



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 7 February 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/0914 **Erection of seasonal weather bubble protection to courts 4 and 5 at Northampton County Lawn Tennis Club, 54 Church Way, Weston Favell, Northampton**

WARD: Park

APPLICANT: Northampton County Lawn Tennis Club
AGENT: Cole and Co Architecture

REFERRED BY: Councillor Norman Duncan
REASON Impact on neighbours/ visual impact

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

Due to its siting, scale, height and massing the proposed bubble would result in a visually intrusive form of development which would significantly impact on the living conditions of existing neighbouring dwellings on Church Way contrary to Policy E20 of the Northampton Local Plan and aims of PPS1.

2. THE PROPOSAL

2.1 Full planning permission is sought for the erection of an all-weather 'bubble' over courts 4 and 5 so they are protected from inclement weather conditions to support their use during winter months (October to March).

2.2 The proposed structure would measure a height of approximately 9 metres above ground level. It would be constructed of "plastic

membrane”, lit by existing floodlights around the courts and inflated / supported by “fans” to the northern side of the structure.

- 2.3 The structure would be removed after March and erected again the following October for the winter tennis season.

3. SITE DESCRIPTION

- 3.1 The site comprises an existing tennis club with access taken from Church Way, Weston Favell. The club comprises a total of 11 courts and is surrounded by residential properties. The site is adjacent to the Weston Favell Village Conservation Area and is situated within an area characterised by detached properties to the north, east and south.

4. PLANNING HISTORY

- 4.1 The tennis club have had numerous planning permission granted over the years from 1959 to the present day for various development associated with the tennis club use.

5 PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
PPS23 - Pollution Control
PPG17 - Planning for Sport, Open space and Recreation
PPG24 - Noise

5.3 Northampton Borough Local Plan

L1 - Existing Leisure
E20 – New Development
E26 - Conservation Areas

6 CONSULTATIONS / REPRESENTATIONS

- 6.1 **Public Protection (NBC)** - No objection subject to suitable noise conditions to ensure that the emissions referred to in the report are not exceeded. We envisage that there would be some reflection of light that would emphasise the appearance at night and an assessment of the effects would have to be carried out by a lighting expert.

6.2 **Built Conservation (NBC)** - As the structure will be more than 80metres away from the public highway I am uncertain as to how detrimental the visual impact will be on the character and appearance of the conservation area. Depending on how the bubble would be illuminated the impact could be quite severe however if the bubble were merely visible it would not necessarily warrant an objection on grounds of impact on character. Either way the bubble will present a very incongruous feature in what is a traditional setting and it is unfortunate that the applicant has chosen to locate the bubble on courts near to residential properties. It is a concern that there are no details that provide a reasoned assessment of what the visual impact would be plus a detailed assessment of how the bubble will be lit up.

6.3 **Councillor Norman Duncan** has referred to the application to Committee on the grounds that the proposal would have an adverse visual impact on number 70 Church Way.

6.4 A total of **21 neighbours** have been consulted and letters of objection received from numbers **54, 68, 70, 72 and 74 Church Way** on the following grounds:

- Impact on view from our garden
- Noise from fans and their continuous droning
- Reflection of existing flood lighting from proposed bubble
- Concern that the club have not considered better siting the structure on other courts
- Details of proposed dome are vague
- Would be out of keeping with the immediate environment
- Details of proposed dome are vague
- Concern on how dome would be cleaned and may appear “dirty”
- Loss of light
- Concern that club in future may wish to extend period of approval
- Concern on how bubble is to be attached to ground
- Impact on wildlife from increased light and noise
- Effect on conservation area
- Is little opportunity for screening
- Light pollution
- Out of keeping with residential area
- Overbearing impact of bubble

6.5 **2 letters of support** received from 66 Church Way and from British Lawn Tennis Association.

7 APPRAISAL

Main issues

7.1 The principal considerations are the impact on the amenity and living conditions of adjoining neighbours in terms of noise and visual intrusion

and whether the proposal would have an acceptable impact on the nearby Conservation Area.

