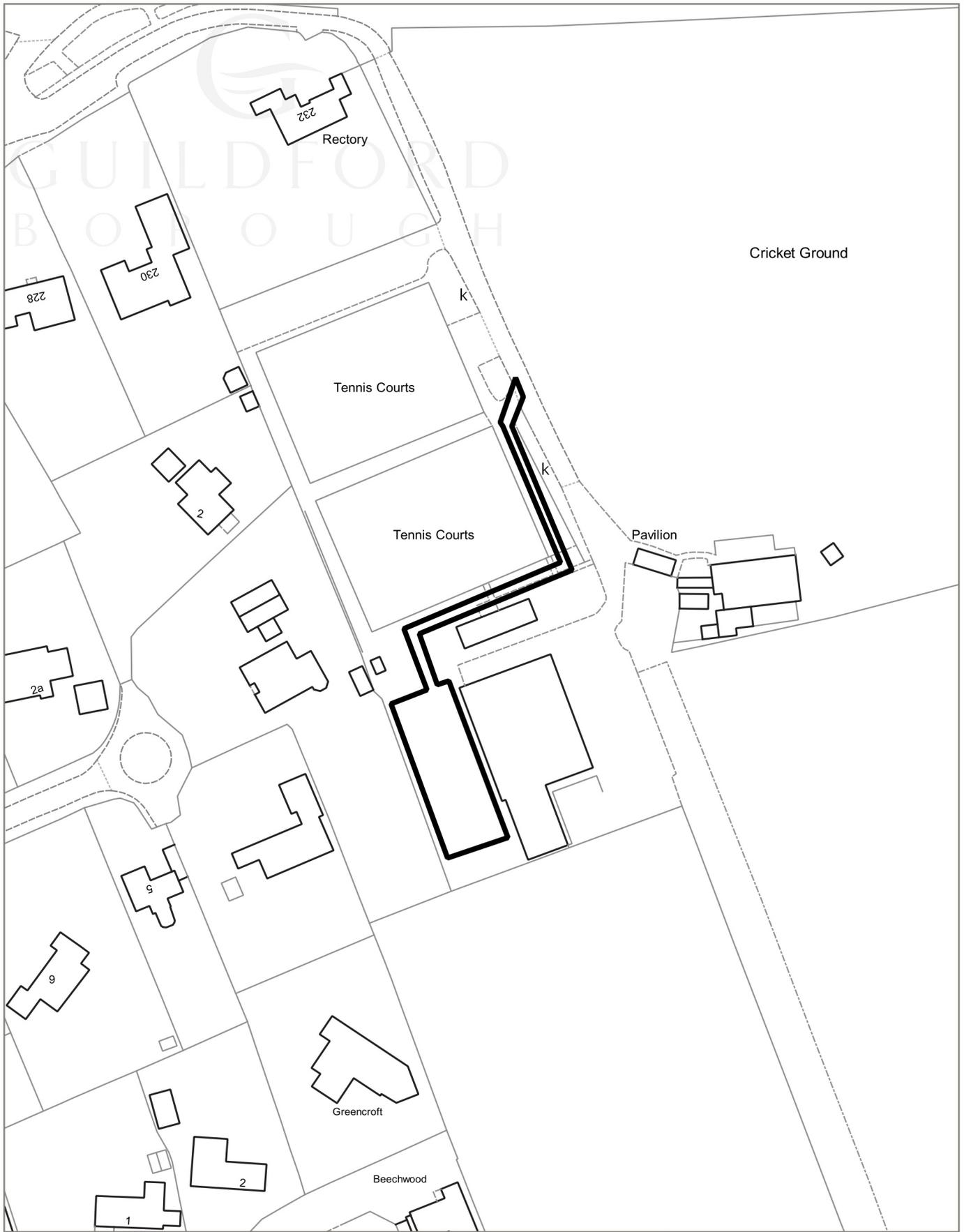


# 21/P/00630 - Merrow Lawn Tennis Club, Epsom Road, Guildford



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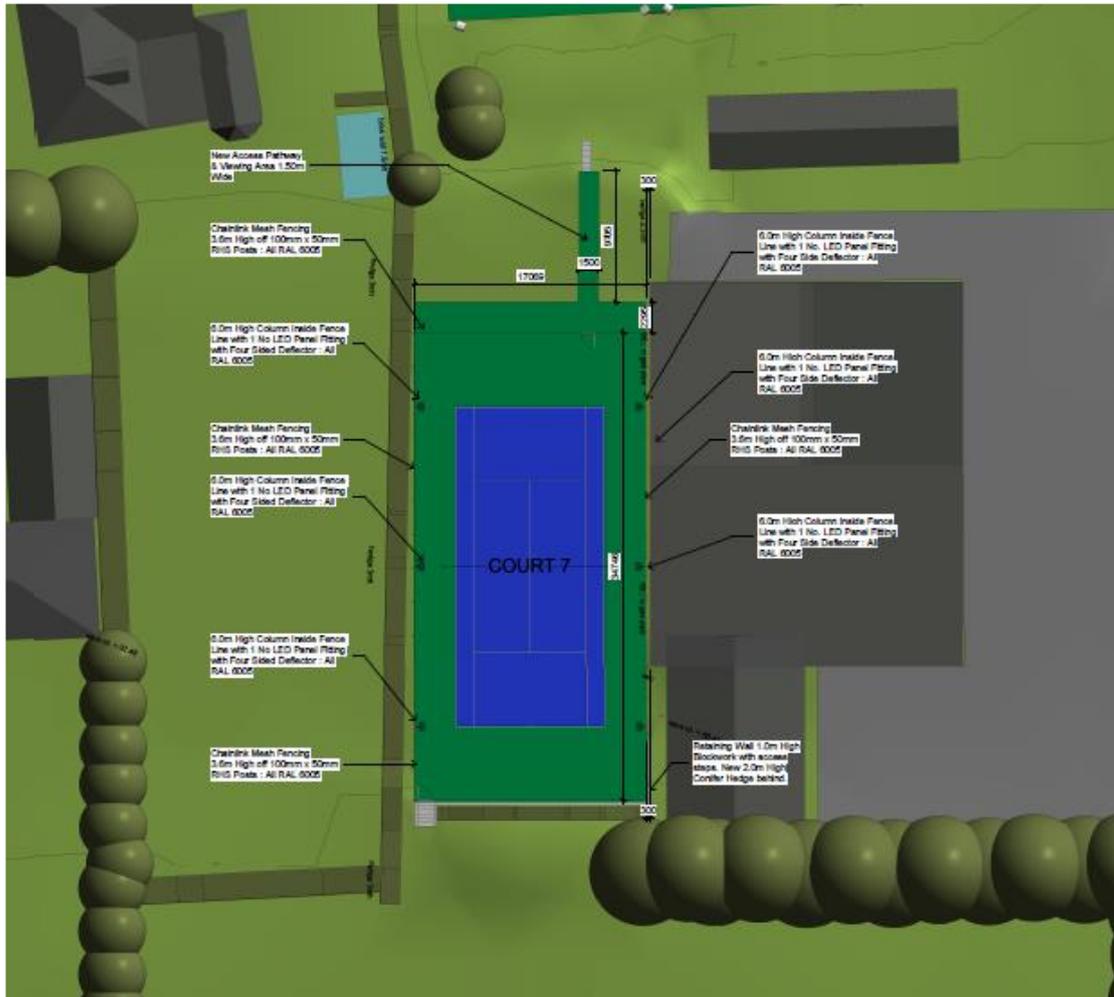


Not to Scale



GUILDFORD  
BOROUGH

21/P/00630 – Merrow Lawn Tennis Club, Epsom Road, Guildford



Not to scale

**App No:** 21/P/00630  
**Appn Type:** Full Application  
**Case Officer:** Sakina Khanbhai  
**Parish:** Merrow  
**Agent :** Mr West  
S.F.P.A.D. Limited  
39 Hemwood Road  
Windsor  
SI4 4YX

**8 Wk Deadline:** 17/06/2021

**Ward:** Merrow  
**Applicant:** Mr Clarke  
Merrow Lawn Tennis Club  
Epsom Road  
Guildford  
GU4 7AA

**Location:** Merrow Lawn Tennis Club, Epsom Road, Guildford, GU4 7AA  
**Proposal:** The conversion of one outdoor natural grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED floodlighting and associated works.

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee because more than 10 letters of support have been received, contrary to the Officer's recommendation to refuse the application.

#### **Key information**

The conversion of one outdoor natural grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED flood lighting and associated works.

The site comprises of a parcel land within the tennis club grounds. The site is located within the Green Belt and within an Area of Great Landscape Value. The site is directly adjacent to No.3 Abbots Way to the west and a fitness sports gym to the east. Within the wider area, Clandon Golf Club is located towards the south and east of the site and residential dwellings on Abbots Way are located west of the site.

