

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 August 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Paddington Bowling &amp; Sports Club, Castellain Road, London, W9 1HQ</b>		
<b>Proposal</b>	Installation of low level LED floodlighting with telescopic columns to existing outdoor tennis courts 6-8. Replacement of fencing around courts 6-8.		
<b>Agent</b>	Mr Lee West		
<b>On behalf of</b>	Mr Christopher Osborne		
<b>Registered Number</b>	21/03215/FULL	<b>Date amended/ completed</b>	16 May 2021
<b>Date Application Received</b>	16 May 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

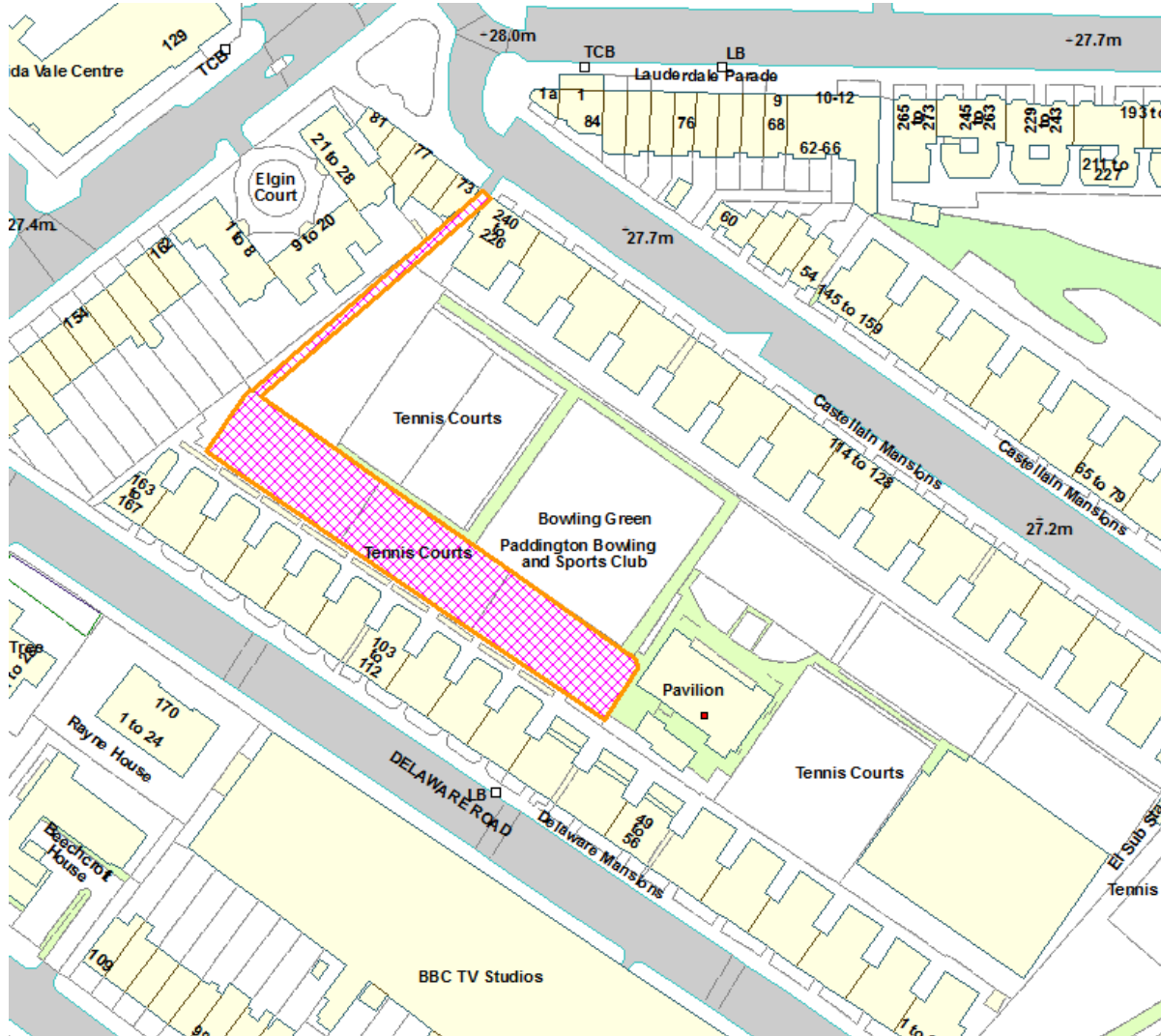
## 2. SUMMARY

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 erect floodlights to Courts No's 6, 7 and 8 until 2100 hours and the replacement of the fence to the perimeter of the 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.

