

Application reference: 22/0081/FUL EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
13.01.2022	24.01.2022	21.03.2022	21.03.2022 EOT 17.06.2022

Site:

Sheen Lawn Tennis And Squash Club, Parklands Close, East Sheen, London

Proposal:

Installation of floodlights to two existing courts (courts 4 and 5) comprising 10 no. floodlights on 9 columns.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

C/O Agent
C/O Agent
C/O Agent
C/O Agent

AGENT NAME

Nicholas Taylor + Associates
46 James Street
London
W1U 1EZ
England

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

LBRuT Ecology
LBRUT Transport
LBRuT Non-Commercial Environmental Health Noise Issues
Sport England

Expiry Date

14.02.2022
07.02.2022
07.02.2022
14.02.2022

Neighbours:

61 St Leonards Court, St Leonards Road, East Sheen, London, SW14 7LS -
50 Gloucester Road, Kew, Richmond, TW9 3BX -
Ground Floor Flat, 66 St Leonards Road, East Sheen, London, SW14 7NE -
24 RODWAY ROAD, LONDON, SW15 5DS -
42 Temple Sheen Road, East Sheen, London, SW14 7QG -
21 Connaught Avenue, East Sheen, London, SW14 7RH -
79 East Sheen Avenue, East Sheen, London, SW14 8AX -
13 Graemesdyke Avenue, East Sheen, London, SW14 7BH -
11 Grosvenor Gardens, Barnes, London, SW14 8BY -
29 Connaught Avenue, East Sheen, London, SW14 7RH -
74 Queens Court, Queens Road, Richmond, TW10 6LB -
6 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DJ -
26 Observatory Road, East Sheen, London, SW14 7QD -
1 Fife Road, East Sheen, London, SW14 7EW -
14 First Avenue, Mortlake, London, SW14 8SR -
18 The Vineyard, Richmond, TW10 6AN -
16 Orchard Rise, Richmond, TW10 5BX -
187A, SAXON AVENUE, FELTHAM, TW13 5LX -
84 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DN -
1 Orchard Rise, Richmond, TW10 5BX -
230 DOVER HOUSE ROAD, LONDON, SW15 5AH -
38 Observatory Road, East Sheen, London, SW14 7QD -
,,, SW14 7EH -

7 Second Avenue, Mortlake, London, SW14 8QF -
5 Uplands Close, East Sheen, London, SW14 7AS -
39 Wallorton Gardens, East Sheen, London, SW14 8DX -
108 BROCKENHURST AVENUE, WORCESTER PARK, KT4 7RF -
81 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DN -
12 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DJ -
87 Richmond Park Road, East Sheen, London, SW14 8JY -
94 Richmond Park Road, East Sheen, London, SW14 8LA -
97 East Sheen Avenue, East Sheen, London, SW14 8AX -
26 Parke Road, Barnes, London, SW13 9NG -
31 Berwyn Road, Richmond, TW10 5BP -
F304, GILBERT SCOTT BUILDING, SCOTT AVENUE, LONDON, SW15 3SG -
Flat 3, 62 Upper Richmond Road West, East Sheen, London, SW14 8DA -
54 Richmond Park Road, East Sheen, London, SW14 8LA -
21 Stanmore Gardens, Richmond, TW9 2HN -
Top Floor Flat, 5 Elm Road, East Sheen, London, SW14 7JL -
9 The Byeway, East Sheen, London, SW14 7NL -
15 Hares Ave, Woodstock, Cape Town South Africa, 7925 -
29 Kings Road, East Sheen, London, SW14 8PF -
52 Lowther Road, Barnes, London, SW13 9NU -
85 Richmond Park Road, East Sheen, London, SW14 8JY -
8 Christchurch Road, East Sheen, London, SW14 7AA -
78 Cambridge Road, Teddington, TW11 8DN -
1 Kings Farm Avenue, Richmond, TW10 5AE -
26 Castelnau, Barnes, London, SW13 9RU -
7 Park Drive, East Sheen, London, SW14 8RB -
5 West Temple Sheen, East Sheen, London, SW14 7RT -
1 LYRIC SQUARE, LONDON, W6 0NB -
66 St Leonards Road, East Sheen, London, SW14 7NE -
6 Fife Road, East Sheen, London, SW14 7EP -
96 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DN -
37 Strawberry Vale, Twickenham, TW1 4RX -
1 Rutland Drive, Petersham, Richmond, TW10 7AQ -
53 Christchurch Road, East Sheen, London, SW14 7AQ -
1 Earl Road, East Sheen, London, SW14 7JH -
1 Alexandra Road, East Sheen, London, SW14 8DL -
27 Stonehill Road, East Sheen, London, SW14 8RR -
17 Muirdown Avenue, East Sheen, London, SW14 8JX -
FLAT 9, 18 RAYNERS ROAD, LONDON, SW15 2AZ -
41 Lonsdale Road, Notting Hill, W11 2by -
17 Spencer Gardens, East Sheen, London, SW14 7AH -
217 ELGIN AVENUE, LONDON, W9 1NH -
88 Via trieste, Montespertoli, 50025 -
100 Cleveland Gardens, Barnes, London, SW13 0AH -
10 Heath Gardens, Twickenham, TW1 4LZ -
30 Grosvenor Avenue, East Sheen, London, SW14 8BX -
21 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DJ -
49 Sheen Common Drive, Richmond, TW10 5BW -
38 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DJ -
44 Hertford Avenue, East Sheen, London, SW14 8EQ -
74 East Sheen Avenue, East Sheen, London, SW14 8AU -
61 SOUTH TERRACE, SURBITON, KT6 6HR -
8 Priory Gardens, Barnes, London, SW13 0JU -
48 Vicarage Road, East Sheen, London, SW14 8RU -
81 Temple Sheen Road, East Sheen, London, SW14 7RS -
FLAT D, CRABTREE HALL, CRABTREE LANE, LONDON, SW6 6AR -
43 HAZLEWELL ROAD, LONDON, SW15 6LS -
41 Hertford Avenue, East Sheen, London, SW14 8EH -
22 Tudor Gardens, Barnes, London, SW13 0JS -
25 Sheen Common Drive, Richmond, TW10 5BW -
15 Beverley Gardens, Barnes, London, SW13 0LZ -
2 Eastbourne Gardens, East Sheen, London, SW14 7NH -
58 Morley Road, Twickenham, TW1 2HF -
6 Leinster Avenue, East Sheen, London, SW14 7JP -
26 Coval Road, East Sheen, London, SW14 7RL -
34 Palmerston Road, East Sheen, London, SW14 7PZ -

12 Stonehill Road, East Sheen, London, SW14 8RW -
 8 Graemesdyke Avenue, East Sheen, London, SW14 7BJ -
 1 Richmond Park Road, East Sheen, London, SW14 8JU -
 5 Temple Sheen, East Sheen, London, SW14 7RP -
 10 Paynesfield Avenue, London, Sw148dw -
 68, Deanhill Court, Upper Richmond Road West, Sheen, London, SW147DL -
 14 Palmerston Road, East Sheen, Richmond, SW147PZ -
 9 MILL PLECK, STUDLEY, B80 7QS -
 7, HENRIETTA HOUSE, ATKINSON CLOSE, WEST WIMBLEDON, LONDON, SW20 0FQ -
 Flat 1, 89 South Worple Way, East Sheen, London, SW14 8NG -
 123 Richmond Park Road, East Sheen, London, SW14 8JY -
 7, Kimpton house, Fontley way, Roehampton, London, SW15 4ND -
 44 Milton Road, East Sheen, London, SW14 8JR -
 27 Vernon Road, East Sheen, London, SW14 8NH -
 25 Connaught Avenue, East Sheen, London, SW14 7RH -
 21 Bushwood Road, Kew, Richmond, TW9 3BG -
 38 ROEHAMPTON GATE, LONDON, SW15 5JS -
 25A Bicester Road, Richmond, TW9 4QL -
 35-37, AUGUSTUS ROAD, LONDON, SW19 6LW -
 95, 95 Sheen Court Road, Richmond, TW10 5DE -
 3 Broadhurst Close, Richmond, TW10 6HU -
 55 Hertford Avenue, East Sheen, London, SW14 8EH -
 36 Westwood Road, Barnes, London, SW13 0LA -
 2 Berwyn Road, Richmond, TW10 5BS -
 623 Upper Richmond Road West, East Sheen, London, TW10 5DU -
 59 Temple Sheen Road, East Sheen, London, SW14 7QF -
 43 York Avenue, East Sheen, London, SW14 7LQ -
 36 Carnelian court, Westgate, Auckland, 0614 -
 Ground Floor Flat, 90 Kingston Road, Teddington, -
 Flat 21, Lime House, 33 Melliss Avenue, Kew, Richmond, TW9 4AE -
 61 Richmond Park Road, East Sheen, London, SW14 8JU -
 21A, INWOOD AVENUE, COULSDON, CR5 1LP -
 2187 Brookshire Road, Furlong, 18925 -
 FLAT 33, BOULOGNE HOUSE, FRAZER NASH CLOSE, ISLEWORTH, TW7 5FQ -
 FLAT 39, HEATHFIELD COURT 248, TREDEGAR ROAD, LONDON, E3 2GQ -
 1 NEPEAN STREET, LONDON, SW15 5DW -
 43 Mead Road, Ham, Richmond, TW10 7LG -
 333 E 9th Street, Santa Ana, 92701 -
 2 Ripley Gardens, Mortlake, London, SW14 8HF -
 17 ROWLEY COURT, YORKE GATE, CATERHAM, CR3 5AY -
 2 Sheen Wood, East Sheen, London, SW14 7AG -
 287 Sheen Lane, East Sheen, London, SW14 8RN -
 73 St Leonards Road, East Sheen, London, SW14 7NW -
 27 Berwyn Road, Richmond, TW10 5BP -
 36 Rowan Walk, Bromley, Br28qn -
 42 Berwyn Road, Richmond, TW10 5BS -
 4 STEELE ROAD, ISLEWORTH, TW7 7HN -
 159 Sheen Lane, East Sheen, London, SW14 8NA -
 11 Gordon Avenue, East Sheen, London, SW14 8DZ -
 PRAEFECTUS BUILDING, HOLYWELL MANOR GRADUATE CENTRE, MANOR ROAD, OXFORD, OX1 3UH
 -
 56 Gilpin Avenue, East Sheen, London, SW14 8QY -
 273 Sheen Lane, East Sheen, London, SW14 8RN -
 5 Enmore Gardens, East Sheen, London, SW14 8RF -
 94 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DN -
 208 St Leonards Road, East Sheen, London, SW14 7BN -
 46 Thompson Avenue, Richmond, TW9 4JW -
 8 York Avenue, East Sheen, London, SW14 7LG -
 353 - 355 Upper Richmond Road West, East Sheen, London, SW14 8QN -
 2 Parklands Close, East Sheen, London, SW14 7EH, - 24.01.2022
 13 Fife Road, East Sheen, London, SW14 7EJ, - 24.01.2022
 11 Fife Road, East Sheen, London, SW14 7EJ, -
 1 Parklands Close, East Sheen, London, SW14 7EH, -
 23 York Avenue, East Sheen, London, SW14 7LQ, -
 15 York Avenue, East Sheen, London, SW14 7LQ, -
 10 The Mall, East Sheen, London, SW14 7EN, - 24.01.2022

