

Report to Planning applications committee

Item

11 May 2017

Report of Head of planning services

Subject

Application no 17/00506/NF3 - Tennis Courts Lakenham
Recreation Ground City Road Norwich NR1 2HG

4(e)

Reason

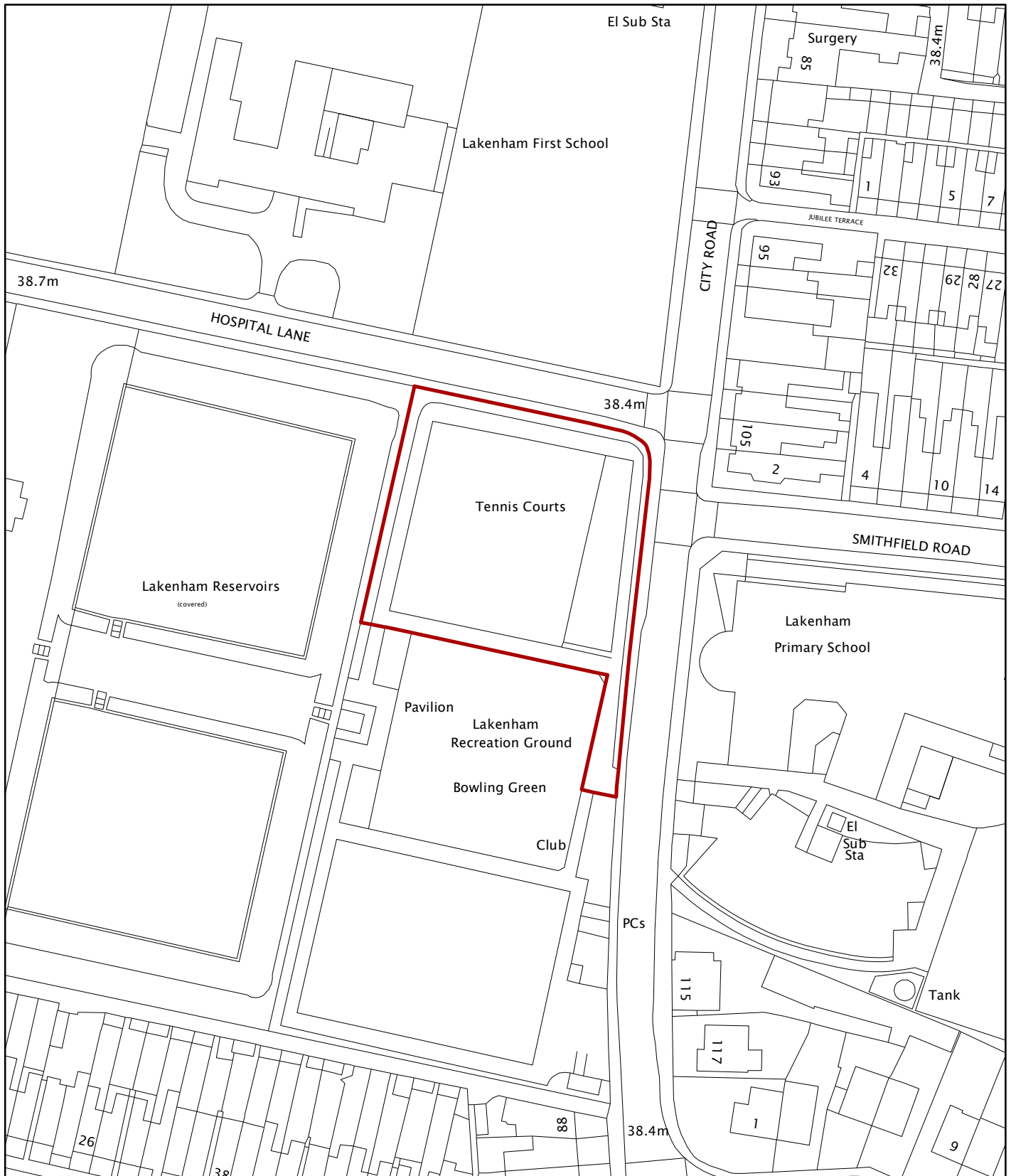
for referral

Objection / City council application or site

Ward:	Lakenham
Case officer	Lee Cook - leecook@norwich.gov.uk

Development proposal		
Reconstruction of existing tennis court with associated fencing and provision of floodlighting.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle	Use of site for recreational use
2 Design and Landscaping	Scale; landscape setting
3 Heritage	Historic park
4 Trees	Tree protection and retention
5 Amenity	Light impacts; noise
6 Biodiversity	Habitat; protected species
Expiry date	16 May 2017
Recommendation	Approve



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Planning Application No 17/00506/NF3

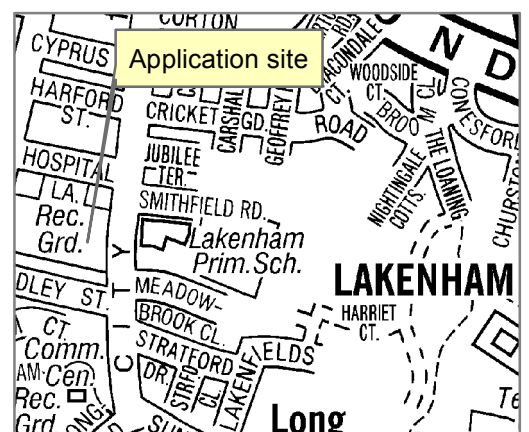
Site Address Lakenham Recreation Ground

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. Lakenham recreation ground is located to the south of the City centre on the west side of City Road. This park consists of hard tennis courts and bowls facility of about 0.7 ha in area. Hospital Lane and school building opposite lie to the northern edge of the site and further school facilities are positioned to the east. The courts are surrounded by yew hedging on three sides and sits within the enclosing walls to the policy designated historic park which includes the bowls facilities and the reservoirs to the west. Two trees are on the west side of the tennis courts.
2. To the immediate east on City Road are short stay and CPZ parking bays which serve as a potential drop off area and longer term parking. Residential properties are located on the east side of City Road and also further to the north and south. The Park is owned by the Council and managed as bowls and tennis facilities provided for the local community.

Constraints

