Application No: 2018/3653

Case Officer: Aneta Mantio

Expiry Date: 21/02/2019

Location: Oxshott Village Sports Club Steels Lane Oxshott Leatherhead Surrey KT22 0RF

Proposal: New netball court and overflow car park (36 spaces).

Applicant: Oxshott Village Sports Club

Agent: Ms Ellen Cullen Cullen Planning Ltd 84 Anyards Road Cobham Surrey KT11 2LG

Decision Level: If Permit – Sub-Committee If Refuse – Sub-Committee

Recommendation: Permit

**Representations:** Letters of objection from 9 separate households have been received concerned with the following matters:

- Pollution (noise, light – from future floodlights, and emissions from cars);
- Flooding implications;
- Drainage/sewage problems due to the club’s expansion;
- The proposed tree works would reduce the natural screening between the Club and properties in Lyfield;
- Highway implications (increase in traffic; inadequate access);
- A condition associated with the use of the proposed overflow car park for this purpose only was requested;
- A condition that the new court must never be floodlit was requested;
- The hours of use of the proposed car park for the members of the community should be specified;
- Inadequate consultation has been carried out by the Council.

Additionally, 2 letters of support were also received associated with the provision of improved facilities and the use of the site for the members of the local community.

**Report**

**Description**

1. The application site is located to the rear of the dwellings to Steels Lane, Oakshade Road, Ridgeway Close, Lyfield and Webster Close, located in the settlement of Oxshott. The site contains the Village Sports Club with a bowls club, cricket pitches, petanque terrain and several tennis courts. It falls within the Oxshott character area as identified in the Council’s Design and Character SPD.

**Constraints**

2. The relevant planning constraints are:

- Flood Zone 2
- Surface Water Flooding – low to high risk
- Potentially contaminated land
- Tree Preservation Order (TPO)
Policy

3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011
CS1 – Spatial strategy
CS10 – Cobham, Oxshott and Stoke D’Abernon
CS17 – Local Character, Density and Design
CS26 – Flooding

Development Management Plan 2015
DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM5 – Pollution
DM6 – Landscape and trees
DM20 – Open space and views

Flood Risk SPD 2016

Relevant Planning History

4. The site has an extensive planning history, however the previous applications indicated below have relevance to the current proposal:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/2502</td>
<td>New petanque terrain and modifications to existing terrain</td>
<td>Granted</td>
</tr>
<tr>
<td>2012/2218</td>
<td>Raising of safety nets by 2.3 metres to a total height of 8.3 metres during</td>
<td>Refused - The proposed retention of the netting at a height of 8.3m on a permanent basis would result in a harmful impact on the visual amenities of the area and nearby residents.</td>
</tr>
<tr>
<td></td>
<td>the playing season (mid-April to mid-September)</td>
<td></td>
</tr>
<tr>
<td>2012/1217</td>
<td>New petanque terrain</td>
<td>Refused due to insufficient information being submitted with regards to the trees</td>
</tr>
<tr>
<td>2011/7326</td>
<td>Retention of existing 9 metre high safety net</td>
<td>Refused - The proposed retention of the netting at a height of 9m on a permanent basis would result in a harmful impact on the visual amenities of the area and nearby residents.</td>
</tr>
<tr>
<td>2007/2621</td>
<td>Variation of condition 3 of planning permission 1997/0321: Raising of safety</td>
<td>Refused - The justification for the proposed relaxation of the condition is unrelated to its objective and would result in the same perceived harm to residential amenities that the condition was designed to prevent.</td>
</tr>
<tr>
<td></td>
<td>netting from 6 metres to 9 metres and allow extension poles to remain extended</td>
<td></td>
</tr>
<tr>
<td>2006/1743</td>
<td>Variation of condition 3 of planning permission 1997/0321 (Raising of safety</td>
<td>Refused - The proposal would result in conditions detracting from and harmful to the visual amenities of the area.</td>
</tr>
<tr>
<td></td>
<td>netting from 6m to 9m and extension of netting by 6m to west and 12m to east) to allow the safety net extension poles to remain extended throughout the cricket season from 1st May until 30th September</td>
<td></td>
</tr>
<tr>
<td>2005/0447</td>
<td>Hard surface for boules/petanque in the</td>
<td>Granted</td>
</tr>
<tr>
<td>1997/0321</td>
<td>Raising of safety netting from 6m to 9m and extension of netting by 6m to west and 12m to east.</td>
<td>Granted</td>
</tr>
<tr>
<td>1982/0010</td>
<td>Erection of safety net</td>
<td>Granted</td>
</tr>
</tbody>
</table>

### Proposal

5. Planning permission is being sought for a new netball court and overflow car park (36 spaces). No floodlights to serve the new netball courts are proposed.

