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**MAIN CASE**

Proposal: Relocation of tennis courts with floodlighting following removal of 4no prefabricated classrooms and a metal storage container

Location: Soham Village College Sand Street Soham Ely Cambridgeshire CB7 5AA

Applicant: The Governors Of Soham Village College

Agent: Lyster Grillet & Harding Architects

Reference No: 10/00750/FUL

Case Officer: Penelope Mills

Parish: Soham  
Ward: Soham South  
Ward Councillor/s: Councillor Mark Duckworth  
Councillor John Humphreys  
Councillor Tony Parramint

Date Received: 7 September 2010      Expiry Date: 2 November 2010

**[K156]**

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**1.0      EXECUTIVE SUMMARY**

- 1.1      The application seeks full planning permission for the construction of four outdoor tennis courts with associated flood lighting and fencing.
- 1.2      The main issues for consideration are:
- The impacts on neighbouring residential amenity
  - The impacts on biodiversity and protected species
  - The impacts on trees and hedges
- 1.3      The proposed tennis courts are located in an area of the school grounds where there are a number of potential constraints to the development including the presence of protected species, and trees that make a positive contribution to the character of the area. The impact on trees and protected species can be avoided and mitigated through the use of conditions without any significant impact on the proposal. However, due to the close proximity of the development to neighbouring residential properties, the evening use of the courts would have a significant adverse affect on neighbouring residential amenity. It is therefore recommended that the application be **approved** subject to a condition restricting the times when the courts can be used to no later than 19:00 hours.

## 2.0 **THE APPLICATION**

2.1 The application seeks permission for the construction of four tennis courts with associated flood lighting and fencing within the grounds of the school. The tennis courts would be used by the school and the local community and the opening times proposed by the applicant are 8:30 – 10pm Monday – Friday and 9am – 10pm Saturday, Sunday and Bank Holidays.

## 3.0 **THE APPLICANT'S CASE**

3.1 The applicant has not submitted an additional supporting argument.

## 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located within the grounds of Soham Village College, in the north west corner of the school site to the west of the main school building. The application site is an area predominantly laid to grass close to the school's boundary with neighbouring residential properties in College Close to the north and west. The application site contains a large Lime tree with further trees and hedging to the north and west. The site encroaches on some temporary buildings, which would be removed to make way for the development. The site also includes an access road, which would be relocated to the east. The site is located close to the school's northern access, which also serves the Ross Peer's Sports Centre. The tennis courts were previously located in another part of the school grounds, which is now being developed to provide a performing arts centre.

## 5.0 **PLANNING HISTORY**

5.1

10/00381/FUL	Relocation of tennis courts on the site of the new Performing Arts Centre, application reference: E/09/00762/Fum.	22.06.2010
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## 6.0 **REPLIES TO CONSULTATIONS**

### 6.1 **Neighbours**

Six nearby addresses were notified and a site notice displayed. Two representations from residents of College Close have been received raising the following concerns:

- Light pollution
- Impact on wildlife including bats and owls
- Noise pollution to an unacceptable level until late into the night.
- What measures are proposed to ensure closure at 10pm and who will be responsible.
- Proposed opening times are too late
- Tennis Club requirements are understood to be that one court must be open to the public at all times and for mid-week matches. Who will manage this?
- Antisocial behaviour and littering. There are no assurances on security and upkeep.
- How will the emergency access road adjacent to the courts be maintained during construction works?

- Violation of human rights as the Act states that we have the right to “peaceful enjoyment” of our homes.
- This expenditure is unacceptable at a time when cuts are supposed to be made
- Issues of flood plain and sanitation ignored.
- Discrepancy between number of courts shown on plan and number stated on application form
- Neighbours have not been consulted by the college
- It is stated there are no trees with hollow, but one is to be felled
- Impact on adjacent trees
- Planning notice does not show position of the courts in relation to neighbouring properties.

Full neighbour representations are available to view on the case file.

## 6.2 **Parish Council**

The Council supports this application in principle but believes:

- The present scheme is too close to adjacent residential properties
- The present scheme would encourage anti-social behaviour and annoyance to neighbours and damage to property
- The proposed floodlighting would be inadequate and cause nuisance
- It does not conform to Lawn Tennis Association standards.