Policy context

- 7.2 Saved Policy E20 of the Northampton Local Plan is of particular relevance to this proposal as it relates to the design of new development. Whilst it refers specifically to new buildings and extensions the intentions and thrust are still pertinent to this proposal.
- 7.3 The policy states that planning permission will be granted subject to design which reflects the character of its surroundings in terms of layout, scale, siting, form and materials and the development being designed, located and used in a manner to ensure adequate standards of privacy, daylight and sunlight.
- 7.4 PPG24 "Planning and Noise" details guidance on how development should minimise impact on residential properties in terms of noise. As the use is likely to generate some noise associated with the proposed fans and general additional use of the courts for the playing of tennis noise is a material planning consideration.
- 7.5 Paragraph 20 of PPG17 "Planning for Sport, Open Space and Recreation" urges local authorities when considering where to locate sports facilities to avoid any significant loss of amenity to neighbouring uses, improve quality of the public realm through good design and consider recreational needs of visitors.
- 7.6 As the site is close to the Weston Favell Village Conservation Area PPS5, which relates to new development affecting conservation areas and heritage assets, is also of relevance.

Visual Impact / Neighbour Amenity

- 7.7 The proposed bubble would be up to 9 metres high and 34m long and conspicuous from the rear gardens of some of the properties on Church Way. Whilst it is acknowledged that the proposed structure would be over 35 metres away from the rear elevations of these houses, the bubble would be highly visible from these properties due to its proximity to the common boundary and its overall scale. Its visual impact would be particularly marked by its incongruous appearance.
- 7.8 It is considered that the proposal would not have a significant impact on light or be particularly overbearing in a conventional sense due to its form and separation from the neighbouring houses. Nonetheless, given its scale, height and starkly contrasting appearance, it is considered that it would detrimentally impact on the outlook currently enjoyed by these neighbours, particularly that of 70 Church Way causing unacceptable harm to their amenity.

- 7.9 Overall therefore Officers consider that the proposed structure would introduce a feature that would appear incongruous and cause harm to neighbouring residential amenity contrary to Policy E20 of the Northampton Local Plan which encourages new development which has an acceptable impact on neighbouring amenity.
- 7.10 The proposal would help promote the use of the existing facilities at the site in line with the aim and objectives of PPG17 and Local Plan Policy L1. However, it is not considered that improvements to these facilities offered by the proposal are sufficient to outweigh the policy objection identified above.
- 7.11 No new lighting is proposed by the current application. Courts 4 and 5 already have floodlighting and this would be shone through the proposed bubble to illuminate the courts when in use. Use of the floodlights is limited to 10pm. Light intrusion is issue raised by some of the objectors and the Council's Environmental Health Officer considers that this may be of some concern. The illumination of the courts required during hours of darkness and as permitted by the planning permission for the existing floodlights would further exacerbate the visual impact identified above to the detriment of residential amenity.

Noise / Disturbance

- 7.12 The existing floodlights are permitted to be used up to 10pm on any evening. Although there is likely to be an increase in activity resulting from the increased use of courts 4 and 5, any additional disturbance created from this alone would be unlikely to be significant.
- 7.13 The applicant has submitted a detailed noise survey in support of the application in respect of the fan equipment required to inflate / support the bubble. This has been reviewed by the Council's Environmental Health Officers and subject to the imposition of conditions it is being concluded that noise arising from the proposed equipment would be limited to an acceptable level.

Character and Appearance of Conservation Area

- 7.14 Given that the proposed development would not be prominent from Church Way or from the public domain it is considered that there would only be limited effect on the appearance and character of the Conservation Area bearing in mind that the site lies outside its boundary. The Borough Conservation Officer acknowledges that given the large separation distance from the highway (approximately 80 metres) that there would unlikely be a detrimental impact on the conservation area. Nonetheless the Officer also notes that the proposed development may present an incongruous form of development given that it would be sited within a traditional setting and

that the submission lacks detail of how the bubble would be illuminated.

Neighbour Representations

- 7.15 The main concern from neighbours relates to the noise from proposed fans, visual impact of the proposed bubble and its effect on the residential amenity of structure. These issues have been discussed above.
- 7.16 The concern in terms of impact on wildlife is unlikely to be a fundamental problem as the greater site would remain relatively open and it is not located in any areas of special protection.

8 CONCLUSION

- 8.1 For the reasons cited the proposed development is considered unacceptable as it would have a significant detrimental impact on the residential amenity of the locality contrary to local and national planning policy and is therefore recommended for refusal. While it is recognised that the proposed development would bring benefits to the community in terms of enhancing an existing leisure facility, this does not outweigh the negative impacts on neighbouring properties as detailed above.

9 BACKGROUND PAPERS

- 9.1 N/2011/0914.

