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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 6th 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