

App.No: 160570	Decision Due Date: 19 th July 2016	Ward: Upperton
Officer: Thea Petts	Site visit date: 23 rd June 2016	Type: Planning Permission
Site Notice(s) Expiry date: Two rounds of consultation terminating on 16 th July 2016		
Neighbour Con Expiry: Two rounds of consultation terminating on the 16 th July 2016		
Press Notice(s): N/A		
Over 8/13 week reason: N/A		
Location: Gildredge Park, The Goffs, Eastbourne		
Proposal: The replacement of one existing adult tennis court with one external children's tennis court and one indoor children's tennis court within a new single storey building to be used for indoor children's tennis and other compatible exercise related activities offered by third parties. Includes two new floodlights which are to be mounted on existing poles to light external children's tennis court (amended scheme)		
Applicant: Mr Francis Mackie		
Recommendation: Approve conditionally		

Executive Summary:

The scheme proposes the loss of one on the existing full sized tennis courts at the site in order to provide two children's sized courts (one indoor and one outdoor), which is to enhance the children's programmes already running at the site and allow for tennis and tennis training to be played/undertaken despite adverse weather.

The indoor court will be located in a new timber clad building under a mono-pitch roof that is considered to have a neutral impact upon Gildredge Park and a less than substantial impact upon the residential amenities of the properties that abut the site.

The scheme has resulted in a high number of representations in support of the scheme including the Lawn Tennis Association, the objections/concerns to the scheme that have been received have focused on traffic generation, poor parking and visual impacts upon the park.

It is considered that subject to appropriate conditions to control the on and off-site impacts that the scheme is supportable in principle.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
 - :- To support community and sporting facilities; Support the health and well being of communities,
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

- B1 Spatial Development Strategy and Distribution
- B2 Creating Sustainable Neighbourhoods
- C4 Old Town Neighbourhood Policy

Eastbourne Borough Plan Saved Policies 2007

- LCF8: Small scale sport and recreation facilities
- HO20: Residential amenity

Site Description:

The site is located within Gildredge Park. Presently, a single storey, timber clad building (acting as tennis club house) is located in the north east corner of the park, directly facing the tennis courts which are sited behind the residential properties in Southfields Road and Saffrons Road. The rear elevation lies adjacent to the main footpath leading to the vehicular access (with parking) to The Goffs. The next closest access is via Dittons Road (where there is also some unrestricted parking).

At present there are four full sized outdoor tennis courts on the site, two of which (furthest from Saffrons Road) are floodlit in the evenings (times are controlled by planning conditions (play finishes at 10 PM with 15 mins clear up time)). All of the courts have green mesh-welded fencing around them.

There are some trees and mature vegetation between the tennis courts and the residential properties on Dittons Road, which reduces views of the park from these properties. The residential properties along Southfields Road stand at a lower ground level than the park.

Relevant Planning History:

EB/1962/0048

Erection of tennis club pavilion.

Granted.

1962-01-25

EB/1986/0088

Provision of an additional hard tennis court, and the erection of 6 10m. high floodlighting columns.

Granted, subject to conditions.

1986-04-03

090838

Renovation and refurbishment of four existing tennis courts together with the installation of nine, 6.7 metre high floodlighting to two tennis courts

Planning Permission - Approved conditionally, 10/12/2009

120749

Single storey extension to the Tennis in the Park pavilion.

Planning Permission - Approved conditionally, 23/04/2013

130628

Minor material amendment to permission EB/2013/0015(FP) for a single storey extension to the Tennis in the Park pavilion to permit:

- 1 An increase in the length of the building of 700mm.
- 2 Changes to the design of the porch and its extent.
- 3 A change to the roof covering material.
- 4 Minor changes to the fenestration on the elevation to the car park.

Variation of Condition - Approved conditionally, 22/10/2013

140895

Retrospective application under section 73a for the additional use of the pavilion as a cafe (Class A3).