3. Along with adjacent Lakenham Reservoir off Hall Road the site is designated as a historic park (not scheduled) (Policy DM9).

Relevant planning history

4. The recreation ground is a long standing historic feature within this part of the City. There are no recent applications relating to this part of the site.

The proposal

5. The Lakenham recreation ground scheme involves provision of floodlighting and works including installation of new gate, service access, feeder pillar and reconstruction of existing tennis courts.
6. The scheme is part of an expansion of the Norwich Parks Tennis delivery model. This is aimed at providing tennis and coaching in an affordable, inclusive and financially sustainable way. Such an operation exists at Eaton Park and seeks a means to provide good quality and affordable tennis facilities, including monitoring, in association with a third party provider.

Summary information

Proposal	Key facts
Scale	
Total floorspace	Existing hard surface court area
Max. dimensions	Proposed weldmesh fencing approximately 3m high. Lighting columns 6.7m high plus metal halide lights
Appearance	
Materials	Adapted fencing and new gates to match existing. Galvanised lighting columns. 9 columns 10 lamps

Proposal	Key facts
Construction	New all-weather surface in porous macadam with Lawn Tennis Association (LTA) recommended markings and green finish
Operation	
Opening hours	Hours of use are described as 08:00 to 22:00 hours throughout the week
Ancillary plant and equipment	Electrical feeder pillar on east side of site within boundary wall approximately 1180mm high, 1527mm wide and 300mm deep.
Transport matters	
Vehicular access	No new provision – existing maintenance access via entrance on City Road
No of car parking spaces	No new provision – existing time limited car parking on City Road
No of cycle parking spaces	No new provision – see report for discussion
Servicing arrangements	Via the entrance on City Road. Existing bins etc. located on the park