3 Parklands Close, East Sheen, London, SW14 7EH, -
 27 York Avenue, East Sheen, London, SW14 7LQ, -
 8 The Mall, East Sheen, London, SW14 7EN, -
 13 Ormonde Road, East Sheen, London, SW14 7BE -
 7 Graemesdyke Avenue, East Sheen, London, SW14 7BH -
 39 Somerton Avenue, Richmond, TW9 4QP -
 47 Fife Road, East Sheen, London, SW14 8BJ -
 6 Sheen Gate Gardens, East Sheen, London, SW14 7NY -
 26 Rosemont Road, Richmond, TW10 6QL -
 22 Church Road, Richmond, TW9 1UA -
 2 The Mall, East Sheen, London, SW14 7EN, - 24.01.2022
 4 Parklands Close, East Sheen, London, SW14 7EH, -
 25 York Avenue, East Sheen, London, SW14 7LQ, - 24.01.2022
 21 York Avenue, East Sheen, London, SW14 7LQ, - 24.01.2022
 19 York Avenue, East Sheen, London, SW14 7LQ, - 24.01.2022
 17 York Avenue, East Sheen, London, SW14 7LQ, - 24.01.2022
 12 The Mall, East Sheen, London, SW14 7EN, - 24.01.2022
 6 The Mall, East Sheen, London, SW14 7EN, - 24.01.2022
 4 The Mall, East Sheen, London, SW14 7EN, -
 7 Fife Road, East Sheen, London, SW14 7EJ, -
 5 Fife Road, East Sheen, London, SW14 7EJ, - 24.01.2022
 28 Martindale, East Sheen, London, SW14 7AL -
 24 HOLLEY ROAD, LONDON, W3 7TS -
 54 Manor Road, Richmond, TW9 1YB -
 13 Connaught Avenue, East Sheen, London, SW14 7RH -
 54 Thorne Street, Barnes, London, SW13 0PR -
 28 Berwyn Road, Richmond, TW105BS -
 5, SOUTHVIEW COTTAGES, WIRE CUT, FRENHAM, FARNHAM, GU10 3DG -
 48 St Leonards Court, St Leonards Road, East Sheen, London, SW14 7NG -
 45 Gilpin Avenue, East Sheen, London, SW14 8QX -
 4 Sheen Gate Gardens, East Sheen, London, SW14 7NY -
 245 St Margarets Road, Twickenham, TW1 1ND -
 38 Shrewsbury Avenue, East Sheen, London, SW14 8JZ -
 62 Derby Road, East Sheen, London, SW14 7DP -
 37A Crown Road, Twickenham, TW1 3EJ -
 33 Kingsway, Mortlake, London, SW14 7HL -
 7 Stonehill Road, East Sheen, London, SW14 8RR -
 2 Park Avenue, East Sheen, London, SW14 8AT -
 19 Paynesfield Avenue, East Sheen, London, SW14 8DW -
 10 East Sheen Avenue, East Sheen, London, SW14 8AS -
 32 Fife Road, East Sheen, London, SW14 7EL -
 18 Chilton Road, Richmond, TW9 4JB -
 15 Connaught Avenue, East Sheen, London, SW14 7RH -
 72 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DL -
 11 Deanhill Court, Upper Richmond Road West, East Sheen, London, SW14 7DJ -

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: REF Application:89/2215/FUL
 Date:21/12/1989 Installation Of Floodlights To Existing Tennis Courts.

Development Management

Status: GTD Application:94/0571/FUL
 Date:14/07/1994 Replacement Of Existing 10 No Floodlights To Tennis Court With 6 No 6m High Flood Lights.

Development Management

Status: REF Application:97/1264
 Date:12/08/1997 Erection Of 6 Floodlighting Columns To Court 4.

Development Management

Status: GTD Application:98/0094
 Date:14/04/1998 Single Storey Extension To Club House And Pitched Roof To Part Of Existing Building.

Development Management

Status: GTD Application:82/1080
 Date:22/12/1982 Demolition of first floor office and use of flat roof as a terrace and erection of

a single storey extension. (Amended drawing No. 124/15B received on 11/10/82).

<u>Development Management</u> Status: GTD Date:08/11/1982	Application:82/1185 Erection of single storey extension to club house. (Drawing No. 124/15B amended on 4.11.82).
<u>Development Management</u> Status: REF Date:24/08/1987	Application:86/1920 Installation of double skin airdome for the playing of tennis during the winter months (October 1st - March 31st); taken down during the summer.
<u>Development Management</u> Status: GTD Date:23/02/1966	Application:66/0006 Alterations and extensions to Changing rooms.
<u>Development Management</u> Status: GTD Date:28/11/1972	Application:72/1719 Erection of two squash courts.
<u>Development Management</u> Status: GTD Date:07/01/1974	Application:73/1970 Erection of two squash courts and resiting of existing shed.
<u>Development Management</u> Status: REF Date:23/10/2008	Application:08/2172/FUL Part floodlighting of junior training lawn tennis court .
<u>Development Management</u> Status: GTD Date:21/06/2011	Application:11/0758/PS192 Erection of temporary lights to be taken down and stored when not in use.
<u>Development Management</u> Status: REF Date:02/02/2018	Application:16/2877/FUL The re-orientation and resurfacing of three existing tennis courts to form two floodlit tennis courts and two mini tennis courts and associated fencing
<u>Development Management</u> Status: GTD Date:05/03/2019	Application:19/0237/FUL Maintenance/resurfacing of five existing tennis courts including renewal of the existing impermeable acrylic playing surface of five tennis courts with an 'Advantage Red' artificial clay woven carpet playing surface, together with renewal of existing internal court divider fencing, net posts and tennis nets. The court configuration and boundary fence heights remain unchanged.
<u>Development Management</u> Status: GTD Date:06/04/2021	Application:20/3468/FUL Demolition of existing shed, Erection of pavilion and replacement hard and soft landscaping with shingled soakaway in terrace area
<u>Development Management</u> Status: PCO Date:	Application:22/0081/FUL Installation of floodlights to two existing courts, comprising 10 no. floodlights on 9 columns.

Appeal

Validation Date: 01.12.1997 Development Appeal
Reference: 97/1264

Building Control

Deposit Date: 13.11.1998 Attached building to form cafeteria and toilet facilities
Reference: 98/1906/FP

Building Control

Deposit Date: 15.02.1999 Attached building to form cafeteria and toilet facilities
Reference: 98/1906/1/FP

Building Control

Deposit Date: 08.10.2017 Install a gas-fired boiler
Reference: 17/FEN03143/GASAFE

Building Control

Deposit Date: 09.10.2017 Install a gas-fired boiler
Reference: 17/FEN03150/GASAFE

Enforcement

Opened Date: 13.10.1995 Enforcement Enquiry
Reference: 95/00538/EN

Enforcement

Opened Date: 09.10.2008 Enforcement Enquiry
Reference: 08/0604/EN/UBW

Application Number	22/0081/FUL
Address	Sheen Lawn Tennis And Squash Club Parklands Close East Sheen London SW14 7EH
Proposal	Installation of floodlights to two existing courts (courts 4 and 5) comprising 10 no. floodlights on 9 columns.
Contact Officer	Wendy Wong Chang
Recommendation	REFUSE

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application property is located on the north side of Parklands Close and contains 8 tennis courts, one of which is floodlit, and club buildings including club house, a large hall and squash court facilities.

The Sheen Lawn Tennis Club was founded in 1921. The squash courts were constructed in 1973.

The property is bound by residential properties and the Christchurch Road East Sheen Conservation Area (CA13) (to the north, west and partly to the south).

Sheen Common is located approximately 110m east of the application property boundary and Richmond Park approximately 170m south.

The application site is situated within East Sheen Village and is designated as:

- Article 4 Direction Basements
- Protected View (Indicative Zone) (View 7 RICHMOND PARK TOWARDS ST PAULS CATHEDRAL)
- Village Character Area (Temple Sheen Road / Palmerston Road / York Avenue - Character Area 12 East Sheen Village Planning Guidance)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Installation of floodlights to two existing courts (Courts 4 and 5), comprising 10 no. floodlights on 9 columns.

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

89/2215/FUL - Installation of floodlights to existing tennis courts. – Refused and Dismissed on appeal 10 January 1991.

Reason for refusal: The installation to illuminate 3 existing tennis courts would be an unneighbourly development in which (i) the light generated would be visually obtrusive and (ii) the resulting extended hours of use of the courts would give rise to additional noise and disturbance to the detriment of the amenities of neighbouring residential properties and the occupiers thereof. The proposal is thus contrary to policy ENV 20 of the Richmond Upon Thames Local Plan.

97/1264/FUL - Erection of 6 floodlighting columns to court 4. – Refused and Dismissed on appeal 22.3.1998.

Reason for refusal: The installation of floodlighting to illuminate the tennis court would be an unneighbourly development in which: a) the light generated would be visually obtrusive and b) the resulting extended hours of use of the courts would give rise to additional noise and disturbance to the detriment of the amenities of neighbouring residential properties and the occupiers thereof. The proposal is thus contrary to policy ENV24 of the Unitary Development Plan.

08/2172/FUL - Part floodlighting of junior training lawn tennis court. - Refused

Reason for refusal: By reason of the siting of the proposed floodlights and the hours of proposed play, it is considered that the proposal would be visually intrusive and would also, by reason of light pollution, noise and disturbance, adversely affect the residential amenities of the neighbouring properties, and would therefore be contrary to policies BLT 16 and ENV 13 of the Richmond Upon Thames Unitary Development Plan - First Review March 2005.