#### **Summary of considerations and constraints**

The installation of additional flood lighting in the proposed location would result in adverse harm to the visual amenities of the rural character of the wider landscape. The proposed lighting scheme results in light over spill to No.3 Abbots Way's rear garden. Furthermore, the creation of an additional tennis court in close proximity to residential properties would result in noisy activity at an intensity that would be harmful to neighbouring amenity in terms of noise disturbance. The Council's Environment Health Officer has objected to the proposals and considers the development would have an adverse impact on neighbouring residents.

### **RECOMMENDATION:**

#### **Refuse - for the following reason(s) :-**

1. The flood lighting would fail to conserve the existing dark skies within the area south

of the site and would disrupt and conflict with the rural landscape character of the local environment. The proposal would have a detrimental visual impact on the character of the area and would be inconsistent with the intention of protecting the distinctive landscape character of the Area of Great Landscape Value. The proposal is therefore contrary to policies P1 and D1 of the Guildford Borough Local Plan: Strategy and Sites 2019, policy R6 and G1(8) of the saved Local Plan and the NPPF 2021.

2. The addition of flood lighting in the proposed location, results in light spill outside the site boundary resulting in unacceptable light levels affecting the residential amenity of surrounding neighbouring properties. The Council does not consider that adequate controls can be applied to limit the light over spill through the use of planning conditions. The proposal would be contrary to policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) and the NPPF 2021.
3. The proposed addition of another outdoor tennis court in the proposed location, results in further intensification of the site and results in inherently noisy activity along the shared boundary with the residential property No.3 Abbots Way at an intensity that has a harmful impact on the amenities of this neighbouring property and other residential properties to the south and west of the site. The Council does not consider that adequate controls can be applied to limit the effect of the noise through the use of planning conditions. This would be contrary to policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007) and the NPPF 2021.

#### **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre application advice service
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case, pre-application advice was not sought prior to submission and there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application.

2. This decision relates expressly to drawing(s) 2020 CAS 044 012A, 2020 CAS 044 013 B, 2020 CAS 044 016, 2020BCAS 044 018 B, 2020 CAS 044 019 B, 2020 CAS 044 011, 2020 CAS 044 014, 2020BCAS 044 015 A, 2020 CAS 044 010 and additional information received on 22/03/2021.

## **Officer's Report**

### **Site description.**

Merrow Lawn Tennis Club is a well established tennis club located off the Epsom Road in Merrow. The Tennis Club comprises six existing all weather tennis courts and is set back off the main road and positioned adjacent to Merrow Cricket Ground and a fitness centre. Residential dwellings in Abbots Way and Epsom Road also adjoin the site. There is existing flood lighting serving all six tennis courts.

The Tennis Club itself and six tennis courts are located within the urban area. The application site and proposed location of development lies within the Green Belt and an Area of Great Landscape Value.

### **Proposal.**

The conversion of one outdoor natural grass tennis court to one outdoor porous asphalt tennis courts with the installation of LED flood lighting and associated works.

### **Relevant planning history.**

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
11/P/00756	Replacement of flood lighting on courts 1, 2 and 3 at Merrow Lawn Tennis Club.	Approve 23/06/2011	N/A
09/P/01183	Installation of flood lighting to tennis courts 4, 5 and 6.	Approve 16/09/2009	N/A
08/P/02203	Installation of flood lighting to tennis courts 4, 5 and 6	Withdrawn 26/01/2009	N/A
02/P/00256	Installation of 5 metal lighting bollards adjacent to car park area operated by 3 infra red sensors together with associated underground wiring Merrow Tennis Club. -	Approved with conditions	
86/P/01313	Erection of six 10 metre high flood lighting columns to provide lighting for 3 all weather tennis courts	Approved with conditions.	

### **Consultations.**

#### **Statutory consultees**

Sports England: No detailed response provided.

### Internal consultees

Environment Health Officer: The lighting impact assessment indicates that areas of neighbouring residential property may experience levels above the ILP's guidance.

Potential for noise nuisance from increased activity which has the potential to cause detrimental effect on residents. The change in noise levels should be considered with this application.

### Non-statutory consultees

Surrey Wildlife Trust: No comment to make on the application.

