

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning – 5 th November 2024
Application reference:	241905
Applicant:	London Borough of Waltham Forest
Location:	Tennis Club, Rolls Sports Ground Hickman Avenue, Chingford, London, E4
Proposed development:	Construction of a permanent airhall covering (inflated bubble/dome structure) to three existing tennis courts, alongside replacement fences and ancillary equipment (inflation unit, heating and cooling units) housed inside an adjacent fenced enclosure.
Wards affected:	Larkswood
Appendices:	None

1 RECOMMENDATION

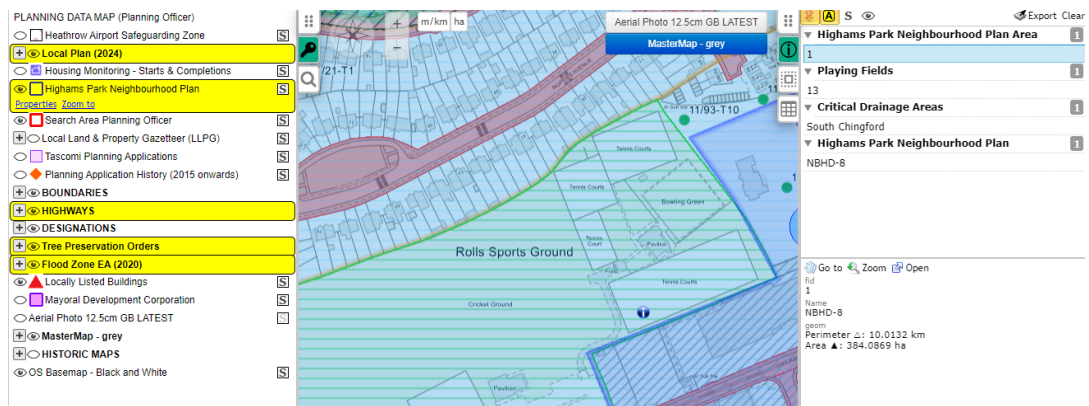
- 1.1 That planning permission is GRANTED subject to conditions.

2 REASONS REFERRED TO COMMITTEE

- 2.1 The Council is the applicant.

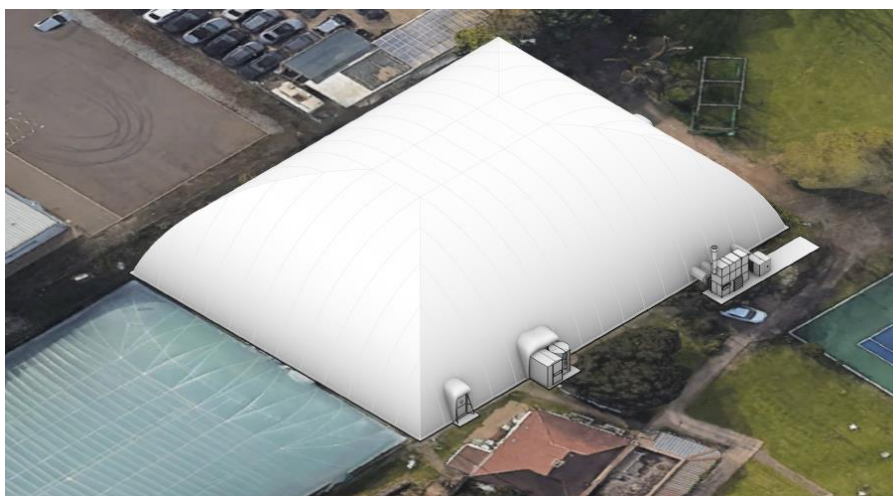
3 SITE AND SURROUNDINGS

- 3.1 The application site is located within the Rolls Sports Ground in Larkswood Ward. The whole sports ground is a designated Playing Field in the Local Plan and identified in the Waltham Forest Playing Pitch Strategy (2020) containing cricket and football pitches, as well as 9 hard-surface tennis courts (6 open-air and 3 within a seasonal Airhall) on the eastern side of the Sports Ground. These tennis courts are owned by the Council and currently operated by Chingford School of Tennis.
- 3.2 The 3 tennis courts which are the subject of this application are located at the south-east corner of the Sports Ground, bordering a carwash parking area on Hickman Avenue to the south and screened by mature trees to the east.
- 3.3 The property is not located within a Conservation Area, is not listed, and is not subject to an Article 4 direction. The site falls within South Chingford Critical Drainage Area and falls within Highams Park Neighbourhood Plan Area.



