

43/16/0130

WELLINGTON TENNIS CLUB

Construction of additional tennis court and associated works, including erection of fencing and alterations to access arrangements at Wellington Tennis Club, Courtland Road, Wellington (resubmission of 43/16/0066) as amended.

Location: WELLINGTON TENNIS CLUB, WELLINGTON PLAYING FIELD,
COURTLAND ROAD, WELLINGTON, TA21 8NE
Grid Reference: 313597.120423 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 0031-AN 03 Rev 2, Proposed Detail Plan
(A1) DrNo 0031-AN 04 Rev 2, Proposed Elevations
(A3) DrNo 0031-AN 02 Rev 4 Proposed Site/Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Construction of the hereby approved tennis court shall not commence until the alterations to the access arrangements have been completed and the works associated with the relocation of the football pitch (i.e. relocation of the two goals and the protective netting plus drainage being provided in association with the goal area at the northern end of the pitch) have also been completed.

Reason: In order to retain appropriate sports pitch facilities in accordance with policy C3 of the Taunton Dean Adopted Site Allocations and Development Management Plan 2016.

4. No development shall take place until details/samples of the materials to be used in the construction of the external surfaces of the new tennis court and run-off area hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and

thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Within two months of the felling of the Birch tree (annotated TR2 on submitted drawing no. 0031-AN 02 Rev 4), a replacement tree must be planted as a 'feathered' or 'standard' tree, with a minimum trunk girth 8-10cm in accordance with BS 4428:1989. Details of this tree, its exact location and the method of planting, together with measures for its protection during the course of implementing this approval, shall have been previously submitted to and agreed by the Local Planning Authority.

Reason: To maintain the visual amenity of Wellington Sports Ground in accordance with policy CP8 of the adopted Taunton Deane Local Plan .

6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies DM1 and CP8

7. No form of lighting or floodlighting shall be used or placed at the site in connection with this permission hereby granted unless full details have first been submitted to and approved by the Local Planning Authority.

REASON: In order to prevent potential light pollution and to protect the amenities of the surrounding area in accordance with policy DM2 of the adopted Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

Construction of additional tennis court and associated works, including erection of fencing and alterations to access arrangements at Wellington Tennis Club, Courtland Road, Wellington (resubmission of 43/16/0066).

Alterations to the current access arrangements in the corner of this site comprise of moving the access point along the existing fence line as indicated on dwg. no. 0031-AN 03 Rev2 and is to the right of the proposed new tennis court. The entrance will also be formed to allow level wheelchair access for inclusive use for all members of the public.

No floodlights are proposed as the new court is will only be used during daylight hours. The new court will be green in colour to match the existing.

The new court has been sited at an angle rather than in a parallel run with the adjoining two courts. The size of the court measures 32.5m long and 17m wide and is a set size as defined by the recommendations of the Lawn Tennis Association. The mesh boundary fencing surrounding the court will be 3m and be placed on top of a low level retaining wall between the existing and proposed court.

Some existing trees not covered by a TPO are to be removed plus the Birch tree annotated as 'T2' on the submitted drawings will need to be removed. A replacement tree will be required elsewhere at the site.

Site Description

The Wellington Recreation site is located between housing at Court Drive and a small public car park and Courtland Road to the north of the site. Both the Recreation Ground and the small car park are owned by Taunton Deane Borough Council. The site is within the Rockwell Green Ward.

Entrances to the site are located at Courtland Road and Court Drive.

Also existing at the site is a club house which is a brick built building. The grounds are also shared with the local football club who use two pitches and the local cricket club. The tennis club and the existing two tennis courts are located at the Court Drive area of the site and are adjacent to the south western boundary.

Relevant Planning History

43/16/0066, Construction of additional tennis court & associated works including the

erection of fencing & alterations to access arrangements, Withdrawn by the applicant on 14/09/16.

Consultation Responses

WELLINGTON TOWN COUNCIL -

Wellington Town Council support this application subject to the objections from neighbouring sports clubs being overcome.

SCC - TRANSPORT DEVELOPMENT GROUP -

Standing Advice.

No further observations on further information.

SCC - NOW HISTORIC ENV SERVICE -

No comments received

LEISURE/ ENTERPRISE DEVELOPMENT -

No comments received.

LANDSCAPE -

The placing of a new tennis court in this corner of the open space is still tight. However, this application is an improvement on the previous application.

Comments following receipt of additional information;

No further observation(s) to make.

