Lighting Impact Assessment; including a lux contour map, and the guidance from the Institute of Lighting Professionals 'The reduction of obtrusive light' Guidance Note 01/2. The Lighting Impact Assessment shows that the proposal would meet the guidance in relation to surrounding premises such as the nearest residential windows. Furthermore, although some neighbouring properties may experience a lighter skyline than at present the proposed is designed to avoid light shining directly towards neighbouring windows which would be more harmful. No objection provided that the proposal is carried out in accordance with these details. Noise levels/impacts arising from tennis playing are unlikely to exceed those higher levels of football, hockey and rugby and Sport England's design advice and decibel levels for those sports. Furthermore, the Appeal Inspectors previous conclusions are noted, and the hours of use should be re-imposed (in the event that planning permission is granted).

B) Local Groups

- 5.2 Knoll Residents' Association
- The tennis club is a valued community asset,
 - However, the proposed additional floodlighting would cause an artificial illumination of the sky and local skyline/townscape harming the character of the area and ASRC, which provides views/glimpses to rear gardens from road side, for example, due to variation in topography of the streets, varying roof shapes and gaps between properties.

C) Adjoining Occupiers

- 5.3 Objections
- Earlier appeal scheme 90/00446/FUL (allowed by the Inspector on grounds that [wintertime] tennis would not take place when residents were likely to be in their gardens and would have windows and curtains drawn and that any social activities were unlikely to take place at the same time as tennis playing sessions) was determined in isolation and 30 years ago,
 - Previous scheme 19/02723/FULL1 was granted despite neighbour objections,
 - Knoll Tennis Club is small, surrounded by residential dwellings, and already has 3 floodlit courts compared with larger clubs with less floodlit courts and set away from residential dwellings,
 - Existing lights are not shrouded and cause light pollution,
 - Total of 21-24 lighting columns with 30 lights would be an overdevelopment and excessive for the small site,
 - Cumulative impact of all the lighting together should be considered,

- close proximity, boundary treatments, and height of lighting will cause light spill/light pollution to neighbouring properties,
- additional/extended play in the evening causes noise disturbance to neighbouring properties,
- some aerobic tennis sessions use loud music exacerbating effects,
- private amenity space and neighbouring gardens are more important during Covid-19 pandemic and encouraged to meet outdoors in gardens,
- harm to neighbouring health/wellbeing counteracts benefits of tennis to health/wellbeing,
- sloping land and less screening foliage on trees during spring/autumn would exacerbate effects,
- residents use gardens all times of the day and all-year round contrary to Inspector's views,
- if planning permission is granted the hours of use of the lighting should be restricted to 9pm and/or as per the other court lighting,
- artificial lighting would have an adverse impact on wildlife e.g. bats and birds, and this is not addressed in the application,
- the tennis club title deeds/covenant prevent any activity/equipment or apparatus causing nuisance to neighbours,
- proposal, lighting and noise disturbance would impede development at neighbouring properties e.g. summerhouses/garden rooms,
- Orpington area already well served by indoor/outdoor floodlit tennis courts e.g. Bromley Tennis Centre, Willett Way Recreation Ground, Goddington Park, all set away from residential properties, compared with other areas less well served by tennis clubs,
- Applicant should demonstrate the demand for tennis courts (e.g. average player waiting time for a lit court) to justify the need for more flood lighting for two additional courts. Court booking system indicates limited demand in the evenings which could be accommodated by existing courts,
- Should ensure that courts 4 and 5 are not brought in to use unless and until they are needed,
- Courts 4 and 5 should be limited to 9pm only,
- Additional traffic and access via the footpath (from Mayfield Avenue and Lynwood Grove) causes congestion, noise and disturbance,
- Proposal is for business reasons and not to improve a local community facility,

