



**North Tyneside Council**

# Planning Committee

7 April 2022

Dear Councillor,

With reference to the agenda previously circulated for the Planning Committee to be held on Tuesday, 12 April 2022 I attach for your consideration an addendum to the planning officers report in relation to the following item:

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<b>6. 21/01803/FUL, Tennis Courts at Beverley Park Lawn Tennis Club, Whitley Bay</b>	<b>3 - 16</b>

To determine a full planning application from Beverley Park Lawn Tennis Club for the installation of new low level LED floodlighting to two existing outdoor tennis courts no.s 2 and 3 via 9no. 6m high lighting columns with LED box type fittings.

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Julie Cruddas  
Councillor Margaret Hall  
Councillor Chris Johnston  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Frank Lott  
Councillor Paul Richardson

## ADDENDUM

**Application No:** 21/01803/FUL  
**Date valid:** 6 September 2021  
**Target decision date:** 1 November 2021  
**Author:** Julia Dawson  
**☎:** 0191 643 6314  
**Ward:** Monkseaton South

Application type: full planning application

**Location: Tennis Courts At Beverley Park Lawn Tennis Club Beverley Park Whitley Bay Tyne And Wear**

**Proposal: Installation of new low level LED floodlighting to two existing outdoor tennis court Numbers 2 and 3 via 9no. 6m high lighting columns with LED 'box' type fittings**

Applicant: Beverley Park Lawn Tennis Club, Ms Lauri Chandler Beverley Road Monkseaton Whitley Bay NE25 8JH

Agent: S.F.P.A.D. Limited, Mr Lee West 39 Hemwood Road Windsor SI4 4YX

**RECOMMENDATION:** Application Permitted

### Additional Information

The applicant has requested that the leaflet entitled 'Club Success Story' is circulated to Members.

### Representations

#### Petition

A petition against the proposal has been submitted. The petition went to Beverley Park and along Beverley Road to the junction with St Georges Crescent. It has 66 signatures. All of the properties in Beverley Park (13 dwellings) signed the petition. 21 out of 27 properties on Beverley Road signed the petition.

#### Existing Representation – additional detail

One objector has requested that a more detailed summary of their objection is provided. This is set out as follows:

- I had been a member of Beverley Park Tennis Club Committee for over 20 years at the time of my resignation in 2020, and I was appointed as Vice Chair.
- Financial information provided by applicant is not accurate, the club is not suffering any financial hardship. It is in a healthy position without the need for floodlights.
- The positioning of the poles between the courts will result prevent disabled access, making changing sides impossible and their presence may well cause a danger to some court users. This would be a breach of Human Rights Legislation (HRA 98 S 6) the concept of Public Authority and The Equality Act 2010, failing to accommodate.
- There are factual inaccuracies in the application.
- After researching approx.30 tennis clubs in the UK, I have not found any tennis club with a successful floodlighting application where the circumstances match Beverley Park Tennis Club; being so close to the residential properties with the main living and sleeping accommodation being in full view of the courts.

