

<b>APPLICATION NO.</b>	<a href="#">P14/V1411/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	4.7.2014
<b>PARISH</b>	ABINGDON
<b>WARD MEMBER(S)</b>	Jason Fiddaman Aidan Melville
<b>APPLICANT</b>	Abingdon Lawn Tennis Club
<b>SITE</b>	Abingdon Lawn Tennis Club, Lambrick Way, Abingdon, OX14 5TJ
<b>PROPOSAL</b>	Proposed extension to the existing grounds to provide four additional full size tennis courts, one mini tennis court and two padel courts with associated fencing and landscaping works.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	449124/195679
<b>OFFICER</b>	Holly Bates

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#### **SUMMARY**

- The application is referred to committee due to the level of objection from neighbouring residents.
  - The proposal is for the extension of the existing tennis club facility to provide seven new courts of varying sizes and types with additional fencing and landscaping.
  - The main issues are:
    - The impact of the proposal on the character and appearance of the area;
    - The impact of the proposal on the amenities of neighbouring properties;
    - The impact of the proposal on highway safety; and
    - The impact of the proposal on flood risk.
  - The recommendation is to approve the application subject to conditions.
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#### **1.0 INTRODUCTION**

- 1.1 The application site forms part of the Abingdon Lawn Tennis Club located to the south of Abingdon accessed via Lambrick Way. It is a member only tennis club which currently provides six outdoor flood lit tennis courts with a small pavilion building surrounded by chain link fencing and landscaping.
- 1.2 The site is located to the south of residential properties in Metcalf Close which back onto the site, separated by a footpath. The application site is surrounded by open green amenity space known as Southern Town Park, owned by the Vale. To the east is the Southern Town Car Park, a public car park which provides parking opportunities for the club. The site lies within flood zones 2 and 3. A site plan is **attached** at appendix 1
- 1.3 The application comes to committee because of the number of objections from local residents.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission to extend the existing facilities by installing four additional full size tennis courts, one mini tennis court and two padel courts with associated fencing and landscaping works (padel tennis is a cross between tennis and squash where the ball is played off a wall). These would all be located to the west of the existing site and surrounded by chain link fencing to match the existing site enclosure. The proposed courts would be constructed from a permeable asphalt surface, with a permeable sub-base laid on a permeable nonwoven geotextile. Extracts from the application plans are **attached** at appendix 2.
- 2.2 The application has been supplemented by additional information including a Transport Statement and a Flood Risk Assessment, to address concerns raised by the environment agency, the council's internal drainage engineer and the local highways authority.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Abingdon Town Council** – “No objections subject to undertaking a suitable flood risk assessment and the Vale of White Horse District Council being satisfied that the development will not lead to an increase risk of flooding.”
- 3.2 **Sport England** – No objections.
- 3.3 **Highways Liaison Officer (Oxfordshire County Council)** – No objections upon receipt of additional information.
- 3.4 **Environment Agency** – No objections subject to conditions..
- 3.5 **Drainage Engineer (Vale of White Horse District Council)** – No objections subject to conditions.
- 3.6 **Landscape Architect** – Comments regarding type of fencing to be used and tree maintenance.
- 3.7 **Environmental Protection Team** – No objections.
- 3.8 **Contaminated Land Officer** – No objections.
- 3.9 **Archaeology Team** – No objections, subject to conditions.
- 3.10 **Countryside Officer** – No objections
- 3.11 **Local Residents** - Six letters of objection have been received from neighbouring residents, raising the following concerns:
- Increased impact on flood risk;
  - Increase in noise pollution;
  - Increase in light pollution;
  - Insufficient parking provision;
  - Increase in litter due to increase usage;
  - Building debris has not been adequately cleared;
  - Disturbance may affect existing protection measures against methane gas;
  - Impact on the environment;
  - Impact on access for local residents including children and the disabled;
  - Is there any justification for additional facilities and how would they be funded?

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P90/V0317](#) - Approved (20/06/1990)  
Erection of a tennis practice wall.

4.2 [P86/V0251](#) - Approved (06/02/1986)  
Construction of 8 tennis courts (two floodlit) and pavilion and fencing.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse Local Plan 2011 policies**

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC9 - The Impact of Development on Neighbouring Uses

DC10 - The Impact of Development on Neighbouring Uses

HE9 - Archaeology

L1 - Playing Space

L8 - Provision of small-scale Local Leisure Facilities

5.2 **Draft Vale of White Horse Local Plan 2031 Part 1**

The draft Local Plan Part 1 is not currently adopted and the emerging policies and supporting text have limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and, where relevant, the saved policies (listed above) within the existing local plan. Relevant policies from the emerging local plan are:-

1 – Presumption in favour of sustainable development

3 – Settlement hierarchy

33 – Promoting sustainable transport and accessibility

37 – Design and local distinctiveness

40 – Sustainable design and construction

42 – Flood risk

43 – Natural resources

44 – Landscape

46 – Conservation and improvement of biodiversity

5.3 **National Planning Policy Framework 2012**

5.4 **Planning Practice Guidance 2014**

5.5 **Design Guide - March 2015 Supplementary Planning Documents**

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in determining this application are: i) the principle of additional sport and recreation facilities in this location; ii) the impact on the character and appearance of the area; iii) the impact on the amenities of the neighbouring residents; iv) transport impact and v) flood risk impact.

