

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 19 January 2011  
**Report of** Head of Planning Services  
**Subject** 11/01938/NF3 Waterloo Park Angel Road Norwich

Item  
**5(2)**

### SUMMARY

<b>Description:</b>	Construction of 3 No. porous macadam tennis courts with fencing, access path and associated planting.
<b>Reason for consideration at Committee:</b>	City Council Application
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mile Cross
<b>Contact Officer:</b>	Mark Brown Senior Planning Officer 01603 212505
<b>Valid Date:</b>	22nd November 2011
<b>Applicant:</b>	Norwich City Council
<b>Agent:</b>	Norwich City Council

### INTRODUCTION

#### The Site

##### Location and Context

1. The application site is located within Waterloo Park, a designated Historic Park located to the west of Angel Road and designed by Sandys Winch. More specifically the application relates to the grass tennis courts located to the northwest of the grade II listed central pavilion building.
2. The main pedestrian and vehicular access to the park is via Angel Road. The nearest pedestrian access to the tennis courts is via Waterloo Park Avenue to the south of the courts. Currently pedestrian access to the courts is via the rear of the main pavilion building. The nearest residential properties on Penn Grove are located along the northwest boundary of the park.
3. A number of significant trees are located to the west of the site some of which overhang the existing tennis courts to the southwest.
4. The maintenance for the grass tennis courts has been removed from budget and the area was last used for tennis in 2010. The area is however still accessible to users of the park although this is somewhat limited by the existing fencing.

##### Planning History

5. No recent relevant planning history.

## Equality and Diversity Issues

6. There are no significant equality or diversity issues.

## The Proposal

7. The proposal seeks to replace the grass courts with 3no. porous macadam tennis courts, one new section of fencing and new landscaping. The application does not involve any proposals for new lighting.
8. The surface to the courts is proposed in permeable, hard wearing macadam with the courts coloured dark green with a light green margin. The applications details in the supporting documents that the intention is to restore some of the original recreational facilities at the park, but significantly reduce the cost of ongoing maintenance.
9. The original design of the park had 9 grass courts to the west of the main pavilion building enclosed by hedging with a central access running east to west. The application site provided for 4 of the nine courts in the original design. In order to meet current guidelines for the laying out of tennis courts the number of courts in the area will be reduced to three and the two courts further to the south will be turned through 90° when compared to original design.
10. The area is currently enclosed by chain link fencing located just within the original boundary hedging. The existing chain link fence is proposed to be retained, although with the access gates to the west removed and a new chain link fence installed to the west set within the existing fence running parallel to it set back by 2.4m. It is proposed that a new yew hedge is installed running alongside the fence to match the other boundaries. The new chain link fence is proposed to match the height of the other existing fences at a height of 2.7m. This will in effect create a new access to the tennis courts to the west which will also provide for level access which was not provided for in the original design.

## Representations Received

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. One letter of representation has been received making the comments detailed in the table below:

Issues Raised	Response
I am pleased with the change from grass to tarmac, which I think will encourage more use of them. What concerns me is the change of use planned for the existing hard court which is only a matter of 30 yards or so from my house. I will not be happy with a 5-a-side pitch so close, with the amount of noise we would expect, especially in the summer evenings. We do experience a lot of noise from the grass play area where 5-a-side games and basketball, take place, but only in the summer	See paragraphs 26-27

months when we are in the garden in the evenings.	
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## Consultation Responses

12. English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
13. Design and Conservation – The Design & Access and Heritage Impact statements comprehensively cover the history and listing of the park. It is however important to note that the park was created to provide the local neighbourhood with both active and passive recreational uses. The proposal to install three hard surfaced courts ensures that the park continues to provide tennis as a recreational facility and it is therefore retaining a use that contributes to the significance of the park.

It is unfortunate that the original lawn tennis courts cannot be retained as they are very evocative of the interwar period and the British lawn tennis tradition. However, it is understandable that the courts are expensive to maintain and are also not as easy to use in all weathers as a hard court. The existing lawn courts were laid out in a symmetrical plan behind the pavilion with a central hedge. This proposal converts only half the area into hard courts, but it is noted that there is a potential scheme to introduce a car park to the other set of unused lawn courts. Converting that to a car park will help to bring back uses for the pavilion which will help its long term conservation. The other alterations to include a new fence and path are within the existing court area so although they will result in some visual change, they will not affect the overall planned symmetry.

I therefore consider that there is justification for the conversion of the space to hard courts in order to utilise the land for a recreational facility that was an original function of the park. Although the conversion from grass to hard surfacing will result in some change in the character of the park and therefore a degree of harm, I consider that the resultant harm is less than substantial. The new use will result in public benefits which on balance outweigh the degree of harm.

