1. **RECOMMENDATION**

Grant conditional permission.

2. **SUMMARY**

The Paddington Bowling and Sports club is located on land bound by houses and flats on Delaware Road, Elgin Avenue, Castellain Road and Sutherland Avenue within the Maida Vale Conservation Area. Planning permission is sought to install floodlighting to two existing tennis courts.

The key issue in this case is the impact of the proposal on the amenity of occupiers of the neighbouring and adjoining residential properties.

The proposal is considered to accord with the relevant land use, design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letters appended to this report.
3. LOCATION PLAN

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4. PHOTOGRAPHS

South facing view of Courts 4 and 5 towards Delaware Mansions

North facing view of Courts 4 and 5 towards Castellain Mansions
View from ground floor rear closet wing window at Delaware Mansions

View from ground floor rear elevation window at Delaware Mansions
5. CONSULTATIONS

5.1 Consultation on Originally Submitted Scheme (December 2018)

WARD COUNCILLORS FOR MAIDA VALE
Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY
Concerned about the amenity impact of the lights. Improvement in terms of neighbour privacy impact and noise.

ENVIRONMENTAL HEALTH OFFICER
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 156
Total No. of replies: 166
No. of objections: 8
No. in support: 157
No. neutral: 1

PRESS ADVERTISEMENT / SITE NOTICE: Yes

The objections concern the following issues:

- By extending the hours that the courts are in use, the proposal would cause disruption to the occupiers of neighbouring and adjoining residential properties. Families with young children live in the local area.
- The proposed floodlights would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.
- Noise from the existing floodlit courts is already loud and disruptive. Those using the court shout loudly to each other.
- The installation of barriers would block the daylight/sunlight received from the windows of the adjoining properties.
- The City Council should look at developing additional sports facilities elsewhere.
- Paddington Sports Club should install acoustic barriers throughout the complex to address the existing noise levels.

The comments in support concern the following issues:

- Paddington Sports Club (PSC) has been involved in many community projects and is providing a valuable service to the local community. It is one of the few affordable clubs in central London with a diverse membership. Improving the club’s capabilities encourages social interaction and a sense of community.
- During the summer the community can use all the courts until late. The proposed floodlights would allow both children and adults to be involved in the sport. It allows members to play tennis throughout the year. The new lights would not allow for tennis to be played any later in the winter than it already is in the summer months. Children can play tennis after school in the winter months.
- The club is a good neighbour. It has strict rules about noise and hours of play. PSC have been reaching out to neighbours to listen to their concerns regarding the proposal and have taken into consideration how to mitigate noise and light spill.
- Maida Vale and London in general would benefit a lot by having more high-quality sports facilities. There are no public indoor courts in the area, so floodlighting is the only option for people who want to play tennis all year round.
- Other Tennis Clubs in Central London make use of floodlighting.
- PSC proposes to introduce new environmentally friendly method of lighting which also radically reduces light spill in comparison to older types of floodlighting technology.
- The proposal increases the opportunity for people to exercise and enables them to live healthy lives both physically and mentally. This will counteract the rising cases of obesity, particularly among children, which are notably prevalent in Westminster. The proposal allows for after work activities to combat Winter depression syndrome.
- PSC is a safe place where teenagers can meet new friends and develop self-esteem.
- The proposed fencing and hedging would reduce the noise impact of the proposal.
- Planning permission will entitle the Club to Lawn Tennis Association matching funds for tennis infrastructure.
- PSC has been open since 1928 and has a rich history of tennis being played during the summer evenings.

The neutral comment concerns the following issue:

- Support the hedging and soundproofing but have concerns about the floodlights.
- The existing flood lights are visible and bright at night.
- The proposed floodlights would cause light pollution and they are visible from nearby properties. The floodlights should be switched off when not in use.

5.2 Consultation on Revised Scheme (April 2019)

Amendments included:

- Proposed hours of use of outdoor lighting from 16:00 to 20:00 hours.
- Amended outdoor lighting scheme.
- Amended outdoor lighting design assessment.
- Removal of proposed timber fence and hedge on the southern boundary

KAREN BUCK MP
- An objector says that the club has bribed people to write in support of the application by incentivising them with tickets to a professional tennis tournament.
- The objector says that plenty of the courts are already floodlit. Most of the Tennis Clubs' members do not live near the application site.

