



Application reference: 23/3150/FUL
MORTLAKE AND BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
24.11.2023	06.12.2023	31.01.2024	31.01.2024

Site:

Rocks Lane Recreation Ground, Rocks Lane, Barnes, London

Proposal:

Installation of four padel tennis courts

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

APPLICANT NAME

Mr C Warren
 Rocks Lane Multi Sports Centre
 Rocks Lane
 Barnes
 London
 Richmond Upon Thames
 SW13 0DG

AGENT NAME

Michael Quinnen
 124 Alexandra Road
 London
 SW19 7JY

DC Site Notice: printed on 11.12.2023 and posted on 22.12.2023 and due to expire on 12.01.2024

Consultations:

Internal/External:

Consultee

LBRuT Ecology
 English Heritage 1st Consultation
 GLAAS 1st Consultation
 Sport England
 14D Urban D
 14D POL

Expiry Date

25.12.2023
 01.01.2024
 01.01.2024
 01.01.2024
 25.12.2023
 25.12.2023

Neighbours:

-

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

Development Management

Status: GTD
 Date:04/01/1996

Application:95/2453/FUL
 Erection Of Ten 8m High Floodlight Columns To 4 Existing Tennis Courts To Be Used Seven Days A Week From Dusk Until 10pm.

Development Management

Status: GTD
 Date:05/08/1999

Application:97/2726
 Erection Of Floodlighting To Two Existing Tennis Courts And

Provision Of Four All Weather Courts With Floodlighting To Replace Existing Grass Courts. Erection Of Weld Mesh Around New All Weather Courts To Height Of 2.75m. The Four New All W

Development Management

Status: GTD

Date:22/09/1998

Application:98/1496

New Retaining Wall Replacing Rough Ground To Courts 1 To 7.

Development Management

Status: WDN

Date:11/08/2009

Application:07/2649/FUL

Extend car park from 25 to 52 spaces. Develop 2 floodlit multi - sports courts with floodlighting, green weldmesh fencing, green panelling enclosures, safety nets. Floodlighting to operate from dusk to 10.00 pm. daily, install CCTV cameras.

Development Management

Status: GTD

Date:28/07/2009

Application:97/2726/DD01

Details pursuant to conditions NS03U (Design Specifications of floodlighting), NS04U (Orientation of floodlighting), LA09U (Screen planting) and NS01U (Colour Of Fencing and Court surface) of planning permission 97/2726/FUL and variation of approved site layout, including reduction from 4 to 3 additional courts and from 16 to 12 additional lights.

Development Management

Status: GTD

Date:09/10/2009

Application:97/2726/DD02

Details pursuant to condition NS02 (Floodlighting maintenance schedule) of detailed submission 97/2726/DD01 approved 28.07.09, pursuant to planning permission 97/2726/FUL approved 05.08.99..

Development Management

Status: GTD

Date:28/01/2019

Application:18/3913/FUL

Retention of outdoor twin toilet facility

Development Management

Status: PCO

Date:

Application:23/3150/FUL

Installation of four padel tennis courts

Enforcement

Opened Date: 22.04.2004

Reference: 04/00165/EN

Enforcement Enquiry

Enforcement

Opened Date: 06.10.2006

Reference: 06/0477/EN/UBW

Enforcement Enquiry

Enforcement

Opened Date: 05.12.2006

Reference: 06/0573/EN/BCN

Enforcement Enquiry

Enforcement

Opened Date: 02.11.2018

Reference: 18/0530/EN/UBW

Enforcement Enquiry

23/3150/FUL	
Address	Rocks Lane Recreation Ground Rocks Lane Barnes London SW13 0DG
Proposal	Installation of four padel tennis courts
Contact Officer	Jack Davies
Legal Agreement	NO

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 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 site is a recreation ground located to the east of Rocks Lane opposite the junction with Raleigh Avenue and accommodates multi purpose all inclusive sports community facility.

The following planning designations apply :

- Barnes Common Conservation Area
- Building of Townscape Merit (Public Convenience & Sports Pavilion)
- Flood zone 3
- Metropolitan Open Land
- Barnes Village
- Public Open Space.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application is for the Installation of four padel tennis courts.