4 APPLICATION PROPOSAL

- 4.1 Planning Permission is sought for the installation of an air supported structure (Airhall) above 3 existing tennis courts on the south-east corner of Rolls Sport Grounds, covering a total area of 45.15m (width) x 35.50 (depth).
- 4.2 The proposed Airhall is a double-membrane dome-shaped structure coated externally with white Polyester PVC, anchored to a concrete perimeter ring beam raising the structure up to the maximum height of 11m. The Airhall is primarily supported by pressurized air through a ventilation system (inflation unit, back up unit and heating and cooling units) to be installed the northern side.
- 4.3 The covered tennis courts would be accessed via a revolving door and wheelchair accessible door opening up to the existing pedestrian path leading to the sport pavilion to the north.
- 4.4 Associated work includes the installation of replacement 2.75m high angled iron fence surrounding the Airhall, as well as a separate fence around the inflation and heating equipment with a secure access gate.



5 RELEVANT SITE HISTORY

A. Planning

- 5.1 1985/0009/BC (ref.850698) - Erection of changing room block, mess/store, extension to existing pavilion and 8 floodlighting columns. Formation of 12 tennis courts, synthetic cricket pitch, car parking for 80 cars & access road to existing pavilion – Approved on 23/04/1985
- 5.2 2003/1518 (ref.031773) - Erection of plastic dome to cover three tennis courts from September to following May each year – Approved on 05/01/2004
- 5.3 2006/0659 (ref.061081) - Resurfacing three existing hard tennis courts with artificial grass to provide a multi-use games area, new fencing, kickboards and floodlighting comprising 8x8 metre high metal columns fitted with a total of 12 luminaries – Approved on 12/07/2006

B. Pre-Application

- 5.4 The Council's Regeneration Team has engaged with Lawn Tennis Association and the Council's Sports and Leisure Team in identifying and developing the development proposal.
- 5.5 The Council's Planning Officers have advised the Regeneration Team in the preparation of application submission and required documents for validation.

C. Enforcement

(i) Enforcement Investigations

- 5.6 None

(ii) Enforcement Notice

- 5.7 None

D. Adjacent Site

- 5.8 No relevant planning history.

6 CONSULTATIONS

A. Public Consultation

- 6.1.1 The application was advertised via a site notice posted near the application site on the 2nd October 2024.
- 6.1.2 The Highams Park Neighbourhood Planning Group was consulted on the 25th September 2024 and has raised no comments or objections to the proposed development.
- 6.1.3 The Council circulated 548 consultation letters to local residents on the 25th September 2024, as follows:
- 1-83 Ropers Avenue
 - 62-68 (even), 68a, 68b Inks Green
 - 72-128 (even) Rolls Court Inks Green

- 1-10, 12-60 (even) Inks Green
- Silverthorn Bowling Green, 130 Inks Green
- Silverthorn Bowling Club Ropers Avenue
- 1-45 Centenary House Lena Kennedy Close
- 1-119 Merriam Close
- Greenthrope, 1 Merriam Close
- Naseberry Court, 2 Merriam Close
- Fairview Site Office, Merriam Close
- 2, 9-11, 15-17 Jubilee Avenue
- T Patton Ltd, 18 Jubilee Avenue
- Screwfix, 19 Jubilee Avenue
- 10-18 Village Close
- 315-325 (odd), 384-438 (even) Larkshall Road
- 14a, 15-16, 18b, 18c, 18d, 20, 22, 23, 27, 30-32 Hickman Avenue
- Shurgard, 13 Hickman Avenue
- E4 Fitness and Leisure, 14 Hickman Avenue
- Argos Distribution, 26 Hickman Avenue
- West Essex Cricket Club, Rolls Sports Ground Hickman Avenue
- Vodafone 44373 Hickman Avenue
- Elite Truck Training Hickman Avenue
- Heavens Kitchen Hickman Avenue
- Rolls Sports Ground Hickman Avenue
- 1-12 Poplar Court, 115 Higham Station Avenue
- 1-12 Hawthorne Court, 117 Higham Station Avenue
- 1-16 Elm Court, 119 Higham Station Avenue
- 1-16 Fern Court, 121 Higham Station Avenue
- 1-44 Lena Kennedy Close