Representations of objections have been received from neighbouring properties on predominantly amenity grounds with respect to noise and light pollution. In contrast representations of support have also been received. However, and subject to appropriate conditions, the application is considered to comply with City Plan policies and is therefore recommended for approval.

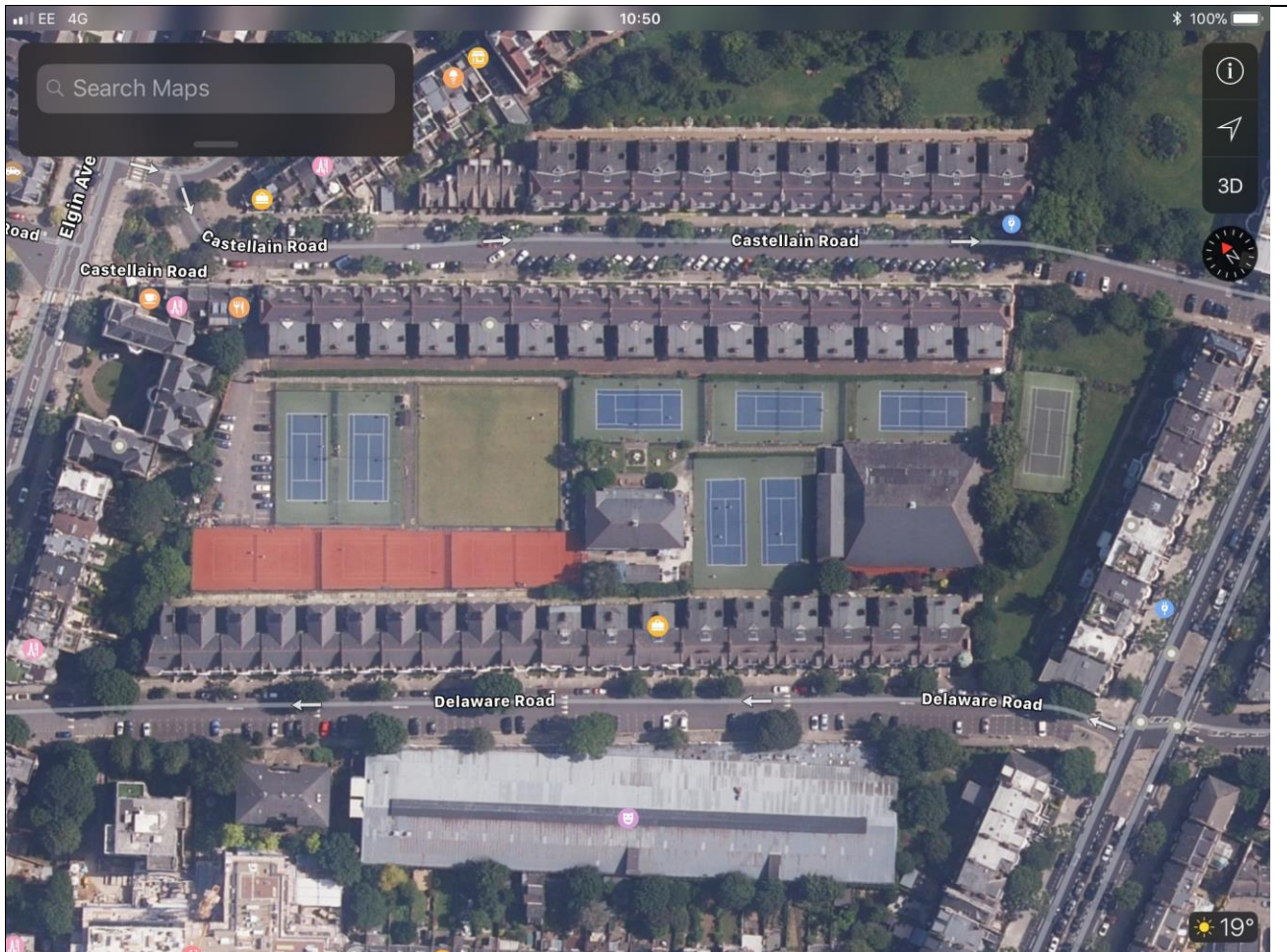
### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Three end to end orange courts to the bottom left are No's 6 - 8.