14. Transportation – No objections of transportation grounds.
15. Natural Areas Officer – No comments.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### Relevant National Planning Policies

PPS1 – Delivering Sustainable Development

PPS5 – Planning and the Historic Environment

PPG17 – Planning for Open Space, Sport and Recreation

#### Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

ENV3 – Biodiversity

ENV6 – Historic environment

ENV7 – Quality in the Built Environment

## **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011**

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 7 – Supporting communities

## **Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004**

NE1 – Protection of environmental assets from inappropriate development

NE8 – Species protection and biodiversity

NE9 – Landscaping

HBE9 – Listed Buildings

HBE12 – High quality of design

EP22 – High standard of amenity for residential occupiers

SR3 – Retention of existing sports grounds and public open spaces

SR8 – Protection of historic parks and gardens

SR12 – Green links network

SR14 – Design and amenity considerations for new facilities

## **Supplementary Planning Documents and Guidance**

Sport England policy: 'A Sporting Future for the Playing Fields of England' (1997).

Trees and Development SPD – September 2007

## **Other Material Considerations**

Written Ministerial Statement: 23 March 2011: Planning for Growth Support of enterprise and sustainable development

Draft National Planning Policy Framework July 2011

## **Principle of Development**

### **Policy Considerations**

16. There are various main policies within the Replacement Local Plan are relevant to this site. Policy SR8 seeks to protect the character and historic form of the historic parks from any development that would adversely affect their character.

Development will only be permitted where it increases community use and biodiversity, whilst not adversely affecting the character of the park. In addition, policy NE1 requires that in parklands that form a green wedge, development will only be permitted for facilities for outdoor sport and recreation and in design these must not damage the environmental quality or landscape character of the area.

Policy SR3 seeks to prevent the loss of open space or adverse impacts on biodiversity interests within such spaces and policy SR14 seeks to limit impacts in terms of design and, together with policy EP22, impacts on amenity.

17. Therefore the policies are permissive of recreational and sports development in the park, providing that they can demonstrate that they will not detract from its historic character, setting, space provision and biodiversity interest or have an adverse impact in terms of amenity.

## **Design**

### **Layout**

18. The proposed layout is dictated by the historic location and area devoted to tennis facilities in the park and the need to meet modern size standards. It could be argued that the alteration to the original design by reducing the number of courts and re-orientating two of them has an impact on the original landscape design of the park. However it is considered that the design of the Park and its landscaping was based just as much around the space needs for each recreational activity with the space requirements for the types of sports introduced contributing to the landscape design of the park just as much as the overall landscape design dictated where the various activities would be located within the plan. This proposal lies within the existing 'tennis area' which appears to have been clearly designed around the standard sizes of courts at the time. This proposal is maintaining the historic recreational use of this part of the park, albeit in a modernised form adopting new space standards.

### **Impact on Heritage Assets**

19. The principle change in visual terms is from lawn to hard courts with the introduction of a new line of fencing. The original lawn tennis courts are evocative of the interwar period and the time in which the park was designed. It is therefore considered that their loss will result in a degree of harm. However given that the proposals respect the historic use and character of this part of the park it is considered that the resultant harm is less than substantial.

20. It is considered that the new line of fencing will have limited visual implications on the park or the grade II listed pavilion building given the extent of chain link fencing already in existence. The solution to fencing along the south western boundary will improve access to the courts and the proposed new hedging will be consistent with the original boundary treatments to the courts.

### **Public Benefits**

21. The courts will provide an excellent facility for all age groups and will make use of a currently disused corner of the Park. The courts will provide up-to-date facilities which more widely usable (in various weather conditions) and are cheaper and easier to maintain. It is therefore considered that the proposals represent an enhancement in terms of recreational facilities at the site.

## **Trees and Landscaping**

### **Tree Protection**

22. The fencing and access path are proposed within the root protection area and under the canopy of a number of trees to the southwest of the site. A method statement for works within these areas has been submitted and is considered to be acceptable in principle. A condition is required to define the tree protection zone within which hand excavation is required and to require works to be carried out in full accordance with the submitted method statement.

### **New Landscaping**

23. The proposal includes the provision of a yew hedge to be planted alongside the proposed new fence. Such as hedge is considered to be vital to ensuring the design coincides with the existing boundary treatments at the site. It is therefore

recommended that a condition be imposed requiring the provision of the hedge prior to the first use of the new courts.

### **Green Links**

24. The existing green link to the north and west of the site will be unaffected by the proposal.

### **Neighbour Amenity**

#### **Noise**

25. The curtilage of the closest residential property is approximately 16m from the courts. Clearly the use of this part of the park as tennis courts is well established. The proposal may well intensify the use of the courts although the time periods over which they are used will be limited to daylight hours given the lack of lighting at the site. It is therefore not considered that the tennis courts would result in any significant detrimental impact on the amenities of neighbouring residents.

