



<b>Development Control Committee</b>	<b>Thursday, 15 August 2024</b>	<b>Matter for Decision</b>
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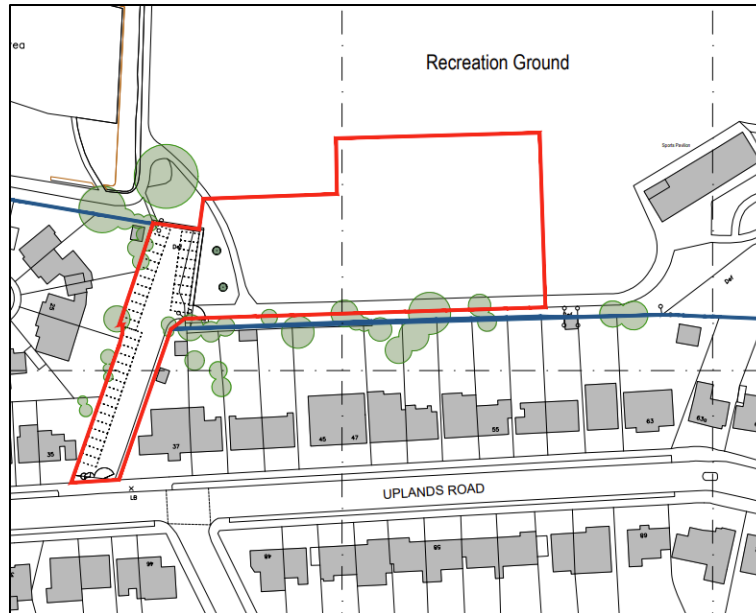
**Planning Application:** **Uplands Park Tennis Courts (No. 23/00467/FUL)**

**Case Officer:** **Tracey Carey (Principal Development Control Officer)**

<b>Site Address:</b>	Uplands Park, Uplands Road, Oadby, Leicestershire.
<b>Application Description:</b>	Formation of 3 No. tennis courts, associated fencing plus amendments to existing footpaths and car parking to provide improved access.
<b>Purpose of Report:</b>	Highlight to Members the key aspects of the planning application and the Officer recommendation.
<b>Recommendation(s):</b>	<b>Planning Application reference no. 23/00467/FUL be permitted subject to conditions.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Teresa Neal (Strategic Director) (0116) 288 8961 <a href="mailto:teresa.neal@oadby-wigston.gov.uk">teresa.neal@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of the Built Environment) (0116) 0116 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy &amp; Development Manager) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p> <p>Tracey Carey (Principal Development Control Officer) (0116) 257 2720 <a href="mailto:tracey.carey@oadby-wigston.gov.uk">tracey.carey@oadby-wigston.gov.uk</a></p>
<b>Report Implications:-</b>	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications arising from this report.
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.

<b>Consultees:</b>	The consultees are as set out at paragraph 4 of this report.
<b>Background Papers:</b>	Search application reference no. 23/00467/FUL via <a href="#">Public Access</a> to access all available documents (e.g. assessments, plans, forms etc.)

## 1. Site and Location



- 1.1 The application site is located within the grounds of Uplands Road Park, and towards its southern boundary. The park is situated in a predominately residential area of Oadby, with residential properties adjacent to all boundaries.
- 1.2 The application site is accessed from the parks existing access and parking area (off Uplands Road). The closest building to the application site is the Cricket Pavilion to the east. There are also residential properties to the south (No.s 37 to 63 Uplands Road), whose rear gardens back onto the park. The neighbouring residential properties to the south of the application site are two storey in height of similar design with relatively large long gardens to the rear. The majority of this boundary with the park is well treed and hedged.
- 1.3 The application proposal is for additional sports facilities on a park already accommodating, football and cricket facilities as well as changing facilities and a pavilion. The proposed scheme is therefore considered to be an appropriate addition to the parks existing facilities.