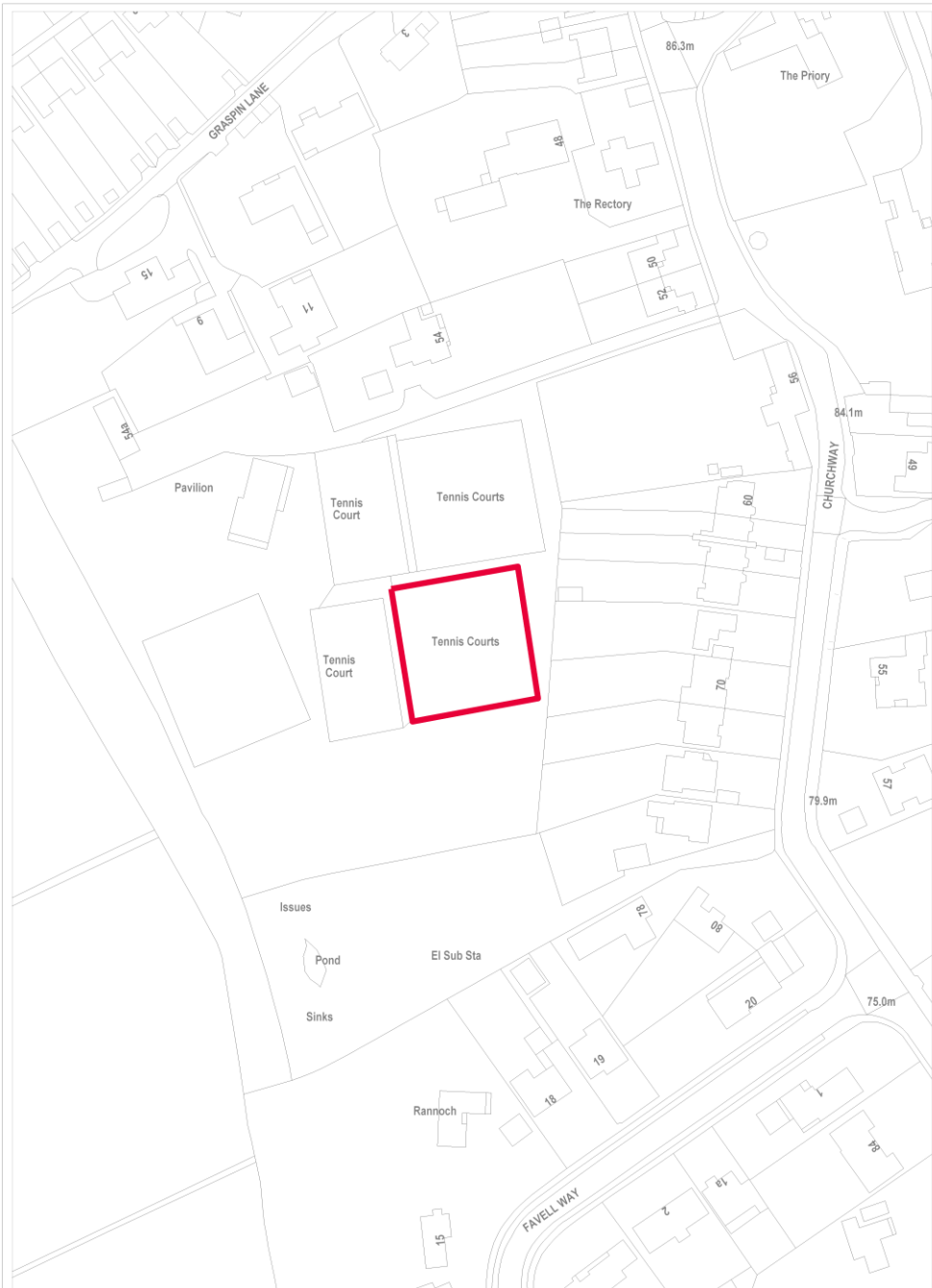
10 LEGAL IMPLICATIONS

- 10.1 None.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Jonathan Moore	16/01/12
Development Control Manager Agreed:	Gareth Jones	24/01/12



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Name: Charis Holder Date: 25th January 2012 Scale: 1:1250 Dept: Planning Project: Site Location Plan</p>	<p>Title 54 Church Way</p> <p>Produced from the 2011 Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence number: 100019655</p>
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