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
the yew hedge should be retained, information provided on how this could be done/managed	Paragraph 28-30, 35
Character and charm of the area will be affected. Proposals are not consistent with conservation, education or ecology	Paragraph 30, 32, 33, 42 and 43
The scheme does not provide for multi-functional use e.g. netball markings which would be of benefit to local schools	This does not form part of the submitted application
How are the public lavatory and club facilities to be brought up to 2018 standards	This does not form part of the submitted application
The system operated by Norwich Parks Tennis means that only those who have a smart phone, and a computer can access the	Review of booking facilities could be undertaken by the applicant to ensure wider community access. Not

Issues raised	Response
booking scheme. This will exclude many people, especially the less well off and the elderly among whom many (my husband and I are 70), there are many players who still delight in the game. This is essentially rewarding privilege and denying many in an undemocratic manner	considered to be a relevant planning matter in this instance.
The Gardens Trust should be consulted	The Trust would not normally be consulted on a non- designated historic park
The application submissions are incomplete in terms of information or lacking in terms of necessary information and are not in line with similar application submissions.	The application has gone through validation review and submissions include information as requested within the Councils validation checklist and are considered to be sufficient to make an informed planning decision.
Permission should be in line with statutory policy objectives	Relevant policies listed in the report below
Questions business model, cost benefit and clarity of submitted figures. Query evidence of flood lights enhancing/increasing tennis use and use in winter; cost of usage of lights; business plan; applicant appears to know it has a weak case; transparency of the accounts should be availed.	Norwich parks tennis is a means to provide good quality and affordable tennis facilities, including monitoring, in association with a third party provider. Whilst this has been questioned in local representations the detail of the financial model for provision is not considered to be a relevant planning matter in this instance.
Booking arrangements are not accessible unless you are a member which limits community access to use the sites.	Review of booking facilities could be undertaken by the applicant to ensure wider community access. Not considered to be a relevant planning matter in this instance.
Costings have not yet been carried out for all of the works so financial benefits cannot be known – applications should be deferred for all information to be made available to members.	Not considered to be a relevant planning matter in this instance.
Coaching scheme is lacking in available access and types of coaching	Not considered to be a relevant planning matter in this instance.
Query where/how asset management will be involved in terms of maintenance and running facilities	Not considered to be a relevant planning matter in this instance.
Planning policies are not readily available to allow assessment of proposal	Planning policies are published on the councils website and relevant policies listed in the report below
Should be looking for less lights not more to protect environment and reduce light pollution and energy use which are global issues	Paragraph 44 This does not form part of the submitted application
Council should consider schemes without	The sites are in various locations across

Issues raised	Response
floodlights. Promotion of single applications and separate assessment should not occur. Requests deferral to consider issue of lighting per se.	Norwich. Each case is considered on its merits.
Questions extent of consultation and ability for local residents to comment. Requests Council to undertake wider consultation on initiatives	Consultation including letters to adjacent properties, press and site notices has been undertaken in accord with protocol
Community could adjust to playing in daylight hours and inclement weather rather than rely on new floodlit facilities – this has eco/carbon neutral benefits	Noted
The fencing proposed is not necessary by which to ensure paid access to the courts and in interfering further with a wider interpretation of Community Amenity . Advantage of "free" entry shouldn't be taken conversely by the community but the attached proposal isn't the answer.	The fencing is proposed as part of the courts overall refurbishment which also includes a new surface. Review of booking facilities could be undertaken by the applicant to ensure wider community access.

Consultation responses

8. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

9. Have reviewed this application and have no comments. Further discussion – confirm light pollution can be considered a statutory nuisance under the Environmental Protection Act (as amended by the legislation quoted below), however the lighting assessment has considered the properties in the vicinity and shows there to be no luminance of the vertical plane at nearby addresses.

Sport England

10. The proposals are all part of a Norwich City Council initiative 'Norwich Parks Tennis' which is seeking to improve public access to pay and play/free to use tennis courts in the city's main parks.
11. The Greater Norwich Playing Pitch Strategy (2015) identified a need to improve public access to and availability of tennis courts in the city's main parks, and these improvements, including the installation of floodlights, will not only improve the quality of the public tennis courts within Norwich but also make them available to use all year round.
12. Sport England can confirm the Lawn Tennis Association (LTA) is fully supportive of this initiative.