## 2. Description of Proposal

- 2.1 The application is for the formation of 3 no. hard surfaced tennis courts, associated fencing enclosure, plus amendments to existing footpaths and car parking to provide improved access to the proposal site. The proposed tennis courts are an additional resource for the Borough and will benefit the local community since the 'end of life' tennis courts at Ellis Park were closed in November 2023. The courts will be available for hire to the community and promoted to schools, clubs and other associations. It is intended that electronic gate access technology will be provided to manage access to the courts through web based booking systems.
- 2.2 The dimensions of each tennis court (orientated north-south) will be approximately 11.0m wide x 24.0m in length. The associated fencing design will consist of a 3.6m high paladin style fence that will be located along the perimeter of the 3 courts; the dimensions being

circa 49m wide across the northern and southern elevations and circa 37m across the east and west elevations.

- 2.3 The amendment to the existing footpath will include an additional 'sweep' of pathway that connects the car park to the tennis courts, as well as the existing footpaths to the west and south. The existing bow top fencing will be rearranged around the new car park extension. The new footpath will accommodate 9 no. of low level bollard lighting columns (Thorn Thor LED bollard – c. 1.00m high) integrated into its design.
- 2.4 The amendments to the existing car parking at Uplands Park will include an additional 4 no. car parking spaces, 2 no. of which are accessible car parking bays, as well as ancillary cycle parking added to encourage active and sustainable travel to Uplands Park. There will be a net increase of 1 no. car parking space.
- 2.5 The statutory determination period for this application is the 31<sup>st</sup> August 2024, and it is intended that a decision will be issued as soon as practicably possible after the committee meeting.
- 2.6 The application is brought to the Committee as the site is council owned property/land.

### **3. Relevant Planning History**

None relevant.

### **4. Consultations**

- 4.1 Leicestershire County Council (Highways) – No objections to the application owing to the limited impacts considered on existing road network and existing parking arrangements on site. Therefore, based on the information provided, the development conforms to paragraph 115 of the National Planning Policy Framework (December 2023), subject to the condition(s) outlined in the Highways report. Conditions have been detailed in the recommendation section below.
- 4.2 OWBC Environmental Health – No objections to the application (subject to conditions) and content with the Acoustic Survey report received from agent/applicant. Conditions have been detailed in the recommendation section below.
- 4.3 OWBC Tree Warden – No objections to the application (subject to conditions and pre-commencement condition). The Arboricultural Officer suggests that little arboricultural impact is posed in the proposed development, with the retention of existing 2no. Cockspurthorn trees at the park entrance (incorporated into the design of the parking area). The additional new tree planting east of the proposed car park extension will help offset the loss of amenity park land open space, and will improve the aesthetics of the proposed development and offset some of the carbon cost of construction. This has been detailed in the recommendation section below.
- 4.4 Sport England – After an initial objection to the proposal, through various re-consultations, an agreed revised scheme has been considered acceptable with all prior objections removed to the application (subject to a pre-commencement Grampian condition being implemented as part of any planning permission). The Grampian condition shall include the improvement of existing cricket provision north of the development alongside the installation of a non-turf cricket pitch and the amended layout of the three existing football pitches. Conditions have been detailed in the recommendation section below.
- 4.5 Monitoring Officer (Legal) - The new tennis courts proposed will not have an impact upon the existing usage of Uplands Park for the playing of cricket matches.

Due to the size and nature of the area available for cricket it has always been the case that only one match can be played at any one time. This will continue to be the case with the installation of the new tennis courts.

In order to facilitate the continuation of cricket matches once the tennis courts have been built, the Council will seek to improve the quality of the playing area to accommodate more cricket matches over the season. This will have the effect of any loss resulting from the installation of the tennis courts being replaced by better provision in terms of quantity and quality.

It should also be noted that due to budgetary constraints the Council needs to consolidate the playing area in any case, and as such the location of the new tennis courts will not have any impact on the continuation of Uplands Park for the playing of cricket matches.