WARD COUNCILLORS FOR MAIDA VALE
Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY
The changes to the scheme are noted. Please take neighbours' views into consideration.

ENVIRONMENTAL HEALTH OFFICER
No objection.
ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 156
Total No. of replies: 17
No. of objections: 17
No. in support: 0
No. neutral: 0

The objections concern the following issues:

- Allowing the tennis courts to be open later would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance. It would affect families with young children. The existing noise pollution is already considerable.
- The proposed floodlights would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.
- The overwhelming majority of the comments supporting this proposal are from club members who do not have live with the amenity impacts of the proposal.
- The timber fence and hedge should not be removed from the scheme as they provide mitigation against light pollution.
- PSC constantly fails to manage noise pollution from its night time activities, particularly the events conducted at the bar area. Allowing people to play later on the courts would increase the number of people in the bar area.
- The Club is encouraging people to write in support of the application though a promotional campaign offering a trip to New York.
- Previous applications to install lighting to courts 6, 7, 8 have been refused.
- There should be no change to the surface of the courts.
- The proposal would impact the value of neighbouring and adjoining properties.
- There are other floodlit and indoor courts nearby that people can use instead so therefore the proposal is unnecessary.
- There are technical issues with Westminster’s website and people have been unable to submit comments.

6. BACKGROUND INFORMATION

6.1 The Application Site

The Paddington Bowling and Sports club is located on land bound by houses and flats on Delaware Road, Elgin Avenue, Castellain Road and Sutherland Avenue. The application site is unlisted and located within the Maida Vale Conservation Area.

Paddington Sports Club currently has 10 outdoor tennis courts, 5 of which have floodlighting.

6.2 Recent Relevant History

07/01007/FULL
Extend the operating time of floodlights at tennis courts 2 and 3 from 20.00- 22.00 hours.
Application Refused 11 April 2007
05/02668/FULL
Renewal of permission dated 19 June 2003 (RN: 03/02701/FULL) namely, for the retention of 6.3m high floodlights to tennis courts Nos. 2 and 3 for use until 20.00 hrs
Application Permitted 9 June 2005

03/06597/FULL
Erection of floodlights to tennis court No’s 6, 7 and 8 until 2200 hours.
Application Refused 16 October 2003

03/02701/FULL
Renewal of permission dated 19 June 2003 (RN 03/02701) namely, for the retention of 6.3m high floodlights to tennis courts Nos. 2 and 3.
Application Permitted 19 June 2003

01/07719/FULL
Erection of 6.3m high floodlights to tennis courts Nos. 2 and 3.
Application Permitted 9 May 2002

01/01939/FULL
Installation of flood lighting to tennis courts Nos.2, 3 and 8 for use between the hours of darkness and 10.00 p.m.
Application Withdrawn 5 July 2001

7. THE PROPOSAL

Installation of new floodlighting to two existing outdoor tennis courts (Courts 4 and 5 which are adjacent to the Club House). The proposed hours of use of the lighting is from 16:00 to 20:00 hours daily. Originally it was proposed that the hours of use for the lights were until 21:00 hours but following discussions with officers it was amended.

Originally the proposal included the erection of timber fencing with an acoustic barrier and evergreen hedging along the southern boundary of the application site but following discussions with officers these elements were removed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant policies for consideration of the proposal are SOC1 of the Unitary Development Plan 2007, and S34 as set out in the adopted City Plan 2016.

The aim of policy SOC1 is to protect and improve the range of community facilities in Westminster. The proposed floodlights would allow Courts 4 and 5 to be used until 20:00 hours in the winter months. This would improve the capacity of Paddington Sports Club and allow a greater number of people of all ages to play tennis. The proposal is therefore considered to be acceptable in principle in land use terms.

Policy SOC1 (B) states that community facilities will be required not to harm the amenity of the surrounding area. Objectors have stated that because of the perceived amenity
impact of the proposal, the City Council should develop additional sports facilities on other sites. The amenity impact of the proposal is addressed elsewhere in the report.

8.2 **Townscape and Design**

Paragraph 184 of the NPPF (2018) states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

In the exercise of planning functions, the City Council must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The relevant policies for consideration of the proposal are DES 1, DES 5, DES 9 in the adopted Unitary Development Plan 2007, and S25 and S28 set out in the adopted City Plan 2016.