- There is a lack of demand – courts are often empty and are not well managed.
- Club has the use of other facilities in walking distance for winter tennis (either indoor or outdoor floodlit).
- No one is against tennis at the club, but we value the tranquillity and peace of the seasonal character of the club, with us all having a respite from the issues around noise, parking and loss of privacy and residential and visual amenity in the darker nights.
- Harmful impact on health and well-being.
- Proposal will exacerbate existing noise problems, which I have already submitted several complaints to NTC about.
- Loss of residential and visual amenity.
- This (tennis club) committee have no concern for the resident's loss of residential amenity from their proposed scheme.
- I would also like to draw a comparison with North Tyneside Council's planning committee's own comments on refusing Collingwood Tennis Club's (Tynemouth) floodlighting application; *"The proposed floodlighting columns represent development which in height, material and design would form an incongruent feature in the conservation area setting that this would be the case during daytime and at night when the floodlighting would intrude extensively"*
- Danger to highway safety and damage to property from tennis balls and light during hours of darkness.
- Will exacerbate existing parking and congestion problems.
- North Tyneside Council should be consistent in their approach to the conservation area created around Beverley Park Tennis Club and residents have been refused planning permission for various alterations to their properties under the heading of Conservation. Reference made to application for floodlighting in a South London conservation area.
- Suggestions put forward for alternatives to the proposed floodlighting.
- The club does not need the floodlighting to fulfil its league obligations.
- The entrance gate was moved without consultation with the residents. This results in a loss of privacy for residents directly opposite and noise disturbance.
- There is no need to balance this (impact on conservation area) against the benefits of playing tennis as the club and members already use alternative venues.
- Existing/previous issues between the committee and Beverley Leisure who the club, as lessee must include a representative from. Representative has been excluded from discussions.
- Previous breach of planning regulations, i.e. installation of banners without advertisement consent.
- A noise assessment should be undertaken for the full season of 2022/23
- The applicant has referred to Beverley Residents Association, this does not exist.
- Concerned that any fault in the floodlights will simply be ignored by the committee. LED lighting is known to flicker.
- Information provided with regard to lack of demand for use of courts.
- Photographs provided via an appendix to support objection.

#### Additional Representations

- An additional objection has been submitted by Lichfields on behalf of Beverley Leisure Limited. It has been requested that the letter is circulated to Members. The letter raises the following concerns:
  - The submitted lighting assessment fails to include a full review of the mitigation required to deliver a satisfactory solution to this application.
  - Matters including whether a satisfactory lighting scheme can actually be achieved and highway safety considerations should be assessed ahead of determination to ensure

that the proposed development is acceptable at the point of determination.

- Inadequacy of robust controls to protect residential amenity and ensure highway safety.

- An additional letter has been submitted by Sintons LLP on behalf of a resident of Beverley Park. This has been attached to this addendum to circulate to Members.

- The same resident who Sintons LLP have submitted a letter on behalf of, has also submitted an additional objection. This is summarised below:

- I request that an extension of time be granted to residents in order that they can properly consider the (additional) information that has been provided, take professional advice and respond within the timeframe. It is unreasonable for the residents most directly affected by the scheme not to be permitted sufficient time to take proper advice,

- The summary report to the Planning Committee makes no reference to the residents' petition. This provides misleading information to the Planning Committee as the location of the objectors is of great significance and must be relevant to the committee members considering the matter fairly and properly. For that reason the petition and the plan (that has been provided as part of the objections) showing the location of objectors should be made available to the committee and summarised within your report.

- Environmental Health have based their views around the noise impact assessment that has been submitted by the club. The noise impact assessment was based around a maximum occupation of a court i.e., 4 persons on a court. On that basis the numbers of persons present on the court should be limited to 4 i.e., the maximum number permitted under tennis rules for a doubles match. By way of reference this condition was imposed under the Paddington Sports Club, Maida Vale London Permission ref 21/03215/FULL which is referenced in the applicants submission. This is a better example of planning conditions relevant to a floodlit tennis court within a residential area and specifically close proximity to residential houses. The examples used by the EHO are not comparable due to the location of the courts being a much greater distance from housing and there being greater landscape barriers. Furthermore, I witnessed the play that was taking place when the noise assessment was carried out and there was no loud shouting by the coaches that is normally the case and has been the source of many of the recent complaints.

- If planning were to be granted then a condition should be imposed that there should be no group coaching sessions after 8.00 pm in the summer and 7.00 pm in the winter. Play after 8.00 pm in summer should be limited to a maximum of 4 persons per court, and play in winter limited to a maximum of 4 persons per court after 7.00 pm.

- A condition should also be imposed that there should be no amplified music of any type played outside the clubhouse or inside so as to be audible outside. This is a specific concern that should be conditioned because of the problems that have arisen in the past with the coach taking a large amplifier and placing it on the court and playing high volume music in the day time and evening.

- The number of persons on court is also specifically relevant to the parking problems. As previously stated in objections parking at night in winter is not a problem, however, unless the numbers of persons on court are limited it will become an issue.