5.4 Support

- increased playing hours would allow more playing and improved versatility,
- use of the courts is to satisfy increased demand and increased membership (circa 200 members of all ages and 80 new members since April 2021) which limits availability of courts,
- two flood lit courts are usually reserved for coaching thereby leaving only one remaining flood lit court for players,
- unlit courts restrict the club's ability to play and host matches,
- improved tennis facility would positively contribute to the local community and links to local schools, promote fitness and mental wellbeing particularly now during the Covid-19 pandemic,
- increased hours of use would improve flexibility/versatility/convenience of playing time to appeal to a wider range of people e.g. coaching juniors after

school hours and evening playing hours for those with limited time/daytime working and shift patterns,

- lights are directed down towards the playing surface not at neighbouring properties or the sky, and the lighting diagram shows the light does not spill beyond the court edge and would be less harmful than streetlights or garden security lights,
- hours of use of the lighting is managed by a timer until 10pm and noise kept to a minimum abiding by club rules, as on the existing courts [where the Club has a good history of good relations with neighbours], in the interest of neighbouring residents,
- improving Knoll Tennis club [rather than other clubs] helps keep players local reducing travelling time/costs and is more convenient and sustainable,
- the benefits would outweigh any harm identified,

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2019

6.2 NPPG

6.3 The London Plan 2021

D4 Delivering Good Design

6.4 Bromley Local Plan 2019

37 General Design of Development
55 Urban Open Space
73 Development and Trees
119 Noise Pollution
122 Light Pollution

6.5 Bromley Supplementary Guidance

SPG1 – General Design Principles

7. ASSESSMENT

7.1 Procedural matters

7.1.1 Notwithstanding third party comments, title deeds and covenants are a private civil matter and are not a material planning consideration.

7.2 Background/context

7.2.1 As mentioned in the previous application 19/02723/FULL1 the Appeal Inspector dealing with the earlier appeal scheme (90/00446/FUL) noted the long deep gardens in this area, the relatively limited number of lighting columns and their height and slender design in that scheme (even taking into account the floodlighting lamps themselves). The Inspector noted that the lights would illuminate the courts

with limited spill outside of that defined area, that neighbouring residents would be unlikely to be using their gardens at that time and that the light spill would be unlikely to reach to their houses, and that the intended playing time until 10pm would be similar to that of the last daylight in the summer months. The Inspector noted that there would be some diffused/reflected glow however this would be unlikely to show through closed curtains. The Inspector noted the age of the tennis court is likely to have been contemporary to that of the houses and that the residents would be used to the ordinary sounds of tennis being played, particularly in the summer when neighbouring residents would be using their gardens and may have open windows. The Inspector considered that the use of the floodlighting mainly during the winter would coincide with the more limited use of the neighbouring gardens in the winter and when neighbouring windows are more likely to be closed. As such the Inspector considered that the use of the courts from 0900hrs until 2200hrs with the use of floodlighting would not be unreasonable. The Inspector considered the main use of the floodlighting to be in direct connection to the playing of tennis and not for other purposes such as the holding of social events. This previously planning history and context was a relevant consideration in assessing the later permission 19/02723/FULL1 and the current proposal 21/03849/FULL1. Furthermore, since that appeal decision in the early 1990s lighting flood light technology has advanced such that lighting is directed more towards the playing surface with less light spill beyond the playing surface.

7.3 Principle and location of development – acceptable

- 7.3.1 The site lies within an urban/suburban area where there is no objection in principle to new development subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, and the residential amenity of adjoining.

7.4 Urban Open Space – acceptable

- 7.4.1 The proposed lighting is small scale and would support the outdoor recreational use on the site. As mentioned by the Applicant and in some of the supporting representations the proposal would provide lighting on two further courts allowing them to be used throughout the darker/winter months and making it more accessible/versatile than in its current arrangement which is limited by the darker periods of the year. This would increase capacity and versatility of the courts, allowing more members to play, and allowing the club to continue to offer coaching; including for local schools/community groups, to provide general club practice and to take part in competitive matches.