OPEN SPACES MANAGER -

The proposed plans submitted by the Tennis Club moved the football pitch but brought the corner too high up the mound which would be unacceptable for play, we discussed several alternatives and the best was for the football pitch to move according to the drawings provided by the Tennis Club plus an additional 1m down towards the Retirement homes and be reduced in length by 1m.

This would provide the required 3m runoff for the pitch and move the corner nearest the mound down to a position that is no worse than currently. The Tennis Club understand that the cost of moving the goal mouth protective fence and any drainage at the new goal area to support this move would be expected to be funded by their project. It was also agreed that no diagonal supports would be possible on the new Court's fencing as it would encroach on the required runoff area.

As there was a game being played it was possible to estimate how much space the football spectators would need and that this would not encroach on the Cricket Square after the move.

Planning approval will still need to be successful and we have now received Sport England's response which requests a holding objection. I will speak to the representative from Sport England to bring them up to date on these recent negotiations which will hopefully alleviate their concerns.

If Sport England's objection can be resolved and no additional issues arise I will

recommend to Cllr Herbert that this proposal should be approved, she will of course make the final decision.

Thank you all for your time and help with reaching this compromise.

TREE OFFICER -

I prefer the second option, as I think that the oak is more valuable in the long-term than the birch, although I would rather not lose the birch either. A couple of new birch trees could be planted to replace the loss – they are fast-growing trees. This option would also allow you to have the full-size court.

Regarding the revised layout for this development and its effect on existing trees, I can confirm that I do not have any objection to it, subject to the retained trees (particularly the oak in the south west corner) being protected by fencing in accordance with BS5837 so that they are not damaged during the works. I have no problem with the birch tree being removed, but would suggest a condition that a new tree is planted in a suitable location, to be agreed with TD Parks Department.

SPORT ENGLAND SOUTH WEST (original comments dated 16th December 2016) -

The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 74) and Sport England's Playing Fields Policy, 'A Sporting Future for the Playing Fields of England' Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

The tennis court proposal appears to affect an existing football pitch. We have sought the views of sports involved through their regional officers:

The Lawn Tennis Association (LTA) advise that Wellington Tennis Club has a thriving membership and coaching programme for a small club with two courts and the addition of a third court would allow the club to grow the membership further. It would also allow the club to enter more teams into league tennis with the addition of a third court. The LTA is aware of the ongoing discussions around the impact on the football/cricket pitch and shares the view of the other NGB's that the actual location of the court in relation to the other sports needs to be finalised and agreed to the satisfaction of all parties.

The Football Association (FA) advise that the pitch in question is absolutely essential to the local football club as there is a deficit of playing pitches locally that has been highlighted in the current Playing Pitch Strategy (PPS). There are concerns over the positioning of the proposed new tennis court and the impact that this will have on the football playing field and knock on effect to the cricket square.

The England & Wales Cricket Board (ECB) advise that the proposal would require the football pitch to be moved much closer to the cricket square. This proposal will

move high wear areas, i.e. the touchline, very close to the cricket square and the run ups for bowlers. The principle of a tennis court in the location proposed would have no material impact on the cricket ground however as the football pitch has to move this will have a detrimental impact on cricket. The ECB cannot support the planning application until we are satisfied that the movement of the football pitch will not be detrimental to the cricket ground and all parties are in agreement.

As with the previous application that was withdrawn, Sport England's interim position on this proposal is to submit a **holding objection**. However we will happily review our position following the receipt of all the further information requested above – including scaled plans showing existing and proposed football pitch adjacent to the tennis proposal also indicating its impact on the cricket pitch at the site.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Revised Comments

Thank you for sending through additional information which led to a site visit with the FA and an independent pitch advisor from the Institute of Groundsmanship (IOG) last week. Sport England has re-considered the application in the light of its playing fields policy following additional information and consultation response from the LTA, RFU and FA.

The LTA have no further comments.

The ECB confirm 'no comments'.

The FA have comments from the IOG:

Having visited the site of Wellington FC on the 28th February, it is my opinion; having also viewed the plans; that the new proposed repositioning of the existing football pitch will not pose any issues in relation to levels or safety.

That being said there will need to be some foliage 'cut back' towards the North Eastern side of the attached image and there should be some consideration into the feasibility of improving the drainage within this particular area as the pitch is being moved 'closer' to a low lying spot where excess water has been known to settle in the past.