- I remain concerned by the suggestion that the nature of the screening that may be imposed will not be capable of comment by the residents and I restate my objection to this on the basis that the current fence is already a dominating visual structure and alterations to it and the materials used in its construction are extremely relevant to both the visual amenity, impact on the conservation area and impact upon the residents' homes.

- I object to a noise management plan being the sole mechanism for controlling noise.

The planning conditions should be imposed as highlighted above. Given the issues with regard to noise and also the particular concerns with regard to the health and wellbeing of our daughter who has severe life-threatening medical conditions, it is reasonable that a minimum level of items should be covered by planning conditions with the remainder being dealt with under the noise management plan. Without this level of control there will be no further need to consult the residents and they will have no input with regard to terms that are agreed as between the local planning authority and the club on such matters.

- One further additional objection has been received from a resident of Whitley Bay. This raises no new issues to the concerns already set out within the report and within this addendum.

## CLUB SUCCESS STORY

# ENGAGING ADULTS AND YOUNG PEOPLE IN THE COMMUNITY

through inclusive and accessible tennis programmes

Beverley Park Lawn Tennis Club in Whitley Bay, Tyne and Wear





## CLUB SUCCESS STORY

# ENGAGING ADULTS AND YOUNG PEOPLE IN THE COMMUNITY

through inclusive and accessible tennis programmes

### Beverley Park Lawn Tennis Club in Whitley Bay, Tyne and Wear

Beverley Park Lawn Tennis Club in Whitley Bay, Tyne and Wear, has provided tennis opportunities for the community for over 100 years. It offers friendly and competitive play, a clubhouse and four all-weather courts. Head Coach Carlos Caldeira leads the coaching team and delivers a tennis programme for all ages and abilities. The emphasis is on having fun whilst learning, playing or competing!

The club achieved LTA Northumberland Tennis Club of the Year in 2018 and 2021, recognised for its inclusivity, accessibility and provision of a variety of community, school and club coaching sessions. This case study details initiatives and positive outcomes for Beverley Park and its growing tennis community.

## OBJECTIVES

Over the last five years, the club has expanded the coaching programme and introduced new sessions to open up tennis, driven by four objectives:

1. To make the club an inclusive “community hub” in North Tyneside for all ages and abilities
2. To make the tennis club an accessible venue and help open the tennis club up to the wider community
3. To provide a positive experience for players and deliver high quality customer service for participants attending the coaching programme
4. To provide physical, mental and social benefits for players.





## INITIATIVES

Beverly Park was the first tennis club in the North East of England to deliver a Walking Tennis project. In partnership with SportWorks, the programme is a great way for people to improve their mental health and helps those with long-term injuries or illnesses get back on court. The club delivers a range of adult coaching sessions such as Absolute Beginners, Cardio Tennis and Match Practice and Tactics sessions for team players.

Continuing to develop its Open Court programme, the club works with local schools including Whitley Bay High School and Southland School to encourage students with learning and physical disabilities to get active and learn new skills.

In 2021, the club set up a Deaf Tennis programme with Deaf Awareness NE for deaf and hard of hearing members of the local community. This session has recently received funding from Dan Maskell Trust to facilitate indoor winter play and provide rewarding year-round sessions.

The club has also delivered monthly Walking Tennis taster sessions to carers, through North Tyneside Carers' Centre. Aiming to reduce loneliness and isolation, carers are nurtured and encouraged to join the community coaching programmes.

Beverly Park has also created a strong partnership with Newcastle United Foundation and has delivered adult tennis sessions as part of the 12th Man project. This free 12-week healthy lifestyle course helps men aged 30 to 65 make long-term changes to improve their physical and mental wellbeing.

## THE FUTURE

The club is keen to invest Open Court funding provided by the LTA into a weekly community Disability Tennis programme for players of all abilities. There are also plans to develop a programme to engage historically underrepresented ethnic communities by following the same model as the Walking Tennis programme.