#### **Existing Hard Court**

26. There is an existing hard surfaced tennis court located outside of and to the southwest of the application site. The applicant suggests in the supporting statement that this existing hard tennis court may be utilised as a 5 a side football pitch or multi-use games area if this application is granted.

27. A neighbouring resident has raised concerns over the use of the adjacent court as a 5 a side football pitch or multi-use games area, concerned that this would result in noise nuisance. The current planning application does not formally seek any consent for such a proposal on the adjacent hard tennis court which is outside the application site. The need for consent to turn the adjacent hard tennis court into a multi use games area would depend on exactly what works were proposed. If the works constituted development and there were no permitted development rights then the works would need to be subject to a further application for planning permission. In any case the neighbours concerns have been passed on to the applicant (parks and open spaces) for consideration in any future proposals for the existing hard tennis court.

### **Conclusions**

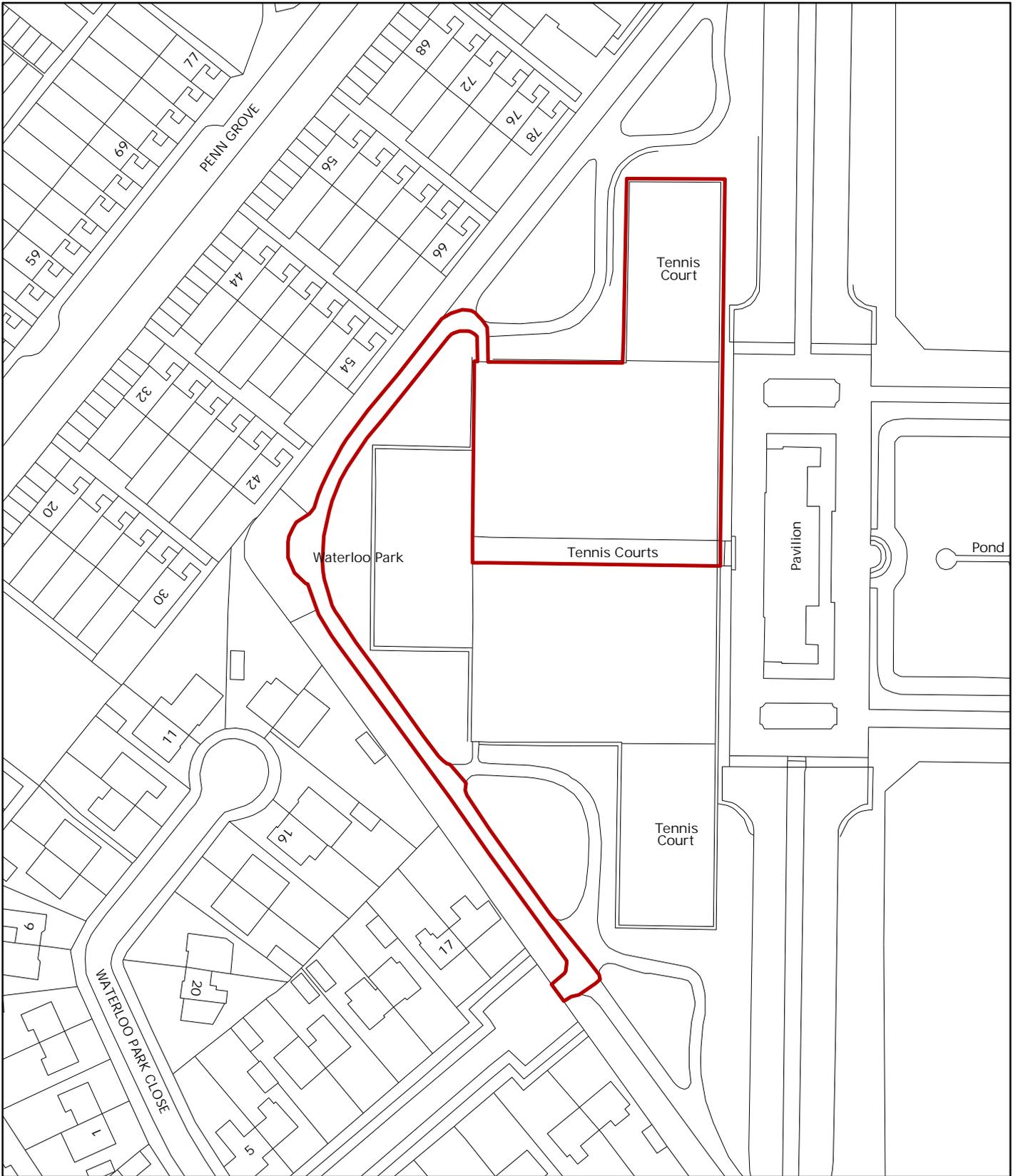
28. Paragraph 9.4 of PPS5 considers that where a proposal has a harmful impact on the significance, the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. This section also requires any public benefit to be weighted against the harm. In this case the level of harm is considered to be less than substantial and when weighed against the public benefits of reintroducing the historic recreational facilities to this part of the park the proposals are considered to be acceptable. The proposal is not considered to have any significant detrimental impacts in terms of residential amenity. The recommendation is therefore to approve the application subject to the conditions listed in the recommendation below.

