## **9. 18/0178/FUL - The refurbishment of existing tennis courts and multi use games area (MUGA) including the removal of adjacent skateboard park, resurfacing of tennis courts, new enclosure, construction of a single storey timber hut, provision of ramps to the gates and provision of outdoor table tennis tables at MANOR HOUSE SPORTS COMPLEX, GALLOWS HILL LANE, ABBOTS LANGLEY for Mr T Perkins**

(DCES)

|  |  |
| --- | --- |
| Parish: Abbots Langley | Ward: Abbots Langley and Bedmond |
| Expiry of Statutory Period: 04.04.2018 | Case Officer: Lauren Edwards |

# Recommendation: That Planning Permission be granted

# Reason for consideration by the Committee: The application is the Parish Council in conjunction with the Leisure department at Three Rivers District Council

# **Relevant Planning History**

## 8/158/75 - Temporary office building - Permitted - 15.04.1975

## 8/641/76 - Renewal temporary pavilion – Permitted - 18.11.1976

## 1.3 8/482/83 - Cricket pavilion – Permitted - 12.01.1984

## 8/56/87 - Erection of lobby extension - Permitted - 26.02.1987

## 1.5 8/60/87 - Erection of four 6 metre high floodlights - Permitted - 26.02.1987

* 1. 8/67/92 - Single storey side extension - Permitted- 26.03.1992

## 1.6 94/323/8 - Extension to tennis courts and construction of floodlighting and other illumination Permitted - 15.11.1994

## 01/01670/FUL - Two storey rear extension and additional first floor - Permitted - 21.02.2002

## 1.8 16/2444/FUL - Replacement play equipment and associated alterations including to landscaping and boundary with change from three separate areas to one - Permitted - 03.01.2017

## 17/0180/NMA - Non Material Amendment to planning permission 16/2444/FUL: Alterations to relocate play tower and retain rocking horse - Permitted - 15.03.2017

## 1.10 17/0184/DIS - Discharge of Conditions 3 (Construction Management Plan), 5 (Tree Protection) and 6 (Arboricultural Method Statement) pursuant to planning application 16/2444/FUL - Determined.

# **2. Description of Application Site**

## 2.1 The application site has an area of approximately 210sqm set within Manor House Ground sport complex, which in its entirety has an area of approximately 7.4ha.

## 2.2 The application site currently comprises an area enclosed by fencing and consisting of 2 tennis courts and a Multi-Use Games Area (MUGA). This enclosed area has a width of 58.1m and a depth of 36m. To the north east of the enclosed area is a small skate park which has an area of 317sqm.

## 2.3 The application site is sited to the north east of Manor House Grounds and is accessed via existing footpaths adjacent to the car park to the east and from the south.

## 2.4 The closest neighbours are along the cul-de-sac of Standfield who are a minimum of approximately 85m from the north of the enclosed area.

## 2.5 A small section of the south eastern edge of Manor House Sports Ground is located within the Abbots Langley Conservation Area.

# **3. Description of Proposed Development**

## 3.1 The application seeks planning permission to refurbish the existing tennis courts and MUGA.

## 3.2 This would include the reduction in the width of the existing enclosed court area to 46.33m from 58.1m and the addition of one tennis court within this area. Each tennis court would be slightly narrower than those existing in order to accommodate the additional court. A MUGA would also be retained at a reduced width. The surface of the tennis courts and MUGA will be renewed in Tarmacadam and will be red or green in colour. The existing MUGA rebound board will also be renewed.

## 3.3 This area would be enclosed by fencing at the same height as existing (3m) and would be double wired Rigid Weld Mesh with panels secured to posts. The fencing and posts would all be dark green in colour. The fence will enclose the tennis courts and MUGA with a dividing fence between the two types of courts. The access steps would also be replaced. Whilst the fence would be retained between the enclosed area and the visitor’s seating area level access would be available from this side owning to the slightly changing land levels.

## 3.4 The existing skate park would be removed and a smaller area, 5.25m x 29.9m, would be occupied by visitors seating. ‘Seating Sails’ would also be included which would be 25sqm with a maximum height of 3m, sloping to 2.6m. The post would be ‘emerald green’ and the sails would be ‘natural’. This area would also include 2 table tennis tables. Level access will also be provided between the seating area and tennis court to provide level access.

## 3.5 To the north eastern corner of the site an outbuilding would be constructed which would have a maximum height of 2.45m, front eaves height of 2.14m and rear eaves height of 2.25m with an off-centre pitch to the roof. The outbuilding would have a width of 5.5m and depth of 3.5m. The outbuilding would be constructed of timber with doors and two windows within the front elevation and would accommodate a tennis hut.