13. Sport England considers that the application is consistent with our following policy objectives: Planning Policy Objective 2: enhance the quality, accessibility and management of existing facilities Planning Policy Objective 3: provide new facilities to meet existing and future demand. This being the case, Sport England offers its support to this application which will bring significant improvements to the stock of public tennis courts within Norwich and will meet an identified need as set out in the GNDP Playing Pitch Strategy (2015), as well as being a very high priority for the LTA in the East of England.
14. The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England or any National Governing Body of Sport to support any related funding application. If planning consent is granted, Sport England recommends that the following conditions are imposed: 1. Hours of use condition to cover the courts now benefitting from floodlighting.

City Council Sport & leisure development manager

15. The proposal which includes reconstruction of the existing tennis courts at Lakenham Recreation Ground and provision of floodlighting is a key element of the Norwich Parks Tennis expansion project which aims to deliver tennis provision on a sustainable basis for the future. The project which has the support of The Lawn Tennis Association and Sport England will improve the quality of provision and will considerably extend the availability of court time which will help to meet existing and future demand for the sport.

Tree protection officer

16. Has reviewed this application, and, as long as the tree protection (and mitigation) measures contained within the AIA are fully implemented has no objections to the proposal.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
18. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM5 Planning effectively for flood resilience

- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing

Other material considerations

19. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

20. Supplementary Planning Documents (SPD)

- Landscape and trees SPD adopted June 2016

Case Assessment

21. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

22. Key policies and NPPF paragraphs – JCS1, JCS2, DM1, 2, 6, 7, 8 and 9 NPPF 0, NPPF 8. NPPF paragraphs 7, 9, 14, 17, 56, 109, 118 and 126
23. There are various main policies within the DM Plan relevant to this site. Policy DM1 promotes the economic, environmental and social dimensions of sustainability including promoting mixed, diverse, inclusive and equitable communities, by increasing opportunities for social interaction, community cohesion, cultural participation and lifelong learning. Policy DM9 seeks to protect the character and historic form of locally identified heritage assets including unscheduled the historic parks from any development that would adversely affect their character. Development resulting in harm or loss will only be permitted where there are demonstrable and overriding benefits from development or where it is demonstrated there is no viable means of retaining the asset within development. Policy DM8 seeks to prevent the loss of open space or adverse impacts on such spaces and

policy DM6 and DM7 seeks to limit impacts in terms of the natural environment, whilst policy DM2 has regard to impacts on amenity.

24. The policies are generally 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. Overall the proposed development will still keep the site for suitable recreational use and; therefore, there is no policy objection in principle.

Main issue 2: Design and Landscaping

25. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
26. The development makes use of existing hard surface facilities being remodelled to provide a new surface and enclosures. Changes to the fence arrangement are minimal and involve the installation of new weldmesh fencing at a slightly increased height of 3 metres. The fence will include insertion of new access control gate. External landscape areas are mainly affected by the removal of a yew hedge along the west side of the courts to provide a new viewing area. Green space on the east side of the courts is being regraded and level access provided into the new surface area of courts.
27. An electrical feeder pillar would be located on the east side of the site close to the site entrance and would be screened from the wider area by the existing historic wall surrounding the recreation ground. The removal of the yew hedge is the main change to the landscape setting of the area. This hedge serves as a separation between the courts and reservoir site. However, the existing reservoirs are landscaped and additional tree planting is proposed along this boundary to maintain a landscaped edge to this part of the site. On balance the removal of the hedge is acceptable with this replacement planting and will further help enhance the use of the space.
28. The principal change in visual terms is the introduction of floodlighting. These changes have very limited visual or operational impact within the area. The design of the new courts is such to meet modern standards in order to attract users and to be of a form which will be more likely to attract financial support for its use. Accessible, well-lit and secure hard courts should attract players from across the City, have more use all year round, thereby generating income to maintain the courts and ensuring the use of the park throughout the year. Floodlighting will also allow the courts to be used in the early evening, again promoting activity in the park and making the area more secure.