### Consultations

6. Surrey County Council (Transportation) – The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommended condition and informative.

7. Head of Environmental Services (Contamination) – Raised no concerns.

8. Tree Officer – Raised no objections, subject to conditions.

### Positive and Proactive Engagement

9. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of 186-187 of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

10. Formal pre-application advice (PreApp82694334) was sought for the implementation of additional overspill car park, new netball court and replacement cricket nets. The applicant was advised with regards to the principle of development, character of the area, residential amenities, highways impacts, flooding and ecological implications. The submission of the application was encouraged.

### Planning Considerations

11. The main planning considerations in the determination of this application are:

   - Principle of development;
   - The design of the proposal and its impact on the character of the area;
   - The impact on residential amenities;
   - Highway implications;
   - Flooding implications.

### Principle of development

12. Policy CS16 of the Elmbridge Core Strategy seeks to ensure provision of accessible and sustainable social and community infrastructure, which includes sport facilities. Policy DM9 of the Development Management Plan provides further guidance in terms of new development for the above purposes. It states that such development would be encouraged provided that i) it meets identified local need; ii) the site is in a sustainable location that is safe and accessible to the local community; iii) it accords with the character and amenity of the area, particularly in residential areas; iv) it achieves a high quality design that allows for flexible use and provides inclusive access for all; and v) the level of parking provision and the effects on traffic movement and highway safety are acceptable. Furthermore, DM9 supports mixed-use, shared, flexible and adaptable buildings and spaces that meet the needs of the community, subject to the above provisions, and encourages collaboration between service providers, the community and key partners.
13. Oxshott Village Sports Club provides sport facilities for its members and for the members of public, in line with the requirements of the above policies. The proposed development would be situated to the west of the Club building and to the northwest of the petanque terrain. It includes the existing formal parking area as well as the grassed area, which is to be utilised as the formal overflow car park, in addition to a new netball court. The grassed area to be used has been used on an informal basis for parking for several years and this is evident on the satellite images over the years. The improved provision would enable more cars parking within the club’s site rather than in the surrounding residential roads.

14. The Club was awarded a grant from the Community Infrastructure Levy (CIL) in 2018 towards extending the existing car park. The award is subject to the Oxshott Village Sports Club entering into a Community Use Agreement with Elmbridge Borough Council to provide satisfactory public access to the car park, in particular to the parents of the Royal Kent School, visitors to St Andrew's Church and users of the Oxshott Village Centre. The planning statement submitted with the application confirms that the applicant is prepared to satisfy these requirements.

15. The proposal, by improving the existing parking facility, provision of additional netball court and by enabling community use of the facility, would comply with the requirements of Policies DM9 and CS16. Subject to considerations below, the principle of the development is therefore considered acceptable.

The impact on the character of the area

16. The wider area of the site comprises a bowl club, petanque terrain, cricket pitches and tennis courts. The proposal would improve the visual amenities of the area used long-term as an informal parking. The new netball court would be situated to the south of the existing tennis courts, which are located adjacent to the northern boundary of the club’s wider site, and to the northwest of the proposed overflow car park. The court would be netted up to a height of 2.75m in the same way as the tennis courts. As such, the visual impact of the proposed facilities would be appropriate within the wider site of a sports club and would not detract from the character of the surrounding area.

17. The Council’s tree officer reviewed the scheme. There are a few protected trees on the site towards the entrance and to the north of the existing car park. The application has been supplied with an arboricultural report outlining the impact to the retained trees and recommends the implementation of protection measures. The main arboricultural impact to the site is the installation of the hard surface for the overflow car park that is anticipated to encroach into the root protection areas of several trees along the western boundary. Specialist construction has been specified to reduce the impact on the root protection areas and the ground levels in the proposed car park area, lower than existing, make it suitable to build up, using a no dig design. To secure the appropriate mitigation measures, the imposition of three conditions has been suggested and these are included in the recommendation.