Carlos and his coaching team are also looking to expand community outreach by getting involved in the LTA SERVES programme and signposting more players from the Tennis for Free programme (delivered in North Tyneside parks) into a club environment.



It has been fantastic to be a part of this club's journey. Michael came along to an Open Your Doors workshop and the club has never looked back. I cannot wait to see what direction they take next to open their club up to more of the local community."

**Matt Elkington**, Disability Development Partner, LTA



Over the last few years, the club and the coaching team have worked closely together to develop a club which welcomes all standard of players and allows everyone the opportunity to play the game we all love. We are proud to be part of the Open Court programme and if we get people attending our club and leaving with happy faces, we have done our job!"

**Michael Scrafton**, Vice Chairman & Coach, Beverly Park LTC

## CLUB SUCCESSES

1. **The club raised almost £1.4k for Dementia UK** in a 12-hour tennis-a-thon in July 2021, which included two adult social tournaments
2. **The Walking Tennis funded project attracted 792 attendees** and is now fully sustainable, offering two weekly coaching sessions
3. **25 participants** of the Walking Tennis project are now members of Beverly Park LTC and attend social hitting sessions on a Monday morning
4. **64 participants attended one of our free weekly coaching sessions** which was funded by Sport England
5. **The club became part of the "Be A Game Changer" campaign which is delivered by Newcastle United Foundation.** The campaign was launched to encourage people to talk openly about mental health and to provide top tips on how to improve their physical and mental wellbeing
6. **The club is also part of the Safe Places scheme in North Tyneside**, supporting people who may be vulnerable because of their physical or mental health or a learning disability
7. Since 2016, the club has expanded its school tennis programme and **has delivered coaching in 25 first, middle, secondary and special schools**, encouraging more juniors to play tennis
8. **The club now has 412 members**, the highest the membership has ever been.

## FOLLOW US FOR MORE

LTA, The National Tennis Centre  
100 Priory Lane, Roehampton  
London SW15 5JQ

T: 020 8487 7000  
E: [info@lta.org.uk](mailto:info@lta.org.uk)  
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LTA



@LTA



LTA Tennis for Britain

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Julia Dawson  
North Tyneside Council  
Planning Department  
Quadrant West  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

**Date:** 6 April 2022

**Our ref:** 61137/01/HE/LN/20908845v1

**Your ref:** 21/01803/FUL

Dear Ms Dawson

## **Planning Reference 21/01803/FUL: Tennis Courts at Beverley Park Tennis Club, Beverley Park, Whitley Bay**

We write on behalf of our client, Beverley Leisure Limited, with regards to the above planning application and in response to the publication of the Committee Report to be presented to Planning Committee on Tuesday, 12th April, 2022.

Having reviewed the report, we consider that the Report does not accurately reflect the views and scale of local opposition to these proposals. We wish to raise a few further points of objection ahead of the determination of this application as follows:

- We note that the Ward Councillor (Cllr Davey Drummond) has requested a Committee site visit, but this request has been declined. We consider that a site visit is essential to understand the true context of this application and its impacts, particularly the close proximity of the proposed lighting columns and their measurable impacts and effects on the surrounding residential properties.
- This request is re-iterated in the response from Councillor Davey Drummond (comments dated 31.03.22). Our client therefore requests that Members defer making a decision until after a site visit has been carried out by Committee Members.
- The applicant has submitted additional noise and lighting information which has not been subject to further resident consultation. Given the new information provided within these reports, our client feels that residents should have been provided a further opportunity to review and respond to this ahead of any determination.
- The "*Independent Review of Floodlighting Proposal*" suggests a number of ways that light spill can be mitigated such as through the use baffles / shielding, screening installed to fences to the edges of the courts or using an alternative bespoke luminaire. However, these options have not been properly assessed and a conclusion reached on the most appropriate option to take forward through a recommendation to committee.