## **5. Representations**

5.1 Neighbours have been informed and a site notice placed with seven letters of objection and two letters of support being received at the time of writing this report. The date for the receipt of comments expired on the 15 March 2024.

5.2 The reasons for objection can be summarised as follows: -

- Loss of existing open space, wildlife habitat, carbon sequestration and aesthetic value
- Siting of proposed tennis courts
- Impact on existing uses of site (fitness club Mini Warriors)
- Noise pollution on neighbouring residential properties
- Light pollution on neighbouring residential properties
- The need of additional tennis courts
- Increase in local traffic
- Additional car parking spaces (not needed and existing underused)
- Safety, security, privacy and trespassing concerns

5.3 The reasons for supporting the proposal can be summarised as follows: -

- Improve boroughs provision of sporting facilities
- Support use of site for tennis use

## **6. Relevant Planning Policies**

6.1 National Planning Policy Framework

6.2 Oadby and Wigston Local Plan

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 6 (High Quality Design and Materials)
- Policy 9 (Open Space, Sport and Recreation Facilities)
- Policy 26 (Sustainable Transport and Initiatives)
- Policy 34 (Car Parking)
- Policy 37 (Biodiversity and Geodiversity)
- Policy 44 (Landscape and Character)

## **7. Planning Considerations**

7.1 The main issues to consider in the determination of this application are as follows:

- The impact of the proposal on the street scene and local surroundings
- The impact of the proposal on neighbouring residential properties
- The impact of the proposal on highways
- The impact of the proposal on existing open space, sport and recreation facilities

#### The impact of the proposal on the street scene and local surroundings

- 7.2 The application site is not visible from the street scene as it is located within the existing park and is screened by existing built residential development along Uplands Road. Therefore, the visual amenity and outlook from the street scene is maintained, as the proposed development cannot be viewed from any near or alternative viewing angles within the street.
- 7.3 Furthermore, the scale, bulk, use of materials and design of the overall tennis courts have been revised by the applicant to be in accordance with Sport England design guidance for tennis courts. As such, the development is not considered to harm the existing street scene outlook or impact the existing character and appearance of the local surroundings given the design, siting, orientation, landscaping, scale, bulk and use of materials of the proposed scheme.

#### The impact of the proposal on neighbouring residential properties

- 7.4 In light of representations received, it was noted that there were concerns regarding additional noise and light pollution.
- 7.5 However given the submission of the subsequently requested Acoustic Survey report and Addendum (by Peninsular Acoustics) and the limited height of the LED columns (of low-level design), the Environmental Health Department have confirmed that no adverse noise and light impacts on any key neighbouring receptors would be generated by the proposed scheme. The acoustic survey report assessed all three tennis courts concurrently that took into account existing prevailing background noise data collected at the site from multiple sections throughout the day of proposed operation hours and were modelled for peak noise generation alongside additional potential maximum noise generating factors, such as racquet strikes and people shouting during the use of the proposed tennis courts, and found that the modelled data established that at all times, the predicted levels from the tennis courts would be below stipulated noise guidance threshold levels. Due to this, the inclusion of an acoustic boundary fence would not be necessary. It was also considered that an additional boundary fence would visually block off views across the park from the perimeter pathway within the park.
- 7.6 Furthermore, no additional floodlighting or sports lighting is to be considered as part of the current proposal and any future lighting schemes to be installed would firstly need to be approved by the Local Planning Authority. Overall, the conclusive lighting works and maximum noise levels from the courts has been considered unlikely to have an adverse impact on residential amenity including people working from home etc. during the proposed hours of operation (as further safeguarded by conditions in the recommendation section).
- 7.7 As such, due to the limited effects of the additional noise and light generated from the application site assessed with regards to neighbouring residential properties, the proposed scheme has been considered acceptable in principle.