6.2 **Principle**

Local Plan Policy L8 confirms that small scale developments for open space, sport and recreation will be permitted within or on the edge of settlements provided that that meet a local need, do not harm the character of the surrounding area and do not have a detrimental impact on the ecology of the area.

6.3 Local Plan Policy L1 also states that development on existing outdoor playing space will only be permitted if a deficiency in such space will not be created, or added to.

- 6.4 The National Planning Policy Framework (NPPF) at paragraph 73 confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It goes on, at paragraph 74, to confirm that existing playing fields should not be built on unless (amongst other points) the development is for alternative sports and recreation provision, the needs for which clearly outweighs the loss.
- 6.5 The proposal would enhance the level of the existing facilities on the site to allow more members to use the facilities at one time, and to increase the range of tennis type activities. The applicant has stated that current membership is approximately 180 adults and 50 juniors and that the additional facilities are required due to the increase in membership and usage over a number of years, and taking into account projected additional membership of around a third due to additional approved housing within a reasonable catchment area.
- 6.6 The proposal would provide sport and recreational opportunities for the residents of south Abingdon; while there are other facilities for tennis within the town the main ones are located at the White Horse Tennis and Leisure Centre, in the north-east of the town, and are not within reasonable walking distance for residents in south Abingdon. Therefore the proposal would contribute towards the social role of sustainability by providing opportunities for accessible local facilities.
- 6.7 The application site would be located within Southern Town Park, on land which forms part of or could constitute playing fields. Sport England, as a statutory consultee, has reviewed the proposal and commented that while this corner of the park would be capable of accommodating a pitch for Under 9s/Under 10s mini-soccer, no pitch has been delineated on the ground or goalposts erected for that purpose.
- 6.8 Sport England has raised no objection to the proposal because it considers the proposed development fulfils the circumstances described in the third bullet point of paragraph 74 of the NPPF and E5 of Sport England's playing fields policy which is:
- “The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”
- 6.9 As such, the provision of the additional tennis courts outweighs the loss of part of the playing field and therefore complies with Sport England's playing field policy, Vale of White Horse Local Plan policies L1 and L8 and the National Planning Policy Framework, specifically at paragraph 74.
- 6.10 **Character and appearance**  
Local plan policy DC1 requires that development is of a high quality design such that the layout, scale, mass, height, detailing, materials used and its relationship to adjoining buildings and open space to not adversely affect those attributes that make a positive contribution to the character of the locality.
- 6.11 Local plan policy L8 also requires that development does not require buildings or works of a type or scale which would be harmful to the character of the area.
- 6.12 The existing club site would extend westwards by an additional 54m, and would be surrounded by 3.6m high chain link fencing to match the existing enclosure. Chain link fencing meets the lawn tennis association requirements for fencing, and is considered to be an appropriate boundary treatment given the site's use and would be in-keeping

with the existing visual appearance of the site.

- 6.13 The proposed padel courts would require additional enclosures within the chain link fencing. These would consist of glass panels with wire mesh fencing on top at a height of approximately 3.9m. The padel courts would be located within the south-west corner of the site, away from the boundary with neighbouring dwellings.
- 6.14 Officers consider that the type of fencing would be site appropriate, and would not be a dense or prominent form of fencing. When seen within the context of the recreation site and existing provision, officers do not consider that the additional proposed fencing or court area would appear out of place or harmful to the character and appearance of the locality. It is recommended that a condition in relation to the fencing is included, requiring details of the finish including colour in the interests of visual amenity.
- 6.15 **Landscaping**  
Local plan policy DC6 requires development to include landscaping measures to protect and enhance the visual amenities of the site.
- 6.16 Existing mature evergreen trees would be retained around the existing court boundaries to the north, east and south which provide good screening of the existing site. There is also significant tree planting and vegetation screening the site from Lambrick Way to the north east and along the southern boundary of the main park. Existing low hedges would also be retained around the proposed site area to the north and west which provide an attractive soft landscape boundary to the proposed site.
- 6.17 Additional landscaping around the courts is proposed to be carried out and shown on the submitted plans, including evergreen saplings along the south and west boundaries which would grow to match the existing screening. However, the planting is outside the red line site area of the application site which means a condition cannot be applied to secure it. This raises the question of whether the planting is reasonably required.
- 6.18 The proposed development would not appear prominent or harmful to the character or appearance of the area in itself. In addition, advice from the lawn tennis association recommends tree planting set away (usually 3m) from tennis enclosures due to maintenance issues if possible.
- 6.19 The site is closely connected to the settlement boundary, is of a relatively small scale and is seen within the context of the residential area. There is existing significant planting on the site. Consequently officers do not consider that the application could be refused were the proposed planting not to take place.
- 6.20 As such, the proposal is considered to comply with local plan policy DC1 in terms of design and visual impact, and with the provisions of the NPPF.
- 6.21 **Neighbour amenity**  
Local Plan Policy DC9 states that development would not be permitted if it would unacceptably harm the amenities of neighbouring properties in terms of loss of privacy, dominance, noise or vibration, smells or dust, pollution or external lighting.
- 6.22 The additional courts would be located about 9.5m from the rear gardens of the properties backing onto the site in Metcalf Close, and about 18m from the actual rear elevations of these properties. The application site would also be situated about 25m from the properties in Overmead, to the north-west.

