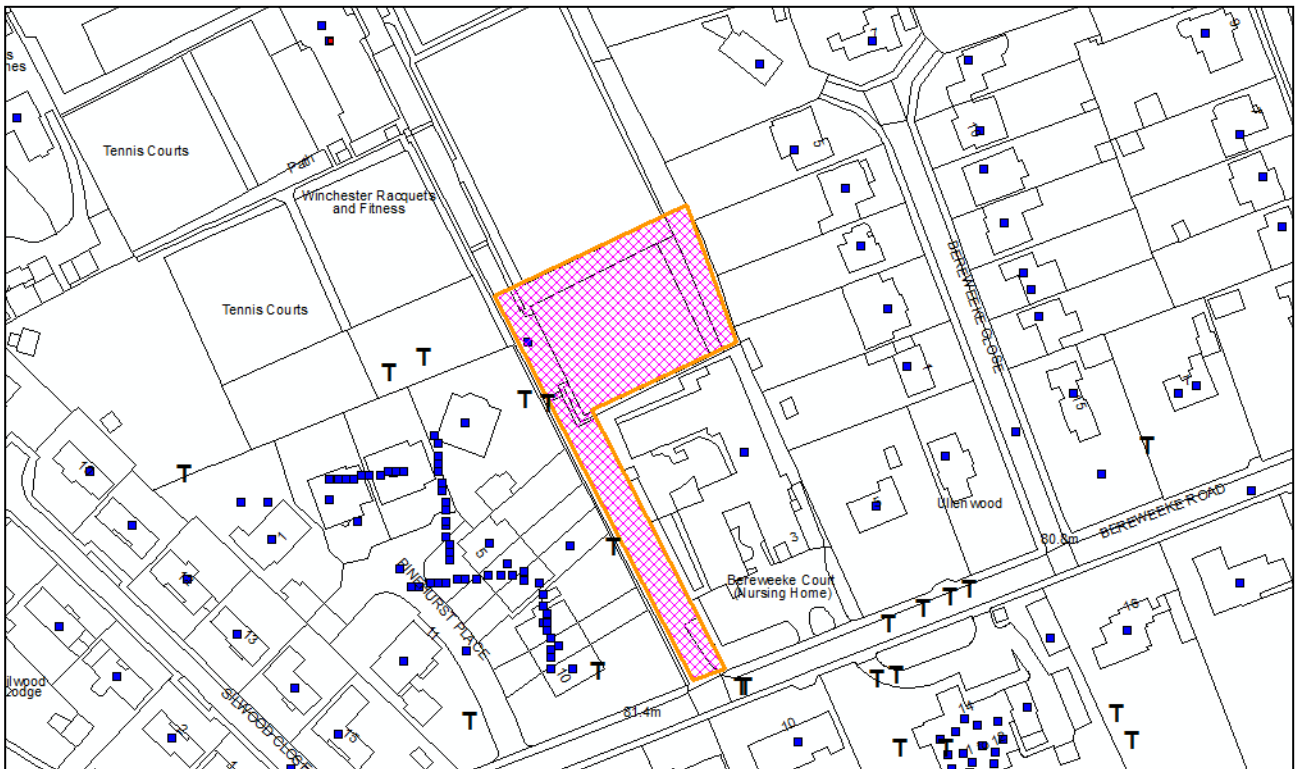


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Case No: 24/00076/FUL
Proposal Description: Variation of Condition 3 of ref 19/02648/FUL - Padel Courts to be operational: Monday-Friday 08:00-22:00, Saturday 08:00-18:00, Sunday 08:00-20:00 (amended proposal)
Address: Winchester Racquets and Fitness, Bereweke Road, Winchester, Hampshire, SO22 6AN
Parish, or Ward if within Winchester City: St Barnabas Ward
Applicants Name: Mr Joe Rawkins
Case Officer: Marge Ballinger
Date Valid: 30 January 2024
Recommendation: Permit
Pre Application Advice: No

Link to Planning Documents

Link to page – enter in reference number **24/00076/FUL**
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The variation of Condition 3 of application reference 19/02648/FUL is recommended for permission as it is considered that extending the use of the padel courts for an additional evening hour does not raise any sufficient harmful impacts to area amenities.

