

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	The Pavilion Hyde Park, 1 Serpentine Road, London,		
Proposal	Conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing.		
Agent	Mig Architecture & Interiors		
On behalf of	Will To Win Ltd		
Registered Number	16/11997/FULL	Date amended/ completed	19 December 2016
Date Application Received	19 December 2016		
Historic Building Grade	Hyde Park is a grade I Registered Park and Garden		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The Pavilion Hyde Park Sports facilities are located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive. This application has been submitted by Will to Win Ltd to improve the existing sports facilities.

Planning permission is sought for the conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area (MUGA), the extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6, the installation of eleven 10m high floodlights; and renewal of the courts surface and fencing.

The key issues are:

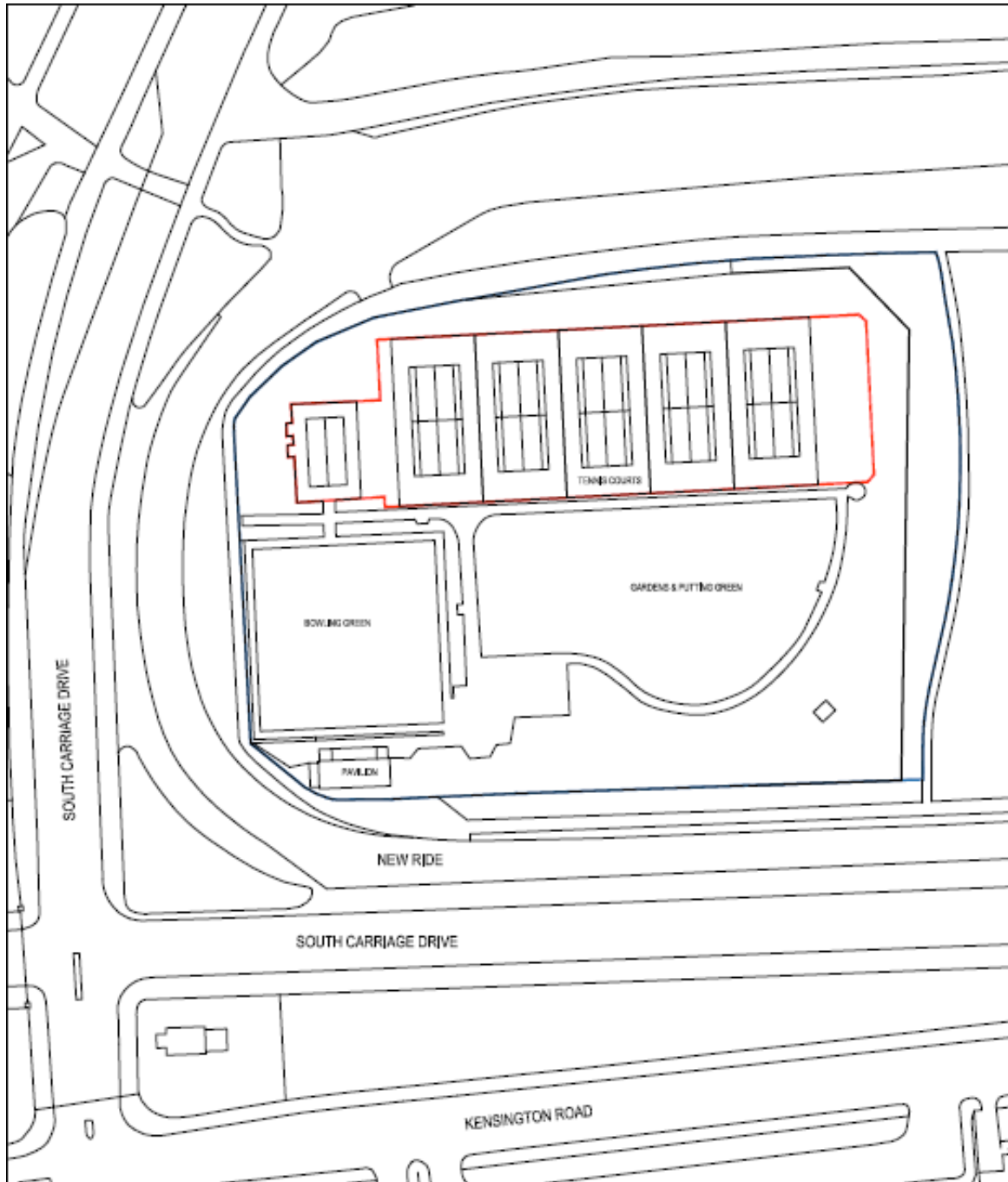
* The impact of the proposals on Hyde Park as a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and Metropolitan Open Land.