**View looking to the rear elevation of Delaware Mansions**



**View looking to the rear elevation of Delaware Mansions**



**View looking to the rear elevation of Delaware Mansions**



**View looking to the rear elevation of Delaware Mansions (illustrating the existing floodlights to Court 10)**

## 5. CONSULTATIONS

### ORIGINAL CONSULTATION SENT 19<sup>TH</sup> MAY 2021

#### SPORT & LEISURE:

Any response to be reported verbally.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH:

No objection.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 425; Total No. of replies: 28

Ten objections raised on all or some of the following grounds:

#### Amenity:

- Increase in noise disturbance
- Increase in light pollution

#### Other:

- Nearby tennis court facilities in Paddington Recreational Ground
- Increase in light pollution contributes climate change
- Requests acoustic barriers are installed along its perimeter

Eighteen letters of support raised on all or some of the following grounds:

- Windows back onto the courts relating to the application and never been disturbed by noise and disruption
- Sports are beneficial to mental and physical wellbeing especially through the recent government movement restrictions
- Increasing the number of courts will allow more of the local community to participate
- Increasing the number will help the club financially
- The floodlight design meets all environmental guidelines
- The floodlights will not be visible to the nearby residential blocks when not in use

### RE-CONSULTATION SENT 18<sup>TH</sup> JUNE 2021 (due to amended description of proposed works to include the proposed works to replace the fencing around courts 6-8)

No. Consulted: 425; Total No. of replies: 68

Eleven objections raised on all or some of the following grounds:



Amenity:

- Increase in noise disturbance
- Increase in light pollution

57 letters of support raised on all or some of the following grounds:

- Increasing the number of courts will allow more of the local community to participate and reduces the pressure on other nearby tennis facilities
- Sports are beneficial to mental and physical wellbeing especially through the recent government movement restrictions
- Floodlight design has been done to minimise visual impact and light pollution to Delaware Mansions which is welcomed
- Windows back onto the courts relating to the application and never been disturbed by noise and disruption

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The Paddington Bowling and Sports Club (PSC) covers a substantial area at the rear of Castellain Road, Sutherland Avenue, Delaware Road and Elgin Avenue, within the Maida Vale Conservation Area. The club is accessed from the north-east adjacent No 73 Castellain Road and comprises of tennis courts, club house, squash courts and parking for approx. 30 cars.

### **6.2 Recent Relevant History**

#### **COURTS 6,7 & 8**

03/06597/FULL

Erection of floodlights to tennis court No's 6, 7 and 8 until 2200 hours.

Application Refused                      16 October 2003

The reasons for refusal were impact of noise and disturbance to adjoining residents in Delaware Road resulting in a material loss of residential amenity & insufficient details of exact siting of lights.

#### **OTHER COURTS**

COURTS 2 & 3

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 hr

Application Permitted                      09.06.2005

Hours 16.00-20.00 & painted green.

COURTS 4 & 5

18/10265/FULL

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  
Application Permitted 09.07.2019

Hours 16.00-20.00 & painted green.

COURTS 9 & 10

20/00107/FULL

Installation of LED replacement floodlighting to two existing outdoor floodlit tennis court Nos. 9 and 10.

Application Permitted 31 March 2020

Hours 16.00-.22.00 & painted green (Permission was first granted on 29.09.1982 for to the use of floodlights on courts 9 and 10 from 16:00 hours to 22:00 hours

## 7. THE PROPOSAL

Permission is sought to replace the existing chain link perimeter fencing to the three courts and erect nine floodlights, three to each of Courts No's 6, 7 and 8 for use between 16.00 and 21.00 hours daily. The new fence will raise from approximately 2.6 metres to 3.5 metres in height. These three courts are located on the western side of the club, next to the flats in Delaware Mansions. These floodlights are proposed to allow play to continue during the winter months.

The floodlights are to be telescopic therefore when fully erect they will be 6.7m in height and when retracted they will be the same height as the new fence and they will face away from the residential dwellings on Delaware Mansions.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The relevant policy for consideration of the proposal is 17 'Community infrastructure and facilities' as set out in the adopted City Plan 2019 -2040 which seeks to sustain an adequate and accessible range of social and community facilities, which include sports facilities within Westminster.