Main issue 3: Heritage

29. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
30. The proposals respect the historic use and character of the recreation ground and are merely updating the facilities so that it can continue to function as one of Norwich's recreational spaces. It is considered that the most significant part of the character of the Park is formed by its enclosure and use around which the park was designed, not the aesthetic appearance of the park itself. Although the surface and fencing will change slightly the hard surfacing and enclosed court space is retained.

This in design and appearance will be similar to existing courts elsewhere. Additional replacement tree planting is to be provided to the west boundary and floodlights designed to limit their height and numbers whilst still enabling a useable and appropriate sporting facility.

31. The main impact will be from the lighting but these design elements seek to limit any potential visual impacts by way of numbers, position, materials and height. Therefore the degree of harm in this instance is considered to be less than substantial when considering the preservation of the significance of the heritage asset. Any harm is considered in this instance to be outweighed by the public benefits arising from improved recreational facilities and enhanced use of the site.

Main issue 4: Trees

32. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
33. The scheme is designed to take account of and seeks to retain existing trees around the site and the majority of the hedge on its south and east boundary. The partial loss of this hedge will be mitigated with replacement tree planting along the same boundary proposed as 4 additional trees with species to be agreed with the Parks officer. The development sits within the historic park and protection of existing trees thereby helps retain the significant amenity and ecological value of the landscaping within this area.
34. As part of the protection scheme construction exclusion zones are proposed and construction access limited to specific areas only. Some additional information is required in terms of tree pruning to facilitate light column installation and conditions are suggested in terms of requirement for a site meeting and submission of any required method statements for subsequent tree pruning works. It will also be important to ensure that trees and hedges to be retained are protected during construction and conditions are suggested to maintain protection and work practices during construction.

Main issue 5: Amenity

35. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
36. The potential impact on neighbouring properties from noise and floodlighting has been considered by the pollution control officer. It is also noted that artificial light pollution can be a statutory nuisance as highlighted in the Clean Neighbourhood and Environment Act 2005. The lighting assessment has considered the properties in the vicinity shows there to be no luminance of the vertical plane. Also, given that the nearest residents are a minimum of about 25 metres away and there are existing lights within this area it is considered that the proposal will have only minimal impact on the amenities of existing residents.
37. Lighting specifications and floodlight location details have been submitted with the application. Floodlighting for such activities is normally between 6 and 10 metres high. The scheme proposes a total of 10 lamps on nine 6.7 metre nominal height columns to provide a balance between light provision and visual impact on the area. Light spill assessment indicates that the lighting can be designed to limit excess levels of illumination outside the area of sport activity typical of such facilities.

38. The operation of similar facilities in Norwich has been to configure floodlights so that individual courts can be lit at any one time and lights defaulted to be off and only come on when operated by a coach or a hirer which further limits any impact should all courts not be in use. Final details of lighting are suggested to be covered by planning condition.

Main issue 6: Biodiversity

39. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
40. The submitted ecology report notes that the nearest site of biodiversity significance is County Hall Woods County Wildlife Site (CWS), which is about 300m south east at its closest point. There are no designated sites within 2km. The report indicates that the existing hard courts have no biodiversity value, and the biodiversity value of the grass bank to the south of the courts is negligible.
41. The nearby pavilion buildings are considered to have limited potential roost feature for bats and it is thought that the pavilion is distant enough and the roost feature shaded for any light spill to be of negligible impact even if roosting bats are present. Nearby trees are already in areas of high illumination or directly illuminated by existing lights. The yew hedge could be a feature potentially used by nesting birds but part removal is likely to offset by nesting opportunities within new tree planting along the west edge of the site. The report reasonably concludes that the direct and indirect ecological impacts of this scheme will be negligible.

