

Planning Committee: 27 March 2018

Item Number: 10

Application No: W 17 / 2425

Town/Parish Council: Kenilworth
Case Officer: John Wilbraham
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Registration Date: 03/01/18
Expiry Date: 28/02/18

Kenilworth Tennis and Squash Club, Crackley Lane, Kenilworth, CV8 2JS
Erection of permanent canopy structure to 1no. tennis court FOR Kenilworth
Tennis Squash and Croquet Club (KTSCC)

This application is being presented to Committee as more than five letters of support have been received and the application is recommended for refusal.

RECOMMENDATION

Members are recommended to refuse planning permission for the reasons cited at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks outline planning permission with access, appearance, layout and scale to be considered, for the erection of a permanent canopy structure to provide cover for one of the tennis courts at the tennis club. The structure would comprise of a ribbed half dome roof with metal legs supporting it. The structure would be significant in scale measure 37m x 20m with a height of 11m.

THE SITE AND ITS LOCATION

The application site is an established sports club washed over by Green Belt. Presently on site there is a low level sports pavilion which was granted planning permission in the 1960's together with 9 outdoor tennis courts and a couple of squash courts at present which are surrounded by fencing and floodlights.

PLANNING HISTORY

Application number	Description of development	Decision
W/12/1162	Demolition of existing wooden pavilion and equipment storage hut and replacement with new wooden buildings on same site with addition of cess pit drainage	Granted 7/2/13
W/12/0076	Erection of extensions to provide new squash court and seating area; refurbishments to the existing lower ground floor to provide new gym and	Granted 27/4/12

	junior tennis training area.	
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RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection but comment that members were concerned as to disposal of surface water drainage in this area and asked officers to take particular note.

Sport England: Support the application as it will enhance the sport facilities

Public Responses: 12 letters of support have been received on the following planning grounds:

- Good community facility
- No impact on neighbours
- No impact on Green Belt

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework's (NPPF) Green Belt provisions. Paragraph 89 of the NPPF states that all new buildings in the Green Belt are to be considered as inappropriate development unless they meet one of the exceptions listed. One of these is the provision of appropriate facilities for outdoor sport as long as it preserves the openness of the Green Belt. The proposal would constitute a new building in planning terms which defines a building as any structure or erection.

The applicant has submitted a supporting statement to justify that the proposal is appropriate development for outdoor sport, in this instance tennis. The statement sets out the numbers of teams who play and how having a covered court would create 'certainty of play' during inclement weather which doesn't

currently exist. It also sets out the reasons for choosing this structure which is considered less visually intrusive than the air domes which are another option. The court that would benefit from the cover is the one located closest to the main club building and adjacent to the outdoor squash courts.

The question is then whether the canopy is an appropriate facility for outdoor sport and whether it preserves the openness of the Green Belt. It is acknowledged that it would be convenient and beneficial for the club to have a court available for use in inclement weather; however, the proposed structure would be significant in scale and would go some way to transforming an outdoor recreational facility into an indoor one. It is therefore considered that the proposal would not constitute appropriate facilities for outdoor sport and recreation and preserves the openness of the Green Belt. This exception has been used in other cases for development such as floodlights for outdoor pitches.

The proposal is therefore considered to constitute inappropriate development in the Green Belt which the NPPF states is harmful by definition. It would also be harmful by reason of harm to openness. The NPPF states that significant weight needs to be attached to such harm.

An assessment therefore needs to be made whether there are any very special circumstances which exist which would outweigh the harm identified.

The applicant has provided evidence regarding the number of teams and participants that utilise the club and facilities. They contend that by having this court covered it would allow for further matches to be played during the winter months when the weather is less conducive to tennis. Additionally Sports England have confirmed the proposal meets their requirements for a covered court and would enhance the facilities provided by the club. Whilst the move to improve sports facilities is supported, it is not considered that this constitutes the very special circumstances required to outweigh the harm to the Green belt which is afforded significant weight. The reason for this view is because such arguments could be repeated time and again for different clubs and different sports all over the district. They are not specific to this particular case and do not therefore outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy DS18.

Another key policy in this application is CT4 which states that extensions or intensification of leisure facilities in rural areas will be permitted where they do not harm the character of the area. As set out above the proposal is considered to be inappropriate development in the Green Belt and is by definition therefore harmful. Further consideration on the visual impact is provided below but the proposal is considered to fail this element of the policy and is therefore contrary to CT4.

Impact on the openness of the Green Belt

Whilst the development is considered to be inappropriate development within the Green Belt, an assessment of the impact on the openness of the Green Belt is also required.

The proposal is located within the curtilage of the club and would be sited next to the existing club building on the site which is a flat roofed building approximately 6m in height. The ridge of the cover would be 11m high whilst the eaves would be 5.5m and the total floor area covers 840sqm. It is noted that the structure is open at the sides from the ground to the eaves between the 22 pillars which support the structure.

The structure would be seen from outside the site, principally Coventry Road to the south, due to the height. The cover would be finished in white although it has been confirmed that different colours could be used for the finish. Whilst this would help mitigate the impact, it is not considered that it would overcome the greater issues caused by such a significant structure being erected in this location which is double the height of the only other building located in the vicinity. The proposal is therefore considered to harm the openness of the Green Belt contrary to Policy DS18 and the NPPF.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposal is located within an existing sport complex that contains a number of outdoor courts together with the main club house and some small outdoor storage buildings. The proposed structure would be situated over one of the courts and would have floodlights affixed inside it. The existing court already has floodlights so this is not considered to have an adverse impact on the surroundings based on the imposition of a suitably worded condition regarding illumination levels.

The structure itself is a white membrane roof supported by a number of struts, open at the sides. The rest of the site is relatively open with the courts surrounded by wire mesh fencing and floodlights. Based on the size of the canopy, with the ridge being 11m in height, and the expanse of area covered by it the canopy it would appear prominent in the area. The colour of the canopy has been noted as white although this could be changed. However given the mass of the canopy and the relatively open nature of the area I consider the proposal would have an adverse impact on the rural character of the area contrary to Policy BE1.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The closest neighbouring properties to the site are located over 140m away to the south. The proposal would allow for more matches to be played when they would otherwise be called off due to the weather. However, given the distance, it is considered that the proposal will not result in any material harm in terms of noise. The site is already served by a number of floodlights and the proposal to replace those inside the canopy would not give rise to further visual harm,

subject to a suitably worded condition. The proposal is therefore not considered to harm the neighbouring amenity in accordance with Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The proposal does not affect the existing access or parking arrangements at the site. Whilst the cover would allow additional games to be played that might normally be cancelled during inclement weather, no further courts are being proposed which might require additional parking and the club is considered to have sufficient parking for the number of courts on site. The proposal is therefore considered to accord with Policy TR1 and TR3.

REFUSAL REASONS

- 1 The application site is washed over by Green Belt and the National Planning Policy Framework states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against “inappropriate” development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the exceptions listed and, in the opinion of the LPA no very special circumstances exist to outweigh the harm by reason of inappropriateness and harm to openness. The proposed structure is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

- 2 Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposed structure is a white membrane roof supported by a number of struts, open at the sides. The rest of the site is relatively open with the courts surrounded by wire mesh fencing and floodlights. Based on the size of the canopy, with the ridge being 11m in height, and the expanse of area covered by it the canopy it would appear prominent in the area. The colour of the canopy has been noted as white although this could be changed. However given the mass of the canopy and the relatively open nature of the area, in the opinion of the LPA, the proposal would have an adverse impact on the rural character of the area contrary to Policy BE1.