6.1.4 During the consultation period, the Council received ten letters of objection to the proposed development, which are summarised in the table below:

Objection Received	Officer response
Appearance and Character <ul style="list-style-type: none"> • Local landscape 	Given its siting and surrounding context, the proposed development is not considered to detract from the open area character. Detailed assessment in Section 9B.
Amenity Impact <ul style="list-style-type: none"> • Loss of light • Outlook, obstruction of view of greenery • Noise and nuisance • Light pollution 	Given its sufficient separation distance from residential properties, the proposed development is not considered to result in material harm to residential amenity. Detailed assessment in Section 9C.
Sustainability	The proposed development has incorporated sustainability measures and a pre-commencement condition for the submission of Energy Statement is

	recommended. Details in Section 9D.
Disturbances to wildlife	Given its scale and nature, the proposed development is not considered to result in material harm to local ecology. Detailed assessment in Section 9E.

B. Statutory Consultation

Consultee	Comments
LBWF Highway Team	<ul style="list-style-type: none"> No comments or objection raised.
LBWF Place and Design Team	<ul style="list-style-type: none"> No comments or objection raised.
LBWF Sustainability & Energy Team	<ul style="list-style-type: none"> An Energy assessment that is compliant with Part L Building Regulation is required.
LBWF Transport Policy Team	<ul style="list-style-type: none"> No comments or objection raised.
LBWF Environmental Health Team	<ul style="list-style-type: none"> No comments or objection raised.
Sports England	<ul style="list-style-type: none"> No objection to the application as the proposal meets the Sport England Planning Fields Policy exception F2. The proposal will enhance the experience for tennis users and will allow increased use throughout the year. Strongly urge the applicant to work with LTA on the internal layout.
Lawn Tennis Association	<ul style="list-style-type: none"> Identified the local need for indoor tennis provision, supportive of proposal and design of structure. Raised comments on the internal configuration that applicant is recommended to consider.
London Fire Brigade	<ul style="list-style-type: none"> No comments or objection raised.
Thames Water	<ul style="list-style-type: none"> No comments or objection raised.

7 DEVELOPMENT PLANS

- 7.1 The NPPF Section 70(2) of the Town and Country Planning Act (1990) (as amended) sets out that in considering and determining applications for planning permission, the Local Planning Authority (LPA) must have regard to considerations including the provisions of the development plan and any local finance considerations, so far as material to the application, and any other material considerations.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 7.3 The Development Plan for the site, at the time of this report, comprises the London Plan (2021), and the Waltham Forest Local Plan 2024 (LP1). The NPPF does not change the legal status of the development plan.

The London Plan (2021)

- 7.4 The London Plan is the overall strategic plan for London and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital from 2019 to 2041. The relevant policies within the London Plan 2021 relevant to this application are considered to include but not limited to:
- Policy D1 London’s form, character and capacity for growth
 - Policy D4 Delivering good design
 - Policy D13 Agent of Change
 - Policy D14 Noise
 - Policy S1 Developing London’s social infrastructure
 - Policy S5 Sports and recreation facilities
 - Policy G6 Biodiversity and access to nature
 - Policy G7 Trees and Woodlands
 - Policy SI2 Minimising greenhouse gas emissions
 - Policy SI12 Flood risk management
 - Policy SI13 Sustainable drainage
 - Policy T4 Assessing and mitigating transport impacts