The original application provided a light impact assessment and a noise impact survey that compared the use of the padel courts with the prior use of the tennis courts with an assessment to the use of the courts up to 10pm. The reports had concluded that there was low significant impact.

General Comments

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

Amendments to Plans or Proposal Negotiated

The approved condition 03 reads as follows:

'The padel courts shall only be used between the hours of 08:00 and 21:00.'

The original proposal description for this application was;

'Variation of Condition 3 of ref 19/02648/FUL - Padel Court lights to be operational between 08:00 - 22:00.'

However, following discussion with the applicant it was agreed to reword the proposed condition to clarify the hours of use of the padel courts, and the lights associated with the courts.

An earlier end time on Saturdays and Sundays was also proposed in order to comply with the Winchester Racquets opening hours.

The proposal was therefore amended to:

'Variation of Condition 3 of ref 19/02648/FUL - Padel Courts to be operational: Monday-Friday 08:00-22:00, Saturday 08:00-18:00, Sunday 08:00-20:00.'

Neighbour notifications were sent out in regard to the change and a further 21-day publicity period was provided for further comments.

Site Description

The site, excluding the existing access road, comprises an area of around 0.15ha which has been converted from 2 tennis courts into 3 padel courts in June 2020. The courts are enclosed by 3m high glass panels with further mesh along the top up to 4m in total height. Each court has four 6m high light posts installed with LED fittings. The site is bounded on the north side by a paved terrace area adjacent to the enclosed tennis

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courts' structure, an access road to the west, and hedges, trees and planting to the south and east.

Other than the Racquets and Fitness Club, which covers a total area of around 2.1ha, and the pending residential development south, the surrounding area is a well-established residential area, characterised by a variety of house types and sizes, many of which have spacious gardens.

There are dwellings east of the padel courts along Bereweek Close that are sited approximately 28m-30m away from the shared boundary with Winchester Racquets, and are well-screened from the site with mature trees and hedges. There is also a pending application for residential development that would, if approved, replace the care home (south), and the nearest building is to be positioned approximately 10m away from the courts with trees and planting along its shared boundary. To the southwest is another dwelling across Lynch Road (no.4 Pinehurst Place) with its garden closest to other existing tennis courts, but approximately 10m away from the padel courts.

Proposal

The proposal is to extend the hours of use and lighting of the padel courts from the approved 08:00-21:00 daily timeframe by an additional hour to 08:00-22:00 Monday through Friday, and to 08:00-18:00 on Saturday and 08:00-20:00 on Sunday.

This requires a variation of Condition 3 of the planning application ref 19/02648/FUL.

Relevant Planning History

- 19/02648/FUL - Conversion of 2 no. existing Tennis Courts into 3no. Padel Tennis Courts permitted 18.06.2020.
- 20/01703/DIC - Application for discharge of condition 4 of planning application 19/02648/FUL (hard and soft landscaping works) permitted 28.09.2020.
- 23/02001/FUL - Demolition of redundant care home and associated outbuildings, redevelopment of the site to provide 32 apartments including 40% affordable housing and associated alterations to site access, sub-station, hard and soft landscaping, car parking, cycle store, plant room, refuse and recycling store, drainage, boundary treatments and other associated works (Pending determination)

Consultations

Service Lead – Public Protection (Environmental Health) –
No objection.

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Representations:

City of Winchester Trust – noted neighbour comments in objection and loss of amenity with noise and light pollution, and an objection raised unless neighbour concerns can be addressed. (Further comment regarding license use for drinks facilities is not a material planning consideration).

14 Objecting Representations received from different addresses within the Winchester City Council administrative area, with additional comments received from some of the same group after proposal amendment notification, citing the following material planning reasons:

- Noise impacts from padel courts use is louder than a tennis use; previous application's acoustic assessment (within 19/02648/FUL) must be considered speculative.
- Players verbal noise with play: shouting during play, and sometimes use foul language.
- Conversation noise to a potential 30-45 mins for people to leave the courts, even with the 21:00 closing.
- Sleep disruption due to noise in summer months with residential windows open (both evening and morning sleep disruption).
- End use of courts to 21:00 is required to protect residences – the previous application had limited hours due to the location of the former care home (now closed) but there are still other residents nearby (and will be within the pending development south).
- Lights as existing are too bright, are angled into garden and windows to adjacent dwellings; further depletion of the night sky.
- Complaints (regarding noise) to the club directly get ignored.
- Disruption to wildlife in neighbouring gardens (bats and hedgehogs); requested an ecological impact assessment to be carried out.
- Outdoor drinks service (portable horsebox and seating between padel courts and indoor tennis structure).
- Noise from car alarms.