The proposed floodlights will facilitate the greater use of these three courts in the evening during winter and poor light. They will improve the quality of facilities on offer to the club's members and therefore considered to be acceptable in land use terms, however this has to be balanced against the increased activity and its impact upon the amenities of adjoining residents which is addressed in the below amenity section. It is noted that we have received several letters of support stating that the increase in hours that the courts can be played on will allow more of the local community to participate and reduces the pressure on the local area.

### 8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 in the City Plan 2019 - 2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Paragraph 184 of the NPPF 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".

The relevant policies for consideration of the proposal are 39 and 40 set out in the adopted City Plan 2019 - 2040.

Permission is sought to install flood lighting to existing outdoor tennis courts nos. 6, 7 and 8 with three floodlights serving each court. The floodlights are to be installed with telescopic columns therefore when fully erect they will be 6.7m in height and when retracted they will be the same height as the fence. 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 at the club, 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, a condition is recommended on this application that the proposed floodlight columns shall be painted green.

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

As such, the proposal is considered acceptable, mindful of policies 39 and 40 of the City Plan 2019 – 2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 8.3 Residential Amenity

The relevant policies for consideration of the proposal are 7 'Managing developments for Westminster's people' and 33 'Local environmental impacts' of the City Plan 2019 – 2040.

#### **Noise and Disturbance**

All the tennis courts at Paddington Sports Club can be used for as long as the amount of daylight permits, which in the summer months can be up until 22:00 hours.

Tennis Courts 2,3,4 and 5 have floodlights for use until 20.00, and courts 9 and 10 until 22.00 (since 1982) There is no record of planning permission being granted for the floodlights at Court 1.

The proposed floodlights would allow Courts 6, 7 and 8 to also be used in winter months and in poor light. The applicant is seeking the use of the floodlights on a permanent basis until 21.00 hours, 7 days a week. 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. The tennis courts 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 has raised no objection to the proposal in regards to any noise or disturbance and has stated that given the other flood lights on other parts of the application site have a cut off time of between 20.00 hours to 22.00 hours, the proposed time of 21.00 is acceptable, furthermore within a statement provided by the Paddington Sports Club they have advised that group sessions will cease by 20.00 hours and the final hour dedicated for one to one coaching.

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 as longer hours of play is possible. There are already 5 courts in use in the evenings in the winter months, however it is considered that the proposed 21.00 hours cut off time is too late and should be amended to 20.00 hours to be in line with permissions granted for other courts, particularly Courts 2, 3, 4 and 5 within the application site. This is because residents would not expect such extended play into the evenings during the winter and given the close proximity to the residential dwellings within Delaware Mansions. The applicant has agreed to a condition reflecting this amendment to 8pm.

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 subject to the aforementioned condition.

It is noted that within the objections received some have raised the noise impact from events and from the club. 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.

Furthermore, the Environmental Health Officer has stated the bespoke lighting system that involves three telescopic flood light columns with LED panels fitted and directed onto the court and away from residential units are less likely to emit artificial light from the courts 6,7 and 8 so as to result in a nuisance to residents in the immediate area. Therefore no objection to the light design as proposed has been raised.

The light from the floodlights would be viewable when residents look out of their windows. But the light from the existing floodlights at Paddington Bowling & Sports Club 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.

As discussed within the Noise and Disturbance section above, it shall be enforced through condition that the lights are turned off and retracted on or before 20:00 hours daily which has been agreed by the applicant.

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 proposed floodlights will be installed with telescopic columns therefore will only be extended to full height when in use, furthermore due to the size and positioning they are 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 they have an overbearing impact on these properties.

The proposed fence is not solid and therefore does not have a significant impact in times of sense of enclosure or loss of light.

#### **8.4 Transportation/Parking**

The proposal would allow a greater number of people to use Paddington Sports Club 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 a significant 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 change is proposed to the access of the Club.

#### **8.7 Westminster City Plan**

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **8.8 Neighbourhood Plans**

None relevant.

#### **8.9 London Plan**

This application raises no strategic issues.

#### **8.10 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

#### **8.11 Planning Obligations**

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

### **8.12 Environmental Impact Assessment**

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment.

### **8.13 Other Issues**

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.