- * The impact on the visual amenity of Hyde Park and the Royal Parks Conservation Area.
- * The impact on the biodiversity of the environment in Hyde Park.

Sports facilities are important parts of social infrastructure, providing a range of social and health benefits for communities and neighbourhoods. The improvement and upgrade of the existing sports facilities would contribute to improving the health and wellbeing of Westminster residents and other visitors who use the facilities.

The introduction of flood lighting will have an adverse impact upon the visual amenity of this part of the Park, however, on balance the associated public benefits arising through the provision of improved sports facilities are considered to outweigh any harm on the visual amenity of this part of the Park.

3. LOCATION PLAN



scale 1:1250



4. PHOTOGRAPHS



Tennis Courts Hyde Park



The Pavilion Hyde Park

5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

THE ROYAL PARKS:

Any response to be reported verbally.

The applicant has provided a letter of support from The Royal Parks dated 15.12.2016 which states that they support these proposals.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS:

Support the proposals.

ARBORICULTURAL MANAGER:

Raises concern about the visual intrusion in the listed open space. The trees Root Protection Areas do not overlap the tennis courts so the proposal has no direct impact but there is an indirect risk of damage to the trees by construction traffic. A tree protection condition is recommended.

NATURAL ENGLAND:

No comment.

LONDON BAT SOCIETY:

Any response to be reported verbally.

HISTORIC ENGLAND:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

CLEANSING MANAGER:

No objection.

HIGHWAYS PLANNING MANAGER:

Acceptable on transportation grounds.

THE GARDENS TRUST:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 25

No. of objections: 1

No. in support: 28

One objection on grounds that floodlighting from such a height and to allow a substantial block of vertical light changes the nature of the park and the applicant will profit from something which is not in the park's best interest.

Support for the proposals on some or all of the following grounds:

- Facilities are in need of refurbishment;
- Proposals will bring the facilities up to modern standards;
- Proposals will allow the facilities to be used all year round and benefit the community;
- Light pollution would be minimal as the tennis courts are already nearby to well-lit roads;
- Floodlights are located a considerably distance from the nearest buildings and would be shielded by trees;
- Facilities provide residents with opportunity to exercise and support health and wellbeing;
- The facilities are a hub for the local community;
- The facilities have a positive impact on youth and children both athletically and socially;
- A MUGA will allow for a broader range of sporting activities to take place;
- Paddle tennis facilities are needed in London.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Hyde Park is a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and designated Metropolitan Open Land (MOL). The sites fall within the Royal Parks Conservation Area.

The Pavilion Hyde Park Sports facilities are located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive. The site consists of the following sports facilities:

- i. 6 tennis courts
- ii. 1 bowling green
- iii. 2 mini tennis courts
- iv. Infants play area
- v. Junior playground
- vi. Senior playground
- vii. 9 hole putting green

6.2 Recent Relevant History

Permission was granted on 28 March 2012 for the construction of a side extension to the sports pavilion; enclosing of the existing terrace to the rear and creation of a new external terrace area to the rear (12/00532/FULL).

7. THE PROPOSAL

The proposals aim to improve the existing sports facilities and comprise of the following elements:

- i. The conversion of two mini tennis courts and one tennis court into one paddle tennis court and one MUGA;
- ii. The extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6;
- iii. The installation of 10m high floodlights (to be turned off 9:30pm weekdays 9:00pm weekends); and
- iv. Renewal of the courts surface and fencing.