Compliance with other relevant development plan policies

42. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition. Improved provision of cycle parking within this section of the park has been suggested which could be positioned to serve both the local shops and tennis courts without significant impact on the area. The agent is open to this suggestion and a condition is suggested requiring details of cycle parking to be submitted and agreed.
Car parking provision	DM31	Yes subject to condition. No new parking is proposed but as part of the overall tennis strategy it has been suggested that travel information could be developed to encourage modal shift away from car usage when booking and using the enhanced courts.
Refuse Storage/servicing	DM31	Not applicable – existing facilities are provided

Requirement	Relevant policy	Compliance
Energy efficiency	JCS 1 & 3 DM3	The lighting will have energy usage implications but it is expected that lighting design and control will seek to limit energy use in line with other initiatives such as redesigned street lighting with LED and demand responsive lighting as part of carbon reduction policies
Sustainable urban drainage	DM3/5	Hard court is being relayed as a new porous macadam surface. There should be no change in terms of surface water impacts.

Equalities and diversity issues

43. There are no significant equality or diversity issues. The scheme provides for accessible facilities. The supporting documents also show the intention of providing fully inclusive access and the design has been developed to give level access into the new courts.

Local finance considerations

44. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
45. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
46. In this case local finance considerations are not considered to be material to the case.

Conclusion

47. In terms of the principle of development and the siting of the facility, the scheme will provide an essential recreation and outdoor sports facility that will encourage more people to use the Park. Subject to further submission and approval of details in accordance with the planning conditions listed below the proposal represents an acceptable development that will enhance recreational facilities for the city as a whole whilst limiting impacts on the historic park, local amenity, access, biodiversity interest and landscape features. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation





To approve application no. 17/00506/NF3 - Tennis Courts, Lakenham Recreation Ground, City Road, Norwich NR1 2HG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to be submitted of travel information plan;
4. Details of Arboricultural site meeting, Method Statements including no-dig solution and tree pruning works to be agreed and implemented;
5. Works in accord with condition 4 outcomes and Arboricultural Implications Assessment, Tree Survey and Tree Protection Plan during construction;
6. Retention tree protection and no changes within areas;
7. Details of landscaping including - perimeter fencing; hard surfacing materials to courts, paths and access areas, implementation programme, tree replacement planting schedules and landscape maintenance to be agreed and implemented;
8. Details of cycle storage/parking; site lighting; operation of any site lighting to be agreed and implemented;
9. No use of lights after 22:00 hours or before 08:00 hours on any day.

Article 35(2) statement

The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

Proposals Key

- | | |
|---|---|
|  | Proposed all weather surface - finished green, laid to falls |
|  | Proposed floodlighting column 6.7m high base hinged, with metal halide fitting |
|  | Proposed floodlighting column 6.7m high base hinged, with double metal halide fitting |
|  | Proposed fence, weldmesh 3m high, with gates pedestrian access gates in location as shown |