16/2877/FUL - The re-orientation and resurfacing of three existing tennis courts to form two floodlit tennis courts and two mini tennis courts and associated fencing – Refused

Reason for Refusal : The development, by reason of the siting, scale and extent of the proposed floodlights and the extended hours of proposed play, would be visually intrusive and result in noise that would give rise to significant adverse impacts on the amenity of neighbouring residents. The hedge, by reason of its height, extent and siting on the southern boundary of 10 The Mall, would affect the reasonable enjoyment of the garden of this property. The development is thereby contrary to the aims and objectives of the NPPF and Local Plan, particularly policies DM DC 5 and DM OS9 of the Development Management Plan, LP8 and LP9 of the Publication Local Plan and the Draft Noise SPD.

Summary of Relevant Planning History for Floodlights



4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

31 letters of objections have been received and the comments can be summarised as follows:
(Officers note that these representations are predominantly from local residents who reside in close proximity to the application site)

- Increase in its use of Energy /CO2 output. Direct conflict with Richmond Council's Climate and Sustainability Strategy (2019/2024) and 2021 Climate emergency Action Plan
- Increase in the overall level of Light Pollution in the vicinity.
- Increase light spillage
- Light will stream not just above but through existing trees
- SLTC's Lighting Impact assessment is based on an E3 Suburban town centre category. The Mall must qualify as E2 'Relatively dark outer suburban village location.
- Height of the courts were raised by their recent resurfacing
- Effect of light pollution cause disruption to sleep patterns which in turn leads to other illnesses
- Increase in disruption to the neighbours during the evening due to noise of players.

- Although the Tennis Club would contend that this is quiet sport, unfortunately the sound of rackets on balls carries a long way, and is punctuated by often loud exostulations and even swearing.
- Extending playing time until 10.30pm will be a significant intrusion
- Application to use floodlights until 10.30pm is an hour later than the previous refused applicaiton
- Noise level later in the evening and night time would be unacceptable
- No proposals to mitigate noise
- Unsightly 6m+ lighting posts which will be taller than normal street lampposts and almost twice the height of the proposed green coloured fence.
- Increased traffic and congestion in the locality if playing hours are to be extended as many members drive to the club.
- The project possibly can be treated as a Statutory Nuisance under the Environmental Protection Act 1990 and as listed on the Council's own website.
- Club has made no attempt to discuss proposal with neighbours
- No evidence to justify the club's claim to their difficulty in recruiting young adult members as they have expanded their membership by around 50% since 2016
- Impact on wildlife
- Support for the application has come from many people who do not live in the immediately impacted area
- The Club has consistently ignored the very reasonable objections raised by their neighbours; objections that have equally consistently been upheld by the Council and, on appeal, by the Planning Inspectorate. The arguments which led to the rejection of the previous proposals apply equally to the Club's latest attempt and this proposal should also be rejected.
- The submitted noise survey is incorrect as it measured average noise from tennis relative to background noise in daytime. The noise from tennis comprises short sharp loud noises from the sound of racquet on ball and people shouting. These effects are almost completely removed by the approach used.
- Clubs claim to fallback position is a false comparison and should not be used to justify the current proposal
- Not sure what has changed on site since the previous refusals
- Visual impact of the lighting columns standing at 6m high
- There are multiple venues in Richmond for those wishing to play tennis in the evenings
- The Planning Inspectorate and the Council had previously found play/coaching up to 20.30 harmful, let alone with a more intense proposal finishing at 22.30pm now being proposed.
- The proposal will cause greater harm in terms of noise and activity, over and above the impacts previously determined unacceptable.
- A separate Noise Assessment* has been submitted by the local residents, which raised strong concerns about the methodology relied upon by the applicants in assessing noise impact. The independent noise assessment concluded that the extension of hours of activity achieved through the installation of floodlights operational up to 22:30, Monday – Sunday throughout the year would have a significant adverse impact on existing surrounding residential residents, affecting their amenity both outdoors in their private gardens and indoors when windows are open.
- It is wholly unreasonable to anticipate residents, including families with young children, would not use their first floor rooms, with windows open, during the evening hours before 22:30.
- It is wholly unreasonable to assume residents would not wish to enjoy their private garden space prior to 22:30 without undue noise disturbance.
- The applicants noise survey was undertaken on 30 September 202 during a period when the Club suppresses all tennis play.
- Methodology of the survey provides a misleading comparison
- Accuracy of the noise assessment

*The submitted Noise Assessment has been reviewed by Council's Environmental Health Officer and the comments are set out under Section 7 of this report.

The Mall Residents Association has submitted an objection and their comments can be summarised as follows:

- Increase in noise and light pollution after dark
- negatively impact on the quiet enjoyment by residents of their adjacent properties, especially in the summer months when their windows and curtains are likely to be open
- Given the proximity of Richmond Park, increased lighting at SLTSC is likely to negatively impact on the Park's resident population of Stag Beetles.
- Will detrimentally impact on the unique character of The Mall

Mortlake with East Sheen Society has submitted an objection and their comments can be summarised as follows:

- Similar to the previous one except that the two courts are no longer being re-orientated
- The proposal ought to read as follows "the installation of floodlights to courts 4 and 5 comprising 10 floodlights on 9 columns to enable these courts to be used until 10.30pm."

- Committee considers that the benefits to the Club did not outweigh the harms caused to residents in the immediate surrounds

192 letters of support have been received and the comments can be summarised as follows:

(Officer note that the letters of support do not appear, on the whole, to be local residents who reside in close proximity to the application site)

- It's time the council granted permission to let this club operate the same way other local sports club operate with the use of flood lights so members can maximise the use of the club particularly in the autumn / winter
- Proposal will offer significant benefit to the 900 members of the club and the local community
- Impact on neighbouring properties will be immaterial
- Enable local kids to play after school in winter and also adults to play in winter after work.
- Benefit local children by providing all year round after-school sports facility
- Tennis should not be confined to the summer
- Proposal will help make it a year round facility
- Tennis has a positive impact, both physically, psychologically and socially
- More opportunities for more social events in the evenings to help build a better community
- Make it a more attractive local facility
- Positive thing to attract new members to the club
- Lots of clubs have lights, it is normal practice

1 letter of observation received and the comments can be summarised as follows:

- Challenge the assumptions set out in the lighting report made by Alan Tulla.
- The Mall and in particular the residential gardens must qualify as E2.
- Height and design of fencing is not as assumed in the report.

5. AMENDMENTS

None to the scheme. A revised Noise Report was submitted by choice from the Applicant following initial comments provided by Council's EH Noise Officer in relation to the absence of consideration of further noise indices or detail in respect of measurements at court 4 on.

Neighbours were not reconsulted given no material change to the original scheme.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 8. Promoting healthy and safe communities
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

- GG3 Creating a healthy city
- S5 Sports and recreation facilities
- HC1 Heritage conservation and growth
- G6 Biodiversity and access to nature

These policies can be found at: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance
Local Character and Design Quality	LP1	Yes
Impact on Designated Heritage Assets	LP3	Yes

Impact on Views and Vistas	LP5	Yes	
Impact on Amenity and Living Conditions	LP8		No
Floodlighting	LP9		No
Local Environmental Impacts, Pollution and Land Contamination	LP10		No
Impact on Biodiversity	LP15		No
Impact on Trees, Woodland and Landscape	LP16	Yes	
Social and Community Infrastructure	LP28	Yes	
Health and Wellbeing	LP30	Yes	
Sport and Recreation	LP31	Yes	
Sustainable Travel Choices	LP44	Yes	
Parking Standards and Servicing	LP45	Yes	

These policies can be found at
https://www2.richmond.gov.uk/docs/LocalPlan/local_plan_publication.pdf

Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development
Village Plan – East Sheen

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Principle
- ii. Design and character
- iii. Neighbour amenity
- iv. Biodiversity
- v. Transport and parking

It is also necessary to consider whether previous reasons for refusal have been addressed.

Issue i – Principle

Policy S5 (B) of the London Plan supports:

- (1) development proposals that enhance the provision of sports facilities in accessible locations;
- (3) the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.

LP 28 (B) of the Local Plan- Proposals for new or extensions to existing social and community infrastructure will be supported where:

- 1. it provides for an identified need;
- 2. is of a high quality and inclusive design providing access for all; and
- 3. Where practicable is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which increases public access.

Policy LP 31 (A) of the Local Plan states that formal and informal sports grounds and playing fields will be protected, and where possible enhanced. Improvements of existing facilities and spaces, including their openness and character and their accessibility and linkages, will be encouraged.

LP 9 Floodlighting will be permitted unless there is demonstrable harm to character, biodiversity or amenity and living conditions, taking into account the following criteria:

- the impacts on local character or historic integrity;
- the impacts on amenity and living conditions;
- the impacts on biodiversity and wildlife;
- the benefits and impacts of the provision of floodlighting on the wider community;
- the benefits and effects on the use and viability of the facility;
- that it meets an identified need as set out within the council's playing pitch strategy;

It states that favourable consideration will be given to the replacement or improvement of existing lighting where it provides improvements to existing adverse impacts.

London Borough of Richmond upon Thames Playing Pitch Strategy (2018) provides a clear and strategic framework for the maintenance and improvement of existing outdoor sports facilities and ancillary provision. This study has found that no clubs in LBRuT report latent demand for access to additional courts and no clubs operate a waiting list. Furthermore, all other court providers state that spare capacity exists for an increase in demand. As all remaining (non-club) courts are deemed to have spare capacity for a growth in demand, focus should be on improving quality to an adequate standard for informal play, particularly at sites that are suitable for the LTA's access control system.

Whilst Council's Playing Pitch Strategy has not identified a demand for floodlit courts however in view that the proposal would be an enhancement of the existing facilities, it is considered that the proposal is in line with the Council's Playing Pitch Strategy and the aims and objectives of the aforementioned policies.

In addition, Sports England supports the proposal as they consider it will significantly increase the amount of time that this facility is available to the community, thereby enhancing the facility and improving the health and wellbeing of its users.

Issue ii - Design and character

The NPPF attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. New developments are encouraged to respond to local character and history and reflect the identity of local surroundings and materials.

Policies LP 1 state that new development must be of a high architectural and urban development design quality based on sustainable design principles. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively to its surroundings.