Waltham Forest Local Plan - Shaping the Borough (LP1) (2024)

- 7.5 The Waltham Forest Local Plan (LP1) plan was adopted on 29 February 2024 and forms the new development plan for the borough, superseding both the Core Strategy (2012) and Development Management Policies (2013).
- 7.6 The relevant policies include, but are not limited to:
- Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 5 – Management of Growth
 - Policy 46 – Social and Community Infrastructure
 - Policy 48 – Promoting Healthy Communities

- Policy 50 – Noise, Vibration and Light Pollution
- Policy 53 – Delivering High Quality Design
- Policy 57 – Amenity
- Policy 60 – Promoting Sustainable Transport
- Policy 65 – Construction Logistic Plans
- Policy 78 – Park, Open Spaces and Recreation
- Policy 79 – Biodiversity and Geodiversity
- Policy 80 – Trees
- Policy 85 – Zero Carbon Borough
- Policy 87 – Managing Flood Risk

8 MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework (2023) and 2024 Consultation

- 8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.
- 8.2 For decision-taking paragraph 11 of the NPPF states that the presumption means "approving development proposals that accord with an up-to-date development plan without delay" and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless "...any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high-quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes.
- 8.4 The specific policy areas of the NPPF considered to be most relevant to the application are as follows:
- Promoting healthy and safe communities.
 - Making sufficient use of land
 - Achieve well-designed places

Waltham Forest Playing Field Strategy – August 2020

- 8.5 This Strategy outlines the plan to improve the quality, accessibility, sustainability, provision and management of sports pitches in Waltham Forest to meet the current and future sports and recreational needs in the Borough.

Sport England's Playing Fields Policy and Guidance – March 2018

- 8.6 This document provides guidance on planning applications that affect playing fields in England by preventing their loss, ensuring quality improvements, and supporting new field provision to promote community sports participation.

Waltham Forest – Urban Design SPD – 2010

- 8.7 This document has the aim of raising the quality of design within the Borough. The core principles underlying the advice in the SPD are Inclusive Design and the social model of disability.

Local Finance Considerations

- 8.8 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).
- 8.9 The Council received a Levelling Up Funding of £8.4m from the Department of Levelling Up Housing and Communities (DLUHC) in March 2023 to enhance the public realm in Chingford Mount and Highams Park. The proposed development is one of several projects within this wider enhancement initiative.

9 ASSESSMENT

- 9.1 The main issues for consideration, in relation to the proposed development are as follows:
- A. Principle of the Development
 - B. Character and Appearance
 - C. Neighbouring Amenity
 - D. Environmental and Sustainable Design
 - E. Trees and Biodiversity
 - F. Highway

A. Principle of the Development

- 9.2 Policies S1 and S5 of the London Plan (2021) and Policies 46 and 78 of the LP1 (2024) set out to preserve and enhance the existing parks, sport facilities and social infrastructure within the Borough, and stress that development proposals in open spaces will only be acceptable where they are ancillary to its primary use and maintain its inherent character.
- 9.3 The application site falls within the Rolls Sport Ground, which forms part of a wider Playing Field designation. The site contains nine tennis courts: six open-air courts and three covered by an existing seasonal inflatable Airhall, erected between October and May. As part of the pre-application engagement process, the Council's Regeneration Team, Sports and Leisure Team and

Lawn Tennis Association identified the need for year-round covered tennis courts in the area. By providing weather-proof tennis courts that complement the existing open-air courts, the proposed development responds directly to this need and would have the potential to promote greater participation in sports and leisure activities in the wider area.