## 6.3 **Environmental Health**

Concerns expressed over the potential impact on neighbouring properties from noise and light emissions. Conditions recommended requiring a lighting assessment and restricting the hours of use. The Environmental Health Officer’s comments are attached in full at appendix 1.

## 6.4 **Trees Officer**

- Details of tree surgery required/recommended to implement proposal and for future maintenance
- Shift of layout to give 1m minimum distance to centre of hedge identified as Group G1.
- Details of new service runs and lighting posts taking into account tree/hedge constraints along with an arboricultural method statement for installation.
- Details of design/method of construction of new court surfacing should roots greater than 25mm in diameter be found
- Details of method of installation for fencing/fence posts where these are within root protection areas of G1, G2, T1, T3, T4 and T5

## 7.0 **THE PLANNING POLICY CONTEXT**

### 7.1 **East Cambridgeshire Core Strategy 2009**

CS6	Environment
S6	Transport impact
S7	Parking provision
EN2	Design
EN6	Biodiversity and geology

7.2 **National Planning Policy**

PPS1 Delivering Sustainable Development  
PPG17 Planning for Open Space, Sport and Recreation  
PPG24 Planning and Noise

8.0 **PLANNING COMMENTS**

8.1 The key considerations in determining this application are the impacts on neighbouring residential amenity, the impacts on protected species and the impacts on trees and hedges.

**Residential Amenity**

8.2 The site of the proposed tennis courts is close to neighbouring residential properties in College Close to the north. The courts would be approximately 11 metres from the boundary with the rear gardens of these neighbours and 24 metres from their rear elevations. Due to the close proximity of these neighbouring properties the tennis courts would have the potential to affect their residential amenity through noise disturbance and floodlighting.

8.3 In terms of the impact from floodlights, the Council's Environmental Health Technical Officer is satisfied that a "technical solution", which provides for adequate lighting of the courts whilst safeguarding residential amenity can be identified. However, they are not confident that this can be achieved by means of the "reuse" of the existing luminaries as is proposed. A condition would therefore need to be attached to any consent requiring the submission, approval, implementation and subsequent maintenance of a scheme of artificial lighting of the tennis courts.

8.4 Turning to the impact from noise, given that the dwellings on College Close are situated immediately adjacent to a school, the occupants are likely to expect a certain level of noise during the day, particularly during break times and perhaps occasionally later into the evening or at weekends, when one off events are held at the school. However, due to the times proposed on the application, the tennis courts would introduce a level of sustained disturbance well into the evening and on weekends, that would be well above what one might reasonably expect to experience in such a location.

8.5 The Council's Environmental Health Technical Officer has considered the predicted noise levels and the characteristics of court noise, which could include vocalisations from the various participants, and has concluded that noise attributable to the use of the tennis courts during the evening is likely to cause significant detriment to residential amenity. On this basis, the application should either be refused or subject to a condition restricting the times when the courts can be used to no later than 19:00 hours. This is viewed as a time at which most people will have returned home from work and would reasonably expect to enjoy their home and private amenity space without significant disturbance.

8.6 Planning Policy Guidance Note (PPG) 24 "*Planning and Noise*" advises, paragraph 22, that when considering noise from recreational and sporting activities the local planning authority should take account of how frequently the noise will be generated

and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people and that, depending on local circumstances and public opinion, local planning authorities may consider it reasonable to permit higher noise emission levels than they would from industrial development, subject to a limit on the hours of use, and the control of noise emissions (including public address systems) during unsocial hours.

- 8.7 In this case, the local planning authority recognises that there is a need for a facility such as this in the local area and that such a restrictive time condition would have significant implications in terms of the community use of the courts. However, whilst it would be desirable to have tennis courts that open later in the evening so as to benefit the local community, it is not possible to do so in the location put forward in this application, without significant adverse affects on the residential amenity of neighbouring occupiers.