Policy LP 9 also suggest floodlighting should not have impacts on local character or historic integrity. A scheme should be compatible with the local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form. Supporting paragraph 4.9.3 states that 'It is important that floodlights are designed to be as unobtrusive as possible when unlit, in terms of number, height, width, design, colour and siting.'

As previously mentioned the application property is bound by the Christchurch Road (East Sheen) Conservation Area. Policy LP 3 seek to protect and enhance the character and appearance of conservation areas. The Christchurch Road Conservation Area Statement and East Sheen Village Planning Guidance identify that the area is well planted with mature trees giving it a suburban character.

The proposed columns would be dark green in colour and be maximum 6m in height and provide lighting levels of 500 lux. The lighting will be LED fittings and have a four side external louvre. Mounting height of fittings is 6m in height and all fittings will be installed within a tilt angle of less than 10 degrees.

In the officer reports for previously refused applications and the relevant appeals 89/2215/FUL, 97/1264/FUL and 08/2172/FUL, the officers and appeal inspectors concluded that the floodlight structures would not have a harmful visual impact on the character and appearance of the surrounding area. Whilst these applications proposed a lesser number of columns, the proposed columns and lighting would be slight in appearance and height and similar in appearance to the floodlights on the existing floodlit court. Their siting would ensure views of the structures would be limited across the wider Conservation Area. The openness of the site would be able to continue to be appreciated. Therefore, the proposed floodlight structures are considered to be acceptable from a design perspective.

Had the scheme been considered acceptable, it is considered that details of colour and materials of the floodlighting structures could have been secured by condition.

Issue iii - Residential Amenity

Policy LP 8 state the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance. Policy LP 9 states that the impacts on residential amenity and the wider public will be taken into account when assessing floodlighting.

The Sports England Artificial Sports Lighting Design Guide indicates that outdoor lighting of tennis courts can extend playing hours by some 1000 additional hours per annum (approx. 40%). The impact of this scale of intensification together with the lighting and issues arising from the mitigation measures proposed are considered below.

Four previous applications for floodlights at the application property have been refused since 1990 for impacts to neighbouring occupiers. Whilst the applications have all differed in their proposals (each proposal discussed later in this report), the principles of each refused application have been similar. It will therefore be necessary to consider whether the current proposal has overcome the reasons for refusal.

Also, since the time of these refused and appealed applications the material changes in circumstances comprise the adoption of the Local Plan, London Plan, adoption of various SPD notably the East Sheen Village Plan and adoption of the Noise Generating and Noise Sensitive SPD.

Relevance of Planning History

Application 89/2215/FUL sought permission for the installation of floodlights to 3 existing tennis courts. The application related to the three courts on the north-western side of the site, the nearest residential property being no. 2 The Mall. The application was refused permission on 29.01.1990 for the following reason:

The installation to illuminate 3 existing tennis courts would be an unneighbourly development in which (i) the light generated would be visually obtrusive and (ii) the resulting extended hours of use of the courts would give rise to additional noise and disturbance to the detriment of the amenities of neighbouring residential properties and the occupiers thereof. The proposal is thus contrary to policy ENV 20 of the Richmond Upon Thames Local Plan.

The decision was appealed to the Planning Inspectorate which was subsequently dismissed on 10.01.1991. The inspector acknowledged that the promotion and extension of sport and leisure activities is worthy of support; however, the Inspector recognised the facility was within a primarily residential area.

Regarding light spillage the Inspector highlighted '*Although it is explained that the design of the floodlights would minimise light spillage, in view of the height above first floor window level and close proximity to surrounding properties I am not satisfied that such spillage into them would be effectively prevented... direct light is likely to be cast into garden areas and through the windows of the nearest house [no. 2 The Mall] to an extent that is significant and unacceptably intrusive*'. It should be noted that 2 The Mall is located closer to the boundary with SLTSC than the nearest affected properties are to the current application site. Indeed, the Inspector commented that this property extends almost to the boundary.

The Inspector identified that the illumination of an area as large as three courts would be visible from other nearby properties in Fife Road, The Mall and York Avenue. The Inspector concluded that '*...notwithstanding the existing floodlit court, the effect of such illumination would amount to a visual intrusion that would not be acceptable in a residential area such as this*'.

The applicant had suggested that drawing curtains would minimise the effect of lighting imposes; however, the Inspector felt this to be '*an unreasonable fetter on the neighbours freedom of enjoyment of their properties*' and '*whilst the imposition of strict time controls although lessening the impact of the scheme would not reduce it to an acceptable level*'. The Inspector did identify in the decision that the use of the tennis courts in longer daylight hours gives rise to a degree of disturbance to their closest neighbours; however, residents have to accept this as a permitted use of the facilities. The Inspector acknowledged that controls could be put into place to minimise their effect; however, the decision went on to state that '*the provision of facilities for evening play on a year round basis would inevitably lead to an intensification of activity at the club... likely occurrence of noise and consequence disturbance throughout the year to a degree I consider unacceptable in its impact on the amenities of neighbours*'.

The principles raised within this decision are clearly relevant in the consideration of this application, although the findings are not directly applicable given the differences in the size and siting of the area illuminated and its relationship with neighbouring properties.

Application 97/1264/FUL sought permission for the erection of 6 floodlighting columns to court 4 and its use until 8.30pm daily. Court 4 is located near to the centre of the site, the closest court to the club house building on the north-eastern side of the site, the nearest residential properties being numbers 6, 8 and 10 The Mall. The application was refused permission on 12.08.1997 for the following reason:

The installation of floodlighting to illuminate the tennis court would be an unneighbourly development in which: a) the light generated would be visually obtrusive and b) the resulting extended hours of use of the courts would give rise to additional noise and disturbance to the detriment of the amenities of neighbouring residential properties and the occupiers thereof. The proposal is thus contrary to policy ENV24 of the Unitary Development Plan.

The decision was subsequently dismissed on appeal by the Planning Inspectorate on 16.03.1998. The Inspector acknowledged that the lights would be on poles some 6 metres high with baffles to protect adjoining residential properties from the light source. The Inspector acknowledged the tall conifers and silver birch tree along the northern boundary would partially screen these properties; however, given they would lose their leaves in winter months they would not offer adequate screening.

Regarding light spillage, the Inspector went on to state '*Despite the proposed baffles, the existing tree screen and your offer to limit the floodlight's use to 8.30pm each evening, I consider that the height of the proposed floodlights, their intensity and the closeness of the residential properties to the north would mean that there would be light spillage into their gardens and rooms. I am particularly concerned about the adverse effect on the occupiers of Nos 10 and 12 The Mall where there would be virtually no tree screening from the proposed floodlights. Due to distance, I do not consider that light spillage would adversely affect the occupiers of properties along York Crescent [Avenue] or Parklands Close, although I accept that they would see the illuminated court*'. It is important to note the distinction between the harm caused from light spillage and the visual impact from being able to see the illuminated court.

The Inspector agreed with the previous Appeal Inspector's comments that residents have to accept play on the appeal court during longer daylight hours in the summer. However, this proposal would extend that activity into mid-evening during the winter months as well, increasing activity from the existing illuminated court. The Inspector also reiterated the previous Inspector's comments regarding the beneficial work with local schools and junior players; however, the Inspector also acknowledged that the surrounding area is residential and whose occupiers could reasonably expect some peace and quiet at times when they are most likely to be home relaxing.

Despite the applicant's offered restrictions to cease use of the court by 8.30pm, the Inspector considered that '*the noise and disturbance that would result from play on the court during the early evening (particularly when coaching is involved and instructions are required) would harm the living conditions of adjoining occupiers. I do not consider it acceptable to rely on adjoining occupiers to close their windows and curtains to alleviate some of the harm caused by the proposal*'.

Under this application, the nearest floodlights to no's 8 and 10 The Mall would be of a similar distance to that proposed in the dismissed appeal. There are more floodlights along this boundary than under the appeal scheme and the height of the columns remains at 6m.

Application 08/8172/FUL sought permission for part floodlighting of junior training lawn tennis court. The junior court (court 7) is located on the south-eastern side of the site, the nearest residential property being no. 4 Parklands Close and in close proximity to numbers 15, 17, 19 and 21 York Avenue. The application was refused on 23.10.2008 for the following reason:

By reason of the siting of the proposed floodlights and the hours of proposed play, it is considered that the proposal would be visually intrusive and would also, by reason of light pollution, noise and disturbance, adversely affect the residential amenities of the neighbouring properties, and would therefore be contrary to policies BLT 16 and ENV 13 of the Richmond Upon Thames Unitary Development Plan - First Review March 2005.

The case officer in their delegated report acknowledged that the court is bordered closely on two sides by 2 residential dwellings. The officer stated '*while the proposed floodlighting would promote and extend the promotion of sport, in accordance with policy ENV 13, which states that many forms of lighting can be beneficial to extend the hours of use of outdoor sporting facilities especially in Winter, and that proposals for sports should be encouraged, in particular at existing facilities, the impact of the proposed floodlighting would have to be measured against the impact on the residential amenities of the occupiers of the neighbouring properties*'.

The officer concluded that due to the close proximity of the dwelling at no. 4 Parklands Close and the outlook of the dwelling onto court 7, the potential glaring into the window, it is considered that there would be a significant amount of overflow into this dwelling and that the proposed floodlights would be visually intrusive to those occupiers. It is noted that under submission, a lighting report has been submitted with this application and independently assessed by an external Lighting Consultant. The finding is discussed further in this section.

The officer acknowledged that the illuminated court would be visible from the dwellings at numbers 15, 17, 19 and 21 York Avenue and along The Mall; but '*due to the separation distance and siting of the floodlights, that there would be no significant effect on the residential amenities of the occupiers at no's 15 and 21 York Avenue or residents along The Mall.* However, due to close proximity of the proposed floodlights to the dwellings at No's 17 and 19 York Avenue, it was considered that the proposed floodlights would be visually intrusive and there would be a significant effect on the residential amenities of the occupiers of these dwellings. In that case the proposed 6m columns would have been approx. 17m from the rear boundary of 17 and 19 York Avenue. In this application, the nearest proposed lighting column would be approx. 15m from the rear boundary with 19 and 21 York Avenue.

