

**APPLICATION NO** PA/2016/1371

**APPLICANT** Mr Peter O'Sullivan

**DEVELOPMENT** Planning permission for a tennis/paddle court with associated Perspex screen to perimeter

**LOCATION** The Hall, Northfield Road, Messingham, DN17 3RZ

**PARISH** Messingham

**WARD** Ridge

**CASE OFFICER** Tanya Coggon

**SUMMARY** **Grant permission subject to conditions**

**RECOMMENDATION**

**REASONS FOR REFERENCE TO COMMITTEE** Member 'call in' (Cllr Neil Poole – noise and loss of amenity)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 – there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

Paragraph 56 – the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 57 – it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 60 – planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 – although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**North Lincolnshire Local Plan:** DS1 (General Policy and Principles), DS5 (Residential Extensions DS11 (Polluting Activities)).

**North Lincolnshire Core Strategy:** CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering More Sustainable Development), CS3 (Development Limits), CS5 (Delivering Quality Design in North Lincolnshire).

## **CONSULTATIONS**

**Highways:** No objection.

**Environmental Protection:** The applicant has confirmed that there will be no lighting installed with this development and therefore the court will only be used during daylight hours. They have also confirmed that the court is to be used by family and friends only. Due to the proximity to local residents, the inclusion of a condition restricting the paddle court to domestic use and for the enjoyment of the owner, and not for commercial purposes, is advised.

## **PARISH COUNCIL**

No objections in principle to the application but would ask that the proposed tennis court be investigated for its proximity to neighbouring residents and the potential for loss of amenity to those residents.

## **PUBLICITY**

Neighbouring properties have been notified. Six letters of objection (from three objectors) have been received raising the following issues:

- the proposal is for the erection of a paddle court, not a tennis court
- the garden has a tennis court
- noise
- no details of lighting
- loss of residential amenity
- the paddle court can be used all year round.

## **ASSESSMENT**

The proposal is to install a paddle court that will be surrounded by Perspex and mesh fencing. The fencing will comprise Perspex to a height of 2 metres with mesh fencing above the Perspex to a height of 4 metres from ground level. The paddle court itself does not require planning permission, just the fencing. The paddle court will be 20 metres wide and 10 metres deep. The paddle court will be for private use only. The paddle court is to be located on the northern boundary of the site which has a 4 metre high hedge on this boundary. The site is surrounded by residential properties on all sides. The site known as The Hall comprises a very large detached house and garage set in large grounds. The site is located within the development boundary of Messingham.

For clarification purposes, paddle tennis is a sport played by up to four people, similar to tennis with the ball being hit over the net. The Perspex glass screen allows the player to continue a rally should the Perspex screen be hit. The game does not resemble squash as the intention is not to deliberately hit the Perspex. The racket used is solid in construction as opposed to being strung. The size and composition of the racket results in it being considerably harder to strike the ball with the same degree of power a ball is hit during a tennis match. The Perspex glass generates little reverberation (persistence of sound after a sound is produced).

**The main issue associated with this case is the impact the proposal will have on the amenity of the adjoining neighbours and the visual impact of the proposal on the area.**

The proposed paddle court will be located adjacent to the northern boundary of the site which benefits from screening by a 4 metre high hedge. The paddle court will not be readily visible in the street scene due to the site being set well back from Northfield Road. The neighbours to the rear may have a limited view of the paddle court fencing. In terms of the visual impact of the proposal, this will not result in any demonstrable harm being caused to the visual amenity of the locality or the visual amenity of neighbours. The proposal therefore accords with policy CS5 of the Core Strategy and policies DS1 and DS5 of the North Lincolnshire Local Plan.

The paddle court is located close to the boundary with other residential properties. In response to concerns about noise from the paddle court, the applicant has submitted further information in relation to the design and use of the paddle court. Environmental Protection are satisfied that, subject to conditions, the proposal will not result in any adverse impact on neighbours. No external lighting is proposed and a planning condition will be used to ensure that any external lighting will require approval from the local planning authority. The applicant has confirmed that the paddle court will be used by family and friends only and therefore a planning condition is proposed to restrict the use of the paddle court for domestic use only. In addition, in the event that noise complaints are received in respect of the paddle court, Environmental Protection would be able to investigate these complaints under their own legislation. The proposal, subject to conditions, accords with policies DS1, DS5 and DS11 of the North Lincolnshire Local Plan.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, block plan, drawing no 1685/G (1) and noise assessment response and associated illustrations.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The paddle tennis court shall be solely for domestic use and the enjoyment of the owner of the site. At no time shall this facility be used for commercial purposes.