- 9.4 The proposed Airhall is a permanent structure made of high-quality, light-weight material, providing both thermal insulation and air circulation to create a comfortable playing environment, especially during adverse weather conditions. It is also fitted with a wheel-chair accessible door to ensure its availability for those with reduced mobility. Overall, it is considered that the proposed development to provide a weather-protected sport facility that meets modern standards would enhance the overall quality and user experiences and aligns with the broader objectives of the Waltham Forest Playing Pitches Strategy (2020) and Sport England's Playing Fields Policy (2018).
- 9.5 The proposed development of its scale and nature is unlikely to significantly intensify the existing use. It is therefore expected to have minimal operational impact on the tennis courts, existing playing pitches or park amenities, thereby preserving the inherent character of the playing field and wider sport facilities provision.
- 9.6 Sport England has raised no objections to the proposal, while the Lawn Tennis Association (LTA) has expressed support for the overall design and airfall structure. It is noted that the LTA made some observations regarding the internal layout and configuration of the tennis court. As such, an informative will be added to reflect the LTA's comments. It is considered, given the proposal would generally enhance an existing sport facility to the benefit of wider community, therefore accords with Policies S1 and S5 of the London Plan (2021) and Policies 46 and 78 of the LP1 (2024).
- 9.7 In the interest of safety and ensuring long-term maintenance, a planning *condition* is recommended in any forthcoming permission to require the Airhall to be installed and maintained in full accordance with the submitted Manufacturer Manual.

B. Character and Appearance

- 9.8 There are national calls to improve and enhance the quality and design of development, regardless of size or scale. This is set out in Section 12 of the NPPF that development schemes should make a positive contribution towards making better places for people.
- 9.9 Policy D4 of the London Plan (2021) and Policy 53 of the LP1 (2024) requires developments to create positive, inclusive and quality environments – both in buildings and public spaces - that contribute to the distinctiveness of the local area. Policy 78 of the LP1 supports development schemes in open spaces only if they do not result in no adverse impacts to its setting or visual appearance.
- 9.10 The proposed Airhall would be coated in white and does not incorporate any visually intrusive elements or features. Given its similar bulk and appearance to the adjacent existing seasonal Airhall and to the two-storey warehouses to

the South, the proposed introduction of an additional Airhall despite its maximum height of 11 metres is considered appropriate for the locality and is not considered out keeping with the immediate surrounding.

- 9.11 Moreover, the proposed Airhall would be installed in the south-eastern corner of Rolls Sports Ground along its southern border. It would be screened by a number of trees to the East and shielded by a steep embankment with some planting to the South. By virtue of its discreet siting and moderate screening, the proposed introduction of an Airhall in this locality is not considered to detract from the openness of the Rolls Sports Ground or be detrimental to its visual appearance and overall character.
- 9.12 The proposal also includes replacing the existing fencing around the courts with an iron fence of similar height, which would surround the Airhall for security purposes. Whilst the proposed fences would provide good viewing visibility and minimal visual presence, the perimeter of the tennis court is currently heavily screened by shrubs and trees. As such, given its like-for-like nature, the proposed fences are not considered to cause visual harm or adversely affect the openness and character of the site.
- 9.13 Overall, on balance of the surrounding context and its bulk and scale, the proposed Airhall is considered to be well-integrated with the existing sport facility and the adjacent light industrial area, making it a suitable addition to this low-density setting without detracting from the character of the open space. Overall, the proposed development complies with Policy D4 of the London Plan (2021) and Policies 53 and 78 of the adopted Waltham Forest Local Plan LP1 (2024). Amongst other matters, these seek to ensure that developments give strong recognition to local distinctiveness and be of a high standard of design.

C. Residential Amenity

- 9.14 Policy 57 of the LP1 (2024) seeks to maintain the amenity of occupiers of adjoining properties in terms of daylight/sunlight, overshadowing, outlook, loss of privacy and nuisance. Policy 50 further states that consideration should be given to operational noise and its impact on neighbours.
- 9.15 The nearest residential properties are the apartment blocks on Merriam Close, located approximately 60m to the east of the application site, separated by the existing Bowling Green and the seasonal Airhall. The proposed Airhall would also be visible from the rear windows of the semi-detached dwellinghouses on Ropers Avenue to the north, located approximately 100m away, separated by tennis courts and playing pitches.
- 9.16 Given the significant separation distance in both directions, the proposed construction is not anticipated to result in any material impacts on the amenity of these occupiers related to outlook, overshadowing and access to light. Moreover, the proposed Airhall would be of similar bulk and height to the existing seasonal Airhall, which effectively shields the proposed Airhall from view from the residential windows on Merriam Close to the east and further reduces any potential visual impact.