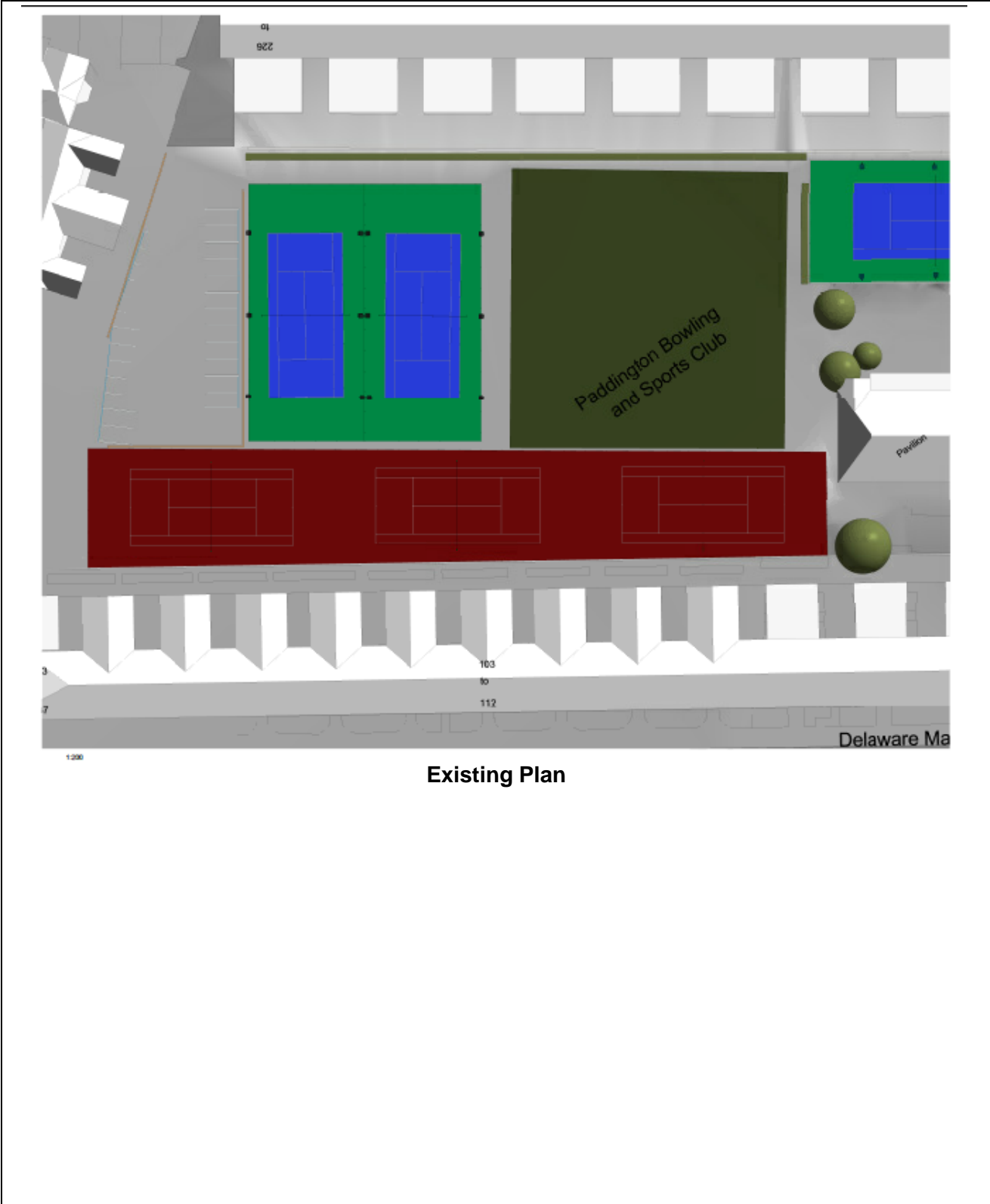
#### **Ecology**

The proposal is not considered to result in a significant impact to cause harm to the surrounding ecology including bats and other wildlife, furthermore an informative is attached to ensure bats are not harmed.