It was considered that '*the effect of the illumination would amount to a visual intrusion that would not be acceptable in a residential area such as this*'. The applicant offered to restrict the use of the lights to 8pm; however, the delegated report went on to state '*It is considered that the intensification of tennis being played all year around, and the resultant increase in noise would create a significant disturbance, and would have a significant effect on the residential amenities of the occupiers of the neighbouring dwellings*'.

Application 16/2877/FUL sought permission for the re-orientation and resurfacing of three existing tennis courts to form two floodlit tennis courts and two mini tennis courts and associated fencing. That application covered the area of Courts 4, 5 and 6. That application incorporated lighting columns at 4.50m and 5.75m high as well as incorporated noise and light spill mitigation measures in the form of 4m high Yew hedging and 2.75m high sound reflective timber fence. Despite the lower height of the lighting column when compared to the existing and the additional mitigation measures, it was however, recommended for refusal at committee on 31.01.2018 and refused on 02.02.2018 for the following reason:

The development, by reason of the siting, scale and extent of the proposed floodlights and the extended hours of proposed play, would be visually intrusive and result in noise that would give rise to significant adverse impacts on the amenity of neighbouring residents. The hedge, by reason of its height, extent and siting on the southern boundary of 10 The Mall, would affect the reasonable enjoyment of the garden of this property. The development is thereby contrary to the aims and objectives of the NPPF and Local Plan, particularly policies DM DC 5 and DM OS9 of the Development Management Plan, LP8 and LP9 of the Publication Local Plan and the Draft Noise SPD.

It is acknowledged that the proposed scheme differs to the previous refusals in that it now relates to Courts 4 and 5 on the north-eastern corner of the application property. Albeit similar to the last refused scheme 16/2877/FUL, this proposal comprises 6m high lighting column and no noise or light spill mitigation measures.

Notwithstanding this, as previously mentioned, the principles of the previous refusals are relevant in the assessment of this application in terms of impacts to neighbouring residential amenities and the relevant issues are considered in further detail below.

Noise

As the existing tennis club is permitted it must be considered in terms of the existing acoustic environment. It is acknowledged that in longer daylight hours, noise from tennis can give rise to a degree of disturbance to neighbours; however, as concluded by previous officers and Appeal Inspectors, noise from tennis during longer daylight hours is a factor that nearby residents have to accept as a consequence of the permitted use of the facilities. The use of the existing floodlit court is also accounted for. It is instead pertinent to consider whether the increased hours of use for the two courts proposed in this application in the evenings during the winter and autumn months would result in a noise that would cause an unacceptable intensification of the site's use resulting in disturbance to neighbouring occupiers.

The Noise Policy Statement for England (May 2010) contains the current Government policy aims in relation to noise and its impact. The first aim of the NPSE is to 'avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'. Impacts such as 'annoyance' and 'sleep disturbance' are impacts on both health and quality of life. The NPSE introduced the concept of a Significant Observed Adverse Effect Level, this being the level above which significant adverse effects on health and quality of life are deemed to occur. Although the NPSE does not attribute noise levels to the different effect levels, it does refer to WHO Officer Planning Report – Application 22/0081/FUL Page 15 of 28

advice ('Guidelines for Community Noise' being relevant in this case) which does define such levels in terms of impacts such as annoyance and sleep disturbance.

The National Planning Practice Guidance advises on the level of noise that can be considered acceptable in planning terms. It draws a distinction between:

A) 'noticeable and intrusive' noise which can be heard and causes small changes in behaviour (e.g. closing windows for some of the time and some potential for sleep disturbance, affecting the acoustic character of an area such that there is a perceived change in quality of life), which it suggests the planning response should be to mitigate and reduce to a minimum; and

B) 'noticeable and disruptive' noise which causes a material change in behaviour (e.g. keeping windows closed most of the time, with potential for sleep disturbance resulting in difficulty in getting back to sleep, resulting in quality of life being diminished due to the change in the acoustic character of the area). The NPPG recommends that this level of noise should be avoided.

These criteria can be used on their own to form a subjective judgement as to the degree of impact from a proposed scheme. The objections to the scheme indicate that the residents most affected consider that the noise would cross the threshold of being 'noticeable and disruptive', causing sleep disturbance and diminished quality of life. This assessment is supported by previous appeal decisions, notably 97/1264/FUL which was for floodlighting of one court in the same location as this proposal for two courts and where the Inspector concluded that, *'the noise and disturbance that would result from play on the court during the early evening (particularly when coaching is involved and instructions are required) would harm the living conditions of adjoining occupiers. I do not consider it acceptable to rely on adjoining occupiers to close their windows and curtains to alleviate some of the harm caused by the proposal.'*

An objective judgement using noise-based criteria is also useful in making an assessment.

The application is supported by an updated acoustic report as well as a rebuttal to Officer's objections to the proposal. In addition, a group of objectors to the scheme have also commissioned and submitted their own acoustic report. Both reports have been reviewed by Council's Environmental Health Officer and the comments are detailed as follows.

The Applicant has submitted a revised acoustic submission prepared by KP Acoustics (KPA) Ref. 21200.NIA.01.Rev D. The neighbourhood consultation also includes a further acoustic submission prepared by Venta Acoustics (VA) Ref. VA4053.220209. A further correspondence from the applicant was submitted to the Officer setting out a counter-argument to the objections raised to the revised noise report. This last correspondence states the following:

'It is our understanding that no-one has a right to not being able to hear something. The common right is to peaceful enjoyment, and this is determined in the context of what might be expected by a reasonable person. The key question is not whether the sound can be heard, but whether it is sufficiently loud or characterful to affect quiet enjoyment, such as sleep, resting, etc. A planning condition based upon inaudibility elsewhere cannot be upheld in law, as it fails to meet all of the six tests, i.e.

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects."

Inaudibility, as a concept, is imprecise as it is a heavily subjective measure, affected by the receiver's hearing acuity. It is also unreasonable as it requires the noise generator to have control over the ambient 'masking' noise. In this case, the general noise profile in the area is heavily affected by Heathrow's flight path. In this case, Venta Acoustics are trying to use two noise metrics which are completely dissimilar. Lmax represents the instantaneous maxima of the tennis ball being struck, while L90 represents the resting background noise. The comparison of these two metrics, except not being covered by any Standard, is also biased as it puts significant weight on an activity.

Moreover, these two metrics could never converge. This is a mathematical impossibility. So, trying to compare these two in this case is an exercise that does not assist in deriving a reasonable conclusion.

By virtue of the existing site already having planning permission and operating, the extension would not infer higher noise levels, but the same noise levels already in place, for an additional short time window. It has to

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be accepted that the noise that is being generated within the currently permitted hours is reasonable/acceptable, as presented within our full report, and therefore any noise occurring within the proposed hours would also follow the same pattern'.

The KPA report identifies the current opening times, 08:00 to 22:00, the presence of permanent lighting at one of the courts and approval for the use of temporary floodlights on the other courts with a distance of around 30 metres from nearest residential receptor (NRR) window and application sites nearest court reported. A description of the existing soundscape is also provided namely as one of a typical cityscape environment with dominant road traffic noise from nearby roads together with noise associated with aviation movements from Heathrow Airport

Predictions are presented based on measurements undertaken for standard tennis play (Court 4), albeit with other courts in use which is reported as representing a more onerous condition than if a single court was measured alone. With comparisons presented in terms of one hour equivalent continuous sound level (LAeq) of the court measurements and the ambient noise level. In the absence of specific methodology related to the nature of this type of application the report relies upon the "Guidelines for Noise Impact Assessment" from the Institute of Environmental management and assessment (IEMA) to conclude the proposals would not lead to an unacceptable adverse impact on the NRR. With a single +2 change in total sound level at a receptor due to tennis court reported at Table 5.1.

The Guidelines address the key principles of noise impact assessment and are applicable to all development proposals where noise effects may occur and therefore their application is not disputed. They set out key principles for noise impact assessment relevant to all types of projects regardless of size and provide advice with regards to the collection of baseline noise data, prediction of noise levels and how noise should be assessed

When attempting to establish the effects of noise Table 7-7 of the noise impact assessment guidelines provide a table that illustrates the generic relationship between a noise impact and its effects. The section of the table relating to adverse effects is reproduced below:

TABLE 7-7
 GENERIC RELATIONSHIP BETWEEN NOISE IMPACT (MAGNITUDE) AND NOISE EFFECT
 (MAGNITUDE + SENSITIVITY), INCLUDING THE EVALUATION OF EFFECT SIGNIFICANCE

MAGNITUDE (Nature of Impact)		DESCRIPTION OF EFFECT (on a specific sensitive receptor)	SIGNIFICANCE (as required within EIA)
Substantial	BENEFICIAL	Receptor perception = Marked change Causes a material change in behaviour and/or attitude, e.g. individuals begin to engage in activities previously avoided due to preceding environmental noise conditions. Quality of life enhanced due to change in character of the area.	More Likely to be Significant (Greater justification needed – based on impact magnitude and receptor sensitivities – to justify a non-significant effect)
Moderate		Receptor perception = Noticeable improvement Improved noise climate resulting in small changes in behaviour and/or attitude, e.g. turning down volume of television; speaking more quietly; opening windows. Affects the character of the area such that there is a perceived change in the quality of life.	↕ (Greater justification needed – based on impact magnitude and receptor sensitivities – to justify a significant effect)
Slight		Receptor perception = Just noticeable improvement Noise impact can be heard, but does not result in any change in behaviour or attitude. Can slightly affect the character of the area but not such that there is a perceived change in the quality of life.	Less Likely to be Significant
Negligible		N/A = No discernible effect on the receptor	Not Significant
Slight	ADVERSE	Receptor perception = Non-intrusive Noise impact can be heard, but does not cause any change in behaviour or attitude, e.g. turning up volume of television; speaking more loudly; closing windows. Can slightly affect the character of the area but not such that there is a perceived change in the quality of life.	Less Likely to be Significant (Greater justification needed – based on impact magnitude and receptor sensitivities – to justify a significant effect)
Moderate		Receptor perception = Intrusive Noise impact can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; closing windows. Potential for non-awakening sleep disturbance ¹¹ . Affects the character of the area such that there is a perceived change in the quality of life.	↕
Substantial		Receptor perception = Disruptive Causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in character of the area.	(Greater justification needed – based on impact magnitude and receptor sensitivities – to justify a non-significant effect) More Likely to be Significant
Severe		Receptor perception = Physically Harmful Significant changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Significant

TABLE 7-7 Generic relationship between Noise Impact (Magnitude) and Noise Effect (Magnitude + Sensitivity) including the Evaluation of Effect Significance (extract from iema Guidelines for Environmental Noise Impact Assessment Version 1.2 (November 2014))

The inclusion of examples relating to changes in behaviour and/or in the above table should be noted with clear examples provided as to what can constitute a change in behaviour when establishing the magnitude of impact. Of particular note is the fact that the changes in behaviour associated with a moderate impact are provided within the document and include the closing of windows as highlighted in the previous Appeal (T/APP/L5810/A/288670/P2). This indicates that there need not be a dramatic change in behaviour to indicate a noise source should be considered intrusive.