- 9.17 With respect to potential noise and nuisance, given its ancillary nature, the proposed development is unlikely to increase the intensity of the existing use to a degree that would cause unacceptable nuisance to the neighbouring residents. The proposed ventilation and heating units, given their significant distance from the residential windows, are unlikely to be heard or result in detriment or harm to their amenity. Nevertheless, a planning *condition* will be imposed to require the noise cancelling system remains fully functional and operational during the time of plant operation. Should a fault occur, it shall be repaired or replaced as soon as reasonably practicable in the interest of wider neighbours' amenity.
- 9.18 On balance of the surrounding context, the proposed development is not considered to harm residential amenities to the detriment contrary to Policy 57 of the adopted Waltham Forest Local Plan LP1 (2024).

D. Environmental and Sustainable Design

(i) Surface Water Runoff

- 9.19 Policy S113 of the London Plan and Policy 91 of the LP1 set out to ensure developments take into consideration its impact on flood risk and sufficient mitigation measures are incorporated.
- 9.20 The application site is located within South Chingford Critical Drainage Area. The submitted Drainage Strategy and Flood Risk Report identified there have been records of sewer issues in the wider area. This corresponds to the Waltham Forest Playing Pitch Strategy (2020) which identified the pressing need to address the drainage issues in the football and cricket pitches at Rolls Sports Ground.
- 9.21 Whilst the existing tennis courts have permeable hard landscaping, there is no existing drainage on site. As the proposed installation of the Airhall would be likely to alter the surface water runoff direction and induce potential flood risk to the surrounding area, the proposed development seeks to introduce new drainage features, including new channel drains around the Airhall to direct the rainwater run off to the new shallow swales on its western and southern edge, therefore away from the existing pitches to the north that is currently prone to flooding. In the event of extreme and heavy storms, the excess water would follow the general fall of the site and flow to the existing planted infiltration basin/raingardens on the western side, which allows for infiltration and storage. The Flood Risk Report concluded that the flood risk as a result of the proposed development will not be increased.
- 9.22 On balance, it is considered that the drainage strategy has been appropriately designed in relation to the immediate surroundings, and has sufficiently demonstrated that flood risk will be effectively managed and mitigated in line with Policy S113 of the London Plan (2021) and Policy 91 of the adopted Waltham Forest Local Plan LP1 (2024). In the event of approval, a planning *condition* shall be attached to require the drainage strategy to be carried out and maintained in full accordance with the approved documents and maintained for the lifetime of the development.

(ii) Energy efficiency

- 9.23 Policy SI2 of the London Plan (2021) and Policy 85 of the LP1 (2024) set out that the energy efficiency of developments is expected to be maximised to achieve minimal greenhouse gas emissions and carbon footprint.
- 9.24 It is acknowledged that the maintenance of the Airhall would inevitably require constant running of ventilation and inflation units, resulting in a net increase of the energy use on site as compared to existing open-air tennis courts. However, the submitted manufacturer specification demonstrated that both units are designed for energy-efficient performance, ensuring minimal energy consumption during operation. The Airhall is engineered with high-performance thermal insulation would also minimise the need for heating, which would only be required in extreme weather conditions or to manage snow loads on the dome. Additionally, the proposed Airhall is designed with highly transparent membrane layers to maximise natural daylight, reducing the need for artificial lighting and further limiting energy use.
- 9.25 In terms of construction, the Airhall is pre-assembled requiring minimal on-site construction work and associated energy consumption. Furthermore, the structure is fully recyclable, reducing its environmental impact when it reaches the end of its lifecycle.
- 9.26 Given that the proposal has effectively integrated sustainability measures throughout the development process, the proposed Airhall is expected to operate with low overall energy consumption and would align with the Council's broader environmental sustainability objectives as set out in Policy SI2 of the London Plan (2021) and Policy 85 of the LP1 (2024).
- 9.27 Nevertheless, to address the concerns raised over the operational energy use by the Council's Sustainability Team and some residents, a *pre-occupation condition* is recommended for the submission of an Energy Statement to ensure the energy efficiency in long-term maintenance.