## **RECOMMENDATIONS**

To approve Application No (11/01938/NF3 Waterloo Park Angel Road Norwich) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with submitted drawings and supporting documents;
3. The yew hedge to be provided prior to first use of the tennis courts;
4. Works to be carried out in full accordance with the arboricultural method statement and for the purposes of this statement the tree protection zone shall be the area between the western most fence and the new chain link fence inclusive of the area within which the new fence is located and the pea shingle path. No ground disturbance or storage of materials shall take place to the west of the existing chain link fence.

(Reasons for approval: The proposal would result in an appropriate and satisfactory form of development that would enhance the recreational and outdoor sporting facilities within the historic park. The level of harm to the heritage asset is considered to be less than substantial and when weighed against the public benefits of reintroducing the historic recreational facilities to this part of the park the proposals are considered to be acceptable. The proposal is not considered to have any significant detrimental impacts in terms of residential amenity. As such, the proposal is considered to comply with PPS1, PPS5 and PPG17; Sport England policy: 'A Sporting Future for the Playing Fields of England' (1997); policies ENV3, ENV6 and ENV7 of the east of England Plan 2008; policies 1, 2 and 7 of the Joint Core Strategy 2011; and policies NE1, NE8, NE9, HBE9, HBE12, EP22, SR3, SR8, SR12 and SR14 of the City of Norwich Replacement Local Plan Adopted Version, November 2004.)



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Planning Application No 11/01938/NF3  
Site Address Waterloo Park Angel Road  
Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES







78

99

16.85

10.97

23.77

PROPOSED TENNIS COURTS

33.89

44.65

EXISTING CHAINLINK FENCE

REMOVE EXISTING GATE

NEW GATE

3.1

NEW PATH TO BE TARR'D WITH A PEA SHINGLE TOP DRESSING

2.4

8.6

PROPOSED TENNIS COURTS

23.77

8.6

NEW CHAINLINK FENCE 27.3m

3.01

31.95

PROPOSED TENNIS COURTS

23.77

8.6

NEW GATE

3.2

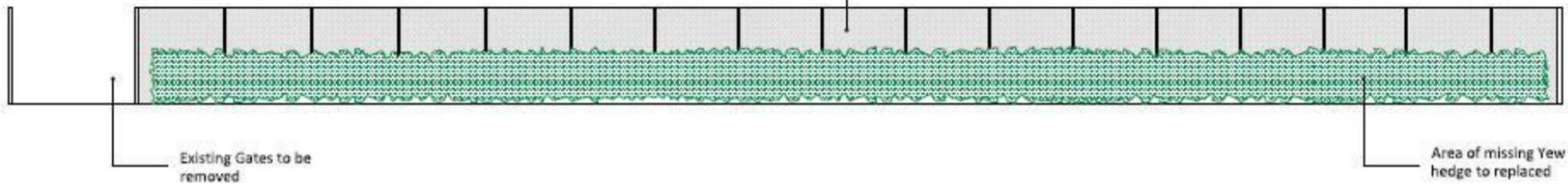
GAS SHUT OFF BOX

31.94

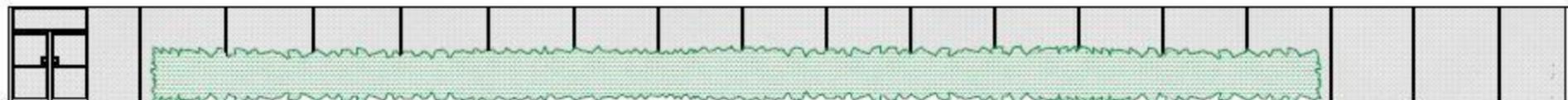
REMOVE EXISTING GATE

ennis  
arts

ELEVATION A  
PROPOSED SOUTH ELEVATION



ELEVATION A  
EXISTING SOUTH ELEVATION



ELEVATION B  
PROPOSED WEST ELEVATION