Impact on neighbouring amenity

18. Whilst it is generally expected that certain level of disturbance occurs at the neighbouring properties immediately adjacent to the club, it is also the aim of the local and national planning policies that the amenities of the neighbouring occupiers are reasonably protected from pollution.

19. Concerns raised by the residents relate to the noise associated with the proposed new netball court and potential light pollution from the future floodlights. It should be noted that no floodlights are proposed as part of the current application, and as the implementation of floodlights requires planning permission, such a proposal would have to be a subject to a separate planning application. As the proposed new court would not benefit from floodlights, the hours of operation would be dictated by the levels of natural light throughout the year.

20. The recent application ref. 2018/0447 considered the implementation of floodlights serving courts 8 & 9, the use of which is associated with tennis and netball. These courts are situated
adjacent to the rear gardens of residential dwellings in Steels Lane. The hours of use of these courts were capped by the hours of operation of the floodlights condition between the hours of 16:00 and 21:00 on Monday to Fridays and not at all on Saturdays, Sundays and public holidays. The reason for imposition of this condition was to limit the impact of light pollution from artificial light and to avoid adverse impacts on health and quality of life from noise. Still, the courts could be used without the floodlights at any time, natural light conditions permitting.

21. The currently considered new netball court would be situated approximate minimum of 23m and 53m from the rear boundaries of properties in Webster Close to the west and Steels Lane to the north respectively. In analogy with the aforementioned recent permission, the hours of operation, if any floodlights were proposed, would be considered reasonable. However, as no artificial lighting is proposed, the use of the court would be affected by the levels of natural light. On this basis, it is considered that the proposal would not result in any detrimental impact on residential amenities, including health and quality of life from noise.

22. The proposal for the implementation of the overflow car park is only to formalise the situation that has been in place for a long period of time. The aim of the proposal is to make a quality parking provision and no additional intensification of this area of the application site is expected as a result of this. It is not considered that the proposal would result in any adverse additional levels of fumes pollution.

Highway implications

23. A Transport Statement has been produced alongside this application, detailing the justification for an increase in car parking provision and listing the alternative opportunities for sustainable travel to/from the site. The proposed car park is not associated with a significant increase in predicted trips to/from the site, instead is a response to the lack of vehicle parking for current users and the highway congestion experienced locally at peak times.

24. The application includes an increase in cycle parking provision and a commitment to providing information to visitors/new users on more sustainable travel opportunities. Therefore, and subject to a condition, the County Highway Authority is satisfied that the creation of this car park would help to mitigate local highway congestion and subsequently improve safety.

Flooding implications

25. As the application site is located within the Flood Zone 2, a Flood Risk Assessment (FRA) as well as a Drainage Strategy Assessment have been provided. In accordance with the PPG’s flood risk vulnerability classification, outdoor sports and recreation facilities fall within the water-compatible development, which is a suitable development in Flood Zone 2. In addition, the FRA concludes that the proposed development would not increase the risk of flooding to the site or to the surrounding area.

26. The proposed overflow car park would be implemented using porous permeable tarmac and therefore the surface water would be able to be infiltrated in situ. The Drainage Strategy Assessment confirms that the proposed netball court would be designed in accordance with methods identified in the SuDS Manual allowing all run-off from the court surface to be captured in extensive French drains which provide both attenuation and infiltration into the underlying subsoil via a soakaway. In conclusion, it is not considered that the proposal would result in any adverse flooding implications.

Pre-commencement conditions

27. The Council served a Notice under Regulation 2 of The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 associated with the agreement to the suggested pre-commencement conditions. The applicant confirmed their agreement to the tree related pre-commencement conditions.
Matters Raised in Representations

28. The matters raised have been addressed in the planning considerations above. The outstanding issues are discussed below.

- A condition associated with the use of the proposed overflow car park for this purpose only, and a condition that the new court must never be floodlit, were requested. None of these would however meet the 6 tests outlined in the national policy (NPPF) or the PPG associated with the imposition of conditions. The first is unnecessary, as any such proposal would require a separate permission; and the second does not meet the test of reasonableness.

- The hours of use of the proposed car park for the members of the community should be specified - as outlined above, a grant from CIL for the implementation of the proposed car park is subject to a Community Use Agreement. Such a clause would be likely part to that agreement.

- Residents raised the ongoing drainage/sewage problems in the area suggesting that these are associated with the Club’s site. As part of the current application, the drainage assessment was submitted, which relates to the proposed development. This identifies that no flooding implications as a result of the development would arise. The maintenance and any issues with the existing sewage/drainage system on or off site would be within the remits of a statutory undertaker, likely Thames Water, and therefore these matters should be raised with them. These issues cannot be resolved through the planning process.