Reason

In order to safeguard residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

4.

No external lighting shall be installed on the site in connection with the paddle tennis court without the approval in writing of the local planning authority.

Reason

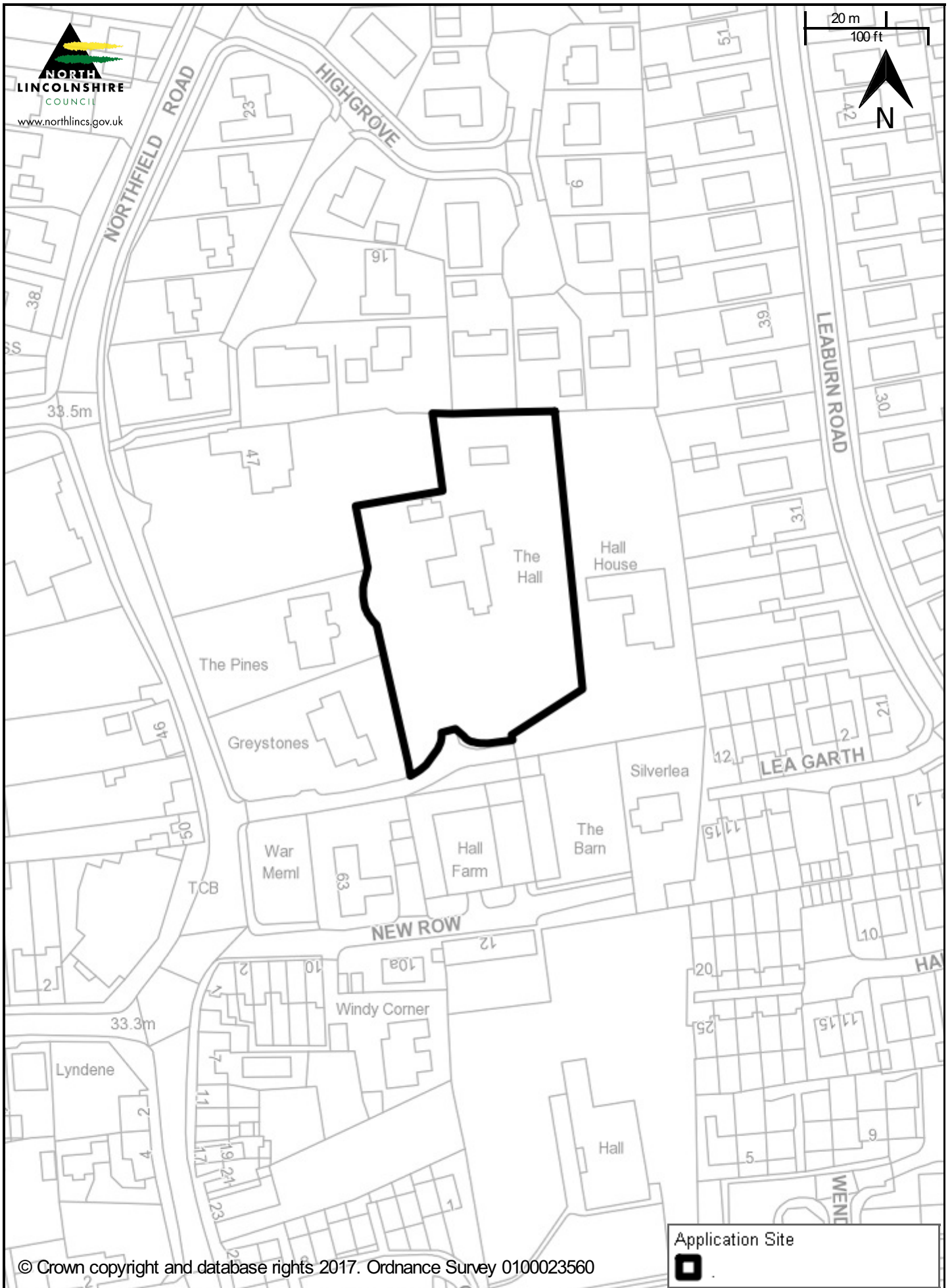
In order to safeguard residential amenity in accordance with policies DS1 and DS12 of the North Lincolnshire Local Plan.