### **Biodiversity and Protected Species**

- 8.8 In order to assess the impact of the development on protected species the applicant was required to provide an ecological scoping survey. A survey was carried out prior to the submission of the application in which trees on the site and those nearby were externally inspected for signs and evidence of bats and barn owls and potential to support those species.
- 8.9 No signs or evidence of bats or barn owls were found on the site or nearby and it was therefore considered highly unlikely that barn owls would be significantly impacted by the proposed development. However, it was considered that some of the trees on the boundary of the site had potential to support roosting and foraging bats and as such further surveys were required.
- 8.10 The additional bat surveys, submitted during the course of the application found no constraints to the removal of the Lime tree that needs to be felled to make way for the tennis courts as this tree had low bat roosting potential and no roosting bats were observed using this tree. Low numbers of the three most abundant and widespread bat species were recorded foraging and commuting along the tree-line boundary of the site. However, it was considered that the proposed tennis court could proceed with a low risk of disturbance to local foraging, commuting or roosting bats provided that the lighting minimisation recommendations outlined in the report are followed. These recommendations have been distilled into planning conditions to be attached to any consent.
- 8.11 In order to enhance the local foraging habitat for bats the planting of further native shrubs and trees at an agreed location within the school grounds, would be secured by condition.

### **Trees**

- 8.12 The application site is adjacent to a line of trees to the west, one of which is covered by a Tree Preservation Order, and a hedge to the north. The submitted Arboricultural Implications Assessment identifies that these contain 4 Category B trees and 2 Category B groups. Trees/features of this category should be retained and therefore

constraints from these features should have been used to inform the layout of the development.

- 8.13 The Trees Officer has expressed concern that some of the tennis court surfacing would fall within the root protection zone of the TPO Lime tree and has requested that details of design and method of construction of new court surfacing should be required by condition should any roots greater than 25mm in diameter be found. They have also requested that the northern boundary fence is a minimum distance of 1 metre from the centreline of the adjacent hedge and that the installation for any lighting is carried out by hand digging where within root protection areas of trees and the siting of the posts should be determined so that they do not impede existing tree canopies or tree development. Further details are also required to clarify what tree surgery is required to implement the proposal and for future maintenance.
- 8.14 On balance, it is considered that whilst the application site is close to trees and hedges that make an important contribution to visual amenity and biodiversity, the development could be carried out without an adverse affect, provided that certain conditions outlined by the Trees Officer are adhered to.

### **Summary**

- 8.15 The proposed tennis courts are located in an area of the school grounds where there are a number of potential constraints to the development including the presence of protected species, and trees that make a positive contribution to the character of the area. The impact on trees and protected species can be avoided and mitigated through the use of conditions without any significant impact on the proposal. However, due to the close proximity of the development to neighbouring residential properties, the evening use of the courts would have a significant adverse affect on neighbouring residential amenity. It is therefore recommended that the application be approved subject to a condition restricting the times when the courts can be used to no later than 19:00 hours.

### **9.0 RECOMMENDATION Approve, subject to conditions...**

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 1 REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 Prior to the commencement of the development following details are required:
- \_ Any tree surgery required/recommended to implement proposal and for the future maintenance of the courts shall be submitted to the local planning authority and agreed in writing.
  - \_ New service runs and lighting posts taking into account tree/hedge constraints along with an arboricultural method statement for installation.

\_ Method of installation for fencing/fence posts where these are within root protection areas of G1, G2, T1,T3,T4 and T5 shown on drawing number JBA 10/205 TS01

All works shall be carried out in accordance with the agreed details.

- 2 REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009.
- 3 The new fence on the northern side of the application shall be positioned a minimum of 1 metre from the centreline of hedgerow 'G1', indicated on drawing number JBW 10/205 TS01.
- 3 REASON: To ensure the existing hedge is retained in the interests of visual amenity and biodiversity in accordance with policies EN2 and EN6 of the Core Strategy.
- 4 Should any trees roots greater than 25mm be found when digging the hand dug trench detailed on drawing number JBA 10/205 TS01, details of design/method of construction of the new court surfacing shall be submitted to the local planning authority and agreed in writing prior to the new surface being laid.
- 4 REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009.
- 5 All work shall be carried out in accordance with the methods of construction and tree protection set out in the Arboricultural Implications Assessment and Method Statement.
- 5 REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009.
- 6 Prior to the commencement of development a scheme of artificial lighting of the tennis courts which complies with relevant criteria provided in 'The Institution of Lighting Engineers (ILE) publication: Guidance Note 01,Guidance notes for the reduction of obtrusive light 2005', shall be submitted to the local planning authority and agreed in writing. The submitted details should include a technical appraisal which provides a quantitative evaluation of horizontal illuminance and glare at the façades of representative nearby houses together with a comparison to relevant assessment criteria. The technical appraisal to confirm should explicitly state that the proposed lighting installation will comply with the relevant criteria provided in the ILE guidance. The lighting shall be implemented and maintained in accordance with the agreed details.
- 6 REASON: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 7 The lighting scheme shall follow the light minimisation precautions set out at point 5.1 of the submitted Bat Survey.