## 3.6 The application form outlines that the tennis hut is for the users of the tennis courts to leave their personal belongings in a secure place when it is manned.

# **4. Consultation**

## **4.1 Statutory Consultation**

### 4.1.1 Abbot Langley Parish Council:

Members declined to comment on this application as it is freeholder of the Manor House playing fields.

### 4.1.2 Hertfordshire County Council – Highway Authority: (No objection)

**Decision**  
Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HIGHWAY INFORMATIVE:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website*

*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.*

**COMMENTS:**

The application comprises of works to the existing sports facility at Manor House Sports Complex, Gallows Hill Lane, Abbots Langley. Gallows Hill Lane is designated as a classified ‘C’ local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

HCC as Highway Authority considers that the works would not to have a significant or detrimental impact on the local highway network. HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above highway informative.

### 4.1.3 Herts Archaeology: (No objection)

Thank you for consulting me on the above application. In this instance I consider that this proposal is unlikely to have a significant impact on heritage assets of archaeological interest, and I therefore have no comment to make. Please do not hesitate to contact me should you require any further information or clarification.

### 4.1.4 Development Plans: (No objection)

The application site is designated as open space, an allocation which has been retained in the adopted Site Allocations LDD (adopted 2014). A Strategic Objective for the Council, as set out in the Core Strategy (adopted 2011), is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles. This can be met by supporting the location and provision of suitable open space and sports facilities to increase opportunities to exercise. The proposal will result in an improved facility at the Manor House Ground Sport Complex and therefore contributes to meeting Strategic Objective 11. Policy PSP2 of the Core Strategy states that the Council will improve provision of, and access to, services and facilities, to meet future demands. The improvement of outdoor leisure facilities for residents of Abbots Langley is identified as a specific pathway towards achieving Policy PSP2. The proposal is therefore in alignment with Policy PSP2. National Planning Policy Guidance 17: ‘Planning for open space, sport and recreation’ advises that local authorities should seek opportunities to improve the value of existing facilities. This proposal follows this guidance.

The application proposes to remove the existing skateboard park. Policy DM11(a) states that development proposals which result in the whole or partial loss of existing open space, sport and recreation facilities will only be permitted where:

1. The proposed development includes provision for open space, sports and recreation facilities of sufficient benefit to recreation provision to outweigh the loss or
2. Alternative provision of equivalent or better quality is made for the catchment area served by the open space, sport and recreation facilities in an accessible location served by sustainable modes of transport or
3. The proposal is ancillary to an existing leisure use serving the catchment area or
4. A deficiency of open space, sport and recreation facilities is not created through or exacerbated by its loss, now or over the plan period.

The National Planning Policy Framework similarly states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless ‘the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location’, amongst two other exceptions. It is the intention of the Council to relocate the existing skateboard park to a nearby area at a later date. It is recognised that the proposed development includes provision for open space, sports and recreation facilities of sufficient benefit to outweigh the loss of the skateboard park, thereby complying with Policy DM11. The refurbishment of the existing tennis courts and MUGA and the provision of new facilities constitute better provision in terms of quantity and quality and therefore, the proposal can be seen to align with national policy. In addition, the provision of a better quality skateboard park in an accessible location at a later date offsets the removal of the skateboard park as part of this proposal.

### 4.1.5 Sport England: (No objection)

Thank you for consulting Sport England on the above application.

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| --- |
| **Summary**:  Sport England raises **no objection** to this application which is considered to meet exception E5 of our adopted Playing Fields Policy, **subject** to a condition relating to the submission and approval of the details of the design of the proposed tennis court and MUGA enhancements as set out below. The proposal is supported in principle as a non-statutory consultee. |

**Sport England – Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years,  as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England’s policy on planning applications affecting playing fields ‘A Sporting Future for the Playing Fields of England’ (see link below): [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

**The Proposal and Impact on Playing Field**

The proposal involves the refurbishment of the tennis courts and multi-use games area (MUGA) at the Manor House Grounds Sports Complex. This will involve improving the surfaces and replacing the fencing around the facilities as well as the provision of seating, table tennis tables and a hut to support the management of the facilities on the adjoining skate park area.

**Assessment against Sport England Policy**

As the application relates to the provision of an enhanced outdoor sports facility, it therefore needs to be considered against exception E5 of the above policy, which states:

* E5 - 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.

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E5.

