

<b>Application Number</b>	14/0642/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th April 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	23rd June 2014		
<b>Ward</b>	Coleridge		
<b>Site</b>	Coleridge Recreation Ground Davy Road Cambridge Cambridgeshire		
<b>Proposal</b>	Construction of a second hard tennis court on the Coleridge Recreation Ground near Davy Road, with a new 3 metre high mesh style fencing on the perimeter (including one single gate for pedestrian access and a small tarmac area for access with 3 cycle stands).		
<b>Applicant</b>	Mr Gavin Card Cambridge City Council Project Delivery and Environment, S Mill Road Depot, Mill Road Cambridge Cambridgeshire CB1 2AZ United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposals constitute an improvement to the facilities already available on the recreation ground;</li> <li>2. The proposals would not lead to a loss of open space;</li> <li>3. The proposed tennis court would not have a detrimental visual impact; and</li> <li>4. As long as the proposed tennis court is not lit, the proposals would not have a significant detrimental impact on residential amenity.</li> </ol>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 Coleridge Recreation Ground is surrounded by residential streets on all sides. Davy Road is to the north, Rustat Road is to the west, Fanshawe Road is to the south and Coleridge Road is to the east. The application site is the site of the existing tennis court, in the north-western corner of the recreation ground.

## **2.0 THE PROPOSAL**

2.1 Full planning permission is sought for a new tennis court.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/0884/FUL	Replace existing tennis court with two new hard tennis courts and a new 3 metre high mesh style fencing on the perimeter (including two single gates for pedestrian access).	Withdrawn
14/0021/FUL	Relocation of existing Tennis Court.	Permitted

## **4.0 PUBLICITY**

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

## **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/11 4/2 6/2

## 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cambridge City Council (2011) - Open Space and Recreation Strategy

## 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 67 – Protection of open space

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

6.1 No comment.

#### **Head of Streets and Open Spaces (Landscape Team)**

6.2 No objection, subject to the fencing being painted black.

#### **Head of Streets and Open Spaces (Arboriculture Team)**

6.3 No objection. The protection method proposed is satisfactory.

6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations:

- 85 Coleridge Road
- 119 Coleridge Road
- 130 Coleridge Road
- 135 Coleridge Road
- 137 Coleridge Road
- 139 Coleridge Road
- 145 Coleridge Road
- 7 David Street
- 21 Derby Road
- 71 Greville Road
- 28 Hartington Grove
- 209 Hills Road
- 5 Scott's Yard, Haslingfield
- 52 William Smith Close
- Tara Rectory Lane, Ashdon, Saffron Walden

- 74 St Barnabas Road

7.2 The representations can be summarised as follows:

- The existing court is hardly every used and there is no need for an additional court
- It is a waste of money
- The money could be used to improve the Recreation Ground in other ways
- It is 'paving over' green space which is much loved and well used
- The existing tennis court is poorly maintained
- Loss of trees

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations

### **Principle of Development**

8.2 Policy 6/2 of the Cambridge Local Plan (2006) states that 'development for the provision or improvement of a leisure facility will be permitted if it improves the range, quality and accessibility of facilities; it is of an appropriate scale for the locality; and it would not have a negative impact upon the vitality and viability of the City Centre, including the evening economy'. The proposals constitute an improvement to the facilities already available on the recreation ground and the additional tennis court would have no impact on the City Centre. It is therefore my opinion that the proposals comply with parts a) and c) of policy 6/2 of the Local Plan. Part b) of policy 6/2 will be discussed later on in the report.

- 8.3 In my opinion, the principle of the development is acceptable and in accordance with parts a) and c) of policy 6/2 of the Cambridge Local Plan (2006).

### **Context of site, design and external spaces**

- 8.4 The recreation ground is classified as Protected Open Space in the Cambridge Local Plan (2006). Policy 4/2 of the Local Plan states that 'development will not be permitted which would be harmful to the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced elsewhere and the site is not important for environmental reasons. The explanatory text for this policy goes on to explain that 'only proposals which respect the character of these areas, and improve amenity, enhance biodiversity, improve sports facilities or increase public access will be supported.'
- 8.5 In the representations received the opinion has been given that there is no need for a second tennis court as the existing court is underused, and that the proposed tennis court would reduce the amount of green space that it is widely used. The need for an additional tennis court is not a planning consideration. The proposed tennis court would lead to the loss of green space but would not lead to the loss of open space and it is therefore my opinion that it cannot be argued that the proposals would be contrary to policy 4/2 of the Local Plan. In my opinion, the proposed tennis court is of an appropriate scale for the locality; it would respect the character of the area; and it would not have a detrimental visual impact.
- 8.6 The Landscape Team have raised no concerns, but have recommended that the fencing is painted black. The applicant intends to paint the fencing dark green and it is my opinion that black or dark green fencing would be appropriate here and would not be visually intrusive. I recommend a condition restricting the fence colour to black or dark green (3). As the site is close to mature trees an Arboricultural Method Statement and Tree Protection Plan have been submitted as part of the application. I recommend that these plans are approved documents to ensure that the works are carried out in accordance with them.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, and part b) of 4/2.

### **Residential Amenity**

- 8.8 The proposed tennis court would be situated in the northwestern corner of the recreation ground, in close proximity to the rear gardens of 1-3 Davy Road and 68 Rustat Road. These neighbouring properties may potentially be impacted on by noise from the tennis court. In my opinion, although the noise experienced would be different to what it is currently, the noise generated by the tennis court is unlikely to be materially different to the noise generated by the use of this area of the recreation ground as green space. In my opinion, this would not warrant refusal of the application.
- 8.9 If the proposed tennis court was lit and in use at night there is the potential for residential amenity to be harmed. It is not proposed that the facilities are lit, and I recommend a condition preventing this without permission (4). I also recommend conditions restricting contractor working hours (5) and delivery hours (6) to minimise disturbance to neighbours.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Third Party Representations**

- 8.11 The issues raised in the representations received have been addressed above.

## **9.0 CONCLUSION**

- 9.1 In my opinion there is no planning reason why this application should not be recommended for approval. I therefore recommend that the application is approved subject to conditions.

## **10.0 RECOMMENDATION**

**APPROVE** 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: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. The fencing surrounding the tennis court shall be dark green or black in colour.

Reason: To respect the visual appearance of the recreation ground. (Cambridge Local Plan 2006, policy 3/4)

4. No lighting shall be erected in relation to the facilities hereby approved without the express consent of the Local Planning Authority.

Reason: To protect residential amenity. (Cambridge Local Plan 2006, policy 3/7)

5. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)



6. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)