#### The impact of the proposal on highways

- 7.8 There are no highways concerns raised for the proposed (revised) works. The initial parking scheme proposed no.10 additional parking bays, however through negotiation with Leicestershire County Council, this has been reduced to 4 no. parking bays, 2 of which are

accessible parking bays as well as ancillary cycle parking. The reduction in the proposed parking has minimised the loss of open playing field space without compromising community facilities. Furthermore, the provision of secure and undercover cycle parking facilities would help to promote sustainable transport modes in accordance with the paragraph 114 of the National Planning Policy Framework (December 2023). No other matters are considered necessary.

#### The impact of the proposal on existing open space, sport and recreation facilities

7.9 It should be noted that Policy 9 of the OWBC Local Plan (2019) states:

*'In relation to open space, sport and recreation facilities, the Council will protect existing sites from development where; there is a demand to retain them; they contribute towards the Green Infrastructure in the Borough; and the equivalent cannot be provided elsewhere. New development will contribute either physically or financially to the provision or improvement of open space, sport and recreation facilities. The quantity requirements, the Council's Playing Pitch Strategy and the Council's Developer Contributions Supplementary Planning Document will be used in relation to the provision of open space, sport and recreation facilities provision within the Borough, to satisfy need and allow every resident access to adequate, high quality, accessible open space and play areas.*

*Provision of open space, sport and recreational facilities must:*

- *be located close to their intended population catchment areas;*
- *be accessible by a choice of transport modes other than the private car;*
- *be of an appropriate scale and design; and*
- *seek positive impacts to landscape form.*

*Existing open space, sports and recreational buildings and land, including playing fields, must not be developed or lost unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
- *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; and*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

7.10 The Council's vision statement in the OWBC Local Plan (2019) also states in paragraph 3.1.13 that *'there will continue to be a good range of leisure and recreational facilities including parks, leisure centres, allotments, golf courses, and sports pitches'*. Therefore, as the proposed scheme alongside the proposed Grampian condition set in conjunction with Sport England (to improve existing cricket provision on site), it is considered the improvements to the availability and quality of both existing and proposed leisure, open space, sport and recreational facilities within the Borough in line with Policy 9 of the OWBC Local Plan (2019) complies with the Council's vision.

7.11 During the application process, Sport England have been engaged in the facilitation of the tennis court provision proposed. Several earlier objections were made with regards to the loss of existing cricket provision to the north of the site, whereby two cricket squares exist. However, it has been concluded that whilst the loss of one of the cricket squares is unfortunate, the existing siting and orientation of the two cricket squares sharing overlapping boundaries resulted in only one game being able to be played at any one time. As such, revisions to the scheme in terms of siting, orientation, additional parking and improvements to the southern existing cricket pitch by way of a pre-commencement Grampian condition (ensuring No.8 good quality cricket wickets are provided capable of supporting 5 matches per season) have been considered on balance to negate the effect of losing the northern cricket square.

- 7.12 The improved cricket wickets have also been supplemented with an additional non-turf cricket wicket to be installed to the north of the tennis courts in line with the Council's Playing Pitch Strategy (PPS) document, and thus the overall proposed open space, sport and recreation facilities on site at Uplands Park have been considered to both be an improvement to existing facilities and would comply with Policy 9 of the OWBC Local Plan (2019). Additionally, it is also considered (as per representation comments) that the existing use of the site for local fitness clubs and type of activities involved would not be detrimentally impacted by the siting of the tennis courts as the facilitation of the type of activities involved could be facilitated elsewhere within the existing park.
- 7.13 As a result, the limited impacts of the proposed scheme on the existing street scene, local surroundings and the wide ranging socio-economic and environmental benefits of both the additional localised sports and active travel facilities is considered to be of an acceptable high quality design that supports sustainable development within the Borough.

## 8. Conclusion

- 8.1 In summary, the proposed development (as amended) is not considered to significantly harm the character and appearance of the existing site or that of the surroundings or the amenity of neighbouring residential properties. Therefore, it is recommended for approval.