- Our client considers that this report as submitted is misleadingly presented as an “*Independent Review*”. This is not the case as it has been commissioned directly by Beverley Park Lawn Tennis Club (BPLTC) – the applicant - and not by the Council, so should not be presented as such.
- The noise rebuttal also advises that “*the purpose of the LED floodlighting is to facilitate increased use of the courts in order to conclude club matches, not to introduce further coaching sessions*”. It therefore advises that the noise assessment is based on and **representative of 4 players per court**. However, during coaching sessions there can be as many as 20 players per court attending, as highlighted by residents, which totals 40 players over 2 courts. Our client would therefore request that if Committee is minded-to-approve this application, there is a condition restricting the number of players to only 4 per court in accordance with this noise assessment when the floodlights are in operation.
- With regard to the conditions proposed, our client has a number of concerns, namely:
  - a **Condition 1** lists the documents and drawings against which development shall be carried out in complete accordance with. This list includes the ‘*Independent Review of Floodlighting Proposal*’. As mentioned earlier, this report proposes different options which have not been properly assessed, including fencing to the edges of the courts. Concern is raised that any fencing would significantly change the open nature of this area and that there would be a detrimental impact on the character and appearance of the conservation area, as well as on visual amenity.
  - b **Condition 5** requires a noise management plan to be submitted to and approved in writing by the Local Planning Authority prior to operational use. A key concern regarding noise is shouting from players/coaches. The Committee Report suggests that this can be adequately controlled through a noise management plan condition. As outlined above, our client would request that this condition is extended to include a requirement to also limit the number of players to 4 per court when the floodlights are in operation and that no music should be played during this time. Should permission be granted, the residents would also like to be consulted and approve the content of the noise management plan.
  - c **Condition 8** requires a scheme for minimising lighting overspill onto the highway before the lighting becomes operational. This is a material planning and highways safety consideration and any application should not be determined before these issues are fully resolved. The application was validated on 6<sup>th</sup> September 2021, providing 7 months to deal with this matter and confirm necessary requirements. Our client requests that this information is provided and assessed ahead of determination to ensure the proposed development is acceptable at the point of determination, not at the point of operation.
  - d Similarly, for **Condition 9**, our client considers that monitoring the impact on the highway for a period of 12 months after the operation of the proposed development and submitting a report for approval regarding this within 18 months of first operation would not adequately mitigate the highways and traffic impacts directly generated by the proposed development. As a material consideration, measures to mitigate any adverse impacts should be identified and considered at the point of determination and not deferred until 18 months post operation.

Finally, with regard to the consultations/representations included in Appendix 1, our client considers that the concerns raised have been summarised far too briefly and do not reflect the scale, impact and extent of local opposition to this development.

53 local objections have been submitted so far, raising significant planning concerns, including the harmful impact of the proposals on the health of a child living adjacent to the proposed development, noise, residential amenity concerns and highways issues which have not been fully assessed and considered in the report to Committee. The Committee Report also neglects to make reference to the petition against this development which contains 62 signatories.

References to “*Similar clubs have floodlighting, e.g. Cullercoats*” in the support comments also fail to consider the stark differences between this site, which is closely surrounded by housing which front on to the tennis courts directly, unlike other sites in the local area such as Marden Bridge Middle School and Cullercoats.

In summary, we contest that the submitted lighting assessment fails to include a full review of the mitigation required to deliver a satisfactory solution to this application and this is not appropriately secured through this officer recommendation to Committee.

In this context, and given the strength of local opposition to this proposal, we respectfully request that the application is either deferred for robust evidence to be provided and further consultation be carried out with residents, or the application is refused due to the inadequacy of robust controls to protect residential amenity and ensure highways safety.