95/2453/FUL - Erection Of Ten 8m High Floodlight Columns To 4 Existing Tennis Courts To Be Used Seven Days A Week From Dusk Until 10pm. **Granted**

97/2726 - Erection Of Floodlighting To Two Existing Tennis Courts And Provision Of Four All Weather Courts With Floodlighting To Replace Existing Grass Courts. Erection Of Weld Mesh Around New All Weather Courts To Height Of 2.75m. **Granted**

98/1496 - New Retaining Wall Replacing Rough Ground To Courts 1 To 7. **Granted**

13/0569/FUL. Enlargement of the existing footprint and reconstruction of seven macadam tennis courts. **Granted permission**

4. CONSULTATIONS CARRIED OUT

The application was advertised by site notice and advert.

No letters of representation were received.

Additional elevational drawings were submitted to illustrate the visual impact of the proposals. The padel court plan and elevation was also amended to rectify an error in the address. There were no

changes to the proposed scheme and as such reconsultation was not necessary.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 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/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

London Plan (2021)

Issue	London Plan Policy
Building strong and inclusive communities	GG1
Inclusive design	D1, D2, D3 D5
Fire Safety	D12
Metropolitan Open Land	G3
Biodiversity	G6
Flood risk and sustainable drainage	SI13, SI12

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 Non-Designated Heritage Assets	LP4	Yes
Impact on Amenity and Living Conditions	LP8	Yes
Impact on Metropolitan Open Land	LP13	Yes
Impact on Biodiversity	LP15	Yes
Impact on Flood Risk and Sustainable Drainage	LP21	Yes
Public Open Space, Play Space, Sport and Recreation	LP31	Yes

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

Barnes Village Planning Guidance

These policies can be found at:

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

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Issue	Draft Local Plan Policy
Local Character and Design Quality	LP15, LP28
Impact on Heritage Assets	LP28, LP29
Impact on Amenity and Living Conditions	LP46
Impact on Metropolitan Open Land	LP35
Impact on Trees and Biodiversity	LP39, LP42
Flood Risk	LP8
Public Open Space, Play Space, Sport and Recreation	LP37

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, Section 72 of 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. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Metropolitan Open Land
- ii Design and impact on heritage assets
- iii Impact on neighbour amenity
- iv Biodiversity

- v Flood Risk
- vi Sports and Recreation
- vii Fire Safety

Issue i – Metropolitan Open Land

MOL policy LP13 seeks to safeguard the open land and protect and retain it in predominantly open use. There is a presumption against inappropriate development and building development is generally unacceptable, recognising that there may be exceptional cases where appropriate development such as small-scale structures is acceptable, but only if it:

1. Does not harm the character and openness of the metropolitan open land; and
2. Is linked to the functional use of the Metropolitan Open Land or supports outdoor open space uses; or
3. Is for essential utility infrastructure and facilities, for which it needs to be demonstrated that no alternative locations are available and that they do not have any adverse impacts on the character and openness of the metropolitan open land.

Therefore, the purpose of policy LP13 is to safeguard open land and protect and retain it in predominately open use. The policy however recognises that there may be exceptional cases where appropriate development, such as a small-scale structure is acceptable, but only if it does not harm the character and openness of MOL and is linked to the functional use of the MOL.

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

If it cannot be sufficiently demonstrated that the facility would meet these exceptions, then a case for 'very special circumstances' would need to be made. Any overall increase in either footprint or floor space within designated MOL is required to be fully justified.

The London Plan affirms that the policy guidance of paragraphs of the NPPF on Green Belts applies equally to Metropolitan Open Land and the strongest protection should be given to London's Green Belt, in accordance with national guidance. Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL. Inappropriate development should be refused, except in very special circumstances. Metropolitan Open Land plays an important role as part of London's multifunctional green infrastructure and the Mayor of London is keen to see improvements in its overall quality and accessibility.

In this instance it is noted that the proposal for padel courts, which include their enclosures would be appropriate facilities for outdoor sport.

In regards to impact on openness, it is noted that the location of the proposed padel courts are within the bounds of existing courts which were approved as tennis courts but are understood to be used for multi sport purposes. The existing courts are bounded by a 6m tall fence, which includes solid treatment on the lower level, with metal chain linked type fence above, followed by netting as illustrated in the image below.



It is understood that this fence will be retained as part of the proposal on the north and south ends of the courts.

The padel courts will have a surface as existing, which is porous macadam on a crushed stone base with sub surface drainage. The proposed enclosures will be made up of 3m high part glass panels part chain linked like fencing plus 1m of fence on top. The proposals are therefore 2m shorter than the existing fencing. Given the overall lower height of the fence, and that the proposed glass and chain linked part of the proposed fence will allow views beyond, it is considered that the proposals would preserve openness of the MOL as compared to the existing situation.