In respect of the reported single +2 change, i.e. less than 2.9 dB, in total sound level at a receptor due to tennis court, the assumption being this will ensure an effect of no significance. However, as stated in respect of reporting a single value the IEMA Guidelines state:

"the noise impact and the consequential effect can only rarely be properly determined solely by the simple numerical difference in the value of the particular noise indicator".

Further, the reporting that 2 dB will not be Significant is a misinterpretation of the detail contained within the IEAM Guidelines. With Table 7-12 reporting the effect of the effect of none/not significant when a change of less than 2.9dB occurs only when:

"all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals"

TABLE 7-12 EFFECT DESCRIPTORS

Very Substantial	Greater than 10 dB LAeq change in sound level perceived at a receptor of great sensitivity to noise
Substantial	Greater than 5 dB LAeq change in sound level at a noise-sensitive receptor; or a 5 to 9.9 dB LAeq change in sound level at a receptor of great sensitivity to noise
Moderate	A 3 to 4.9 dB LAeq change in sound level at a sensitive or highly sensitive noise receptor; or a greater than 5 dB LAeq change in sound level at a receptor of some sensitivity
Slight	A 3 to 4.9 dB LAeq change in sound level at a receptor of some sensitivity
None/Not Significant	Less than 2.9 dB LAeq change in sound level and/or all receptors are of negligible sensitivity to noise or marginal to the zone of influence of the proposals

TABLE 7-12 Effect Descriptors (extract from iema Guidelines for Environmental Noise Impact Assessment Version 1.2 (November 2014)

From the previous Inspectors decisions, it is clear they were minded of the sensitivity of the residents adjoining the proposal with a change of 2dB not representing 'a none/not significant effect'. Value is placed upon the tranquillity when no tennis play is taking place, as highlighted within the neighbourhood objections, highlighting further the sensitivity of residents and within the IEAM Guidelines, this sentiment is conveyed in the following way:

"for an area which is valued because of the soundscape, a relatively small impact could be considered as having a potentially substantive effect if the quality of the noise environment were to be eroded. This particularly relates to tranquil, quiet or calm areas."

Whether sound is perceived to be unwanted depends on many factors including individual sensitivity and context. Inherent noise character and context are more important than absolute decibel levels. Annoyance from noise associated with extended court play sought by the Application is affected by the features present and message imparted, individual sensitivity, duration, intermittency and character of receiving area. In the absence of any significant consideration in respect of context there is insufficient justification that the 2dB change reported would not lead to an unacceptable loss of amenity and overcome the previous Appeal decisions.

In respect of reporting a single value the IEAM Guidelines state:

"the noise impact and the consequential effect can only rarely be properly determined solely by the simple numerical difference in the value of the particular noise indicator".

With the IEAM guidelines making the following recommendation:

"it is necessary to be sure that the indicators used to describe the noise environment, and the change in it, do so adequately. For most situations this can be achieved by examining the following indicators:

- LAmax - An indication of the maximum sound level heard;
- LAeq - An indication of the average level of noise heard (LA10 can be used for road traffic in specified situations);
- LA90 - An indication of the minimum noise level heard;
- N - The number of distinct events in a certain time period."

Following discussions over the limitations of the use of a single metric the revised KPA Report has been extended to consider maximum sound pressure level (L_{Amax}). For the evening period there is no standard methodology to allow for assessment of L_{Amax}. However, the impact of L_{Amax} during the night time is considered by the WHO Guidelines for Community Noise (1999) and reported by KPA namely internal noise levels should not exceed 45 dB L_{Amax} more than 10 to 15 times per night. With a minimum attenuation through a partially open window cited as 15dB based upon British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings' a single value is presented at Table 5.2 and very limited supporting calculations at Appendix B with a predicted L_{Amax} value = 45dB.

With very limited data presented para 5.40 of the IMEA Guidelines advises:

"If only a limited set of measured baseline noise values is available, it should be borne in mind that lower levels might occur that have not been captured. The reliability of the measured values in establishing the baseline conditions must be considered as being reduced where the number of measurements is limited to periods of less than several days. Such uncertainty should be made clear in the baseline information within the noise impact report"

With only a single value presented for court play the reliability of the data is questionable. For proposals of this nature, an assessment period of several days including weekends would have provided a more robust appraisal of the worst case noise and likely impact. The report fails to specify how many people are using the court during the assessment period, the types of players or the intensity. A competitive adult tournament is likely to generate considerably more noise, compared to a leisurely family game. Officers note the Inspector previously made reference to the impact of noise due to coaching and instruction which should also be included within any assessment. Given these reservations, it is not possible to draw robust conclusions from the submitted report particularly if the information is extrapolated and related to regular use. On this basis, it is not possible to determine if the proposals would not lead to an unacceptable loss of amenity nor overcome the previous Appeal decision objections.

There remains further uncertainty in respect of the limited calculations presented in terms of the attenuation afforded by a partially open window. With note (3) accompanying BS8233 Section G1 stating 'Note that the level difference through a partially open window for ventilation can vary significantly depending on the type of window and frequency content of external noise. If the specific details of the window and external noise are known the value for insulation may be adjusted accordingly'. In the absence of any frequency content detail for the measurements, including for impact noise, it is not possible to determine if the actual level of attenuation leading to further uncertainty.

Moving onto the cited L_{Amax} limit (i.e., 45dB), without detail in respect of N i.e., the number of distinct events over a given time period there remains uncertainty in respect of impact. For example, during normal play, it is likely there will be numerous rallies across all the courts each with an associated L_{Amax} event and corresponding distinct noise characteristic attracting attention leading to an unacceptable loss of amenity. With the current submission, it does not provide sufficient evidence that the previous Inspectors concerns have been overcome.

Considering the WHO Guidelines for Community Noise (1999) and the 45 L_{Amax} limit cited within the report it is important to recognise the limitations of the Guidelines when applied to the assessment of noise sources with character. The guidance confirms it cannot be used in this way and fails to consider noise character and psycho-acoustical factors of whether the sound is pleasant or unpleasant which are significant when assessing impact noise. Response to noise is subjective and the likelihood a noise will cause annoyance is multi-factoral. Guidelines for anonymous noise applied to site specific impact noise may understate the true impact and therefore the application is limited. Further, the WHO Night Noise Guidelines for Europe 2009, which focuses on health effects and not nuisance issues such as impact on comfort, notes awakenings (primary effect) occur at internal levels of 42dB L_{Amax}, complaints and other (secondary) effects occur at lower levels. With the limit applied, the revised Report takes no account of noise character associated with tennis play or the more recent research highlighted, therefore the current submission does not provide sufficient evidence that the previous Inspectors concerns have been overcome.

The assessment of acoustical character, and presence of distinctive acoustical features has become an important feature of many acoustic assessment methodologies. This is noted within the IEMA Guidance, it is also highlighted within the various World Health Organization Guidance documents and is a prominent feature when considering the assessment of industrial equipment using BS4142:2014.

Whilst BS4142 is strictly for noise of an industrial nature the general principals are applicable namely noise with distinct characteristics (including tonality, impulsivity, and intermittency) that make the noise more intrusive should attract an acoustic correction. In the case of BS4142 the corrections can be significant, meaning that noise containing these characteristics may be severely penalised. Further, with background

noise level representing the underlying noise environment at a given site in the absence of short-term and atypical noise events, the comparison between background noise level and the rated average noise level can be used to determine the likely impact.

Officers note the VA Report adopts a similar principal but compares the LAMax to background levels with a difference between +19 and +20db reported at Table 7.2 for the ground floor window and +24 and +25 dB for the first floor window at Table 7.3. As such Officers concur with the method adopted and findings in respect of the Table 4.1, reiterated verbatim from Planning Policy Guidance Noise Exposure Hierarchy within the report, with the difference reported as 'an Observable Adverse Effect Level, moving to a Significant Observable Adverse effect level in the later evening as the potential for sleep disturbance arises'.

The VA Report provides a further comparison, i.e. LAeq to rating Level (BS7445) with penalties (inline with BS4142) attracted to determine a difference of between 1 and 2 dB at ground floor, Table 7.4 and 6 and 8 dB at first floor, Table 7.5. The assessment serves to further highlight the proposals would lead to an unacceptable loss of amenity to residents.

With regards to the Certificate of Lawful Development for the temporary lighting, granted under Application 11/0758/PS192, the Environmental Health records show no formal action has been taken in respect of statutory nuisance. This reflects the operation of the temporary lighting i.e., the lights do not remain permanently installed with dedicated storage provided for when not in use.

In addition, officers do not concur with the applicant's latest rebuttal, in particular the comments relating to inaudibility. The previous Inspector considered the protection of the existing soundscape of sufficient momentum to recommend refusal on such grounds with no evidence submitted by the Applicant to the contrary provided to negate the previous concerns.

Officers note the comment in respect of comparison of Lmax with L90 which, in the absence of any specific assessment methodology for this type of Application, the EH Noise Officer is satisfied that it provides a suitable descriptor to evaluate the instantaneous noise associated with the Lmax events identified.

In respect of the comments '*Moreover, these two metrics could never converge. This is a mathematical impossibility. So, trying to compare these two in this case is an exercise that does not assist in deriving a reasonable conclusion.*' The EH Officer states that it is unclear why it is considered that as the two metrics will never converge, a comparison of the two does not assist in assessment. The purpose of the comparison is to highlight the impact of the Lmax events over the prevailing background conditions and not to consider the case when they would both converge.

Lastly, Officers note in respect of previous Appeal decisions the hours sought were significantly less than the current Application and also mitigation measures in the form of an acoustic barrier was proposed. Further, all previous Appeals have been dismissed on grounds set out earlier in this report. In the case of the current Application no mitigation has been proposed and in light of all the above, the submitted acoustic report prepared by KP Acoustics (KPA) Ref. 21200.NIA.01.Rev D does not demonstrate the harm in terms of noise and disturbance identified within the previous inspectors decisions has been overcome.