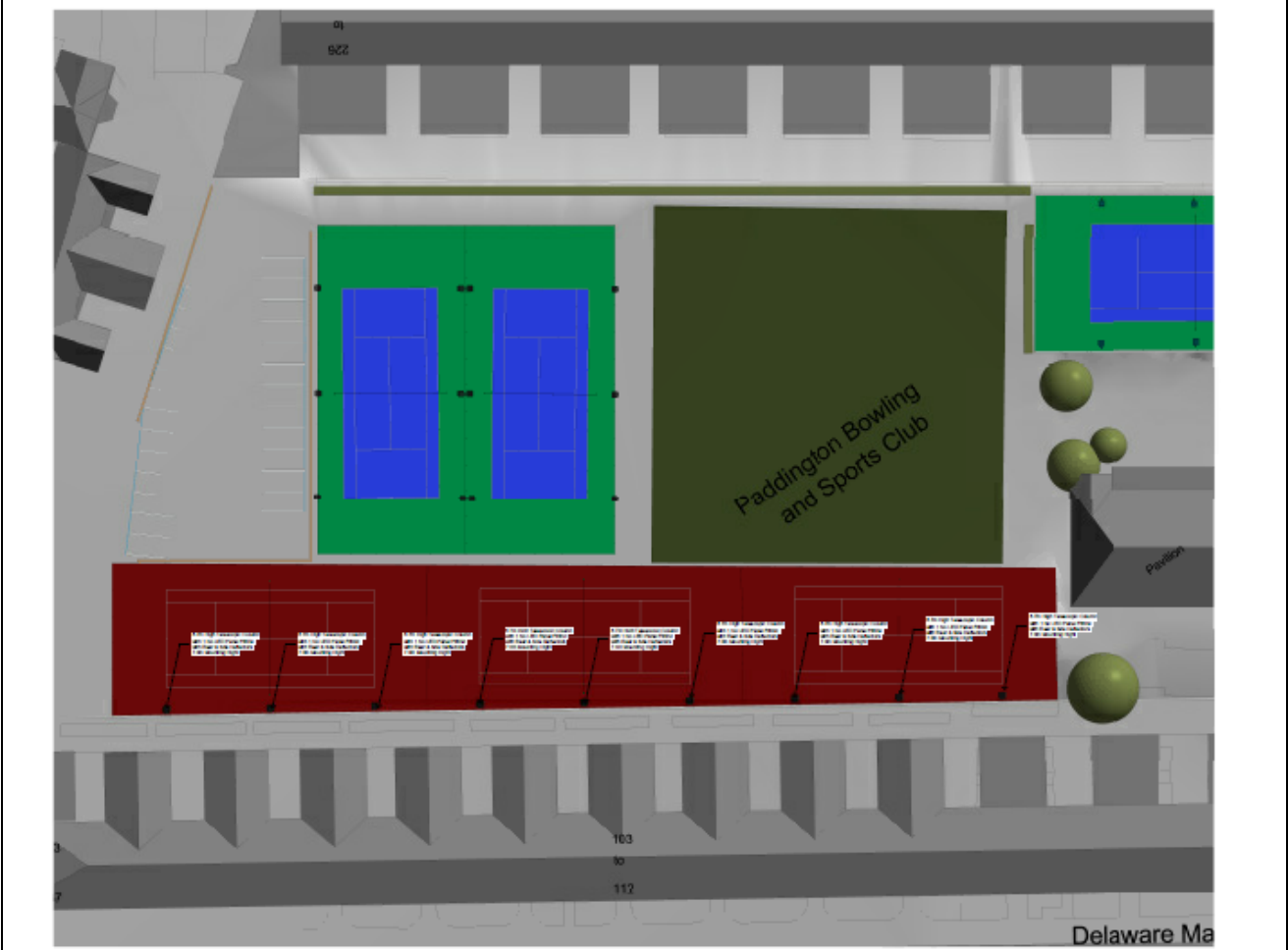
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@Westminster.gov.uk](mailto:rhandley@Westminster.gov.uk)