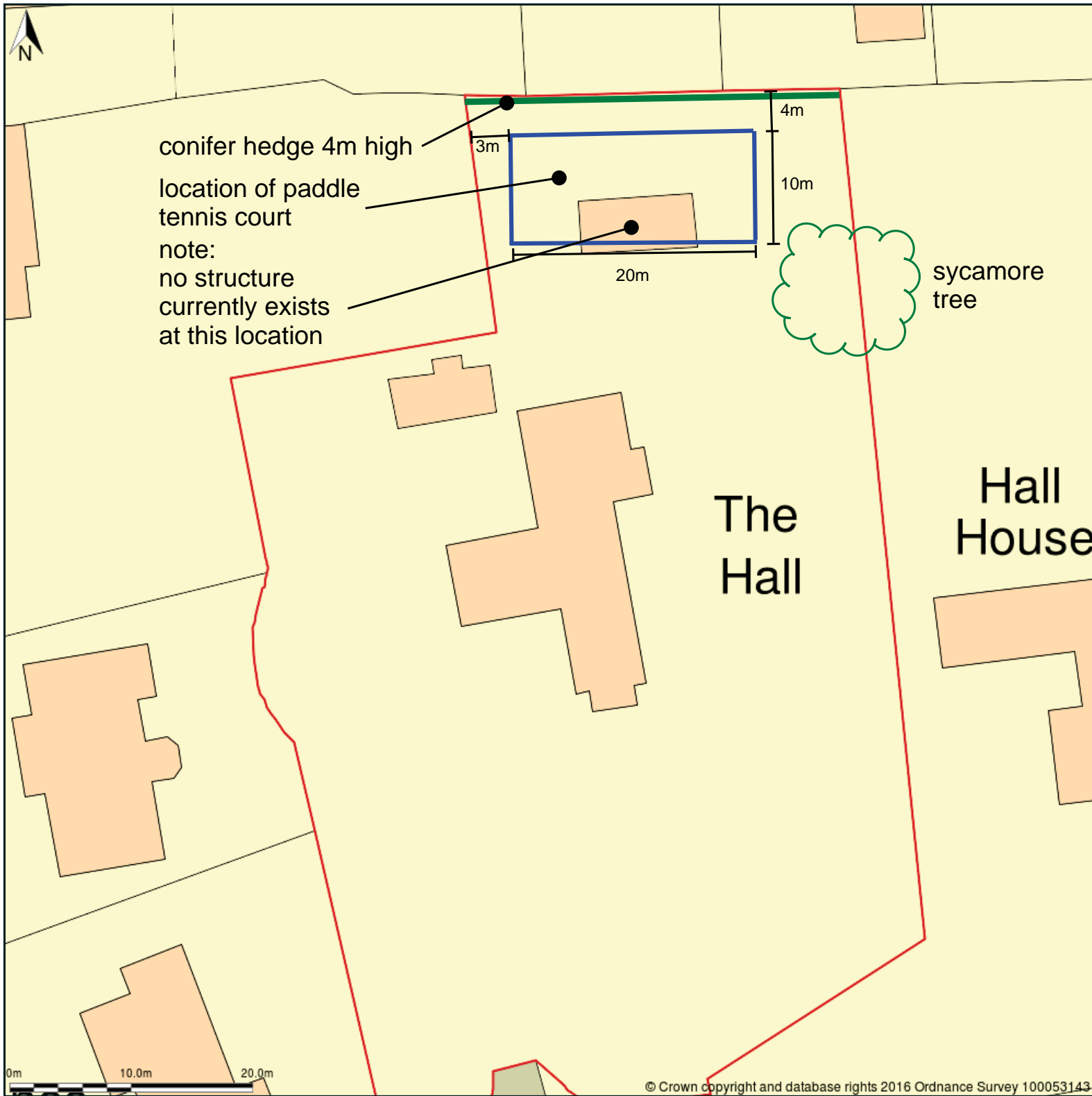
**Informative 1**

The applicant should be aware that the granting of planning permission does not prevent this department from investigating complaints under statutory nuisance legislation should any be received in relation to this facility.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