The sports facilities are managed by the applicant, Will to Win Ltd, who aims are to improve and upgrade the existing sports facilities to cater for an increasing demand for tennis as well as other sports. The provision of a Paddle Tennis court and MUGA would enable other sports to be played on site, including netball and 5-a-side-football.

The opening hours are currently:

- Summer 7am- 9pm for the sports facilities
- Summer 7am - 10pm for the Pavilion building;
- Winter 8am – dusk (currently there is no winter use as there is no lighting).

The proposed floodlights would enable the sports facilities to be used all year round until 9:30pm on weekdays and 9:00pm on weekends.

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Plan policy 3.19 supports development proposals that increase or enhance the provision of sports or recreation facilities. This policy also highlights that where sport facility developments are proposed within existing protected open space, consideration should be given to other policies on MOL and protecting open space.

Policy S11 of the City Plan, ENV 14 and ENV 15 of the UDP, and London Plan policy 7.17 seek to protect MOL and Public Open Space in the City from inappropriate development. The strongest protection is given to MOL and inappropriate development and activity should be refused. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

In this case, the proposal is to improve and upgrade existing sports facilities. The proposals involve marginally increasing the footprint of the existing sports facilities, through the provision of one additional tennis court, but this is not considered to be excessive or harmful. Overall the scope of the proposals to improve and upgrade existing facilities, are considered appropriate with this MOL setting.

The applicant estimates that that the improved sports facilities would attract an additional 3455 users per year following development. It is not considered that this increase in

capacity represents an undesirable intensification of the use of the sports facilities. The associated public social and health benefits arising from the provision of improved sports facilities are welcomed.

8.2 Townscape and Design

The site currently includes six large courts and two smaller mini courts which are contained by 3m height fencing. To the south of the courts is a bowls lawn and Pavilion with various ancillary facilities.

The proposals seek to install a new paddle tennis court and a MUGA, which will be contained by 4m high fencing. The remaining courts would be contained within 3m high fencing. In addition to new fencing, new flood lighting would be installed around the new and existing courts, which are to consist of eleven columns of 10m in height.

The provision of flood lighting would mean that the courts could be better utilised, however concerns have been raised with regards to their height and number, and subsequent light spillage which would affect the visual amenity of the historic park.

The introduction of flood lighting will have an adverse impact upon the visual amenity of this part of the Park and will appear within in wider views of the Albert Memorial from the east, though not directly obscuring the memorial itself.

However, due to the public benefits arising from their installation including facilitating the extended use of public sports facilities, the harm arising from the floodlights is on balance mitigated, subject to conditions limiting their use.

There is a marginal increase in the footprint of the area of development, but this is not considered to be excessive or harmful in design terms.

8.3 Residential Amenity

Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. Policy ENV10 seeks to reduce light pollution and requires that when planning permission is granted for developments which include the installation of lighting apparatus, conditions be attached to ensure: a) no glare or conflict with street or traffic lighting's; b) minimal upwards light spill; and c) that energy efficient lighting is used.

The lighting strategy for the site has been designed by a lighting specialist and a report has been submitted to demonstrate that the lighting is designed to minimize light glare and spill to the surrounding area. The sports courts will be illuminated using eleven 10m high floodlighting columns. The lighting to be installed will comprise hooded luminaires with rear deflectors which will direct and shield light from the surrounding area including park vegetation. The lux levels are to be as low as possible to minimize light spill and glare.

Environmental Health has been consulted on these details and their response will be reported verbally to committee.

In terms of the nearest residential properties, these are located approximately 150m away on the opposite side of Kensington Road. The proposed floodlights are not expected to cause any material harm in terms of unacceptable levels of light pollution.

A condition is recommended requiring the flood lighting to be turned off at 9:30pm on weekdays and at 9:00pm on weekends.