Along with this, an increase in maintenance is necessary to ensure the sustainability of the playing surface, particularly in relation to decompaction operations and suitable end of season renovations to repair damaged areas.

In summary, the tennis club will improve its facilities and its offer to community sport, the ECB raise no concerns and the FA and IOG raise no objection to the proposed plans on condition that pitch improvement works are identified and carried out on the area of playing field land to be used in the future as a football pitch.

Sport England does not wish to raise an objection to this application providing that the following issues for the playing pitch are subject to planning condition:

- Foliage 'cut back' towards the North Eastern side
- Improving the drainage within this particular area
- Increase maintenance to ensure the sustainability of the playing surface

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's support for any related application to the National Lottery Sports Fund.

Representations Received

Wellington Cricket Club - has objected to this application and make the following comments.

Whilst we support growth and development of any fellow sporting club in the town this is just not the way to surfeit the described growth. Wellington playing field is a multi-sport venue that house cricket, football and tennis and does so quite adequately within its current configuration without any need for change.

Growth of tennis within the town can be catered for by better use of existing facilities for the sport such as at Court Fields School or Wellington School; what the club needs is already available.

The effect on the future of football and cricket at Wellington Playing Field is jeopardised by this application. Movement of pitch two ref football would have to occur by some 6m due to the tennis court taking over the majority of the current area that football occupies and this would bring the football pitch perilously close to the cricket square, the potential for damage is ever present. Any reduction in the quality and nature of the facility for one sport caused by another cannot be tolerated, especially when there is a perfectly reasonable solution to achieve what is desired already available.

Wellington Playing Field is a jewel in the towns outdoor environment crown and should be maintained as it currently is for all who wish to use it and not be subject to unnecessary and unrequired change.

Comments from Ward Member - As Ward Councillor for the area in which this application lies I fully support the ambition of the Tennis Club to extend their services to more residents. Wellington is growing rapidly and should be able to support Sport in any way possible for all. I have taken on board the comments from the Cricket Club & Football Club. Unlike them I still support this application. Change will & has to happen. Having examined the plans I can see no reason for objecting other than the sports federation not being consulted by the applicant and I do wonder if they ever consult the tennis club regarding plans they may have.

5 letters of **objection** have been received raising the following;

- Development will alter our car park - where will the machinery go whilst it is being built.
- Much of the time the courts are empty and there are 9 other courts in Wellington.
- Damage will be caused to the cricket outfield situated near the tennis facility.
- How will heavy rolling stock gain entry in this busy area of private housing and two schools.
- The submitted drawings do not contain all relevant dimensions and submitting full plans and drawings without advising stakeholder's is not good form.

I support all sport in our town but not to the detriment of other sports, with a cloaked approach to facts and effects.

- Question members queuing up to use the tennis facilities, there are other tennis facilities in Wellington this sport is too seasonal.
- This development is too big and in the wrong place.
- WAFC are unsure of the exact positioning of the football pitch in relation to the old and the proposed court boundary.
- Doubt whether the football pitch will sit within the actual boundaries of the field without disruption to old peoples homes, trees on the mound and the flooded area next to the bottom end.
- Will the Council be prepared to move the metal mesh fence behind the goal to protect the old peoples home.
- The playing field used to be a secure place at night with locked accesses but the gate onto Court Drive appears to have disappeared.
- Following a meeting with the 3 clubs the tennis club agreed to put dimensions to plan this has not been done.

13 letters of **Support** have been received raising the following;

- The existing facility is currently inadequate at times of peak demand in part due to one court being available for public hire.
- For club membership to expand more court time is required.
- The number of tennis courts currently available for use by the general public in Wellington is significantly below smaller conurbations and should not be allowed to continue.
- Our town grows and we must meet the needs of ever increasing population.
- A third court would provide a 50% increase in capacity as tournaments are limited in capacity.
- Tournaments are limited in capacity with only 2 courts available, and junior coaching sessions at the weekend deny members use at popular times.
- We wish to encourage adults and children to get more active.
- Most other tennis clubs have at least 3 courts and is essential for tennis matches and for up-coming junior players.
- Membership in both senior and particularly junior are rising and a third court would make all the difference.
- I fully support this revised application crucial to the future success of the club.
- The additional court will allow the club to provide for wheelchair tennis.
- There are no planning reasons to refuse this application and will help to achieve Government and Local Authorities to increase opportunities for people to participate in sport.
- The tennis club have been pro active on advice given after the withdrawal of the first application.
- The current courts are full for coaching sessions meaning juniors have limited

space.