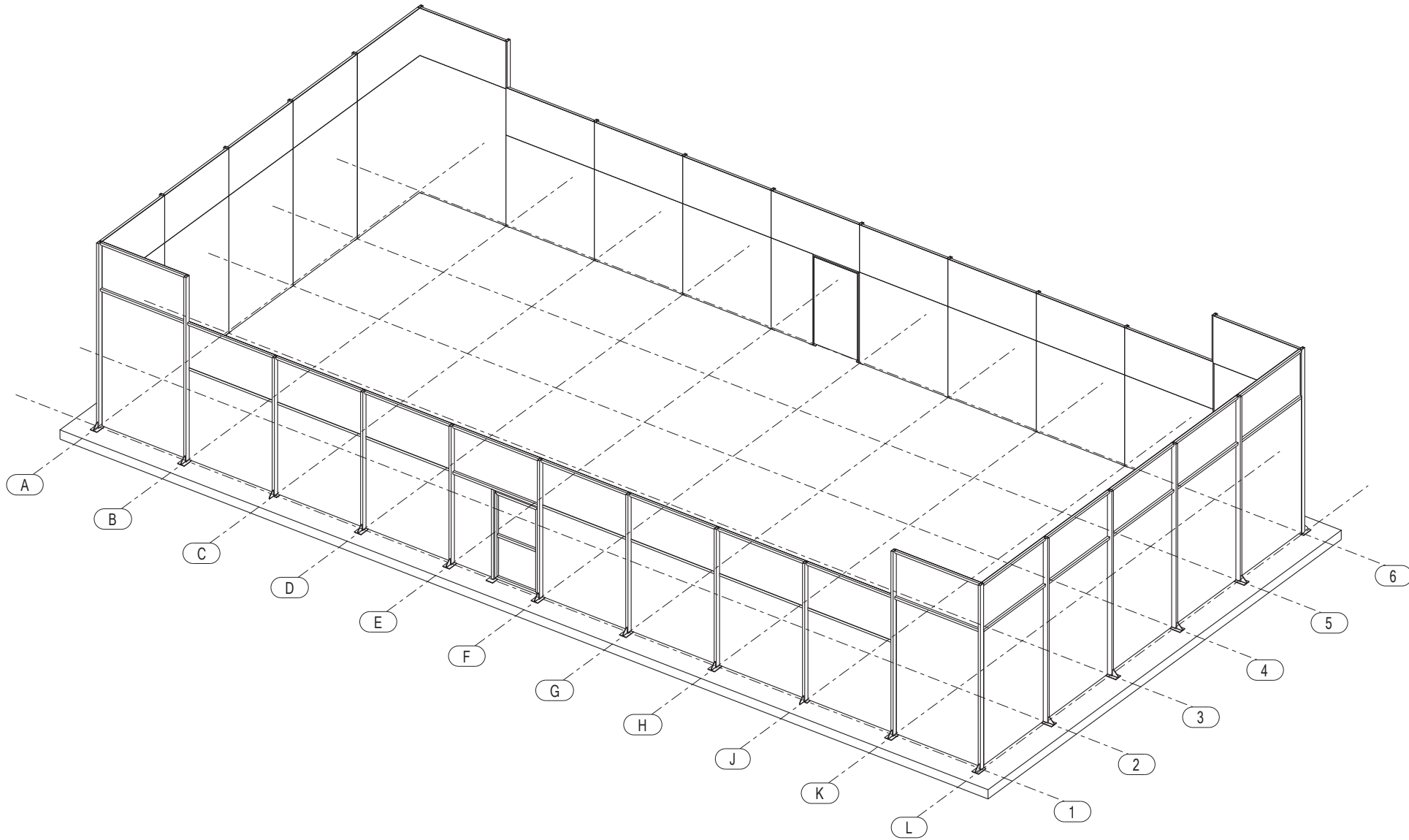




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# Perspex Screen Elevations

Not to Scale



3D VIEW