Three Supporting Representations received from different addresses submitted after the proposal amendment notification, citing the following material planning reasons:

- The change would allow current members to use the padel courts within the site's operational times.
- The change would allow members who work longer day hours to use the court to reduce stress and increase well-being.
- Padel is growing in popularity, especially with those aged 70s-80s, and helping them keep fit and develop friendship groups.
- Experience from a court user noted players being courteous, not as what some of the neighbours had experienced.
- The clubhouse has a main bar located away from neighbour dwellings that is used for socialising.

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

- Para 7 - the proposal meets the needs of the present without compromising the ability of future generations to meet their own needs. The test of sustainable development includes the economic, social and environmental objectives.
- Para 47 - planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- Para 81 – planning decisions should help create conditions in which businesses can invest, expand and adapt.
- Para 93 – Planning decision should provide the social, recreational and cultural facilities and activities.
- Para 185 – Planning decisions should ensure development (a) mitigates and reduces potential adverse noise impacts on health and quality of life and (b) protect tranquil areas undisturbed by noise and (c) limit the impact of light pollution on local amenity.

National Planning Practice Guidance

- Light Pollution - 001 Reference ID: 31-001-20191101
- Noise - Paragraph: 001 Reference ID: 30-001-20190722

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- DS1 – Development Strategy & Principles
- CP6 – Local Services and Facilities
- CP7 – Open Space, Sport and Recreation
- CP16 – Biodiversity

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of Development
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise

Other relevant documents

- Noise Policy Statement for England 2010
- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- GN01: 2020 Guidance Notes for the Reduction of Obtrusive Light; 2020- ILP
- Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023
- Nature Emergency Declaration
- Statement of Community Involvement 2018 and 2020

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Planning Considerations

Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is within the defined settlement boundary of Winchester, where development is acceptable in principle subject to compliance with the development plan and material planning considerations.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on Character and Appearance of Area; Neighbouring Amenities

The padel courts have had permission since 2020. The courts, in terms of their location and appearance, are not widely visible from the more public vantage points and have little impact on the character of the surrounding area. The courts are visible from the site's access along Lynch Road, north of Berewecke Road. The courts use is currently bookable via a digital reservation portal managed by the Racquets and Fitness club members, and currently the lights are turned off at 21:00 (and courts are out of use at this time). In the summer months, there is occasionally a portable converted horsebox adjacent the site to provide cold drinks for its members, and this was in use for approximately ten times in the past year according to the site manager. The portable horsebox does not require planning permission as it is not considered development to be controlled by planning legislation. (There is an existing clubhouse and terrace for use in another part of the Racquets and Fitness site that remains open until 23:00pm Monday-Friday, 18:00 Saturday and up to 20:00 on Sunday.)

The dwellings to the east (facing Berewecke Close) have hedges and trees for screening between the courts and rear gardens, and the rear of those dwellings are positioned approximately 28-30m away from the boundary line. The site to the south (pending residential development) is set back approximately 3.5m from the boundary hedge, with an additional 7.5m gap approximately from the padel courts. The dwelling southwest (No.4 Pinehurst Place) is a 2.5 storey residential property with existing trees and hedges at the boundary, with direct views from upper storeys toward the tennis and padel courts (approximately 10m away from the padel courts).

The assessment for this proposal is to consider any potential impacts of the use of the padel courts for an additional evening hour during the week (Monday-Friday). The proposal's inclusion of weekend opening hours has also been provided for clarification. The original condition's wording allowed the use of the courts daily 08:00-21:00, but this

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timeframe had extended beyond Winchester Racquet's current opening times on the weekends.

Therefore, the extended hour of use to 22:00 Monday-Friday, and hours of use to 18:00 Saturdays and to 20:00 Sundays complies with the site's overall external court uses, and will not provide additional harmful impact to the overall character of the area given its existing use.