- 7 REASON: To minimise the risk of disturbance to bats using the boundary of the site in accordance with policy EN6 of the Core Strategy.
- 8 The tennis courts shall only be used between the hours of 8:30 - 19:00 Monday to Saturday and 8:30 - 19:00 on Sundays and Public Holidays.
- 8 REASON: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 9 Prior to the commencement of development details of native species planting to enhance local foraging for bats, shall be submitted to the local planning authority and agreed in writing.
- 9 REASON: To enhance the biodiversity value of the site in accordance with policy EN6 of the Core Strategy.

## **APPENDICES**

- Appendix 1 – Environmental Health comments
- Appendix 2 – Soham Tennis Club comments – N.B. These comments were received very late, i.e. after this report was prepared, but have been included for completeness.

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Case file and history file	Penelope Mills Room No. 011 The Grange Ely	Penelope Mills Planning Officer 01353 665555 penny.mills@eastcambes.gov.uk
Core Strategy	<a href="http://www.eastcambes.gov.uk">www.eastcambes.gov.uk</a>	
PPS1 PPG17 PPG24	<a href="http://www.communities.gov.uk">www.communities.gov.uk</a>	



**Correspondence received from Soham Tennis Club**

Dear Ms Mills

Re: Planning application 10/00750/FUL: Consultee Response by Andrew Martin, Environmental Health Technical Officer, 18/10/2010.

I am writing as Chairman of Soham Tennis Club to comment on the following significant paragraph from this report:

"Based on a consideration of the predicted noise levels and the characteristics of court noise, which may well include intrusive (to neighbouring residents) vocalisations from the various participants, I am of the opinion that noise attributable to the use of the tennis courts during the evening is likely to cause significant detriment to residential amenity. I must therefore recommend that the application either be refused or be subject to a condition restricting the times when the courts can be used to no later than 19:00 hours."

Soham Tennis Club is an active member of the regional tennis community, playing over 100 fixtures throughout the year in both Cambridgeshire and Norfolk & Suffolk county leagues, of which half are played at home. We also have regular club nights and club tournaments for our local membership.

However I am certain that placing a 7pm time limit on the use of the proposed new courts would be fatal to the tennis club. Almost all our club events and league fixtures are played during weekday evenings, usually between the hours of 6.30pm and 9pm (although the occasional close match may run on a bit longer). Therefore it is clear that a 7pm limit would mean that we could no longer fulfill our obligations to the county leagues or to social club play. We would no alternative but to close down the club.

I would also like to contest the opinion expressed in the report that noise generated by the tennis club will cause significant detriment to nearby residential amenity. Tennis play is not like, for example, 5-a-side football where there is inevitably constant and loud vocal interaction between the players. In fact shouting or clapping on court is positively and actively discouraged by the members as it affects the concentration of other players. Also, at our level of club play there are rarely spectators who might generate applause or tannoy noise (note: we have absolutely no plans or intentions to deploy any public address system). The sound of balls being struck is also not too significant at our typical levels of club play.

Soham Tennis Club does strongly support the application by the Village College to replace the previously existing tennis courts, which were originally constructed via public grants for both school and community use. The new courts will greatly encourage the development of tennis within the curriculum at Soham Village College and we expect that the tennis club, on the same site

and linking with the College and Sports Hall, will be able to attract more enthusiastic young players as a consequence.

We will be able to provide these young players with opportunities to experience county league play at an early stage of their playing careers. Therefore it would be a great pity if the club were to be lost now as a direct consequence of implementing the time restriction as recommended.

Yours sincerely

Keith Ruttle  
Chairman  
Soham Tennis Club