8.4 Transportation/Parking

It is expected that most users of the sports facilities are local to the area and likely walk to the site. The Highways Planning Manager does not consider that the number of people who may drive to the site would be sufficient to cause problems in the surrounding area. Resident's bays in this area are controlled all day every day so there should not be any extra pressure placed on these.

In terms of cycle parking, the applicant states that there are several cycle stands at the front of the building which are to be expanded. The Highways Planning Manager recommends a condition requiring details of cycle parking, and suggests that this should allow for 10% of those present on the site at any one time to be able to park a cycle.

8.5 Economic Considerations

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

8.6 Access

The sports facilities allow for wheelchair access and facilitate wheelchair tennis.

8.7 Other UDP/Westminster Policy Considerations

Trees

The Arboricultural Manager has visited the site and advises that the nearest tree root protection areas do not overlap the tennis courts so the proposal has no direct impact on trees. There is an indirect risk of damage to the trees by construction traffic and a tree protection condition is therefore recommended.

The Arboricultural Manager raises concern with regard to increasing the development area of the tennis courts. There is a marginal increase in the area of development, but this is not considered to be excessive or harmful.

Biodiversity

Hyde Park is a Site of Metropolitan Importance for Nature Conservation. Policies S36 and S38 of the City Plan seek to protect and enhance nature conservation and biodiversity.

Policy S36 states that both temporary and permanent development proposals will need to demonstrate that they do not have a detrimental impact on the habitats or populations supported in these sites.

Policy S38 states that where developments would impact upon species or habitats, and harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

The key issue is the impact of the eleven 10m high floodlight columns upon habitat and species within the park.

An Ecological Survey and Assessment has been submitted with the application which has been produced in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The Ecological Survey and Assessment acknowledges that the site has potential to support foraging and commuting bats and common breeding bird species. The site is considered to have negligible potential for all other protected species.

The proposed lighting is to be designed to fulfil the lighting requirements whilst having the least impact on boundary vegetation as possible. This is to be achieved by directing lighting away from boundary vegetation, only illuminating the courts when in use, and using rear deflectors to reduce light spill. These mitigation measures will minimize the impact on potential bats and breeding birds. The proposed lighting will be in use up until 9.30pm Monday to Friday and 9.00pm at weekends, which is outside of the period of peak bat activity and therefore minimal impact on bats is expected.

The Ecological Survey and Assessment concludes that provided mitigation measures are implemented effectively, no significant ecological impacts are anticipated on habitats, bats or birds.

The mitigation measures suggested are tree protection during setting up and removal, reinstatement of amenity grassland in accordance with the requirements of the Royal Parks and light spill beyond the site boundary to be strictly minimised. It is recommended that a condition is used to ensure that the development is carried out in accordance with the mitigation measures set out in the Ecological Appraisal.

8.8 London Plan

The proposal accords with London Plan Policy 3.19 which states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported.

8.9 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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