*Sports Development Benefits*

The proposals would collectively intended to address qualitative deficiencies of the tennis courts and MUGA and improve the experience for the users of the sports complex. The improvements to the surfacing and fencing of the tennis courts and MUGA would be expected to improve the performance for competitive, training and informal sports use of the facilities while potentially improving safety as well. The proposals for seating and a management hut adjoining the tennis courts would improve the ancillary facilities that support the tennis courts by providing spectator and management/storage facilities that would assist with the operation of the site.

*Impact on Playing Field*

In terms of the impact on the playing field, the enhancement works would be limited to the footprint of the existing hard surfaced areas covered by the tennis courts, MUGA and skate park and would not appear to encroach onto the adjoining natural turf playing fields. As set out above, the impact on the tennis courts and MUGA would be positive because qualitative enhancements are proposed that would improve the facility for its users.

**Conclusion**

Given the above assessment, Sport England **does not wish to raise an objection** to this application as it is considered to meet exception E5 of its Playing Fields Policy i.e. the potential sports development benefits associated with the proposed tennis courts and MUGA and enhancements would outweigh any detriment. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

* Tennis Court and Multi-Use Games Area Design Details:  As the technical details for the improvements to the surfacing and replacement fencing of the tennis courts and MUGA are not available at this stage, details (e.g. contractor’s specification for the proposals for resurfacing or surfacing repairs, fencing specification etc.) will need to be submitted prior to commencement of development to demonstrate that the detailed design of the improvements are appropriate.  This is justified to ensure that the facilities deliver the benefits to sport identified above in practice and to ensure that the enhanced facilities are fit for purpose.  It is requested that the following condition and informative be imposed on any planning permission to address this matter (which is based condition 9 of our model conditions schedule <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-applications/> ). The Lawn Tennis Association (LTA) have also requested that these details be submitted and approved so that their suitability can be assessed before the development is implemented.

*“No development shall commence until details of the design of the surfacing and fencing of the tennis courts and multi-use games area have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works to the tennis courts and multi-use games area shall not be constructed other than in accordance with the approved details.*

*Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy \*\*.*

*Informative: The applicant is advised that the design and layout of the [sports facility] should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport. Particular attention is drawn to Sport England’s ‘Artificial Surfaces for Outdoor Sports’ guidance note (2013)* [*www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/*](http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/) *and the LTA’s Porous Macadam Tennis Courts guidance note* [*https://www.lta.org.uk/venue-management/facilities-advice/*](https://www.lta.org.uk/venue-management/facilities-advice/) *.*

If you wish to amend the wording or use another mechanism in lieu of the above condition, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

**Comments made as a Non-Statutory Consultee**

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make comments on the following issues:

Principle of the Development

Sport England has assessed the application in the light of its Planning for Sport Aims and Objectives Guide (2013) [www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/](http://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/) which is consistent with the NPPF.   Objective 2 of this guide relates to ensuring that the best use is made of existing facilities in order to maintain and provide greater opportunities for participation and to ensure that facilities are sustainable. The proposed development would provide an enhanced sports facility that would offer the potential to help address local formal and informal outdoor sports needs as set out above.  The proposals are considered to meet the above objective therefore.  Sport England would therefore wish to confirm its **support** for the principle of the proposed development as a non-statutory consultee.

The LTA are also supportive of the principle of the proposal but have advised the applicant to consider installing an online booking and gate access system for the tennis courts that would improve capture of data and finance for sustainability of the facilities.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

### The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support any related funding application.

### 4.1.6 Leisure Development Manager: No response received.

### 4.1.7 Landscape Officer: (Conditions requested)

There are a number of mature trees to the north of the MUGA and tennis courts. Only the trees around the N.W. corner are close enough to be potentially impacted on by the proposed works. Most of the works will be carried from within the existing footprint and will not impact at all on the surrounding trees.

It is likely that the installation of the new fencing will require excavations and works access close to or within the root protection area (R.P.A.) of the trees close to the N.W. corner. In order to minimise the impact on the trees it will be necessary to install ground protection for the working area outside of the existing footprint where this extends into the R.P.A. of any of the trees. Details of this should be outlined in a method statement which should also include a plan showing the proposed locations for the storage and mixing of materials.