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REVISIONS

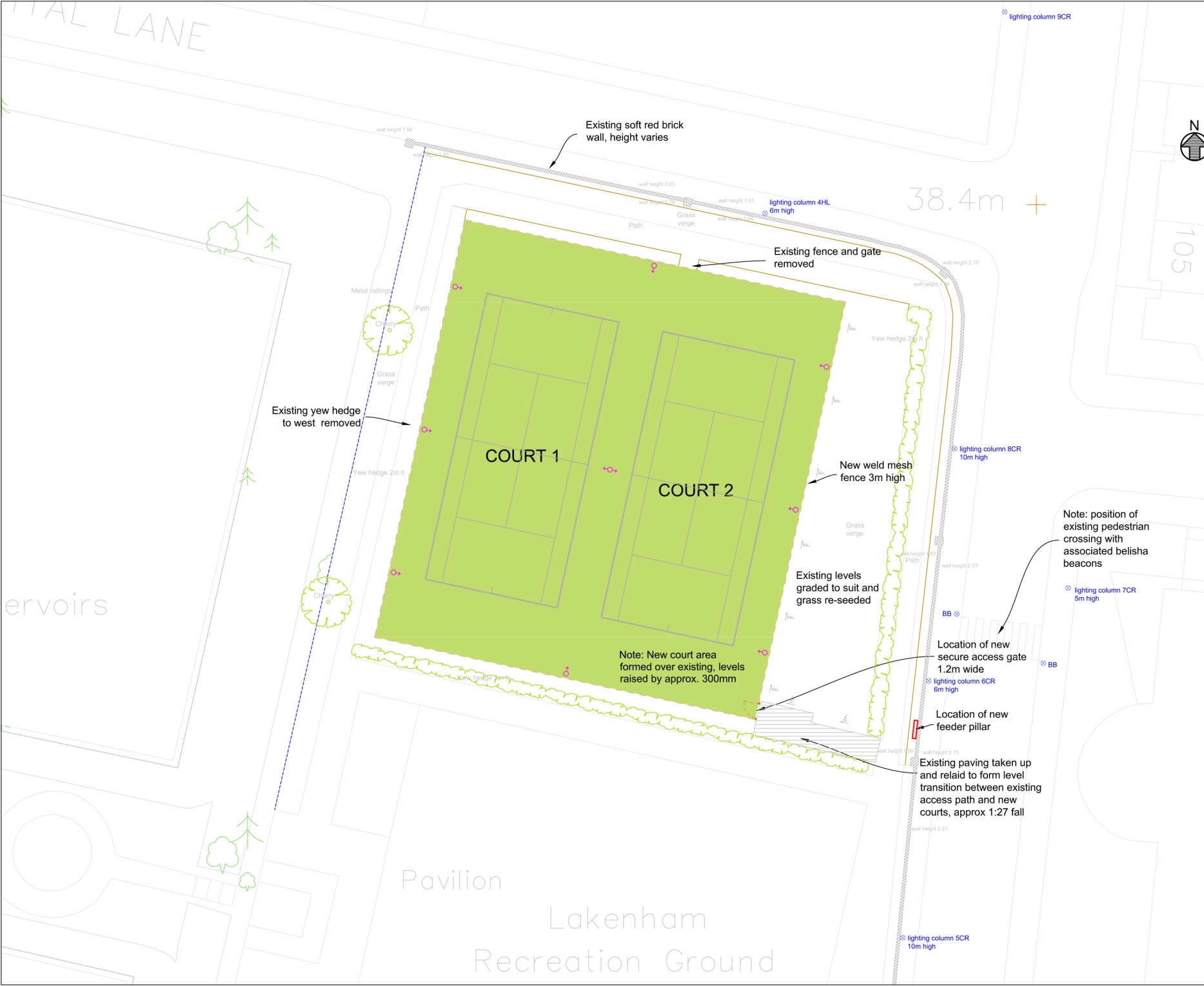
REVISIONS				
No.	Date	Notes	Int.	Chk.
A	06/03/17	Existing lighting column positions shown wall heights added	EL	
B	09/03/17	Note position amended, existing column heights confirmed, Key added	EL	

Title	Norwich Park Tennis Project Lakenham Rec Proposed Layout Plan
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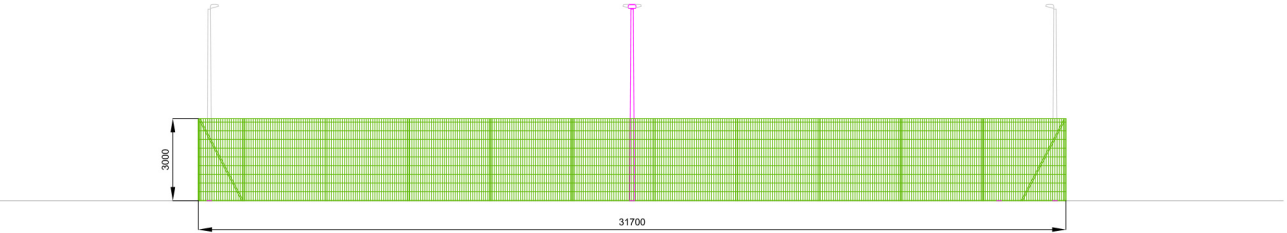
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Checked By	FI		

