

Section 55 Town and Country Planning Act

Design Heritage and Access Statement

Erection of 2 paddle courts with fencing and flood lights

Seacourt Tennis Club, 20 Victoria Avenue, Hayling Island, Hampshire, PO119AJ.

Site Information

Consultant	Jonathan McDermott
Client	Nick Atkins
Site Address	Seacourt Tennis Club, 20 Victoria Avenue, Hayling Island, Hampshire, PO119AJ.
LA	Havant Borough Council.
Description of Development	Erection of 2 paddle courts with fencing and flood lights.
Pathway (PD/Application/Appeal)	Planning Application

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy

Havant Borough Core Strategy Adopted 2011

Effective Policies in Development Control

Policy CS1 Health and Wellbeing
Policy CS16 High Quality Design
DM1 Recreation and Open Space

SPG/SPD's

None

Planning History

Relevant History

Alterations to tennis court floodlights approved under planning permission 91/56 931 dated 2nd July 1992 | Seacourt Tennis Club, 20 Victoria Avenue, Hayling Island, Hampshire, PO119AJ.
Ref. No: 93/56931/003 | Status: - Approved

Report Date

03 May 2023

1. Introduction

1.1. The application site relates to Seacourt Tennis Club located at 20 Victoria Avenue, Hayling Island. The application relates to the erection of 2 padel courts with fencing and flood lights.

About Town Planning Expert

1.2. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

1.3. Our VICTORY Framework applies a policy, plan-led, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

The Development Proposed

1.4. Planning Permission is sought for the erection of 2 padel tennis courts with flood lights. The land was formerly a petanque court and lies next to 2 existing tennis courts with fencing flood lights.

Executive Summary

1.5. The formation of tennis courts within an existing tennis club would not amount to a material change of use and the associated operational development to enclose those courts is considered appropriate in relation to the appearance of the existing club grounds and the surrounding area.

2. National and Local Development Frameworks.

National Planning Policy Framework

2.1. The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework on 24 July 2018. This was the first revision of the National Planning Policy Framework since 2012. It implemented around 85 reforms announced previously through the Housing white paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation. Following a technical consultation on updates to national planning policy, we have made very minor changes to the text and published an updated Framework in July 2021. The National Planning Policy Framework is a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

2.2. The current Core Strategy post dates the 2006 relevance date within the NPPF and together with the NPPF provides the most current planning policy for Havant. The relevant sections of the NPPF are set out below:

Introduction

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise 3. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and maybe a material consideration in preparing plans and making decisions on planning applications.

Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas,

unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay;

or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**6 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change. 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.*

Decision Making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

48. Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) 22.

**22 During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.*

Promoting healthy and safe communities

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to

enhance the sustainability of communities and residential environments;
b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Open space and recreation

98. Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Making effective use of land

119. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and*
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*

Achieving well-designed places

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

Local Policy

2.3. The relevant policies are located within the Adopted Local Plan.

2.4. The applicant sets out below their reasons why this development complies with the noted policies in full.

Policy	Comment
Policy CS1 Health and Wellbeing	Proposal complies with the policy.
Policy CS16 High-Quality Design	Proposal complies with the policy.
DM1 Recreation and Open Space	Proposal complies with the policy.

3. The Planning History

3.1. Alterations to tennis court floodlights approved under planning permission 91/56 931 dated 2nd July 1992 | Seacourt Tennis Club, 20 Victoria Avenue, Hayling Island, Hampshire, PO119AJ. Ref. No: 93/56931/003 | Status: - Approved

4. Site, Context and Comparable Forms of Development

4.1. The application site relates to Seacourt Tennis Club, PO119AJ located on Victoria Avenue . The existing vacant land sits next to the 2 existing tennis courts of the Seacourt tennis club.

4.2. Seacourt tennis club has car parking for multiple cars on the site.

4.3. The site is easily accessible from Victoria Avenue.

4.4. The site is surrounded by residential dwellings and is a recreational and a social club for the local community.

5. The Development Team

5.1. The developer comprises the club itself and this development sees the club endeavouring to enhance its own facilities.

6. Alternative Forms of Development Considered

6.1. The existing land for the proposed development is an existing petanque court. As the site is within the bounds of a tennis club a grass short tennis court could be set out without the need for additional permission.

6.2. As such the only component of this development that requires a full planning permission is the erection of fencing and floodlights on the padel courts.

7. Constraints to Development

7.1. The proposed padel court sites are close to the existing residential dwelling's back garden.

8. The Principle of Development

8.1. The proposal seeks to build 2 padel tennis courts on the existing petanque court next to Seacourt tennis club.

8.2. The proposed 2 padel courts area will be 20m long x 10m wide and enclosed above ground with a combination of glass and weld mesh rebound wall and fence panels supported of steel posts fixed to a concrete foundation with a synthetic turf play surface.

8.3. The Northern and Southern ends have trees and foliage.

8.4. Floodlights will be installed in the court for better visibility in the evening.

8.5. The padel courts will be enclosed in glass and welded mesh rebound wall and fence panels to minimise the noise breakouts towards the dwellings.

8.6. The courts are surrounded by a buffer zone that separates the area to be used for Padel Tennis from the adjoining houses. This is then bounded by existing planting. The purpose of the buffer zone is to separate the courts and their enclosures from the boundaries with the adjoining houses to the north and south. This will then allow for noise to be more isolated behind the existing planting court enclosures.

8.7. The application is supported by a detailed lighting specification and comparable acoustic assessments from similar courts constructed in Huddersfield and in Winchester. These demonstrate that the proposed lighting system will not result in overspill into adjoining gardens and the noise from the use of the proposed courts will not have a substantive impact on the enjoyment of the garden areas of the adjacent houses over and above the existing noise generated by the Tennis Club or the existing use of the petanque court.

8.8. The addition of proposed padel courts will help encourage the local community and surrounding neighbours to indulge in recreational activities. At present Seacourt provides for a range of racket sports including Real Tennis, Lawn Tennis, Rackets, Squash, Racket Ball and Badminton. Padel Tennis is the fastest growing racket sport in the UK with huge demand from new players. This would be the first such facility in Havant and as such provide open access to the sport to the public with non-members welcome to play.

8.9. The Seacourt tennis club has a substantial parking area for almost 40 cars. The addition of the 2 padel tennis courts will have no demonstrable impact on parking stress within Victoria Avenue.

9. Site Capacity Assessment.

9.1. This application seeks the erection of 2 padel courts.

Scale

9.2. The scale of the tennis club will be unchanged.

Layout

9.3. The layout of the property will be unchanged.

Amount

9.4. The proposed 2 padel courts will replace one existing petanque court and as such there would be no impact to the amount of playspace at the club for racket sports.

Landscape

9.6. The development would have no impact on the landscape setting of the club.

Amenity of adjoining, surrounding and proposed occupiers.

9.7. The padel courts will be enclosed in glass and weld mesh rebound wall and fence panels. There will be no demonstrable impact on the amenities of the surrounding neighbours and occupiers.

10. Appearance

10.1. There will be a demonstrable impact on the appearance of the tennis club. The addition of tennis courts within the bounds of a tennis club would be visually appropriate.

11. Access Appraisal

11.1. Access to the proposed padel courts will be unaffected and will remain the same as the present club.

12. Conclusion

12.1. The proposed padel courts complies with the local policy. The proposal creates new open spaces that are located within or close to housing developments, that are safe and accessible for the whole community to access.

12.2. The development is wholly in accordance with the NPPF and Local Plan. As such the development should be permitted at the council's earliest opportunity.