Planning Permission - Approved conditionally, 29/10/2014

Proposed development:

There are a number of elements to this proposal:-

- Single storey building
- External children's court
- Floodlighting
- Use for tennis
- Other uses

Single storey building

This proposal includes a timber clad single storey building with a mono-pitched roof which is to be located in the south side of the existing court; the approximate dimensions of which are as follows: maximum height is 4.3m, width is 14.8m with a depth of 13.3m (including 1.8m overhang to front).

The front elevation (facing the existing café/clubhouse) is to be fully glazed including two sets of double doors and there are to be four roof lights set into the lowest part of the roof (towards the rear of the building). To the rear, there will be some outside storage (under a small over hang) and inside

there is also a proposed cupboard storage area. Aluzinc coated steel roof cladding to match the existing café is proposed for the roof.

External children's court

To the north side of the proposed building is to be a children's outdoor court (mini tennis).

Floodlighting

This court is to be floodlit by two new floodlights attached to the existing poles which service floodlights on the adjoining courts.

Use for tennis

The applicant seeks permission to provide indoor and outdoor tennis facilities for small children (ages 2 – 7 approx.) within the existing site at Gildredge Park by developing one of the existing full sized courts (from left to right, it is the third court along). The current facilities offered to children in this age group are offered on a weather dependent basis, but some schemes are run at other venues in the town on a temporary basis by the applicant. If this scheme is supported the Tennis in Park business will consolidate to this venue.

Other uses

When it is not in use for children's tennis classes/clubs it is possible that the indoor facility may also be used by adult tennis members of the club for tennis related activities (strength/conditioning general training activities)

Consultations:

Internal:

Estate Manager – no comments received

Specialist Advisor (Arboriculture) – recommends condition and offered the following comments:

- Site not conducive to root growth
- Arboricultural report is not required for this application
- Portable interlocking aluminium trackway would be required to protect trees and allow access to the site for construction
- Recommends condition is added requiring a Construction Method Statement prior to the commencement of works

External:

LAWN TENNIS ASSOCIATION – supplied by applicant in support the proposal

- Scheme will be a "game changer" for sports development in the local area
- Indoor tennis facilities are limited at the moment and the scheme will change that, especially for children
- Will improve the accessibility and popularity of tennis in the local area
- Loss of the full-sized court is acceptable given the number of other courts at the site and elsewhere in Eastbourne

- LTA have confidence in the club's operating model and it is even used as an example of good practice for similar venues

County Archaeologist – no recommendations:

- Significant below ground archaeological remains are unlikely to be affected by these proposals

Neighbour Representations:

22 neighbour consultation letters were sent out and a Site Notice displayed following validation of the case. Following this, the application was subject to re-consultation where 51 letters were sent to surrounding residents and three Site Notices were then displayed near the site.

As a result of the first round of consultation, 10 objections have been received, 196 representations of support and 1 general comment. Following the second round of consultation, 1 objection has been received by an individual who wanted to reiterate points from their previous objection.

Objections received cover the following points:

- Development would compromise safe and limited available parking
- Parking provision for the rest of the park will be lost to those using new facility
- Negative effect on trees in the park and abutting the park
- Concerns that it could be requested of owners of nearby tree would not have to prune or cut-back subject tree if development goes ahead
- Heavy excavation works could damage trees (which are also wildlife habitats)
- Loss of privacy
- Increased noise
- Increased traffic
- Windows left open will allow noise to escape
- If air conditioning equipment is installed, this will disturb the neighbours
- Position of building will allow sound of tennis games to be reflected back into adjacent properties
- Development will disallow nearby residents enjoyment of their gardens
- Loss of security due to location of proposed building, which will create a "blind zone" behind it and will attract anti-social behaviour including drinking and taking drugs
- Toys next to site are taking away from available amenity space
- New building is poorly designed and out-of-keeping, detracting from local distinctiveness
- Children's tennis facilities should be provided by Devonshire Park, not at this location
- Little benefit of development is outweighed by substantial cost to our environment
- Parking and vehicular access are already dangerous at the park
- New building would visually dominate the area