On the final point of the exception, it is noted that the proposals would 'not conflict with the purposes of including land within it'.

The scheme is thereby to be considered to be an exception to inappropriate development as per the wording of the NPPF (2023) para. 154.

The scheme therefore considered to comply with the requirements of Local Plan Policy LP13.

Issue ii- Design and impact on heritage assets

The NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

As per the above assessment under MOL, it is considered that the proposals would have an acceptable visual impact on its surroundings. The site is currently used for sporting purposes and will remain that way. It is not considered the scheme will have harmful impact upon the Conservation Area nor any nearby BTMs.

In view of the above, the proposal is considered to be acceptable in relation to policies LP1, LP3 and LP4 of the Local Plan.

The site is located in an area of archaeological priority. The Greater London Archaeological Advisory Service have been consulted and raise no objection to the proposals. Local Plan Policy LP7 is considered satisfied.

Issue iii- Impact on Neighbour Amenity

The proposed development is isolated from any sensitive properties. As such, it would not result in an unreasonable or unacceptable loss of light, privacy or visual intrusion for neighbouring occupiers. The current courts are not subject to a curfew, although this will generally be determined by daylight hours or the approved hours of operation of the existing floodlights. There are no alterations to the existing floodlighting proposed and therefore the operation of the padel courts would be consistent with the existing arrangement.

The proposals would therefore be consistent with policy LP8 of the Local Plan.

Issue iv –Ecology

The Council Ecology Officer has reviewed the submission documents and has no objections. Whilst glass is proposed to the padel courts, it is noted that the existing fencing will still be in situ and therefore there will not pose a risk of wildlife flying into it.

It is understood there is no alterations to the existing floodlighting.

A condition will be attached to successful permission requiring further details to be submitted regarding an ecological construction management plan to ensure construction activities are appropriate.

The scheme is considered to satisfy the requirements of Local Plan Policy LP15.

Issue v - Flood Risk

The site is located within Floodzone 3. The application has been submitted with a flood risk assessment. It is noted that the padel courts will be situated on the existing porous surface. It is not considered that the proposals would have impact on flood risk.

Local Plan Policy LP21 is considered to be satisfied.

Issue vi – Sports and Recreation

Local Plan Policy LP31 states in relation to sports and recreation that:

Playing fields and sport facilities: applicants should assess the need and feasibility for on-site provision of new playing fields and ancillary sport facilities in line with the borough's Playing Pitch Strategy.

The Council have consulted Sports England whom note:

Sport England has consulted the relevant sport National Governing body – the Lawn Tennis Association on the proposals. The LTA advise that as the National Governing Body for Padel (& tennis) in Great Britain they support the proposed build of Padel courts in the London Borough of Richmond at Rocks Lane Barnes where our insight shows there is a lack of provision.

The sport of Padel is one of the fastest growing sports in the country and the LTA is committed to investing in its growth. Creating more Padel courts, which can be used throughout the year, is critical to sustaining this growth. These additional facilities will enable more adults and juniors to enjoy, compete and experience the game of Padel in line with the LTA's Vision and Mission which is to see "tennis opened up".

Whilst the LTA would normally object to the removal of any tennis courts, they appreciate that there may be valid business reasons why this may be reasonable on this specific occasion, the LTA ask that the remaining 4 tennis courts are maintained to a good condition to ensure tennis provision is attractive and sustained within the site for year-round play.

In terms of the loss of two courts, to the venue/area, with two other venues in the local Barnes vicinity which are accessible to the community (Barn Elms Sports Trust and Barn Elms Sports Centre), the LTA advise that there would still be 26 tennis courts (4 floodlit) available for pay and play within Barnes.

As the LTA supports the proposal and as the proposal is to replace existing facilities with an alternative racket sport courts which will provide new facilities for residents, Sport England considers that the facility is of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Given such, the council raise no objection to the proposals.

Issue vi - Fire Safety

The applicant has submitted a Fire Safety Statement. This reads more like a reasonable exception statement which would have been acceptable in this instance.

7. 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

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

Grant planning permission with conditions

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

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

Case Officer (Initials): DAV

Dated: 31.01.2024

I agree the recommendation:

South Area Team Manager:ND.....

Dated:31.01.2024.....