Lighting

Policy LP10.D of the Local Plan states that the Council will seek to ensure that artificial lighting in new developments does not lead to unacceptable impacts by requiring the following, where necessary:

1. an assessment of any new lighting and its impact upon any receptors;
2. mitigation measures, including the type and positioning of light sources;
3. promotion of good lighting design and use of new technologies.

The Council is guided by Institute of Lighting Professionals (ILP) guidelines when assessing the impact of external lighting on neighbours. The guidance includes maximum limits for the various environmental zones for vertical illuminance, luminaire intensity and Sky Glow.

This application was supported by lighting reports titled 'Lighting Analysis' prepared by Match Studio Lighting dated 26.10.2021 and 'S.F.P.D. Outdoor Lighting Design for Sheen Lawn Tennis Club Floodlight Two Tennis Court NRS 4 – 5' dated 11.08.2021. The main difference between the two reports is that the 'Lighting Analysis' prepared by Match Studio details the impacts of a temporary floodlighting installation on mobile telescopic units sited on Courts 4 and 5. The SFPD report identifies the potential light spill from the proposed floodlights on the application property and neighbouring properties.

The Council has commissioned an independent Lighting Consultant, Alan Tulla Lighting, to review the submitted Lighting Reports which includes both the proposal and the 'temporary 8m high floodlighting'.

SFPD's Lighting report for the applicant sets out that the site is considered to be in an E3 Environmental Zone. This is described by the ILP as: "Suburban, medium district brightness, well inhabited rural and urban settlements, small town centres of urban locations". Officers note that an observation was received querying the accuracy of this classification as the surrounding should be considered to be in an E2 zone. Alan Tulla lighting agrees with the classification and consider Mortlake, Richmond and Sheen to be an E3, "Well inhabited urban settlement". However noted that the ILP says that where a property lies close to the boundary of two zones, then the more rigorous specification should apply.

Upon review of the Officer Report of the previous refusal, the categorisation as an E3 zone was also accepted by Council's EH Officer as such it is not considered there to be any ambiguity in the categorisation of the site in this instance. In addition, Alan Tulla has confirmed that the scheme would still meet the ILP requirements for an E2 zone in any case.

Turning to the visual aspect, seeing a brightly illuminated court in an otherwise dark area, is a form of obtrusive light which may cause nuisance to others. Given the scale of the area illuminated and its proximity to neighbouring properties, it is inevitable that the floodlights would be seen from residents' windows and there would be a noticeable visual impact. With regards to the extent of visual intrusion, it is notable that this proposal includes taller lighting columns with no mitigation measures compared to the refused application 16/2877/FUL. However the assessment must consider the scale of the impact and level of harm arising.

The closest properties to the floodlighting are 8 and 10 The Mall to the north. 3 no. LED box are proposed on 6m poles approx. 1m from the rear boundaries of these properties and approx. 17m from the nearest first floor window. To the east, 19 and 21 York Avenue are the closest properties with the nearest lighting column at approx. 16m from their rear boundary.

As the previous case officer and Appeal Inspectors have concluded, the illuminated courts and the resultant glow would be visible from a number of surrounding properties. 08/2172/FUL was refused on grounds of visual intrusion due to the impact of 6m floodlighting columns proposed at a greater distance away from neighbouring rear boundaries and first floor windows than that proposed under this application. That case is similar to the current proposal given no additional mitigations measures were incorporated as part of the scheme.

Alan Tulla notes that the submitted calculations indicate that the spill light on to residential properties is within the ILP limits and there is no upward light emitted. However, he goes on to say that 'Regardless of the type of floodlight used or its mounting height, an aspect that cannot be avoided is that of the residents' view of the brightly lit courts from upper windows'.

The impact on The Mall, in particular no. 8 and 10, can be seen in Figure 1 below, taken from the SFPD report showing the impact of the 500lux lighting. The properties currently experience a relatively dark outlook given absence of formal/permanent lighting to Courts 4 and 5. Due to the positioning of the house, adjacent to the courts, the impact of the floodlights would not solely be on the end of the rear garden but rather the full length of the garden and rear of the house, resulting in an increased adverse amenity impact for the occupiers of these properties.

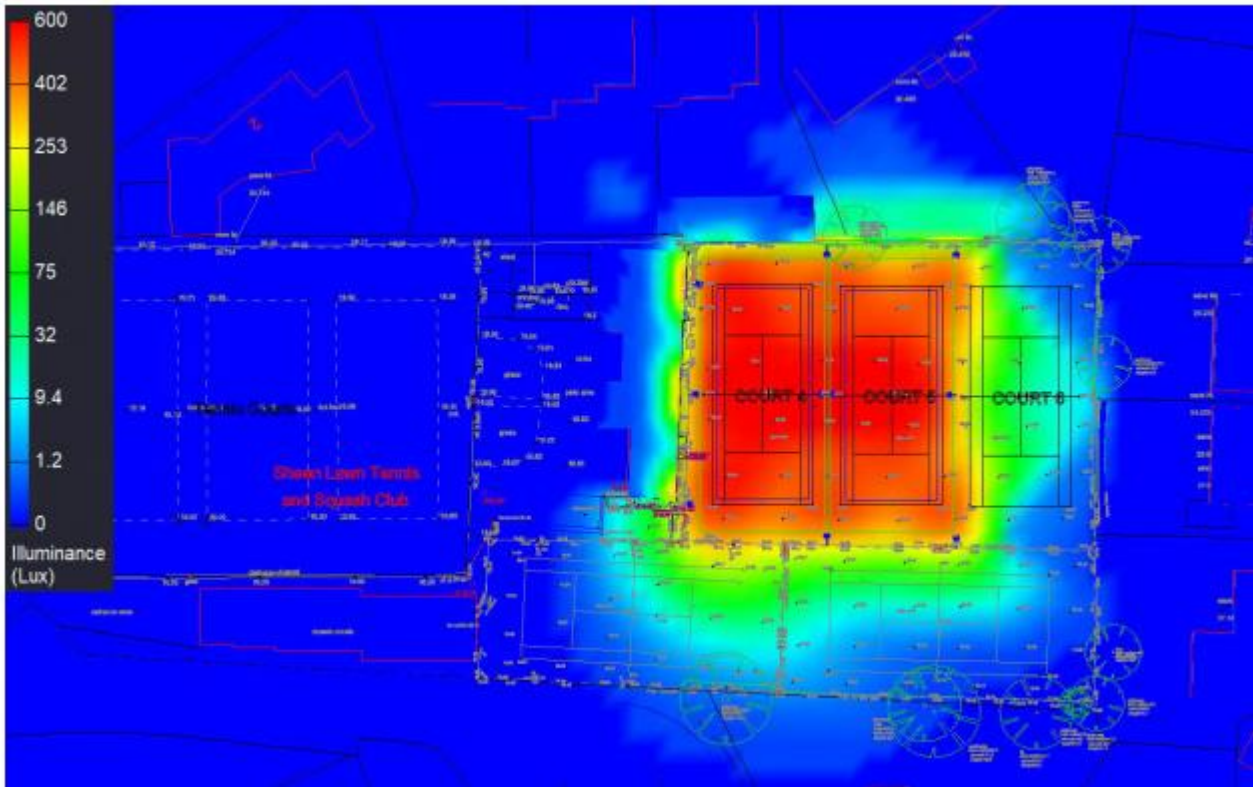


Figure 1 – Light Spill Diagram from SFPD Lighting Report

The diagram indicates between 253 – 1.2 lux light spill onto the rear garden area. It is acknowledged that these would meet the ILP guidelines, as confirmed by Alan Tulla Lighting, however it is considered that due to the positioning of The Mall, the proposal would result in an adverse impact on the amenities of the occupiers in terms of perceived light glare and visual impact in comparison to the existing situation.

Officers note there is some tree cover along this section of the boundary and the occupiers of 10 The Mall. However, irrespective of the tree cover, the potential lighting impact would only worsen at night-time with the illumination of the floodlights, the relatively dark outlook (as confirmed by an accompanying video from the local resident) would be replaced with beams of light extending down, resulting in an adverse impact on the visual amenity of these occupiers.

Furthermore, whilst it is acknowledged that both courts are used in the summer months, the impact of the floodlights along with the intensification of the use in the winter months would further impact on these occupiers. The intensification of the use along these boundaries with neighbouring occupiers would be a significant change from the existing situation and would fail to comply with policy LP8.



Rear boundary to no 10 The Mall, photo submitted by the applicant on 20 April 2022



View from 10 The Mall, photo submitted by the local resident as part of their objection to this application

With regards to the properties fronting York Avenue, in particular no. 19 and 21, whilst the light spill is limited into their gardens, given the increased visibility of the courts when lit especially during the winter months where there is currently no illumination, it is considered that the impact of the lit courts would adversely impact on the outlook from these properties. This is in line with Alan Tulla's comments that 'One aspect of all

three proposals is that regardless of the type of floodlight used or its mounting height, an issue that cannot be avoided is that of the residents' view of the brightly lit courts from the upper floors'.

Officer note that the overall height of the nearest columns to properties on the Mall have been increased in comparison to the latest refused scheme 16/2877/FUL. Considering it had already been considered lighting columns of a reduced height to result in unacceptable impact on the nearby occupants, given the increased height and the absence of any mitigation measures as those previously incorporated, it is therefore not considered the proposal to have satisfactorily addressed the concerns raised in the earlier refusal as well as all the refusals on this site.

It remains that the scheme would be a noticeable intrusion and the scale, extent and proximity of the illumination would cause some harm to visual amenity. The benefits of the scheme have been weighed in the balance with the extent of the harm and it is considered that on its own, this issue alone would not warrant a reason for refusal but as it is, it adds to the concerns discussed above regarding noise and disturbance and taken together, the benefits of the scheme are not considered to outweigh that harm and the scheme is therefore considered contrary to policies LP8 and LP9 of the Local Plan.

The applicant has submitted that the 'fall back' position in relation to the use of temporary lights must be considered as part of the submission. Officer note that given the use of temporary floodlights is not development given the lights are not fixed and must be removed after each use, it is not a comparable position and thus do not agree it to form a 'fallback' position.