- 6.23 The additional site area for the proposed courts does not include any provision for flood lighting. Therefore, there would be no additional impact on the amenity of residents in this regard.
- 6.24 The council's environmental protection team has raised no objections to the proposal in terms of additional noise, given that the application is for an extension to an existing facility, so noise from activities on the site are not new to the area. It is anticipated that there would be some additional noise impact due to the additional provision, however the environmental protection officer acknowledges that this would be hard to quantify and as such could not suggest that any loss of amenity would be significant. Therefore, officers do not consider the application could be refused on this basis.
- 6.25 There was no hours of use condition on the original planning permission for the existing courts. Subsequent details of floodlighting included a restriction that the lighting could not be used after 10.00pm. Floodlighting is not proposed for this application (and planning permission would be required for it), so use of the proposed courts would depend on natural light. Therefore it is not considered reasonable or necessary to condition hours of use for this application.
- 6.26 The proposal would not appear dominant and would not result in any over-shadowing or loss of privacy for any neighbouring properties. The proposal would also not impact upon any existing public footpaths or existing pedestrian access to the site, which would remain from the east. As such the proposal is considered to comply with local plan policy DC9 and the NPPF.
- 6.27 **Transport impacts**  
Local plan policy DC5 requires that safe and convenient access, parking and turning space is provided for developments and that the road network can accommodate any additional traffic generated.
- 6.28 The local highways authority originally registered a holding objection to the application on the basis that insufficient information has been submitted to assess the transport and highways impact of the proposal. A transport assessment was therefore submitted which included a car park occupancy survey commissioned by the applicant and undertaken by Oxfordshire County Council's Transport Monitoring Team. This demonstrates that the Southern Towns Car Park on Lambrick Way would have sufficient capacity to accommodate additional demand generated by the development.
- 6.29 As such, the local highways authority has confirmed a response of no objections to the application and officers consider that the proposal complies with the provision of local plan policy DC5 and the NPPF.
- 6.30 **Impact on flood risk**  
The application site is located wholly within flood zone 2, and part of the site is also located within flood zone 3b (functional floodplain) and 3a (a high probability). The environment agency originally registered a holding objection to the application on the basis that insufficient information has been submitted to assess the flood risk impact of the proposal. The council's drainage engineer also registered a holding objection.
- 6.31 A detailed flood risk assessment was therefore carried out and submitted, which concluded that the proposals would result in the removal of existing soils of medium permeability and substitution with the use of a permeable sub-base and open graded asphalt surfacing, which would result in a net reduction in flood risk.

6.32 Upon receipt of the flood risk assessment, the environment agency has removed its holding objection and has registered a formal response of no objections, subject to a condition which is included within this report. The drainage engineer also removed his holding objection subject to a surface water drainage condition, which is also recommended within this report.

6.33 The proposal is therefore considered to comply with the provisions of the NPPF (Section 10) and the Planning Practice Guidance (paragraphs 66 and 67).

6.34 **Other material considerations**

6.35 **Ecology**

The council's countryside officer has raised no objections to the proposal, commenting that The courts and fencing are however situated sufficiently far from the nearest water course so that there would be no chance of any impacts on the species. As such the proposal is considered to comply with local plan policy L8 and the NPPF.

6.36 **Archaeology**

The Oxfordshire County Council Archaeology Team has commented that there is evidence of archaeological features within and around the application area and as such has recommended planning conditions be attached with regards to an archaeological watching brief. These conditions are included below. As such the proposal is considered to comply with local plan policy HE9 and the NPPF.

6.37 **Contaminated Land**

The council's contaminated land officer has reviewed the application has registered no objections to the proposal; therefore it is considered to comply with local plan policies DC9 and DC10 and the provisions of the NPPF.

7.0 **CONCLUSION**

7.1 The application is recommended for approval as the development would comply with the relevant development plan policies and the National Planning Policy Framework. The principle of the proposed development is considered acceptable as it would provide enhanced small scale local leisure facilities whilst mitigating the loss of part of the playing fields. The proposal would not harm the character and appearance of the area, or the amenities of neighbouring properties, and there would be no adverse impact on the transport network or on flood risk. The proposal, therefore, complies with the provisions of the development plan, in particular policies DC1, DC5, DC6, DC9, DC10, HE9, L1, and L8. The development is also considered to comply with the provisions of the National Planning Policy Framework.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission, subject to the following conditions:**

8.2 **1 : Commencement three years – full planning permission.**

**2 : List of approved plans.**

**3 : Submission of material details – fencing.**

**4 : Written scheme of investigation to be submitted.**

**5 : Archaeological watching brief to be carried out and report produced.**

**6 : The finished ground levels to be no higher than the existing ground levels of the site.**

**7 : Details of surface water drainage to be submitted.**

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