7.5 Design and landscaping – acceptable

- 7.5.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 7.5.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.5.3 The proposed lighting would be positioned directly around the tennis court(s) and the design would be appropriate to the site and its function. The lighting would not be excessive in number, height or mass, it would resemble the existing lighting at the other courts at the site and would not detract from the character and appearance of the site and its surroundings. It is also noted that the Appeal Inspector raised no objection in design terms to the previous scheme 90/00446/FUL, nor the Council in the earlier permission 19/02723/FULL1.

7.6 Residential amenity – acceptable

- 7.6.1 Policies 6 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.6.2 Policy 4 of the Bromley Local Plan also seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.6.3 Although existing trees/screening can soften the impact of existing and proposed lighting they cannot be relied upon as their long term wellbeing and retention cannot be guaranteed. Nonetheless, as mentioned in the earlier appeal decision many of the neighbouring gardens, particularly those in Mayfield Avenue and Lynwood Grove, are generally long/spacious and the tennis court(s) are therefore well separated from the majority of the neighbouring properties. Furthermore, the Applicant offers additional planting/landscaping to soften/enhance the development and to improve screening.
- 7.6.4 The current proposal would resemble the previous appeal scheme(s) 90/00446/FUL and 19/02723/FULL1 in its nature, design and overall context, and the conclusions of the Appeal Inspector are noted, and they are a relevant material consideration in assessing the current proposal. It is noted that Court Nos. 4 and 5 positioned at the northern end of the tennis club site are closer to more of the neighbouring properties than those in the earlier scheme(s) on Courts 1, 2 and 3 which are positioned more centrally, however there would remain a reasonable distance of separation and the nearest adjoining neighbouring gardens in direct alignment with Courts 4 and 5 are more spacious and as such any effects would be more diffused than those in more compact gardens. The proposed lights and their illumination would be visible from some of the nearest neighbouring properties, however as concluded by the Appeal Inspector the lighting columns and lamp would be slender and would not be unduly prominent and furthermore the lighting would be directed down towards the playing surface; assisted by more modern technology which has a more focussed beam than in the older lighting in the earlier appeal scheme, and not directly at

neighbouring properties and in this respect when viewed from neighbouring properties it would have a more diffused glow than a directed beam.

7.6.5 Although the courts could be used for longer in the winter evenings than at present the additional light and noise effects would not be significantly different to that arising from the other existing floodlit courts 1, 2 and 3 during the winter, or all five courts which can be used without lighting during the summer. Although there may be some residents using their gardens in the evenings during the darker winter months, perhaps as they have become more used to doing so during the COVID-19 conditions, considering the Planning Inspector's conclusion on the earlier appeal scheme 90/00446/FUL, it is considered more likely that most residents would be less likely to be using their gardens as actively during the winter evenings than during the summer. Furthermore, it is relevant to consider whether the use of two more of the tennis courts and the cumulative impact of all the courts being used during the winter would be significantly more or unacceptably harmful compared with all of the courts being used during the summer and/or three of the five courts being used currently during the winter. In this respect it is considered the harm would not be significantly greater sufficient to warrant refusal.

7.6.6 Furthermore and based on the proposed design and the information provided there is no objection from the Council's Environmental Health Department on ground of light impact to neighbouring properties and the effect of noise is also considered not to be significantly or unacceptably harmful to neighbouring properties. For these reasons there would be no significantly greater impact than the existing situation. However, in order to continue to preserve the amenities of the neighbouring occupants and in the interest of completeness it would be prudent to require the development to be carried out in accordance with the submitted/approved details including the Light Impact Assessment and to continue to impose the previous condition to manage the hours of use, and to provide the additional planting/landscaping to the site boundaries.

7.7. CIL

7.7.1 The Mayor of London's CIL is a material consideration. CIL **is not** payable on this application.

8. Conclusion

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area and would not result in a significant loss of amenity to local residents or significantly harmful effects.

8.1.1 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION BE GRANTED

Subject to the recommended conditions:

Standard Time Limit

Standard Compliance with Plans

Materials in accordance with the approved details

Landscaping details to be submitted

Hours of use – 0900hrs to 2200hrs (consistent with the existing lit courts)

Any other planning condition(s) considered necessary by the Assistant Director of Planning.