E. Trees and Ecology

(i) Trees

- 9.28 Policies G5 and G6 of the London Plan (2021) and Policies 79 and 80 of the LP1 (2024) set out to enhance biodiversity and geodiversity, and state that development proposals will only be supported where they do not give rise to any threat, immediate or long term, to the continued well-being of green infrastructure and biodiversity.
- 9.29 The application site does not contain any trees subject to statutory protection. The proposed Airhall would be mounted to foundation bases fixed into 0.8m below ground and supported by pressurized air over an existing tennis court. Given its minimal intrusive structure, the proposed development is unlikely to result in any significant harm to the root of the adjacent mature trees or their future growth in contrary to the relevant policies.

(ii) Local Ecology

- 9.30 Policies D13 and D14 of the London Plan (2021) and Policy 50 of the LP1 (2024) set out that consideration should be given to the operational noise or light pollution to the sensitive land uses including open spaces.
- 9.31 The application site does not fall within any ecological designation, although it is acknowledged that the Rolls Sports Ground, as an open area with a moderate number of plants, may present some value to local ecology.
- 9.32 The proposed Airhall would be fitted with integrated internal lighting, therefore omitting the need for floodlighting currently in use on site, thereby minimising its light-spill or pollution to the local habitat.
- 9.33 Whilst the proposed development of its scale and nature is not considered to significantly intensify its existing use or generate substantial noise, it is considered that the running of the associated ventilation and heating unit may result in a certain extent of operational noise. However, given the heating units would generally be in use only on extremely cold days or to assist with snow load on the dome, whereas the proposed system is fitted with a noise cancelling system. The operational noise is therefore considered unlikely to cause any material ecological harm to the detriment of the local habitat. Nevertheless, to ensure minimal disturbance to the wider area, a planning *condition* will be imposed to require the noise cancelling system to remain fully functional and operational during the time of plant operation. Should a fault occur, it shall be repaired or replaced as soon as reasonably practicable.
- 9.34 On balance, the proposed development would have a minimal impact on the local habitat and comply with Policies D13 and D14 of the London Plan (2021) and Policy 50 of the LP1 (2024).

F. HIGHWAYS

- 9.35 Policy T4 of the London Plan (2021) and Policies 60 and 65 of the LP1 (2024) state that the impacts of highway during construction should be considered with suitable mitigations.
- 9.36 The application is accompanied by a Construction Logistic Plan (CLP), which sets out the detailed measures and consideration throughout the construction process.
- 9.37 It is considered that whilst the Rolls Sports Ground contains an extensive car parking area for unloading/offloading, the Airhall is prefabricated and can be offloaded within hours and assembled on site within one week. The application site is also located adjacent to light industrial areas where roads are designed for standard transport trucks.
- 9.38 Given the scale of the development and its locality, the proposed development is considered unlikely to cause a significant impact on the highway network and therefore complies with Policy T4 of the London Plan (2021) and Policies 60 and 65 of the adopted Waltham Forest Local Plan LP1 (2024).

- 9.39 In the event of approval, a planning *condition* shall be attached to require the proposed development to be carried out in full accordance with the submitted CLP in the interest of highway network.

10 CONCLUSION

- 10.1 Following the assessment above, it is considered that the proposed development would enhance the quality and user experience of the existing sport and recreational facilities without resulting in detrimental harm to the character and visual appearance of open space.
- 10.2 The impact on neighbour amenities would be acceptable owing to the modest scale of the proposed development, and the large separation distance between the application site and the nearest residential occupiers.
- 10.3 The proposal would not result in detrimental impact on sustainability, flood risk, trees and biodiversity or highway.
- 10.4 On balance, having considered against the relevant development plan policies and other material considerations including Policies 1, 5, 46, 48, 53, 57, 60, 65, 78, 85 and 87 and, Policies D1, D4, D13, D14, S1, S5, G6, G7, SI2, SI12, SI13 and T4 of the London Plan (2021) and National Planning Policy Framework (2023), the proposed development is considered acceptable subject to conditions.