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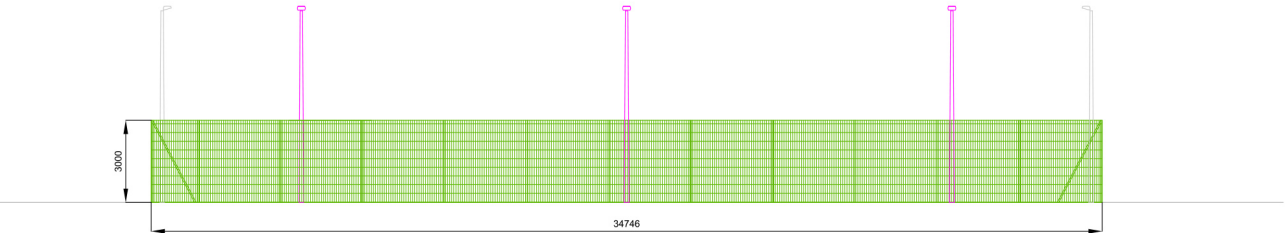




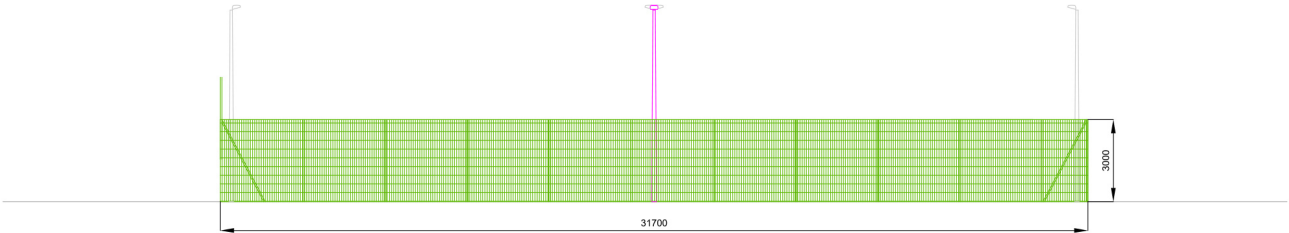
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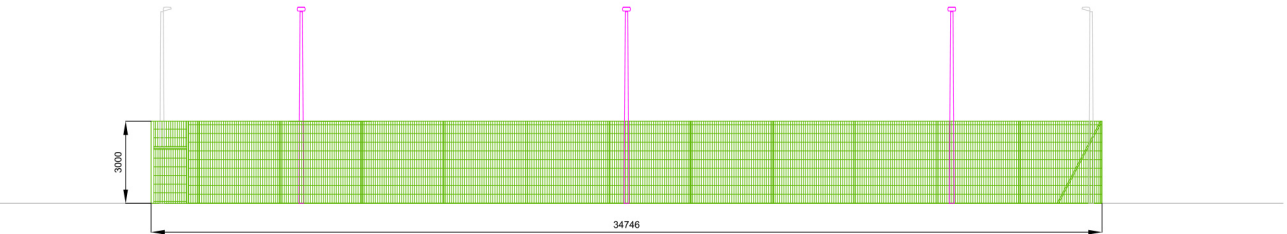
North Elevation



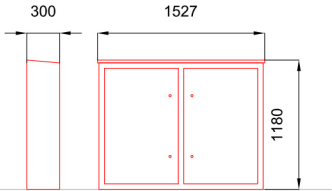
East Elevation



South Elevation



West Elevation



Typical feeder pillar detail
Scale 1:25

- Materials Schedule:**
- New fencing - 3m high weldmesh, with gates in locations as shown.
 - New floodlighting - 7m high columns with metal halide fittings (see lighting consultants drawing and information pack for additional details)
 - Court surfacing - All weather court surface, finished green and laid to falls for water runoff

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REVISIONS

No.	Date	Notes	Int.	Ctd.

Title
**Norwich Parks tennis
Expansion Project
Lakenham Rec
Proposed Elevations**

Scale(s) 1:100 @ A1

Date	10/03/17	DWG. No.	LP17/001/P404
Designed by	MF	NEG. No.	
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Checked by	EL		

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