### Amenity groups/Residents associations

Merrow Resident's Association:

- Impact on Green Belt
- Impact on AGLV
- Impact on neighbouring amenity due to light pollution
- Noise and disturbance to residents
- Impact to wildlife

### **Third party comments:**

18 letters of representation have been received raising the following objections and concerns:

- Noise disturbance
- Light pollution impact on neighbouring residents
- Overdevelopment
- Damage to hedge (officer note this is not a material planning consideration)
- Limited space around the court for access and maintenance (officer note this is not a material planning consideration)
- Impact to wildlife
- Impact on rural nature and character of the wider area
- Impact to AGLV
- Increased traffic and congestion on access road
- Impact on the Green Belt

24 letters of support have been received outlining the following positive comments:

- Beneficial for the community and members of the tennis club
- The lighting to the new court has been designed to use the latest art lighting technology causing minimal light pollution
- The planning application will have no impact on road usage
- Supports health and physical well-being
- The club is at its maximum capacity so an extra court would ease pressure on court bookings.

### **Planning policies.**

#### National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development.

Chapter 12: Achieving well-designed places

Chapter 13: Protecting Green Belt land

Chapter 15: Conserving and enhancing the natural environment

Guildford Borough Local Plan: Strategy and Sites (LPSS), 2015-2034:

Policy D1:	Place shaping
Policy D2:	Sustainable design, construction and energy
Policy P1:	Surrey Hills of Outstanding Natural Beauty and Area of Great Landscape Value
Policy P2:	Green Belt

Guildford Borough Local Plan 2003 (as saved by CLG Direction 24 September 2007):

G1	General Standards of Development
G5	Design Code
R6	Intensification of Recreational Use

Supplementary planning documents:

Vehicle Parking Standards (2006)  
Guildford Landscape Character Assessment (2007)

**Planning considerations.**

The main planning considerations in this case are:

- the principle of development and the impact on the Green Belt
- the impact on neighbouring amenity
- the impact on the visual amenity and character of the area/AGLV
- impact on biodiversity/wildlife
- highway / parking considerations

Principle of development

The proposal is for the conversion of one redundant outdoor natural grass tennis court to one outdoor porous asphalt tennis court with the installation of 6 LED flood lights at Merrow Lawn Tennis Club.

Policy R6 (Intensification of Recreational Use) of the saved Local Plan is relevant. This states that planning permission will be granted for increased use of recreational facilities through the introduction of flood lighting / and all weather surfaces where the environmental, traffic and visual impact is acceptable.

The application site is located within the Green Belt.

Paragraph 149 of the NPPF allows for outdoor sport facilities in connection with the existing use of land which preserve the openness of the Green Belt. The proposed development is, therefore, acceptable in principle providing there is no harm to the openness or visual amenity of the Green Belt.

The construction of the tennis court is an engineering operation which is acceptable development in the Green Belt in terms of Paragraph 150. The tennis court would be of porous asphalt construction with perimeter chainlink mesh fencing measuring 3.6m high off rectangular posts. The tennis court will be located on land between existing built development on land which is part of the tennis club grounds. The new surfacing and associated works for the construction of the proposed tennis court would have some impact on the openness of the Green Belt. However, the court would constitute a facility for outdoor recreation which is appropriate development in the Green Belt and the design of the fence would minimise the impact on the openness of the Green

Belt.

The proposal also includes the installation of 6 x 6m high lighting columns. The lighting columns would be lower in height than the existing flood lighting poles serving the other tennis courts. The proposed floodlighting would enable greater use of the proposed tennis court during part of the year. As such, it would be an appropriate facility for outdoor sport. Furthermore, the lighting columns themselves are not considered to cause a material loss of openness due to their slender form and the spacing left between each floodlight.

As such, it is considered that the proposals would not have a detrimental impact on the openness of the Green Belt and would constitute appropriate development in the Green Belt.

There are concerns relating to the visual amenity and rural character of the wider area and AGLV which will be discussed in the next sections of the report.

### The impact of the development on visual amenity and the character of the area, AGLV

The application proposes the creation of a formal outdoor tennis court with LED flood lighting. The flood lighting comprises of 6 x 6m high poles and has been designed with flood light deflectors to minimise the amount of light spillage. The proposed flood lights would be lower than the existing 8 metre high flood lighting poles currently serving courts 1, 2 and 3.

The application site is situated within the rural-urban fringe character area and the landscape type is cited as type D: Clandon Open Chalk Farmland (Ref Guildford Landscape Character Assessment 2007) . The site adjoins the development edge which is characterised by houses screened by a mix of hedgerows and fields extending up to boundaries. The site forms a small part of a much wider rural character area which includes views up to the wooded downs and functioning as a backdrop to the lower lying claylands.