In view of the above, it is not considered the harm in terms of visual intrusion identified within the previous inspectors decisions and refusals has been overcome.

Issue iv - Biodiversity

Policy LP9 requires proposals for floodlighting to assess the impacts on biodiversity and wildlife.

Policy LP15 deals with biodiversity and new development and it is expected that new development will preserve and where possible enhance existing habitats including river corridors and biodiversity features. Policy LP9 which deals with floodlights states that the impact of the floodlights on biodiversity and wildlife will be considered in the assessment of these types of applications.

Given the character of the area with its abundance of mature trees and its proximity to Sheen Common and Richmond Park, there is the high possibility of bats in the area. A Bat Emergence Survey has been submitted and been reviewed by the Council's Ecology Officer. Impact on protected species was not previously a reason for refusal; however this application is materially different as the lights are higher and there is no mitigation.

The activity survey showed a bat out 19 minutes after sunset moving along the northern boundary line moving west to east. This would indicate that there is a roost fairly close by to the site. This was then followed by fairly regular passes for the next hour.

Whilst the applicants have carried out a Potential Roost Assessment and Bat Emergent survey (T1) and Activity Survey, it is considered that the proposed floodlighting on all the courts will be detrimental to the continued presence and movement of the bats especially the pipistrelles.

Taking into consideration the existing situation, the courts are surrounded by housing and the absence of external lighting creates dark refuge that forms an important part of the commuting route to the bats prime feeding areas.

The SFPD report shows the light spillage to the curtilage of the properties to the north of the tennis courts from the proposed floodlighting to be between 253 – 1 lux on horizontal plane. Figure 1 below shows that high lux levels spills onto the unlit pitch and over the northern boundary fences.

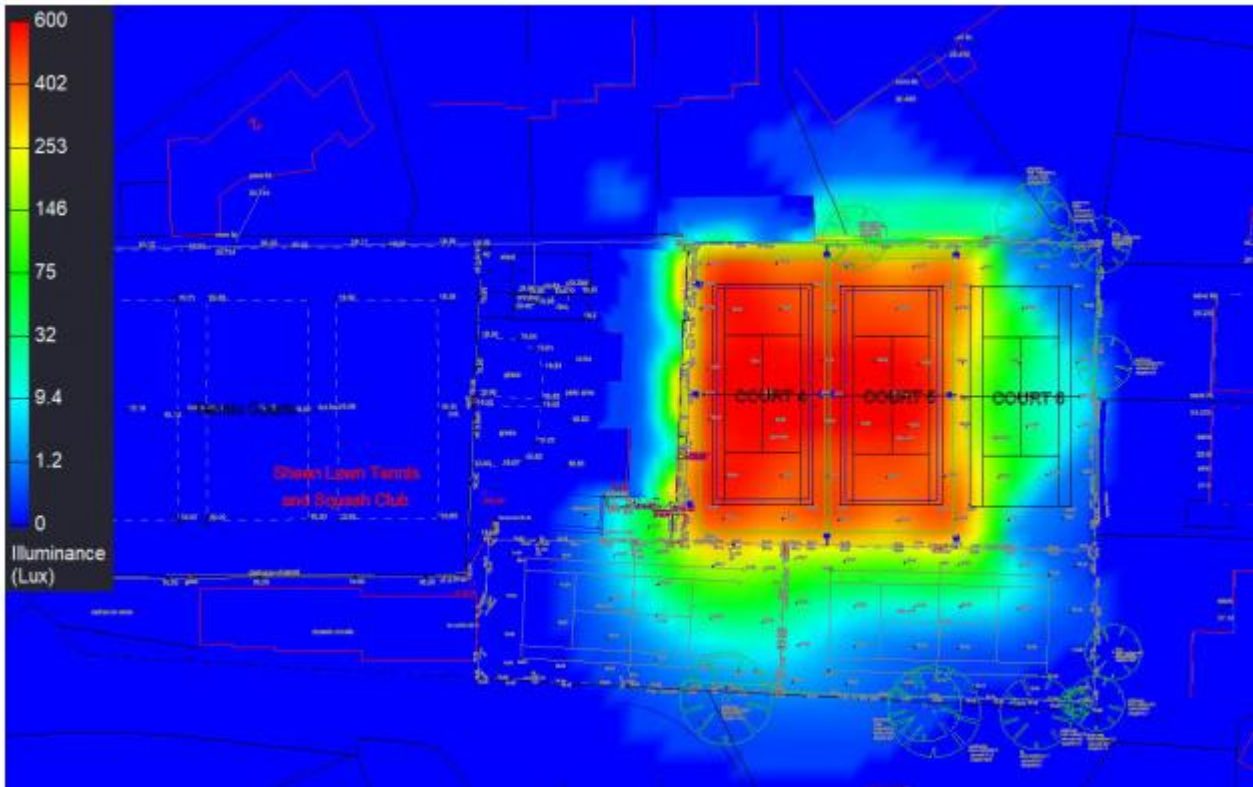


Figure 1 – Light Spill Diagram from SFPD Lighting Report

The guidance in relation to bats and artificial lighting is ILP GN 08/18, which is very clear that step 1 of any development (and this is the same for BS42020:2013) is avoidance, and in this case that would mean not floodlighting the courts. The example of illuminance limit (figure 3 below) shows a clear buffer zone between the area of high-quality bat habitat and the core development Zone.'

Example of illuminance limit zonation

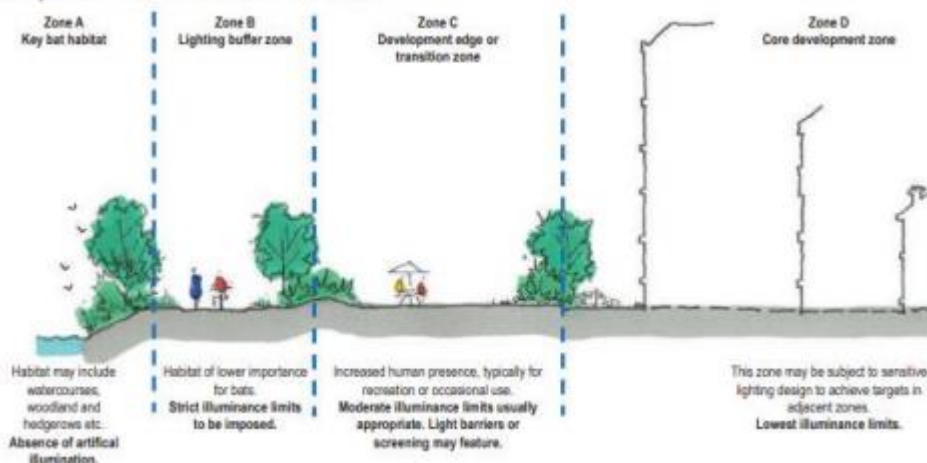


Figure 2: Extract from ILP GN 08/18

The Richmond Biodiversity Bat Action plan is quite clear in its aims and targets that reversing the population decline and protecting and enhancing habitats for bats are key. Para 4.4 of the Action Plan states that disturbance to commuting routes is one of the specific factors affecting the species and that the loss of a flight line feature can be disturbed through the introduction of new lighting. It is further acknowledged that we are currently in state of a climate change and biodiversity emergency, and it is well known that our biodiversity will not be able to weather the effects of climate change unless their habitats, connectivity and food sources are protected and enhanced, which is the strategy behind the Governments new Nature Recovery Network, the 25-year environment Plan and as part of the Environment Bill Biodiversity Net Gain.

By undermining important wildlife corridors, it would be directly contradicting any efforts to protect and enhance the Boroughs biodiversity. Reversing the decline in protected species through habitat protection is therefore becoming an even more important consideration, any floodlighting on this pitch is likely to result in a bat corridor being harmed both seriously and permanently.

In view that bats were recorded to move along the northern boundary, concerns have been raised by the Ecology Officer that the introduction of floodlighting across the whole of the northern part of the site to which Officer Planning Report – Application 22/0081/FUL Page 26 of 28

bat movements were recorded would cause an unacceptable impact to the continued movement of bats (and other nocturnal species).

The proposal is therefore considered to fail to comply with the aims and objectives of policies LP9 and LP15.

Issue v - Transport and Parking

The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policies LP44 and LP45 states that new development should protect, maintain and improve the pedestrian and cyclist environment and requires developments to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street conditions and local traffic conditions.

The application property is not located within a Community Parking Zone (CPZ) and has a very poor PTAL rating. No off-street vehicle parking is provided and cannot be provided.

As previously concluded in the Officer Report and by the Transport Office, given that the purpose of the application is to principally extend the hours of play of two courts past the hours of darkness, rather than to increase the maximum intensity of use at any one time, it is not considered that the development would have a severe impact on local parking or highway conditions that would warrant refusal of the application.

Therefore it is considered that the proposed development would not have an adverse impact in terms of streetscene or on-street parking, highway and pedestrian safety. It is noted that none of the previous applications for floodlighting on this site have been refused on these grounds.

Conclusion

The planning assessment is one of balance and whilst the introduction of floodlighting to SLTSC would enhance the existing facilities and promote and support healthy lifestyles which are a benefit to the wider community, there would be demonstrable harm the biodiversity as well as residential amenities of neighbouring occupiers by way of noise and disturbance, and to a more limited extent, visual intrusion. In this instance, this harm would not be outweighed by the benefits of the scheme.

8. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team

9. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2019) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

The proposed floodlighting system, by reason of its times of operation, luminance at pitch level, height and siting of floodlighting columns, illumination and light spillage in close proximity to a site boundary with neighbouring residential properties would represent an unneighbourly development that results in light glare and undue luminance, additional noise and general disturbance at unsocial hours and a detrimental impact on the visual and residential amenities afforded to occupants of neighbouring residential properties in The Mall and York Avenue. The proposal would therefore fail to comply with policies LP8, LP9 and LP10 of the Local Plan.

The proposed floodlighting system, by reason of its times of operation, luminance levels, floodlighting height and the extent of light spillage within a recognised bat commuting corridor, would have a harmful impact on many protected bat species due to the loss of a flight line and would therefore cause harm to the Borough's biodiversity. The proposal would therefore fail to comply with Policy LP15 of the Local Plan, the Richmond Biodiversity Bat Action Plan and ILP Guidance Note 08/18: Bats and Artificial Lighting in the UK

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):WWC..... Dated:17/6/22.....

I agree the recommendation:

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager: 

Dated:17.06.2022.....