11 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

- 10.1 In making your decision you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor

that needs to be considered and may be balance against other relevant factors.

- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 11.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

12 RECOMMENDATION

- 12.1 It is recommended that the Planning Committee resolve to grant permission subject to the following conditions:

Expiry Date

1. The development hereby permitted shall begin not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

Plans

2. The development shall be retained in accordance with the following drawing numbers and documents:

- PRO-18131-2 (Rev.2), PRO-18131-3 (Rev.2), PRO-18131-4 (Rev.2), PRO-18131-6 (Rev.2) (dated 09/07/2024)
- Manual for Air Supported Structure, by DUOL Ltd. (Rev.2) (dated December 2019)
- Planning Statement (undated)
- Sustainability Statement (undated)
- Drainage Strategy and Flood Risk Report (24-008) (dated 26/08/2024)
- Fire Statement (24-28) (dated 18/08/2024)
- Construction Logistics Plan (undated)

- Site Plan (undated)

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

Materials

3. The development hereby permitted shall be constructed entirely of the materials shown on PRO-18131-2 (Rev.2), PRO-18131-3 (Rev.2), PRO-18131-4 (Rev.2), PRO-18131-6 (Rev.2) (dated 09/07/2024) and maintained in full accordance with the Manufacturer Manual by DUOL Ltd, unless the prior written approval of the Local Planning Authority is obtained to any variation, or except where otherwise stated on the approved drawings.

Reason: To safeguard and enhance the visual amenities of the locality, in accordance with Policy 53 of the adopted Waltham Forest Local Plan LP1 (2024).

Energy Efficiency

4. Prior to the development hereby approved first being brought into use, details of energy efficiency and other sustainability measures during the operation shall be submitted and agreed in writing by the Local Planning Authority. The approved measures shall be incorporated into the development, and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure the development is sustainable and its energy consumption and greenhouse gas emissions are kept to the minimum to comply with Policies 85 of the adopted Waltham Forest Local Plan LP1 (2024).

Construction Logistics Plan

5. The construction of the development hereby approved shall be carried out in accordance with the approved Construction Logistic Plan (undated) throughout all demolition and construction works.

Reason: To ensure considerate construction and to protect the amenities of the nearby residents to ensure that disruption is kept to a minimum and does not affect highway traffic flows to comply with Policies 50, 57, 63, 65, 87 and 89 of the adopted Waltham Forest Local Plan Part 1 (2024).

Noise and Nuisance

6. The noise cancelling system of the ventilation and heating unit shall remain fully functional and operational during the time of plant operation. Should a fault occur, it shall be repaired or replaced as soon as reasonably practicable.

Reason: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance to comply with Policies 50, 78 and 79 of the adopted Waltham Forest Local Plan Part 1 (2024).

Informative(s):

1. To assist applicants the Local Planning Authority has produced policies and provided written guidance, all of which is available on the Council's website, and which have been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.
2. This determination does not constitute permission to build under the Building Regulations 2010. Works should not commence until any appropriate building regulation applications have been submitted and where necessary approved.
3. The applicant is advised of the following comments of the Lawn Tennis Association (LTA):
(It is) note(d) that the proposed airhall would only fit 2 full sized tennis courts and potentially additional smaller courts. (The LTA) happy to work with the applicant to discuss how they configure the courts effectively.
4. If the public highway is damaged as a result of the construction works this would be reinstated by the Council and funded by the developer. Further information can be found at <https://www.walthamforest.gov.uk/parking-roads-and-travel/roads-and-pavements/highways-advice-developers/photographic-condition>
5. This notice is without prejudice to your responsibilities under any other legislation.
6. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.