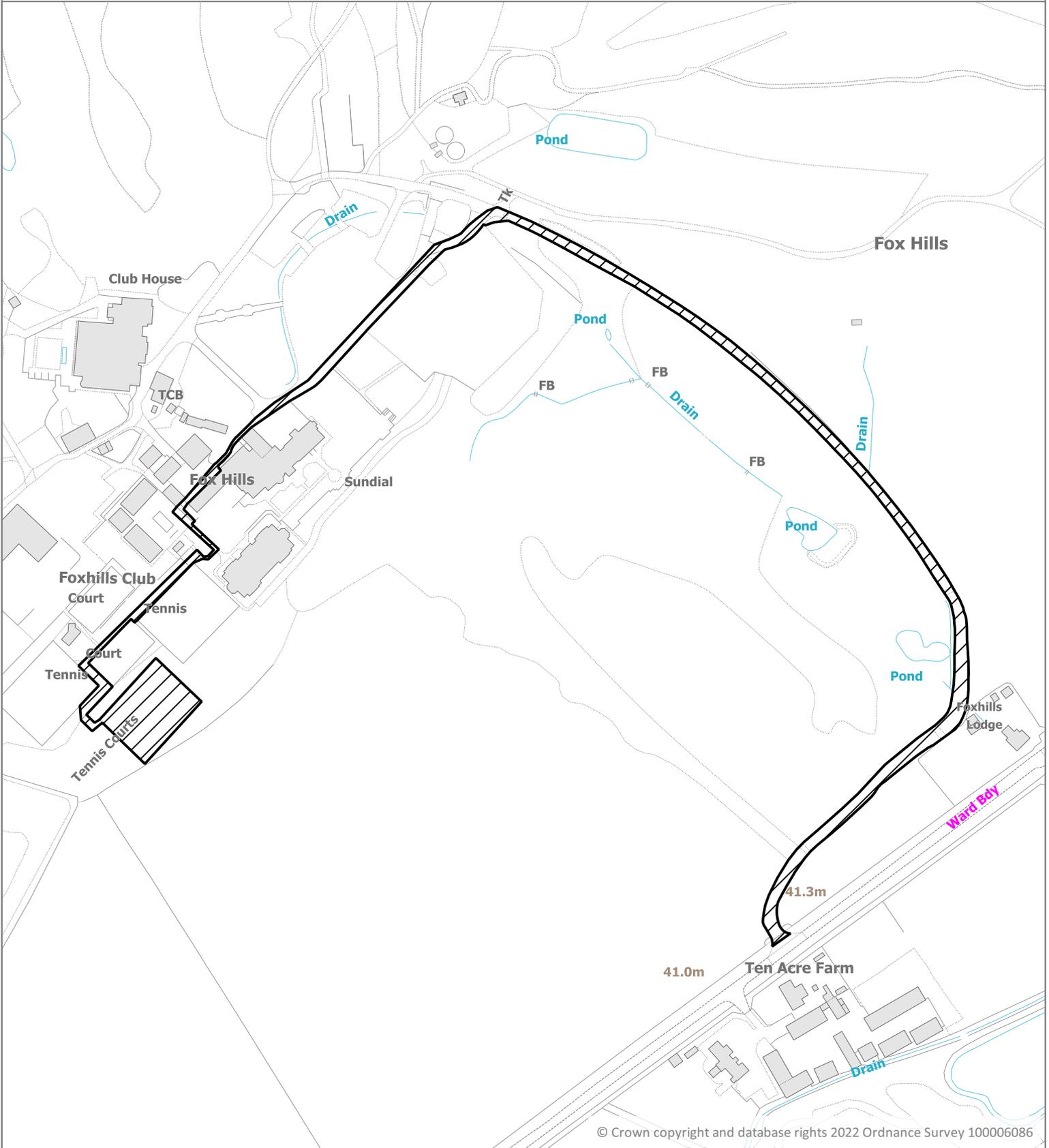




Date: 09/02/2022

Foxhills Country Club, Stonehill Road, Ottershaw, KT16 0EL



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Scale: 1:3,000



RU.21/1809



Committee Agenda Reference: 5C

Application No. RU.21/1809	Ward: Longcross, Lyne and Chertsey South
LOCATION:	Foxhills Country Club, Stonehill Road, Ottershaw, KT16 0EL
PROPOSAL	Installation of a seasonal temporary tennis dome over three existing tennis courts.
TYPE:	Full Planning Permission
EXP DATE	09/03/2021