Recommend consent subject to the following condition:

Method statement- Details

No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of tree protection measures, timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

### 4.1.8 National Grid: No response received.

## **4.2 Public/Neighbour Consultation**

### 4.2.1 Number consulted: 105 No responses received: 1

### 4.2.2 Site Notice: Posted 09.02.2018 and expired 02.03.2018

### 4.2.3 Press notice: Published 16.02.2018 and expired 09.03.2018

### 4.2.4 Summary of Response:

In support of the developing of the sport facilities at Manor House however a number of concerns and questions are raised:

* Design poorly thought out
* Have local residents, sports clubs and other stakeholders been consulted on community needs
* Question regarding need the increase the number of courts
* Questions regarding plans for basketball court adjacent
* Question regarding need for basketball and MUGA
* Possibility for an astro turf area
* Query regarding the use of the wooden hut
* Potential for partnership between cricket and football club
* Similar facilities at Leavesden Park

# **5. Reason for Delay**

## 5.1 Not applicable

# **6. Relevant Planning Policy, Guidance and Legislation**

## 6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## 6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP12 and PSP2.

The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include DM3, DM6, DM9, DM11, DM12 and DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA5 is relevant.

## 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

# **7. Planning Analysis**

## 7.1 Principle of Development

### 7.1.1 Strategic Objective 11 of the Core Strategy is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles and identifies that the provision of suitable open space, children’s play space and sports facilities can increase opportunities to exercise as part of a healthy lifestyle.

### Policy DM11 of the Development Management Policies document refers specifically to Open Space, Sport and Recreation Facilities and Children’s Playspace and states that open spaces, sports and recreation facilities and children’s play spaces perform important functions within communities and contribute significantly to quality of life. The policy advises that proposals for new open space, sport and recreation facilities and Children’s playspace will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.

### Core Strategy Policy PSP2 Paragraph m, part xv sets out that development in Key Centres should improve the provision of and access to facilities and services including improving outdoor leisure facilities within Abbots Langley.

### 7.1.4 The site is within a designated open space and Policy SA5 of the Site Allocations document sets out that sites allocated as open space will generally be safeguarded as open spaces. The proposal within the footprint of the existing Tennis Courts and Skate Park will provide an additional court and improved facilities whilst retaining the same amount of open space. It is not considered that the development would result in change of use of the land.

### 7.1.5 Sport England have also commented on the application to outline that they raise no objection to the application subject to a condition in relation to surface materials.

### The proposed facilities would serve the local community and would improve and enhance a courts and games area. Impact on character and amenity are discussed in the relevant sections below but in principle, the proposed development would be in accordance with Core Strategy Strategic Objective 11 and Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

## Design & Impact on Streetscene / Character & Appearance of Conservation Area

### 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'. The south eastern edge of Manor House Sports Ground is located within the Abbots Langley Conservation Area and as such Policy DM3 is relevant. Policy DM3 is therefore relevant and stipulates that, within Conservation Areas development will only be permitted if the proposal:

### Is of a design and scale that preserves or enhances the character or appearance of the area

### Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context

### Does not harm important views into, out of or within the Conservation Area.

### 7.2.2 The proposed development would be sited within the footprint of the existing tennis courts and MUGA. Whilst there would be an additional court and the introduction of a seating area and tennis hut, it is not considered that this would appear at odds with the existing use.

### 7.2.3 The proposed tennis hut would be relatively modest in both its height (2.45m) and footprint (21sqm). Given this in addition to the use of timber and that it would be sited within the existing extent of hardstanding it is not considered that it would appear as an incongruous or excessively prominent addition within the context of sports grounds.

### 7.2.4 The fencing surrounding the tennis courts and MUGA would be dark green and of a comparable height to the existing fencing. Given the use of appropriate colours it is not considered that the proposed replacement fencing would appear at odds within the context of the sports ground or when viewed against the existing situation.

### 7.2.5 Seating sails are proposed to the north east of the main courts within the visitors seating area to provide cover and shade. Given their modest height with a maximum of 3m sloping to 2.6m in addition to the open sided nature together with the use of sympathetic colours, green and natural, it is not considered that the proposed sails would appear incongruous or unduly prominent within the setting of the sports ground.

### 7.2.6 Whilst it is acknowledged that some vies may be had of the development from the Conservation Area it is not considered that the development would result in any additional impact when compared with the existing situation. As such the proposed development would not result in a detrimental impact to the character or appearance of the area or views into or out of the Conservation Area.

## 7.3 Impact on amenity of neighbours

### 7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM9 of the DMP LDD advises that development should not result in noise or disturbance nor should external lighting adversely impact neighbouring amenity.

### 7.3.2 It is acknowledged that there would be an additional court proposed and a seating area proposed in place of the existing skate park. Given the existing use and that the proposal would be contained within the existing footprint and that the closest neighbours are sited in excess of 80m from the courts it is not considered that unacceptable harm to neighbouring amenity would occur when compared with the existing situation.