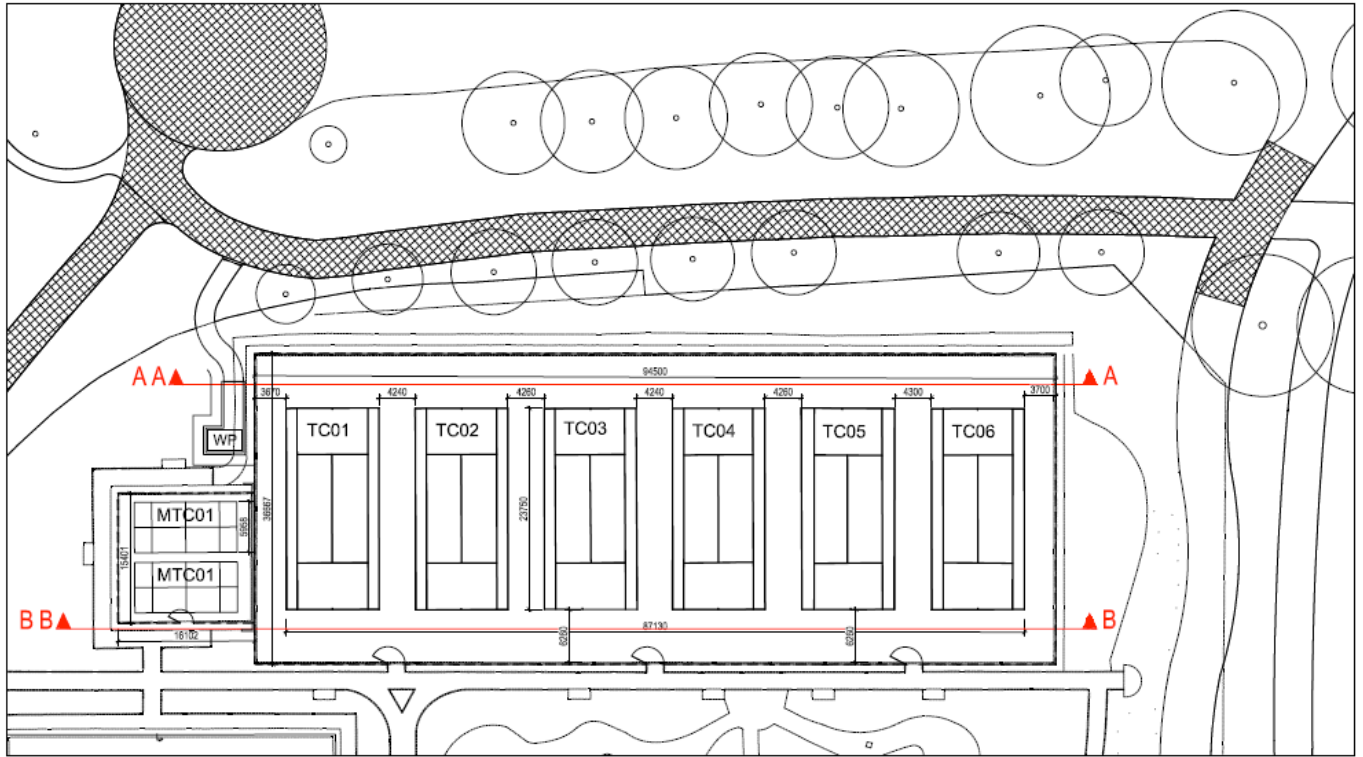
An environmental impact assessment is not applicable for a development of this size.