It is recommended the Planning Committee authorises the CHDMBC:

1.	To grant planning permission subject to no call in being received from the Secretary of State to whom the application needs to be referred under the Town and Country Planning (Consultation)(England) Direction 2021 and subject to the conditions in section 8.
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1. Site

- 1.1 The application site is the three southernmost tennis courts within Foxhills Country Club in Ottershaw. Foxhills Country Club is accessed from Stonehill Road and the access drive leads to a large private parking area to the north of the manor house building in the centre of the complex. The built complex is surrounded by open land including grassed and woodland areas and a golf course. The tennis courts are located in the south west corner of the complex and are accessed via a number of pedestrian footpaths. The tennis courts subject of this application are sited on lower lying land than the rest of the courts and the main part of the complex. The tennis courts are surrounded by dense woodland on the south, east, and west side, and the application site is within the Green Belt.

2. Planning history

- 2.1
- RU.76/0001 – Erection of changing rooms and 3 tennis courts – Granted
 - RU.84/0109 – New single storey tennis building to accommodate members lounge and professional shop – Granted
 - RU.97/0378 – Erection of tennis pavilion and four replacement tennis courts with mesh fencing surrounds – Granted
 - RU.18/0811 – Installation of a seasonal temporary tennis dome over three existing tennis courts – Granted

3. Application

- 3.1 The application is a resubmission of RU.18/0811 for the installation of a seasonal temporary tennis dome over three existing tennis courts, which was granted permission on the 31st October 2018. This permission has subsequently expired without the development having been implemented, which is why the current application has been submitted. The seasonal temporary tennis dome is to be

erected over three existing tennis courts. The dome would measure approximately 35.8m metres in width, 47.8 metres in length with a maximum height of approximately 10 metres, with a small projection for plant equipment. The total flood area would be approximately 1,715sqm and the dome would comprise of a green membrane base with a white top. The dome would be secured to the ground by anchors and would benefit from indoor lighting fixed to the ceiling. The dome would be erected for a continuous period from the end of Autumn until Spring to enable tennis and other sporting activities to be played in inclement weather during the winter period. The applicant intends to dismantle the dome during the summer period when the courts would return to their existing open state.

4. Consultations

4.1 4 Neighbouring properties were consulted in addition to being advertised on the Council's website, however no comments have been received.

4.2

<u>Consultee</u>	<u>Comments</u>
Sport England	No comments
RBC Green Spaces Team	No objection/no comment
County Highway Authority	It is not considered that any additional trips generated by the development will result in a significant impact on the local highway network. No objections.
Surrey Wildlife Trust	<ul style="list-style-type: none"> • The ecological surveys are out of date and the extent to which the dome will impact the surrounding woodland is unclear. • The applicant should be aware of the need to apply for a bat mitigation license from Natural England where development activities may cause an offence. • The lighting proposal may need to be redesigned should the updated survey find a significant difference to the status of bats on site. • If any vegetation requires clearance to facilitate the development, the applicant should take action to ensure that development activities are timed to avoid the bird nest season of early March to August. • Advises that bird and bat boxes within the woodland and around the tennis court could provide bio-diversity enhancements
RBC Environmental Health Officer	Notes that there is a neighbouring property 100m from the tennis courts and therefore questions whether there would be any potential impact of noise from the blower unit on the air dome.

5. Relevant Local Planning Policies

- 5.1 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.

6. Planning Considerations

- 6.1 In the determination of this application regard must be had to the Development Plan and national policy within the NPPF. The application site is located within the Green Belt where only limited development is appropriate. The key planning matters are the impact the proposed development would have on the openness of the Green Belt and whether there are any 'very special circumstances' to outweigh the harm to the Green Belt and any other harm. Other planning considerations include the effect upon the character and appearance of the area, ecology and the impact on residential amenities.