Permission is sought to install flood lighting to the courts located adjacent to the club house and behind the buildings fronting Delaware Road. Given the presence of similar structures, which are not uncharacteristic to find in association with a sports use, the floodlights are not considered to be out of keeping with the character and appearance of the setting.

On the previously permitted applications for flood lighting on this site, a condition was imposed requiring the floodlights to be painted green. In order to maintain the aesthetic of the site and to prevent visual cluttering, this condition is recommended on this application.

The proposed replacement chain link fences are of the same height as the existing ones so therefore they are uncontroversial in design terms.

The proposal will preserve and enhance the character and appearance of the Maida Vale Conservation Area and is considered to be in accordance with the relevant UDP and City Plan policies. The recommendation is considered in line with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2018).

8.3 **Residential Amenity**

The relevant policies for consideration of the proposal are ENV 6, ENV 10, ENV 13 of the Unitary Development Plan 2007, and S29 and S32 as set out in the adopted City Plan 2016.

**Noise and Disturbance**

In the all the tennis courts at PSC are used as long as the amount of daylight permits, which in the Summer months can be up until 22:00 hours.

Tennis Courts 1, 2, 3, 9, and 10 all have existing floodlights. In a statement provided by the applicant it says that courts 1, 9, and 10 are used until 22:00 hours and courts 2 and
3 are used until 20:00 hours. Permanent permission was granted on 09.06.2005 for floodlights to be used on tennis courts 2 and 3 until 20:00 hours (RN: 05/02668/FULL). Permission was granted on 29.09.1982 for to the use of floodlights on Courts 9 and 10 from 16:00 hours to 22:00 hours. There is no record of planning permission being granted for the floodlights at Court 1.

The proposed floodlights would allow Courts 4 and 5 to be used until 20:00 hours in the winter months. Objections have been received stating that extending the hours of use would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of noise and disturbance. Courts 4 and 5 can already be used as late as 22:00 hours in the summer months, but currently the occupiers of neighbouring and adjoining properties receive respite from this in the winter months.

The Environmental Health Officer commented that there have been a few complaints about noise from persons playing tennis but no noise constituting a statutory nuisance has been witnessed. PSC has also advised that the numbers of people on the courts will be limited with no tennis coaching taking place. Courts 3 and 4 are positioned at a similar distance from the nearest residential windows as courts 2 and 3. The proposed hours of use for the lighting is the same as what has been approved for courts 2 and 3.

Objectors have commented that previously permission has been refused for the installation of flood lighting on other courts at PSC. It is noted that permission has been refused for floodlighting at Courts 2, 3, 6, 7, and 8, but this was because it was proposed for the lighting to be used until 22:00 hours rather than 20:00 hours.

The amenity impact from noise and disturbance from the proposal on the residential occupiers is considered to be less impactful than the existing situation in the summer months. There are already 5 courts in use in the evenings in the winter months, and the cumulative noise impact of having an additional 2 courts in use until 20:00 hours is not considered to be materially worse than what is existing. As there is no record of activity on the tennis courts causing a statutory nuisance and the proposal allows a greater number of people to make use of this community facility, it is considered that on balance the noise impact of the proposal is acceptable.

When discussing the history of the application site, the Environmental Health Officer stated that there have also been noise complaints related to loud music being played at events. The noise impact from events and from the club house is also an issue that has been mentioned by objectors. It is considered however, that the impact of noise from events and noise from the use of the club house is outside the scope of the current proposal.

**Light Pollution**

Objections have been received on the grounds that the proposal would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of light pollution through their windows into habitable rooms.

The proposed floodlights are designed to eliminate glare and stray light. The LED fittings have a mounting height of 7 metres and they will be facing downwards towards the court
surface at a tilt angle of 14 degrees and they do not aim or point directly at the facades of the neighbouring and adjoining residential properties.

The proposed lighting scheme relies on a new generation of LED fitting that keeps obtrusive light to a minimum. The ‘Guidance Notes for the Reduction of Obtrusive Light’ by the Institution of Lighting Professionals contains advice on limiting obtrusive light from exterior lighting installations. For the purpose of the assessment the application site is considered to be in an urban zone. In an urban zone the maximum amount of light intrusion into a window should be 25 LUX (lumens over square metre) before 23:00 hours. The proposed LED floodlights casts approximately only 1 LUX of light over adjacent residential properties. The impact of the light intrusion is considered to be in accordance with the guidance and therefore would not have a material negative amenity impact.