9. BACKGROUND PAPERS

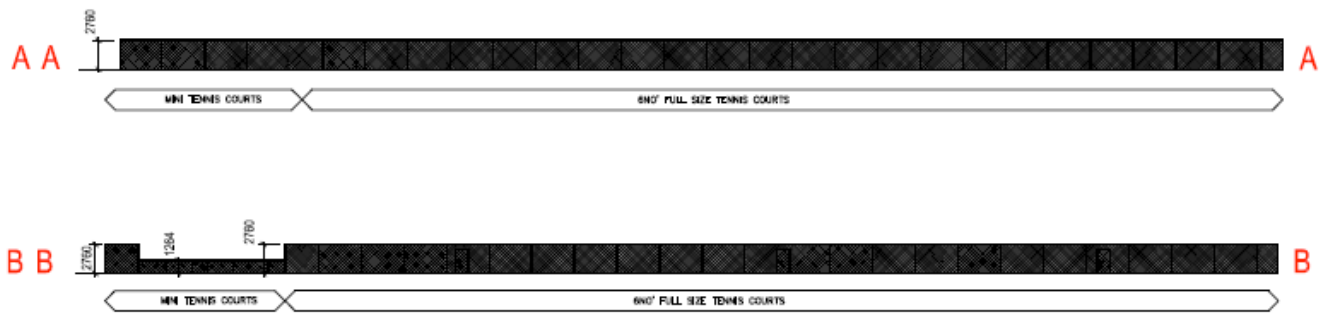
1. Application form
2. Response from Knightsbridge Association dated 9 January 2017
3. Responses from Arboricultural Manger dated 16 March 2017 and 9 February 2017
4. Response from Highways Planning Manager dated 16 March 2017
5. Response from Cleansing Manager dated 12 January 2017
6. Response from Natural England dated 8 March 2017
7. Letter from Royal Parks dated 15 December 2016
8. Letters from Friends of Hyde Park and Kensington Gardens dated 30 November 2016 and 25 January 2017
9. Letter from occupier of 10 Stanhope Mews East dated 25 January 2017 (objection)
10. Letter from occupier of 42 Philbeach Gardens dated 4 February 2017
11. Letter from occupier of 51 Brompton Square dated 4 February 2017
12. Letter from occupier of 2A Palace Court dated 5 February 2017
13. Letter from occupier of 59 Kendal Steps, St George's Fields dated 6 February 2017
14. Letter from occupier of 40 Mornington Road dated 7 February 2017
15. Letter from occupier of 40 Mornington Road dated 7 February 2017
16. Letter from occupier of 268 Ealing road, Alperton dated 7 February 2017
17. Letter from occupier of Flat 47 Elizabeth House, 341 High Road dated 7 February 2017
18. Letter from occupier of Flat 2, 4 Lansdowne Place dated 7 February 2017
19. Letter from occupier of 2 Tangle Oak, Felbridge dated 7 February 2017
20. Letter from occupier of 16 Westbourne Gardens dated 7 February 2017
21. Letter from occupier of 89 Albert Embankment dated 8 February 2017
22. Letter from occupier of 27 Cloncurry Street dated 8 February 2017
23. Letter from occupier of 7 Richard Neal House, Cornwall Street dated 9 February 2017
24. Letter from occupier of 1 Keble Street dated 9 February 2017
25. Letter from occupier of 12 Green Lane, Ilford dated 10 February 2017
26. Letter from occupier of 7 Hawsewater House, 239 Summerwood Road dated 10 February 2017
27. Letter from occupier of 330 Pembroke Court, Copley Close dated 10 February 2017
28. Letter from occupier of 61 Beechwood Avenue, Finchley dated 10 February 2017
29. Letter from occupier of Flat 2, 65 Chepstow Road dated 10 February 2017
30. Letter from occupier of 44 Immis House dated 10 February 2017
31. Letter from occupier of 31e Stanhope Gardens dated 10 March 2017
32. Letter from occupier of Flat 5A, Cardwell Terrace dated 11 February 2017
33. Letter from occupier of 8 Astwood Mews dated 18 February 2017
34. Letter from occupier of 31E Stanhope Gardens dated 10 March 2017
35. Letter from occupier of 32A Moore Street dated 22 March 2017
36. Letter from occupier of Flat 15, 51 Iverna Gardens dated 26 March 2017
37. Letter from occupier of 50A Courtenay Street dated 03 April 2017.

(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: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK



Existing Site Plan



Existing Elevations

DRAFT DECISION LETTER

- Address:** The Pavilion Hyde Park, 1 Serpentine Road, London, ,
- Proposal:** Conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing.
- Reference:** 16/11997/FULL
- Plan Nos:** Site Location Plan; HYD12-035-011 C; HYD12-035-101 C (Existing elevations only); HYD12-037-011 J; HYD12-037-101 G (Proposed Elevations only); Planning Statement dated December 2016; Design and Access Statement dated December 2016; Outdoor LED Lighting Design by Luminance Pro Lighting Systems Ltd dated 23 March 2017; Ecological Survey & Assessment by ECOSA Ltd dated October 2016

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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 S29 and S32 of Westminster's City Plan (November 2016) 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 5 The floodlights must not be used outside of the following times: between 07.00 and 21.30 hours on Monday to Friday and between 07.00 and 21.00 hours on Saturday to Sunday.

Reason:

To reduce the effect the development has on the biodiversity of the environment and on character and appearance of this part of the Hyde Park Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 17, 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.

- 6 You must apply to us for approval of details of cycle parking. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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, 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 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.