Lighting Assessment

The decision notice reference 19/02648/FUL includes Condition 2 to control mitigation measures set out in the Lighting Impact Assessment dated February 2020. The padel court lights have been installed as per the recommendations of the lighting assessment, including Lumiere shields. Enhanced planting has also been provided for additional screening along the southern boundary of the padel courts. The current controls in place include having the court lights on motion detectors during winter evening hours as the lights will turn off automatically when courts are not in use, but manually turned off otherwise. Currently, the lights over the padel courts are manually turned off at 21:00 (Monday-Friday). The courts are on a digital booking system, making the last time for a 30-minute booking to end at 21:00.

The lighting is required mostly within the autumn/winter/early spring evening hours. The Lighting Impact Assessment within application ref 19/02648/FUL indicated that the light intrusion into windows of sensitive receptors would be well within acceptable levels as set out in the Institution of Lighting Professionals (ILP) guidance. It demonstrated that the maximum recorded obtrusive light values resulting from the padel court lights would not exceed the criteria for an E3 environmental zone (suburban) and summarised the effects of the proposed lighting as being low to negligible. The assessment concluded that the lights should be turned off at the 22:00 curfew with the other tennis court lights nearby.

Regarding the pending residential development site located south (approximately 10m away from the padel courts), the proposed drawings have been scrutinised against the recommendation of the Lighting Impact Assessment and its light intrusion analysis to the previous care home. The light intrusion analysis for the pending dwellings is expected to have a similar result as what was assessed previously – well-below the permitted allowances of the ILP guidance. The additional planting of trees and hedges were installed to provide additional screening, and the 10m gap has been maintained between the proposed dwellings and the padel courts.

It is necessary to consider the impact from the lighting, in terms of both direct impact on neighbouring properties and its contribution to the light pollution in the area to extend to an additional hour. The management plan for the courts' use has been in place since 2020 and there have not been any lighting complaints raised to the WCC Environmental Protection Team (EP) as of date. The previous lighting assessment undertaken have assessed the hours of use now proposed. The WCC EP consultation response concurred that the additional hour of use would not create further sufficient harmful impacts to neighbouring amenities when comparing the use of the remaining outdoor courts, which are operational until 22:00. Therefore, the proposal is in compliance with Policy DM19(ii) (Development and Pollution, Light Pollution).

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Noise Assessment

Prior to the padel court installation in 2020, the site was previously used for two tennis courts with use up to 22:00 when natural lighting was reasonable for the use (no external lighting was installed previously.) A comprehensive Acoustic Assessment dated Feb 2020 had been submitted within the 19/02648/FUL application, which set out the differences between padel and tennis and concluded that in general the character of the noise from a padel match is not dissimilar to that of tennis. The assessment also provided comparisons between the existing tennis use on site and the noise from padel courts use, using measurements from similar courts at a different location.

The report concluded that the use of the courts to 22:00 would be similar to the previous tennis court noise, and would unlikely have a negative effect on the quality of life to neighbouring residents.

Regarding the pending residential development site located south, the proposed drawings have been scrutinised against the recommendation of the acoustic assessment. The sound analysis for the pending dwellings is expected to have a similar result as what was assessed previously which was considered to provide less noise as compared to the previous use of the courts for tennis. This was due to the glass panels providing an additional sound buffer. Although noise to the pending 2nd floor was not analysed formally, the expectation would be similar to the analysis and well-within an acceptable range, resulting in a low adverse impact level.

The use of the courts and wider area has been established for outdoor activity, and public comments were received in regard to the verbal noise levels and foul language while at play. This was taken into consideration by the WCC Environmental Protection (EP) team, but foul language use and volume levels are typically not on a sustained level to result in an objection to this application. Although there was also a mention of car alarm noise within the public consultation response, the alarm noise (if reoccurring and consistent) could be investigated by the EP team, but is not considered a planning matter relevant to this application. The WCC EP officer has not had any noise complaints raised to date for investigation, and the use of the courts were of similar use as the previous tennis courts. Therefore, an adverse impact in terms of noise has not been demonstrated.