Green Belt

- 6.2 Paragraph 149 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 149 sets out exceptions to this and paragraph 149 (b) and policy EE16 of the Runnymede 2030 Local Plan (Local Plan) set out that the provision of appropriate facilities for outdoor sport and recreation can be considered appropriate within the Green Belt as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Government attaches great importance to Green Belt, and the essential characteristics of the Green Belt is its openness and permanence. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 sets out that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.3 The proposed dome would be erected over three existing tennis courts, which are low lying structures surrounded by fencing and floodlighting. The dome is approximately 35.8m metres in width, 47.8 metres in length and 10 metres tall. The dome, due to its scale and height would have a significant impact on the spatial openness of the Green Belt. In terms of the visual impact, this would be reduced due to the existing tennis courts being surrounded by dense woodland and being on land which is set down from the rest of the courts; the height of the dome is lower than the adjacent woodland. Over Autumn and Spring, the trees would have a reduced amount of leafage, however the density and height of these existing trees would continue to provide effective screening. The application is supported by a Landscape and Visual Appraisal, and the dome would only be visible from within the site, mostly from the pedestrian walkways leading to the tennis courts and pavilion, however also from the guest accommodation located to the north-east of the tennis courts. Whilst the spatial impact would be significant, the dome would have a lesser impact on the visual openness. In addition, it is stated that the dome would only be erected for a temporary period (Autumn to Spring) and can be dismantled and removed from the site within 3-5 days. A condition has been suggested which

restricts the times at which the dome can be used.

- 6.4 Nevertheless, the dome would harm the openness of the Green Belt, and due to its impact on openness the dome would not fall within the exception set out in paragraph 149 (b) of the NPPF and policy EE16 of the Local Plan for appropriate sporting facilities. On this basis, the development would be inappropriate and thereby harmful to the Green Belt. It is therefore necessary to consider whether any very special circumstances exist which outweighs the harm because of the development's inappropriateness and impact upon openness, as well as any other harm if identified. This is considered at the end of the report.

Impact on character

- 6.5 It is considered, as the application site is located on lower land and partially screened by mature trees, that the structure would appear to form part of the existing facilities and would not appear to be an isolated feature within the landscape. It is therefore considered that there would be no harm to the visual amenities of the complex and the impact on the wider landscape would be very limited.
- 6.6 The dome has been designed to a specific size in order to meet Foxhill's Tennis Clubs requirements and to ensure that the development facilitates additional play time for both tennis and other sporting activities, and the height and scale of the dome have been determined by minimum requirements set out by the Lawn Tennis Association. The remaining courts would continue to be open.

Protected species/biodiversity

- 6.7 With regard to protected species, it is noted that the Surrey Wildlife Trust has raised concerns with the age of the surveys and that the site was previously found to be surrounded by optimal bat foraging, commuting and roosting habitats, however, the dome would be erected on existing tennis courts and is therefore unlikely to affect any protected species. The application has also been supported by an Ecological Assessment which confirms that no existing vegetation will be removed. The dome is located in exactly the same position as the previous approval (RU.18/0811) where the dome was found to have an acceptable impact on biodiversity and protected species, despite the surrounding woodland and the suitability of the surrounding habitat for bats. Surrey Wildlife Trust have also raised concerns regarding an increase in artificial lighting as this would have an impact on the roosting and foraging places and community routes, however no additional external lighting has been proposed. The existing floodlighting would be retained and the dome benefits from internal lighting fixed to the ceiling, which would be directed down towards the courts. A lighting assessment has been undertaken, including a lighting simulation study. This study demonstrates that the levels of light spill as a result of the proposal would be a maximum illuminance, at the boundary woodland, of between 0.072 and 0.18 LX. A light spill below one lux is considered to have a minimal impact on the foraging and commuting of bats and other species. The ecological assessment also concludes that the proposal is unlikely to have any impact badgers or nesting birds

Residential amenity

- 6.8 In respect of the impact on residential amenity. The Council's Environmental Health Officer has raised concerns that the noise from the blower unit for the dome (67 dB

at 7m) would negatively impact on the amenity of Dower House, the grounds of which are approximately 110m away. The Environmental Health Officer, applying a 6dB reduction per doubling of distance, considers that the blower unit would result in a noise of around 55 dB at the boundary of this property and 44 dB at the property itself. However, this does not account for the significant dense woodland between the two sites which would inevitably reduce the noise that can be heard from this neighbouring site, or the fact that the property itself would also provide some noise insulation. Dower House also has extensive grounds, with much of the outdoor amenity space being further than 110m away. It is not considered therefore that the blower unit, would have a detrimental impact on the amenity currently enjoyed by this neighbouring property.

Highway considerations

- 6.9 The County Highway Authority have raised no objections, advising that, although the increased use of the courts would likely generate increased trips to the site, the development is unlikely to have a significant impact on the local highway network. There are no material impacts on the parking provision arising from this proposal.