Yours sincerely



**Harvey Emms**

Head of Newcastle Office & Head of Public Sector (North)

Copy Michael Robson, North Tyneside Council

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6 April 2022

Dear Sirs

**Installation of new low level LDE Floodlighting to two existing outdoor tennis courts  
No. 2 and 3 via 9 no. 6 metre highlighting columns with LDE box type fittings  
Application Reference: 21/0183/FUL**

We have been instructed to write to you on behalf of the owners of 2 Beverley Park, Monkseaton, Whitley Bay, NE25 0HL in respect of the above application. We have reviewed the documentation that has been lodged and also the Planning Officer's report to the committee. We are writing specifically with regard to raising legal concerns over the fairness and decision making in relation to the noise survey and its implications on the planning application as a whole. Separately, we will be reviewing the application in full because we have been made aware of a number of procedural issues, conflicts of interest and other issues that are likely to give rise to the ability to challenge any decision made by the planning committee.

Specifically, with regard to the noise report. By correspondence dated 9<sup>th</sup> February 2022, ENS (Environmental Noise Solutions) Limited responded to objections made in relation to the original noise report. Within that letter ENS specifically state that the noise survey they have carried out is adequate because in their view the purpose of the floodlighting is to allow increased use of the courts to conclude club matches "not to introduce further coaching sessions". The basis of this assumption on their part is that they believe that the applicant in their original planning statement states "to ensure the noise levels are no more than the current arrangements the Club Spark booking system only allows four players per court and if a court is not booked with the use of the floodlights, then the floodlights will not be on". They then set out that the noise level of coaching activities at the club is irrelevant to the planning application. The letter then states that the noise level used in the assessment was associated with matches taking place on both courts simultaneously and state "and therefore represents the worst-case scenario".

This letter is in itself clear evidence that the noise impact assessment has been prepared incorrectly. The reasons for this are as follows:

1. It does not reflect the actual activities that do take place and/or will be taking place should planning permission be granted. Coaching will be taking place on the courts and as such it is a false premise to measure the noise impact with match play only.
2. The Club Spark booking system does not restrict the number of players on the court. There is no

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mechanism that would prevent more than 4 persons being on the court if somebody books a court under the Club Spark booking system. As such the noise assessment is not representative of the activities likely to occur.

3. The club has not stated that it will only conduct match play on the courts while the floodlights are on. This means that either ENS have completely misunderstood the position or are providing false and misleading information to both the planning officer and the planning committee.
4. The only circumstances whereby the noise impact assessment and the comments of ENS would be compatible would be if the Planning Officer were recommending that there be a maximum occupancy of 4 players per court. If that condition were imposed then the noise impact assessment would correctly identify the worse-case scenario.
5. The Planning Officer has not recommended a condition limiting occupancy on the courts.

The Planning Officer has failed to take account of the comments made by the EHO (18<sup>th</sup> March 2022) where they state that "I note that the applicant states that the use of the courts would be for matches to conclude on an evening and that the provision of floodlighting on two of the courts is not to extend the coaching sessions and therefore only 4 players would be using the two courts. However, if planning consent is provided there is no provision to prevent coaching sessions during the late evening period". By this statement the EHO is pointing out to the Planning Officer that the noise impact assessment report is limited in its scope and is not truly applicable to the position, in addition the EHO is flagging the point to the Planning Officer that consideration therefore needs to be given to this fact because it is not reflective of coaching sessions occurring and furthermore although the applicant may be stating an intention there is no binding commitment on them and no enforceable mechanism to ensure that they comply with this.

In summary therefore, the noise impact assessment report is not appropriate given that there are no restrictions currently being imposed on the applicant with regard to the manner in which they utilise the courts. Furthermore, the Council would be acting unreasonably, unfairly and forming an irrational position in a decision making process if it concluded that the noise impact assessment report (which has been prepared on the basis of only match play being carried out), was utilised to assess the noise impact for the activities that actually take place, being loud coaching sessions with shouting and amplified music.

In these circumstances either the applicant must be constrained in the activities that should be taking place or alternatively an appropriate noise impact assessment must be undertaken.

We are writing this letter both in the context of an objection and to put the Council on notice of failings in a decision making process that will give rise to a right for the residents to bring a judicial review challenge to the decision making process.

We reserve the right to raise any further points should they become apparent from a review of the entire planning case history.

Yours faithfully  
**Sintons LLP**