- We are trying to attract younger people to take up sport and look after their health.
- We have 3 young sons who are members of the tennis club and have frequently made use of the courts.
- Matches take longer in Wellington because of only having the two courts.
- The third court does not interfere with the rest of the recreational area and would be tucked away in close proximity to the other courts.
- The club operates a 'pay and play' system for all ages and abilities and a growing club should not be held back from increasing its membership.
- Tennis is played here all the year round and the third court will be much easier for wheelchair tennis as the entrance will be much closer solid ground as getting across the grass is difficult.
- The adjacent sports pitch is rarely used, and we need a third court on-site.
- Currently juniors attending coaching means we often have to have 6 children playing on each court and on occasions some sitting out while we rotate players.
- The third court would give opportunity to give players more experience playing full court tennis instead of playing matches on half a court which will benefit their tennis.
- Juniors often find it difficult to find time to practice and junior lessons are often having to be held with large groups on one court.

Applicants response to comments made;

- I wish to point out that we play tennis year round hence the lights to existing courts which are used daily and would point out that both cricket and football are seasonal.
- Wellington School courts are not for public use and nets are removed during the winter and courts become netball courts and they do not have lights.
- We have an active club with a family feel so having a clubhouse is essential and we need space to store equipment.
- Any building work will incur some disruption but building a court only takes 4-6 weeks according to court builders.
- An increase in membership and having 2 courts results in people sitting out on club nights and other members and public are not able to play while league fixture and tournaments are being played.
- We are the only club in the neighbouring area with 2 courts and with an extra court can offer more public and wheelchair availability.
- Wheelchair players will be able to access a court as our current gates are too narrow and the field is too muddy in winter for access.
- In order to attract new members and continue to thrive this expansion is required.
- In response to the Cricket Club's objection, representatives from football, cricket and tennis met in October and measured out the football pitch which was 10m longer than they stated (100m rather than 90m) with the pitch moving down 4-5m, skimming the mound with the tree.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - General requirements,
CP8 - Environment,
C3 - Protection of recreational open space,
A1 - Parking requirements,
ENV1 - Protection of trees, woodland, orchards, and hedgerow,
ENV2 - Tree planting within residential areas,

Local finance considerations

Not applicable in this case.

Determining issues and considerations

The main issues and considerations in this case are;

- Principle of development
- Impacts on the character and appearance of the area
- Impacts on residential amenity
- Highway safety/Access
- Drainage

Principle of development

The recreation ground is within the development limits of Wellington and therefore the proposal is acceptable in terms of policy SP1 (sustainable development) and DM1 (general requirements) of the Taunton Deane Core Strategy 2011 and 2028 and policy C3 of the Taunton Deane Site Allocations and Development Management Plan 2016.

Impacts on the character and appearance of the area

The Recreation Ground is owned by Taunton Deane Borough Council and is not within but is directly adjoining the designated Wellington Conservation Area. The closest listed building is The Court on Courtland Road adjacent to the western boundary which is Grade II Listed and is well away from the location of the new tennis court.

There are also a series of trees adjoining the new court's position to the west which are covered by a Tree Preservation Order (TD765) and it is considered that the realigned court means that these trees will be retained. However tree T2 (a Birch) will need to be removed and therefore a replacement tree will be sought to be planted elsewhere at the site. The tree officer's comments can be seen above. He has no objection providing the other trees are protected during the course of construction works.

Comments from the council's Landscape Officer are also above and raise no objections.

The north east corner of the existing football pitch is currently located on a part of an existing mound in the recreation ground under which it is understood that there is an old Ice House and the subject of a protected monument and for this reason no works to this mound are proposed or supported.

The proposed siting of the new tennis court has been tweaked slightly in its orientation and this development will also mean that the current second football pitch at the ground will need to be relocated further to the north and east. Additional information in the form of the Site location drawing 0031-AN 02 Rev 4 show the layout of the tennis courts, football pitch and the proximity to the existing cricket square as requested by Sport England during the course of the application. This revised drawing shows the new location of the second football pitch, the corners of which have marked out on site and where a recent meeting was held with the Open Spaces Manager, Planning Officer, a member of the FA and an independent pitch advisor from the Institute of Groundsmanship, in order to assess the proposal and where the corners of the new pitch had been marked out. Following this meeting Sport England withdrew their holding objection and their comments can be seen above.