Planning balance

- 6.10 Having considered all of the above, it is considered that there would be harm in principle to the Green Belt, arising from inappropriate development, and harm to the openness of the Green Belt, albeit limited because of the season aspect of the dome proposal and the limited visual impact of the dome due to the substantial screening from the south, east and west. No other harms have been identified. Given the harm to the Green Belt, it is necessary to consider whether any very special circumstances exist which outweigh the harm to the Green Belt to which substantial weight must be given.
- 6.11 The assessment of the previous application (RU.18/0811), which is identical to the current proposal, gave weight to the following benefits:
- Need for the proposed development
 - Health benefits for members and non-members of the Foxhills club
 - Support from Sport England
 - Increase in sporting activities, and
 - Support from local and national policy
- 6.12 It is considered that the above considerations are material in the assessment of the current proposal as well, and the proposal will provide the same health benefits and increase of sporting activity in line with paragraph 92 of the National Planning Policy Framework which sets out the important role the planning system can play in facilitating social interaction and enabling and supporting healthy lifestyles through the provision of sporting facilities.
- 6.13 The application is supported by a document setting out the need for the facility, this identifies that only 7% of Britain's tennis courts have covers and only 4 indoor tennis courts are currently provided within the Runnymede Borough. Statistics provided from 2021 show that there is a 59% reduction in playing when comparing June and August to December and February. This is similar to the reduction in play seen in

the 2017/18 statistics provided with the previous application. The dome would also allow players within the junior academy, which currently sees a 62% reduction in participation in the winter months, to play/practise all year round. Furthermore, Foxhills have stated they intend to re-introduce the Tennis Foundation Scholarship if the proposal is granted, and the dome would allow Foxhills to host a number of winter tournaments for both adults and juniors. Sport England commented on the previous application and were satisfied that the proposal would provide more opportunities for people to play tennis and as a result considered that the proposal was in line with its objective to provide new opportunities to meet the needs of current and future generations. Sport England have been re-consulted but are yet to provide detailed comments on the current application.

- 6.14 Policy SL1 of the Runnymede 2030 Local Plan sets out that the Council will be supportive of development that promotes community facilities and development which takes opportunities to assist people of all ages and backgrounds living, working and relaxing in Runnymede to lead healthy lifestyles and improve quality of life. The proposed development would assist in achieving additional 'indoor' sporting facilities within the Borough and would make an important contribution to health and well-being of both club members and the wider community, which weighs heavily in favour of the application. Taking all of these factors into account, and the limited impact on the visual openness of the Green Belt, it is considered that very special circumstances exist which clearly outweigh the harm to the Green Belt.

Other matters

- 6.15 It should be noted that since the previous decision was issued, the Runnymede 2030 Local Plan has been adopted. Whilst a new set of policies are therefore in effect, the relevant policies in this instance would not lead to a different decision being reached than that made under RU.18/0811.
- 6.16 Under the 'Town and Country Planning (Consultation) (England) Direction 2021 the Local Planning Authority is required to consult the Secretary of State in respect of major development comprising new floor areas of 1,000sqm or more of non-residential floor space within the Green Belt. Therefore, subject to a resolution by the committee to grant planning permission, the application will need to be referred to the Secretary of State to determine whether he wishes to call-in the application and make the decision himself. If he decides not to call-in the application, the permission can be issued by the Council.

7. Conclusion

- 7.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it

- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

- 7.2 The development is considered acceptable in terms of appearance and with no harmful impacts on residential amenities. The proposal is also not considered to be harmful to protected species and biodiversity. The proposed development represents inappropriate development in the Green Belt and would cause harm as a result of its spatial and visual impact on the openness of the Green Belt. However, very special circumstances are considered to exist which clearly outweigh this harm. The development has been assessed against the following key Development Plan policies –policies SL1, EE1, EE2, EE9, EE11 and EE16 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations.

8. Formal Officer Recommendation

To authorise the CHDMBC to grant planning permission subject to no call in being received from the Secretary of State to whom the application needs to be referred under the Town and Country Planning (Consultation)(England) Direction 2021 and subject to the following planning conditions:

1. Full application (standard time limit)

The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with 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 not be carried out except in complete accordance with the following approved plans and documents:

- Location Plan (1621-IID-DR-A-001TD - Rev PL2)
- Proposed Location Plan (1621-IID-DR-A-100TD - Rev PL2)
- Proposed Block Plan (1621-IID-DR-A-102TD - Rev PL2)
- Unnumbered Dome Plans and Elevations (Dated, revised 05/03/2018)
- Bridome General Specification Document (Dated, 2016)
- Lighting Assessment Report (Dated, March 2018)

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

3. External materials (details required)

Before the above ground construction of the development hereby permitted details of external materials to be used in the construction of the dome

hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved details.