- New building would increase likelihood of nearby properties being burgled
- Children's play areas undermine peace and tranquillity of the park
- Dogs are more likely to bite children as there will be more children in the area
- Children's play area or bowls club should be considered for redevelopment as car parks to service Gildredge Park
- There is a lack of parental supervision at the site, leading to children's misdemeanours
- Park offers relief from built environment, which will be spoilt by new building
- Floodlights should shut off no later than the existing lights
- Increased numbers of children will create noise nuisance
- Proposal would over develop a site which currently works well
- Site will be subject to "creeping development" if this application is approved, suggests condition against further development
- New building should be sited near existing building
- Flood assessment should be undertaken
- Development would be to the detriment of dog walkers

Notes of support received cover the following points:

- Children's tennis can be offered all year round and will not be weather reliant
- Existing facility are excellent – proposal will only improve it
- Tennis in the Park has become a real focal point of our community and Gildredge Park
- It would have a positive impact on Gildredge Park as have the cafe and courts so far
- Strengthens community
- Tackles childhood obesity and great for families
- New building does not take up any more space will have minimal impact
- All year round indoor tennis facility would be hugely welcomed and supported
- A place for tennis, yoga and Pilates would be greatly welcomed
- Mirrors existing café and looks in keeping with the surroundings
- Improvements would widen appropriate activities safely for children and adults
- If you interrupt children's programmes they can lose enthusiasm and confidence, all year round facility would combat this
- There is a need for facilities of this nature in Eastbourne to promote a healthy lifestyle and activities for children
- Eastbourne is a growing town with lots of young families and not a lot for them to do the terms of being fit and active, the proposal would make a big difference throughout the year
- An elegant low profile design with no noise impact must be acceptable to adjoining residents

- Similar facilities currently only available at expensive commercial sports centres
- It would free up more court space for adult players
- Gildredge Park has become more attractive and risk free since the tennis club was formed
- This is the next step in improving this ever popular facility whilst making the tennis easier and more peaceful
- An indoor area being made available will ensure that very young or physically vulnerable children can be included in activities

The general comment made makes the following point:

- Floodlights should be switched off by 10:00pm

Appraisal:

Principle of development:

The proposed development and use are considered to supplement an existing sporting/recreational activity within one of the public parks and that the site is considered to be in a sustainable location; it is considered therefore that there is no objection in principle to the proposed development provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity, the character of a listed building or conservation area in accordance with policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Outlook/Views Across an Amenity Area

The proposed structure is likely to be visible from most parts of the park and surrounding properties which already have clear views of the subject tennis court. Views from adjacent properties are considered to be as follows:

- View from rear of properties on Southfields Road
 - Properties along this boundary are at a lower ground level than the tennis courts
 - Standard fence panels (1.8m approx.) stand between the park and the rear of these properties
 - Distance between rear wall of closest dwelling (23 Southfields Road) to side wall of proposed building is approximately 62m

Subsequently, it is considered that views of the site/courts/building from across the park is neutral and from these properties are significantly limited and only possible from the first floor rear facing windows. It is considered therefore that a refusal based on the impacts upon the properties in Southfields Road could not be substantiated.

- Views from rear of properties on Dittons Road
 - Properties along this boundary benefit from some natural screening provided by mature trees, most of which are directly

between the subject tennis court and the rear gardens of nos. 10, 10a and 12 Dittons Road

- The properties along this side are at an elevated ground level and mainly have three storeys
- Clear views of the proposed building will be mitigated for most of the year (leaf cycle) and will be partially obscured (by the mature trees) for the remaining part of the year
- The rearmost wall of the closest property to the proposed building is approximately 41m away
- High fences to the rear boundary of the plots mitigates views from the rear gardens and lower levels at the property
- Dwellings are at a higher level than the park and courts and set back from the proposal site

Subsequently, it is considered that views of the site/courts/building from across the park is neutral and that views from these properties are limited for most of the year and only possible from some of the upper floor rear facing windows.

It is considered therefore that a refusal based on the impacts upon the properties in Dittons Road could not be substantiated.

Additional Floodlights

The proposed floodlights will be attached to two of the existing floodlight poles which currently serve the adjoining court.

According to the applicant's lighting survey, the light overspill and back spill are not to spread into the surrounding residential properties. So, although the proposed lights will be of the same output as the existing floodlights, it is proposed that the lights will be directional towards the external court and are considered to be necessary to support the proposed activity.