### 7.3.3 The original planning permission for the floodlights restricted their operation to 10pm in the evening. Whilst no additional floodlights are proposed it is considered appropriate for this condition to remain to prevent adverse impact to neighbouring amenity.

### 7.3.4 The proposed outbuilding would be sited off the northern boundary of Manor House Grounds and would be well screened by mature boundary vegetation. Given this and the separation distances from residential properties it is not considered that it would have a detrimental impact on neighbouring amenity. Opening hours of the tennis hut will be restricted to 07:00 to 21:00 hours daily and its use will be restricted by condition to ensure that it is used solely for purposes of the storage of equipment, personal belongings and admissions associated with the use of the tennis courts and MUGA on the site.

### 7.3.5 As such, subject to conditions, it is not considered that the proposed development would result in detrimental harm to neighbouring amenity when compared with the existing situation.

## 7.4 Safety and Accessibility

### 7.4.1 Policy CP12 of the Core Strategy states that development should design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places, and that it should be accessible to all potential users.

* + 1. There are existing pathways which are accessible for wheelchair users and pushchairs. The submitted documentation advises that level access would be achieved following the development to allow entry from the seating area to the courts.

### The equipment to be used and the surface to be used is Tarmacadam. Given the comments made by Sport England and that the proposed colour has not been confirmed it is considered appropriate to require further details of the surface material to be submitted via condition.

* + 1. No objection is therefore raised to the proposed development in terms of safety and accessibility and it is considered acceptable in accordance with Core Strategy Policy CP12.

## 7.5 Parking and Access

7.5.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.5.2 The proposal would not generate additional parking requirement with parking provision available on existing car parks to the south and east of the site. Currently these facilities have free parking for 2 hours with pay and display for longer stays. The Highways Officer has also raised no objection to the proposed development.

7.5.3 Thereby, the proposal would be acceptable in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 7.6 Trees and Landscaping

* + 1. The application site includes a number of mature trees. Policy DM6 of the Development Management Policies LDD advises that proposals for new development proposals are expected to retain as many trees and hedgerows as possible, particularly those of local amenity and nature conservation value and that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.
    2. The Landscape Officer has commented to advise that, given the proximity of the works to the trees within the north western corner of the site, it is considered appropriate to require a method statement to be submitted to and approved in writing by the LPA prior to the commencement of works.

## Archaeology

* + 1. The application dwelling is located within a site of Archaeological importance and therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is applicable.
    2. Herts Archaeology have reviewed the application and considered that the proposal is unlikely to impact on heritage assets and therefore raise no objections.
    3. It is not therefore considered that the proposal would result in detrimental harm in this respect.

## Biodiversity

* + 1. Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
    2. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

* + 1. Given the existing use of the site and that the proposed development would be contained within the existing hardstanding in addition to the external lighting already being in situ it is not considered that the proposed development would result in detrimental harm in this respect.

# **8. Recommendation**

## 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions

## C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

## C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0336.005 Rev C, 0336.002, 0336.000, TRDC 001 (Timber Outbuilding), TRDC 002 (Sail Shades).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) Policies DM3 DM6, DM9, DM11, DM12 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA5 of the Site Allocations LDD (adopted Nov 2014).

C3 The external lighting as shown on approved plan 0336.005 Rev C shall not be used outside the hours of:

8:00am and 10:00pm Monday to Saturday; and

8:00am and 8:00pm on Sunday and public holidays.

Reason: To balance illuminating the sporting facility for maximum use while ensuring that the amenities of the adjoining residential properties are not adversely disturbed after those times in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM9 and DM12 of the Development Management Policies LDD (adopted July 2013).

## C4 Prior to the commencement of works further details of the proposed surface materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: This is a pre - commencement condition to provide a satisfactory development and ensure that the surfacing is built to appropriate standards in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

## C5 The tennis hut hereby permitted shall not be used outside of the hours 07:00 and 21:00 daily.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

## C6 The proposed fencing hereby approved shall be finished in dark green RAL6005.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## C7 The proposed ‘Sail Shades’ hereby approved shall be finished in dark green RAL6005 with ‘natural’ material.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## C8 The tennis hut hereby permitted shall be used solely for the storage of equipment, personal belongings and admissions in relation to the use of the onsite tennis courts and MUGA. The tennis hut shall not be used for any other purpose.

Reason: To ensure the use is directly associated with the use of the Tennis Courts and MUGA in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

## C9 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of tree protection measures, timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives

## I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse).

Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

## I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

## I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

## I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

## I5 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways->roads-and-pavements.aspx or by telephoning 0300 1234047.