9. KEY DRAWINGS



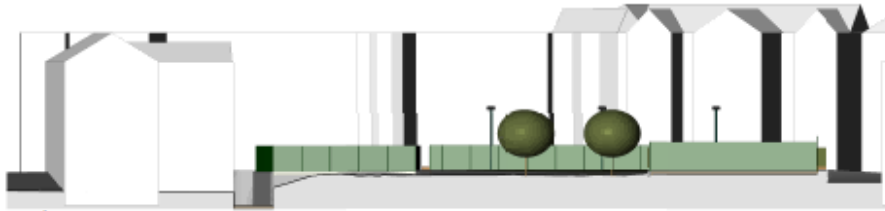




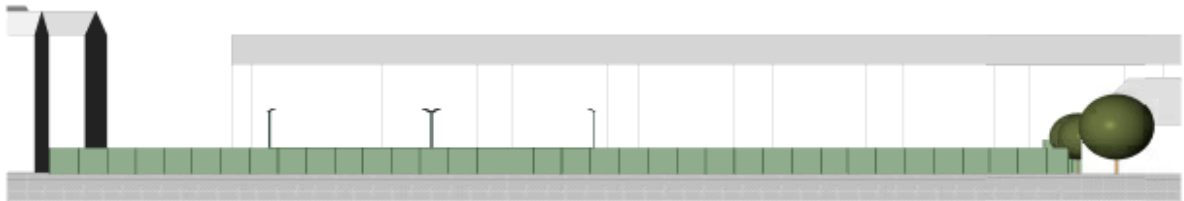
Proposed Plan



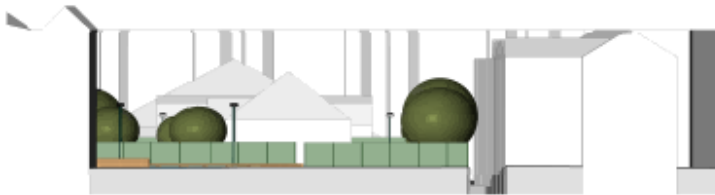
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Elevation 2 - EAST  
1 : 200

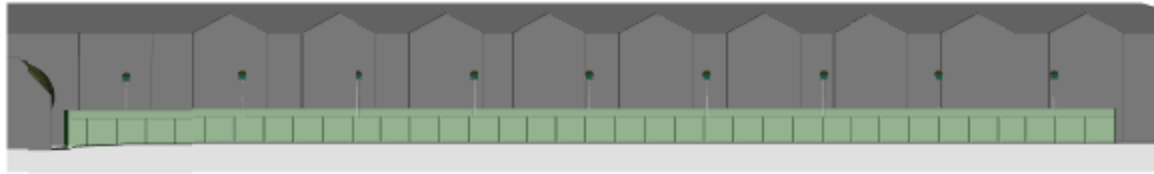


Elevation 3 - SOUTH  
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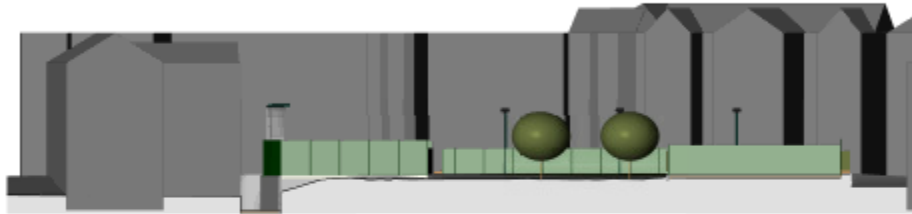


Elevation 4 - WEST  
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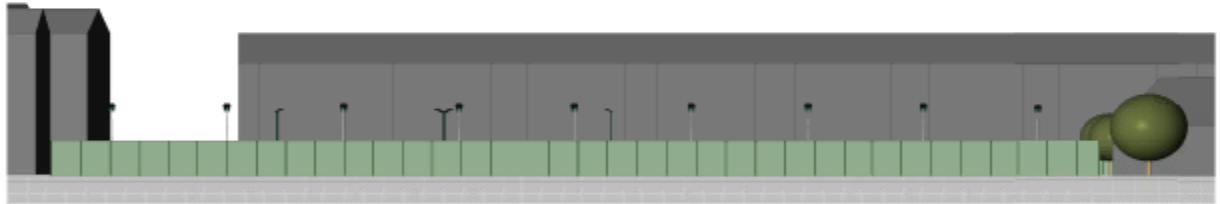
**Existing Elevations**