The main tennis club and existing courts are situated within the urban area. Beyond the urban area boundary, the character of the area begins to transition to a more open and rural landscape. Currently the application site is undeveloped and it is considered that the absence of flood lights on this parcel of land provides a visual separation between the main tennis courts and the area to the south of the tennis club building which is in the AGLV. It is considered that the installation of additional flood lighting in the proposed location would erode the wider visual amenity of the surrounding open character of the area. The combined impact of existing flood lighting and the proposed lighting scheme would erode the visual buffer between the urban area and Green Belt in the night sky particularly during the winter months. It is considered the introduction of additional flood lighting in the proposed location would fail to preserve or enhance distinct character of the AGLV and cause visual harm to the wider landscape which is of a rural nature.

It is concluded that the proposal would have an unacceptable wider visual impact on the surroundings. The proposal is therefore contrary to policies P1 and D1 of the adopted Local Plan, policy R6 and G1(8) of the saved Local Plan and the NPPF.

### Impact on neighbouring amenity

The application site is located immediately adjacent to 3 Abbots Way. To the west Nos 4 and 5 Abbots Way and to the south west Greencroft on Three Pears Road are also in close proximity to the application site. There are also a number of dwellings situated north of the site on Abbots

Way where the existing and proposed flood lighting would be visible.

### *Lighting*

This proposal seeks permission for the installation of 6 x 6m columns around the proposed tennis court.

It is acknowledged that on page 15 of the lighting report that obtrusive light measurements in terms of illuminance in Lux (5lux max in zone E2 pre-curfew (11pm)) and luminous intensity in Cd are both met in accordance with the Institution of Lighting Professionals (ILP) guidance and therefore the lighting scheme be acceptable when solely looking at the ILPs guidance when assessing nuisance.

However, concerns have been raised by the Council's Environment Health Officer that the proposed flood lighting would cause unacceptable over spill of lighting beyond the site boundary into the garden of No.3 Abbots Way. Pages 8-10 of the lighting reports indicates that the light spill caused outside the site boundary would be up to 14.6 lux in parts. The level of light spillage would cause adverse material harm to the No.3 Abbots Way.

The lighting report on pages 8-10 indicates that light spill would be caused outside of the site boundary up to 14.6 lux in parts. This level of light spillage;age to No.3 Abbots Way is unacceptable and would infringe on the residential amenities of No. 3 Abbots Way.

It is also noted that the previous application for flood lighting ref 11/P/00756 stated that there would be no light spillage to neighbouring properties and conditions were imposed to ensure there would be no light spillage given the close proximity of residential properties to the tennis club. Officers acknowledge that there are ongoing issues and a complaint relating to the compliance of the conditions and mitigation measures associated with the approved 2011 flood lighting scheme. Given that the current proposals would result in light spillage which currently exceeds that given within the ILP guidance resulting in a large amount of over spill into No.3 Abbots Way garden, it is concluded that the lighting scheme would have an unacceptable impact on neighbouring amenity in terms of light pollution.

### *Noise*

The applications proposes an additional tennis court adjacent to the rear garden of No.3 Abbots Way.

The proposal has the potential for noise nuisance from the increase in tennis players and noisy activity due to the proposed intensification and use of the site and tennis club as a whole. The placement of the new court is adjacent to the fitness centre and the garden of No.3 Abbots Way. The Environment Health Officer notes that the sound from players has the potential to cause a detrimental effect on the amenity of No.3 and surrounding neighbouring residents. No noise impact assessment has been submitted as part of the application to assess the impact of the change in noise levels.

Whilst acknowledged that audible noise on it's own is not an indication of planning harm, the long periods of outdoor tennis play and increased intensity of the site would give rise to concerns of noise disturbance and noise nuisance. It is considered that the proposal would result in unacceptable level of noise and disturbance to neighbouring residents .

### Impact on biodiversity/wildlife

Surrey Wildlife Trust has not provided any adverse comments on the application. Given that the

site lies within the existing tennis club grounds, the proposal is not expected to result in any material harm to biodiversity and wildlife.

#### The impact on traffic and parking

The tennis club benefits from existing parking spaces serving members and visitors. The creation of an additional tennis court is not considered to generate a significant increase in the comings and goings to the site or result in a significant increase in parking. The proposed development is considered acceptable in accordance with policy ID3 of the adopted Local Plan and the NPPF.

#### **Conclusion.**

It is recognised that a new tennis court with LED flood lighting would provide an additional facility for outdoor tennis for tennis club members and there is no doubt playing sport has many associated benefits. However, this is outweighed by the harm in respect of the detrimental impact on the character of the area and AGLV and impact on neighbouring amenity.