The relocated football pitch will be larger than the existing current second pitch (100m x 60m) as it will be longer and wider, and by moving this pitch the NE corner will be on flatter ground rather than on the slope of the existing mound. The goal posts and protective fencing to Court Lodge behind the goal will need to be relocated and some foliage on this boundary will also need to be trimmed back plus some drainage will be required to drain one of the goals. This has been previously discussed with the tennis club and a suitably worded condition is appended to this decision requiring these works to be undertaken prior to the construction of the tennis court. The relocated football pitch will not have a detrimental impact on the cricket square.

Given all of the above considerations, it is considered that the proposal accords with local planning policies DM1, CP8 of the Taunton Deane Borough Councils adopted Core Strategy 2011 and 2028 and policy C3 of the Taunton Deane adopted Site Allocations and Development Management Plan 2016.

Impacts on residential amenity

In terms of impacts on residential amenity, it is confirmed that no floodlights are proposed to serve the new court, which is to be used in daylight hours by junior members of the club.

The new access to be provided is to be located further along the current fence line and the revised access to the site will allow level access by wheelchair users.

New fencing and landscaping is to be provided in the form of a 3m high boundary fence along the line of the tennis court as viewed from the residences in Court Drive (as shown on submitted drawing 0031-AN 04 Rev 2 and a variety of new shrubs are also to be planted to screen this corner of the site.

With regards to the comments about a gate at the south of the site having been removed that is not covered by this application and cannot be considered under the planning remit.

To address the concerns from residents on the access to the site during the construction works, the agent has confirmed by email (dated 30/01/17) the tennis clubs preferred contractor would access from the existing main entrance off Courtland Road during a period when the ground is not too wet. They do not foresee the need to occupy Courtland Drive. However, when some of the existing trees are removed they will need to ensure this small car parking area is clear in order to avoid possible damage to cars etc. It is understood that the duration of works to provide the new court is approximately 5-7 weeks. Therefore some residential impact will result from this development over a short period of time, however, this is not considered significant enough to warrant refusal of this scheme.

It is considered that this development accords with local policies DM1 and CP8 of the Taunton Deane Borough Councils adopted Core Strategy 2011-2028.

Highway safety/Access

Comments of Standing Advice have been returned from The Highway Authority.

Some revision of the access to the corner of the recreation ground will be undertaken and has been mentioned previously. Disabled access will be improved by providing a level access to the tennis courts.

No revisions or alterations are proposed to existing car parking provision in Courtland Road or in the adjoining residential parking (also Council owned) at Court Drive. The parking standards related to local policy A1, do not state a requirement for additional parking relating to this leisure use and the additional new court being provided in this case.

Therefore the proposal accords with local planning policy A1 (Parking) in the Taunton Deane adopted Site Allocations and Development Management Plan 2016.

Drainage

As highlighted at the recent visit arranged by Sport England which was attended by sports federations and the Councils Open Spaces Manager, some drainage will be required at 'The Court' area of the relocated football pitch and this is currently being investigated by the Open Spaces Manager. A condition regarding these works is appended to this decision.

Conclusion

Given all of the above issues and considerations, it is considered that the proposal to provide an additional sports pitch in the locality is acceptable in terms of local policy, in terms of the character and appearance of the area and of accessibility by members of the local public.

The new tennis court will not have significant impacts on the other sporting facilities (football pitches and the cricket square) at the site. The proposed relocation of the second football pitch will be in an approved location away from the current mound at the site and the pitch itself will actually be larger than the existing provision. The goal nearest The Court nursing home would be affected by surface water as it the case currently, and the FA have suggested that drainage behind this goal is provided. Relocating the football pitch will mean relocating the goals and the protective netting and the tennis club are aware that they will be responsible for funding this, therefore a suitably worded condition is appended to this decision.

With regards to the tree works required at the site again a condition has been attached in this regard. The loss of one Birch tree has been accepted in order to accommodate the new tennis court and realigned access and a condition attached requires the planting of a new replacement tree on the site.

Given the above issues and considerations, this proposal is recommended for conditional approval. It is considered to comply with the terms of policies DM1, CP8 of the Taunton Deane Core Strategy 2011 to 2028 and policy C3 (Protection of recreational open space), ENV1 (Protection of trees, woodlands orchards and hedgerows) ENV2 (Tree planting with new developments) and A1 (parking) of the Taunton Deane Site Allocations and Development Management Plan 2016.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Sue Keal