- The proposed tree works would reduce the natural screening between the Club and properties in Lyfield – the trees in question have to be maintained regardless of the planning application. The Council’s tree officer reviewed the proposed works and raises no concerns with regards to these. Although one U Grade tree would be removed for the purposes of ongoing maintenance, no tree would be removed to facilitate the development. Therefore, it is considered that the existing screening to be retained would be more than sufficient.

- Inadequate consultation has been carried out by the Council – the consultation was carried out in line with the requirements of the Section 15 (5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended, which requires that the application must be publicised by giving requisite notice by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier. The Council notified the neighbouring properties that share the boundary with the application site (red line), as well as displayed a site notice and consider that adequate consultation was carried out. Furthermore, the residents are encouraged to sign up on the Council's website for notifications with regards to any planning applications in their local area, which would enable all residents in the local area to be aware of new registered applications submitted to the Council.

Conclusion

29. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission.

The proposed development does not require a CIL payment

Recommendation: Grant Permission
Conditions/Reasons

1 TIME LIMIT (FULL APPLICATION)
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.

2 LIST OF APPROVED PLANS
The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: Location Plan received on 27/12/2018, 2548/12 Rev A received on 19/12/2018 and 2548/11 Rev E received on 06/02/2019.

Reason: To ensure that the development is carried out in a satisfactory manner.

3 MATERIALS - APPROVED
The development shall not be implemented other than in the materials stated in the application form, namely:
Netball court - permeable asphalt; and chain link fencing (colour matching the fencing of the existing tennis courts);
Overflow Car Park - GroundTrax design incorporating porous tarmac and permeable car parking bays.

Reason: To ensure that a satisfactory external appearance is achieved of the development in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015.

4 TREES PRE-COMMENCEMENT MEETING
No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until a pre-commencement meeting has been held on site and attended by a suitable qualified arboriculturist, representative from the Local Planning Authority and the site manager/foreman. To agree working procedures and the precise position of the approved tree protection measures or/and that all tree protection measures have been installed in accordance with the approved Crown Tree Consultancy Tree Protection Plan Drawing No: CCL 10143 / TPP Rev:1 and approved report Crown Tree Consultancy BS 5837 Arboricultural Report. The tree protection measures shall be maintained for the course of the development works.

To arrange a pre-commencement meeting please email tplan@elmbridge.gov.uk with the application reference and contact details.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.

5 TREES PROTECTION MEASURES
No development including groundworks and demolition and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until all tree protection measures have been installed in the positions identified on the Crown Tree Consultancy Tree Protection Plan Drawing No: CCL 10143 / TPP Rev:1.

Reason: To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees. This is required to be a pre-commencement condition as the details go to the heart of the planning permission.
6  TREES RETENTION
All existing and trees, hedges or hedgerows shall be retained, unless shown on the approved
drawings as being removed and paragraphs (a) and (b) below shall have effect until the
expiration of 5 years from the first occupation of the development.
a) no retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, nor shall any
retained tree be pruned other than in accordance with the approved plans and particulars. Any
pruning shall be carried out in accordance with British Standard 3998: 2010 (tree work) and in
accordance with any approved supplied arboricultural information.
b) if any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another
tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the
next available planting season or sooner.

Reason: To protect and enhance the appearance and character of the site and locality and
reduce the risk to protected and retained landscape features.

7  PROVISION FOR SUSTAINABLE MODES
Prior to the first use of the development hereby permitted, the following details should be
submitted to, approved in writing by the Local Planning Authority and implemented as approved:

(a) The secure parking of bicycles within the development site,
(b) Provision of information to be provided to visitors/ new users regarding the availability and
whereabouts of local public transport/ walking and cycling opportunities.
Thereafter the approved facilities shall be retained and maintained to the satisfaction of the
Local Planning Authority.

Reason: In order to promote sustainable transport in accordance with the National Planning

Informatives

1  MATERIALS DEPOSITED ON THE HIGHWAY
The developer is reminded that it is an offence to allow materials to be carried from the site
and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles.
The County Highway Authority will seek, wherever possible, to recover any expenses incurred
in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders.
(Highways Act 1980, Sections 131, 148, 149).