## 9. Recommendation and Conditions

- 9.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions:

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

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of the development hereby approved, whichever is the sooner; details of proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion. Details shall include:
  - a) materials of tennis court surface and surrounds:
  - b) scaled plan showing vegetation to be retained and trees and plants to be planted:
  - c) a schedule detailing sizes and numbers of all proposed trees/plants:
  - d) sufficient specification to ensure successful establishment and survival of new planting.
  - e) details of all fencing to be used within the proposal.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased within 10 years of planting shall be replaced, and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within 10 years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

**Reason:** Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Objective 23 of the OWBC

Tree Strategy, Policy 37 and policy 44 of the Local Plan.

3. The development hereby permitted shall not be commenced on site until the replacement cricket square comprising of 8 good quality grass wickets and one non turf wicket as shown on Drg. No: 4522-114 (submitted on 3 July 2024) has been constructed in full accordance with the ECB's Recommended Guidelines for the construction of cricket pitches and outfield and the ECB's Performance standards for Non-Turf Cricket Pitches intended for Outdoor Use (February 2023) and made available for use for cricket.

**Reason:** To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use for cricket at the site and to accord with the requirements of the NPPF.

4. Unless otherwise first agreed in writing by the Local Planning Authority existing trees shall be protected by Herras fencing (at least 2m in height and set to 2m from the trunk of the tree, or to the full extent of the canopy of each tree or tree group, whichever is the greater. Such fencing shall be erected before the commencement of development and associated activities, and that the land described shall be adequately demarked, kept clear of all construction materials, machinery, storage, mixing and no fires within 10m of the canopy edge. The existing soil levels around the trees is to be retained and not altered. Areas shown to be subject to new planting will also be demarked from construction activities in order to remove the requirement for soil amelioration prior to new planting.

**Reason:** To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, to ensure that the proposed planting can be carried out without ground compaction significantly impacting their successful establishment, in accordance with Objective 23 of the OWBC Tree Strategy, Policy 37 and Policy 44 of the OWBC Local Plan (2019) and pursuant to section 197 of the Town and Country Planning Act 1990.

5. Unless otherwise first agreed in writing by the Local Planning Authority no building works or associated works or operations shall take place on the site except between the hours of 8.00am and 6.00pm Monday to Friday, 9.00am to 2.00pm on Saturday and there shall be no works at any time on Sundays or Bank Holidays.

**Reason:** In the interests of the amenities of local residents and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

6. The use as permitted shall be restricted to the following hours:

- British summer time, 0900 - 2100 hours daily and;
- British winter time, 0900 - 1600 hours daily

**Reason:** In the interests of the amenities of local residents and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Robothams Architects drawing number '4522-114'. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally



and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

9. Unless otherwise first approved in writing (by means of a Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby shall not consist of any floodlighting or sports lighting.

**Reason:** In the interests of the amenities of local residents and in compliance with Policies 6 and 44 of the Oadby and Wigston Local Plan.

10. Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars sent to the Local Authority of Oadby & Wigston Borough Council, listed in the schedule below:

- Existing Site Plan (1:500), Dwg. No. 4522-101 / Rev B: received 23 November 2024
- Site Location Plan (1:1250), Dwg. No. 4522-100 / Rev A: received 23 November 2024
- Site Location Plan (1:2500), Dwg. No. 4522-102 / Rev A: received 23 November 2024
- Proposed Site Plan, Dwg. No. 4522-111 / Rev C: received 22 February 2024
- Proposed Site Plan (Aerial Photograph Overlay), Dwg. No. 4522-112: received 22 February 2024
- Proposed Site Plan (Showing Proposed Football Pitches), Dwg. No. 4522-114: received 3 July 2024
- Thorn Outdoor Lighting Spec Sheet, Dwg. No. N/A: received 23 November 2024
- Acoustics Assessment by Peninsular Acoustics, Ref. No. PA0293 / R01 / Rev P01: received 4 April 2024
- Acoustic Assessment by Peninsular Acoustics (Addendum), Ref No. PA0293 / R01 / Rev P01: received 23 April 2024

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.