The light from the floodlights would be viewable when residents look out of their windows. But the light from the existing floodlights at PSC would also be visible and as would the lights emitting from the rear windows of neighbouring buildings. The experience of looking out the window when the proposed floodlights are turned on would not be materially different to what is existing.

It shall be enforced through condition that the lights are turned off on or before 20:00 hours daily.

For the reason stated above the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.

**Sense of Enclosure and Sunlight and Daylight**

The proposal originally included the erection of a fence and a hedge along the southern side of the Courts 4 and 5 on the boundary with Delaware Mansions. There are ground floor windows on the rear elevation of this section of Delaware Mansions that face onto Courts 4 and 5. Following an onsite assessment by Officers, it was found that many of these windows serve habitable rooms. It was therefore considered that the proposed fence and hedge would cause the occupiers of the ground floor flats at this section of Delaware Mansions to suffer a material loss of outlook. An objection was received stating that the fence would reduce the daylight/sunlight received by these windows. It is noted that comments were submitted in favour of the fence on the grounds that it would reduce noise from Courts 4 and 5. The Environmental Health Officer however, assessed the proposal and found no evidence that the fence would in fact mitigate against noise and disturbance. It was agreed with the applicant that the fence and hedge should be removed.

There is already a 3.6-metre-high chain link fencing on the perimeter of Courts 4 and 5. The proposed replacement chain link fence is of the same height as the existing fence and it is set further away from the boundary with Delaware Mansions than the existing one. For these reasons the proposed fence is not considered to cause the occupiers of the neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of a loss of outlook or a loss daylight/sunlight, and nor would it have an overbearing impact on these properties.
8.4 Transportation/Parking

The proposal would allow a greater number of people to use PSC in the winter months, but this number would be no greater than the number who currently use it in the summer months. The proposal is therefore not considered to have any impact on parking or transportation to and from the application site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

No changes to the access of the application site are proposed.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.
No pre-commencement conditions have been recommended.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a proposal of this scale.

8.13 Other Issues

Consultation Process

Objectors have stated that they believe that many of the people who submitted comments of support for the proposal do not live near Paddington Sports Club. It should be noted however, that anyone is allowed to comment on a planning application, regardless of whether they live near the application site or even if they live outside of the City of Westminster.

It has also been stated by objectors that Paddington Sports Club has encouraged its members to comment in support of the proposal by promising them prizes such as a trip to New York. The City Council however, has seen no evidence of a direct link between the encouragement to submit messages of support for the planning application and the offer of prizes. Even if such evidence was discovered it would not be a material planning consideration.

There have been reports of technical issues with City Council’s website causing people to be unable to submit comments, although the City Council has no record of this issue. It should be noted however that for both consultations, the City Council has accepted comments by email and allowed people to comment past the original deadlines.

Surface of the courts

There has been an objection stating the surface of the courts should not be changed. The proposal makes no changes to the surface of the courts.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk
9. **KEY DRAWINGS**

![Existing Plan](image1)

**Existing Plan**

![Proposed Plan](image2)

**Proposed Plan**
Item No. 6

Existing South Elevation

Proposed South Elevation

Existing West Elevation

Proposed West Elevation
DRAFT DECISION LETTER

Address: Paddington Bowling & Sports Club, Castellain Road, London, W9 1HQ,

Proposal: Installation of new floodlighting to two existing outdoor tennis courts (courts 4 and 5 adjacent to the Club House) with the installation of new perimeter and division fencing, timber acoustic barrier and evergreen hedging.

Reference: 18/10265/FULL


Case Officer: William Philips

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:
For the avoidance of doubt and in the interests of proper planning.

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
   - between 08.00 and 18.00 Monday to Friday;
   - between 08.00 and 13.00 on Saturday; and
   - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:
   - between 08.00 and 18.00 Monday to Friday; and
   - not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:
To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4 Notwithstanding details shown on the approved drawings, the floodlights hereby permitted shall be painted green (RAL 6005) and maintained as such.

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 The floodlights hereby approved shall only be used between the hours of 1600 to 2000 hours and should be turned off on or before 2000 hours.

Reason:
To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 10, and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

Please note: the full text for informatives can be found in the Council’s Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council’s website.