Furthermore, the existing lights are programmed to switch off at 10pm (with a 15 minute grace period for one light only) and is recommended that a condition is attached to any permission granted, which will ensure that the proposed lighting is switched off at 7:00pm.

Effects of Proposed Use

The purpose of the development is primarily to improve the facilities offered by the site and to consolidate their business primarily to this site.

This being the case, potentially there will be a positive effect on the wider community as children's tennis classes and clubs may continue despite poor weather and also into the early evening during the winter months. The current schemes/activities provided by this establishment are regular, and well attended and supported by the wider community.

The indoor use is not considered likely to negatively affect residents with regards to operational noise, as this has potential to occur outdoors on the site currently. However, it will be recommended that a condition to install non-opening rooflights on the roof of the building to prevent indoor noise from affecting the residential properties.

Other matters

As the building is single storey and drawn away from the boundaries of the adjacent residential properties, it is not considered that there would be any loss of natural light caused by the proposed development.

The proposal also seeks consent to use the new buildings after the children's classes have ceased for tennis related activities (strength /conditioning general fitness training) by adult club tennis members.

Whilst the frequency/intensity of this activity has not been identified, it is considered that the impacts of this element of the proposal given its use primarily by club members are unlikely to result in substantive material harm to the amenities of the occupiers of the adjacent properties nor should its use outside of tennis affect the character of Gildredge Park.

Design issues:

General Appearance

The proposed building reflects the character and appearance of the existing café/clubhouse and in the main, the proposed materials are to match this building. The timber cladding is not out of keeping within parkland areas within Eastbourne and elsewhere and it is considered to be the most appropriate material in this case.

The proposed fence around the proposed outdoor children's court is considered appropriate as this will match the existing fences and will prevent tennis balls from leaving the court area.

Size and Scale

The proposed building is to be smaller than the existing café/clubhouse and will fit well within half of the area allocated for a single tennis court. Furthermore, the closest properties to it (rear wall of dwelling approx. 41m away) stand at a higher ground level which is edged by trees. Overall, it is not considered to be overbearing or unacceptable as an addition and it will not look out of keeping with the site, which already has a sporting and informal character.

Impacts on trees:

As the development is within the existing tennis courts and the ground beneath them is not conducive to root growth from the neighbouring trees, there are no immediate concerns with regards to damage to existing trees as a result of the development.

However, the Specialist Advisor for Arboriculture has identified that trees could be damaged as a result of the attributed construction works to facilitate the development. As recommended by the Specialist, condition requiring a tree related construction method statement will be required prior to the commencement of development if the case is approved.

Impacts on highway network, parking or access:

It is considered that the application site is within a sustainable location which is easily accessed by foot, bus, train or car. As such it is likely to attract members from within the immediate community, which will negate the requirement for sole access by car. Furthermore, there are parking facilities around the park and unrestricted parking on a number of the surrounding roads. It is anticipated that a number of the classes/clubs to be run will be open to children who do not yet attend school. As such, any car parking requirements are likely to be staggered throughout the day.

It is acknowledged that there is not a dedicated car park for this facility and as such the parking that does exist has to be shared with/by other park users. Given this it is acknowledged that at times there will be parking stress, however this impact is considered to insufficient to justify a refusal when the scheme is acceptable in all other respects.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The proposed scheme is considered acceptable in that it will not have a material adverse effect on residential amenity, the character or integrity of the park or the visual amenity offered by the park currently.

Overall, it is considered that the proposal will not overdevelop the site or intensify the existing use of the site beyond its means or to the detriment of the nearby residents.

Recommendation:

Approve conditionally

Conditions:

- 1) Time
- 2) Drawings and Lighting Assessment
- 3) Construction Method Statement – Protection of Trees
- 4) Matching Materials (to include fencing)

- 5) Floodlights - Hours of Operation, 15:00pm – 19:00pm
- 6) Non-opening Rooflights
- 7) Non children's tennis uses of new building - Hours of Operation 19:00 – 22:00 pm

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.