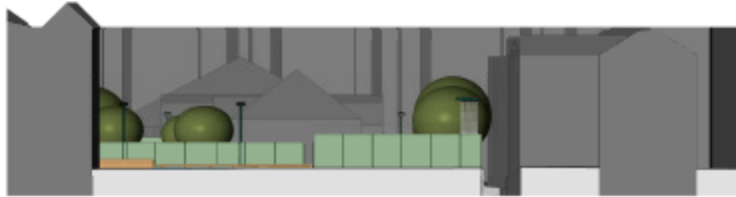
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Elevation 2 - EAST  
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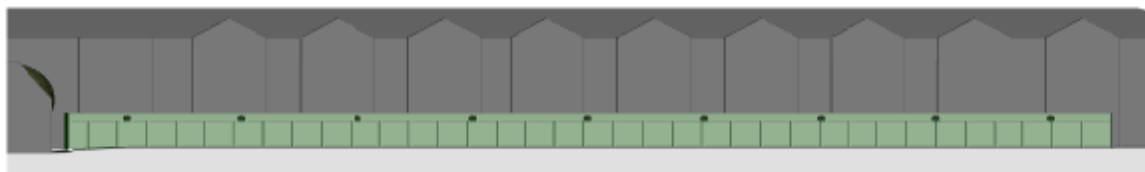


Elevation 3 - SOUTH  
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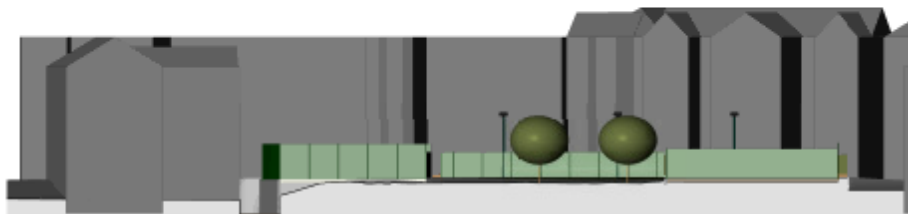


Elevation 4 - WEST  
1 : 200

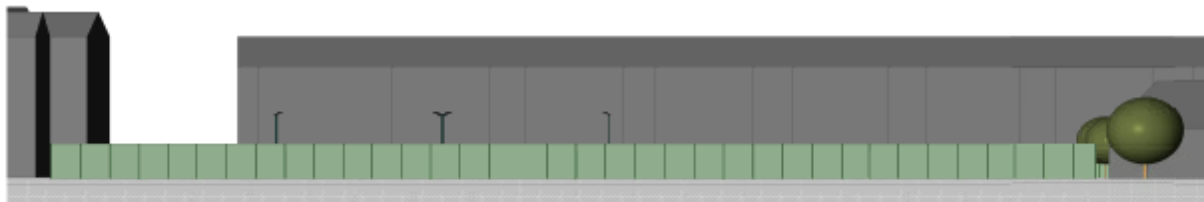
**Proposed Elevations (with floodlights erected)**



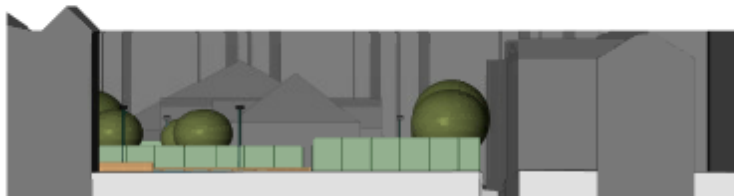
**ZElevation 1 - NORTH**  
1 : 200



**ZElevation 2 - EAST**  
1 : 200



**ZElevation 3 - SOUTH**  
1 : 200



**ZElevation 4 - WEST**  
1 : 200

**Proposed Elevations (with floodlights retracted)**

**DRAFT DECISION LETTER**

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

**Proposal:** Installation of low level LED floodlighting with telescopic columns to existing outdoor tennis courts 6-8. Replacement of fencing around courts 6-8.

**Reference:** 21/03215/FULL

**Plan Nos:** Site Location Plan, 2020 CAS 072 032, 2020 CAS 072 031, 2020 CAS 072 030, 2020 CAS 072 019 A, 2020 CAS 072 018 A, 2020 CAS 072 015, 2020 CAS 072 014 A, 2020 CAS 072 013, 2020 CAS 072 012 A, Lighting Design Issue dated 07 May 2021, Planning Statement dated 08 May 2021, PSC Management Plan.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641  
07866037206

**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:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The floodlights hereby approved shall only be used between the hours of 1600 to 2000 hours and should be turned off and lowered when not in use.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21CD)

- 6 The hereby approved floodlights must be installed in accordance with the submitted document 'S. F. P. D Limited Outdoor Lighting Design' dated 07 May 2021 and maintained as such thereafter.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21CD)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 HIGHWAYS LICENSING:; 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures)., , CONSIDERATE CONSTRUCTORS:; 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)., , BUILDING REGULATIONS:; You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (I81DA)

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.