In summary, proposed variation of condition 3 will not have an adverse impact on the character and appearance of the area nor unduly affect the residential amenities of occupants of neighbouring properties. It is therefore in accordance with policies DM15, DM16, DM17, DM19, and DM20 of LPP2.

Development affecting the South Downs National Park

The application site is located 0.92 miles from the South Downs National Park. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural

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heritage are also important considerations and should be given great weight in National Parks.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified. In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

No Impact: The proposed variation of condition does not affect a statutory Listed building or structure, including its setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including its setting.

Sustainable Transport

The proposal will have no impact on highway safety as the use of the site would remain as existing. The additional hour does not result in a significant change in the number of visitors of the site which results in adverse harm to highway safety. Sufficient parking on the site remains. Therefore, the application complies with Policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no impact as it is not development within, bordering or in close proximity to a Nationally Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) or is not overnight accommodation affecting Nitrates or Phosphates.

Due to the nature of the development and the distance between the application site and the Nationally Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

A concern was raised about the impact of the proposed additional 1 hour of lighting on the wildlife in the area, particularly nocturnal creatures such as bats. However, it should be noted that the lights are specifically angled to provide lights to the courts and point down and away from the trees with shields installed, limiting any back spill of light. Furthermore, the lights will be turned off at 22:00, or when the courts are not in use, and will not therefore, unlike street lighting, be on throughout the hours of darkness. The development will not therefore have an adverse impact on the ecology of the area and is in accordance with policy CP16 of LPP1.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the

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process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

Upon review of the previous lighting assessment and acoustic survey from application reference 19/02648/FUL, the use of the padel courts for an additional hour Monday-Friday is considered to comply with local and national policies and no adverse harm to neighbouring amenity or the character of the area is identified.

The pending residential development site located south (approximately 10m away from the padel courts) have also been considered without any further concerns raised on this potential future development. Drawings were scrutinised against the previous light and noise assessments, and no adverse harm to amenities is expected to its future occupants. The use of the site has already been established for recreation with its former use for tennis up to 10pm during summer months.

The proposed variation of condition to align with the Winchester Racquets and Fitness opening hours will not have an adverse impact on the character and appearance of the area or residential amenities of occupants of neighbouring properties. It is therefore in accordance with policies DM15, DM16, DM17, DM18, DM19, and DM20 of LPP2.

Recommendation

Application Permitted subject to the following condition(s):

1. The development hereby permitted shall be as built from the approved application ref 19/02648/FUL dated 18.06.2020.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The proposed lighting scheme shall be limited to that set out in the submitted Lighting Impact Assessment prepared by Designs for Lighting Ltd and issued 02.03.20 of the application reference 19/02648/FUL. The installation of the lighting shall incorporate the mitigation measures set out in the Lighting Impact Assessment, including the implementation of a management plan to ensure that the lighting is not on for any period when the court is not operational.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

3. The padel courts and the lighting shall only be in operational use : Monday-Friday 08:00-22:00, Saturday 08:00-18:00, Sunday 08:00-20:00.

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Reason: To accord with the hours of use of other floodlit courts and in the interests of the amenities of neighbouring properties.

4. The development shall retain the approved and as-built hard and soft landscaping plan ref 1905/P07/Rev B within application ref 20/01703/DIC on the 28.09.2020. Any alterations shall require prior approval in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the site in the interests of visual and neighbour amenity.

5. The hard and soft landscape works shall be carried out in accordance with the details submitted and approved reference 20/01703/DIC dated 28.09.2020. Hard landscaping works, including the fence along the northern boundary of the site, shall be completed prior to the use of the courts. The soft landscaping shall be carried out in the first planting season following the completion of the development. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the satisfactory appearance of the site in the interests of visual and neighbour amenity.

6. The development shall be carried out in accordance with the following approved plans from application ref 19/02648/FUL approved 18.06.2020:

1905/P03 - Proposed layout

1905/P04 - North west and north east elevations

1905/P05 - South west and south east elevations

Reasons: For the avoidance of doubt and in the interests of proper planning

Informative:

1. In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals: -

Local Plan Part 1 Joint Core Strategy: DS1, CP13, CP16

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Local Plan Part 2: DM1, DM15, DM16, DM17, DM18, DM19, DM20

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.