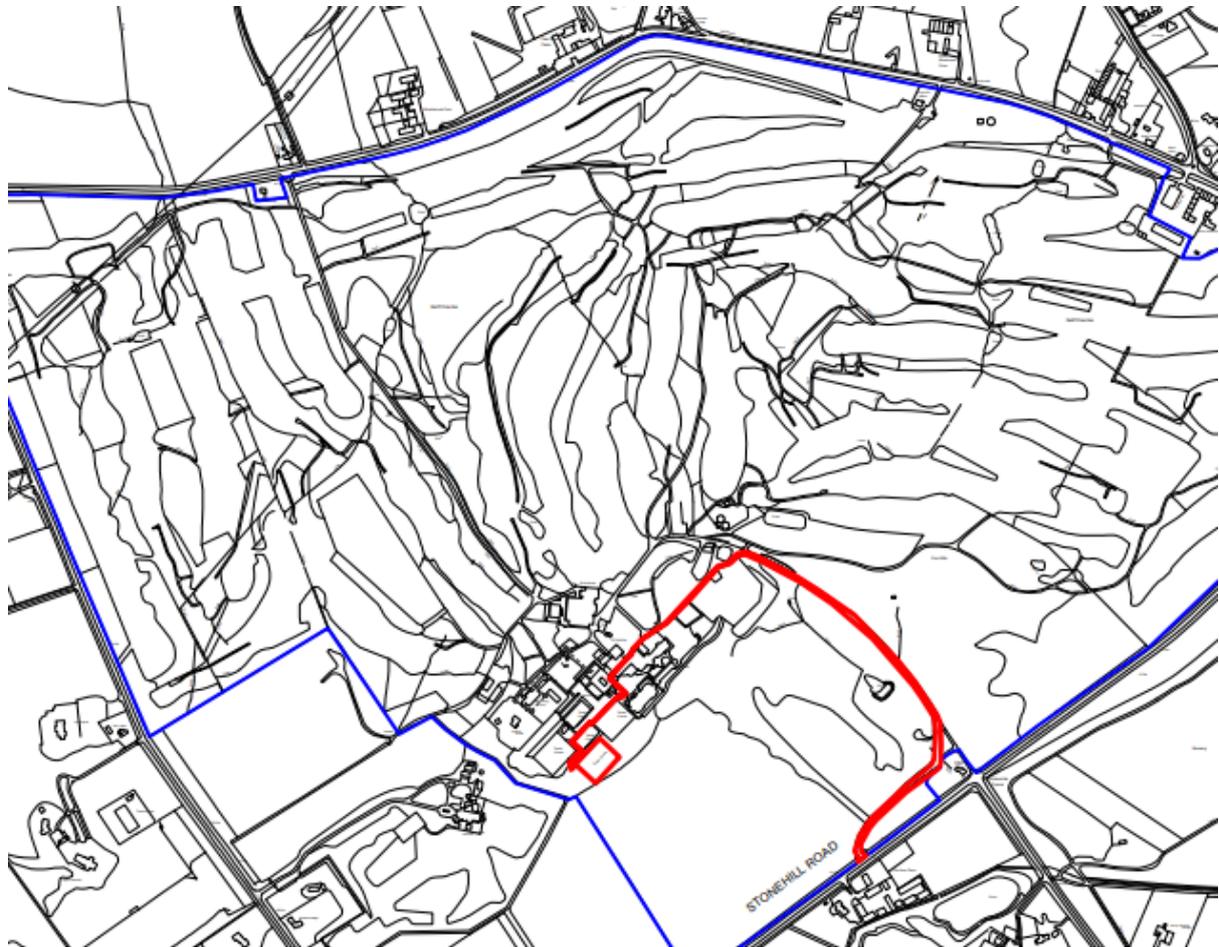
Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.

4. **Time restriction**

The dome hereby approved shall only be erected between the months of October to April, and no dome shall be erected between 1 May and 30 September in any calendar year.

Reason: To protect the openness of the Green Belt and in the interests of the visual amenities of the landscape and to comply with saved Policy EE1 of the Runnymede 2030 Local Plan and policy within the National Planning Policy Framework.

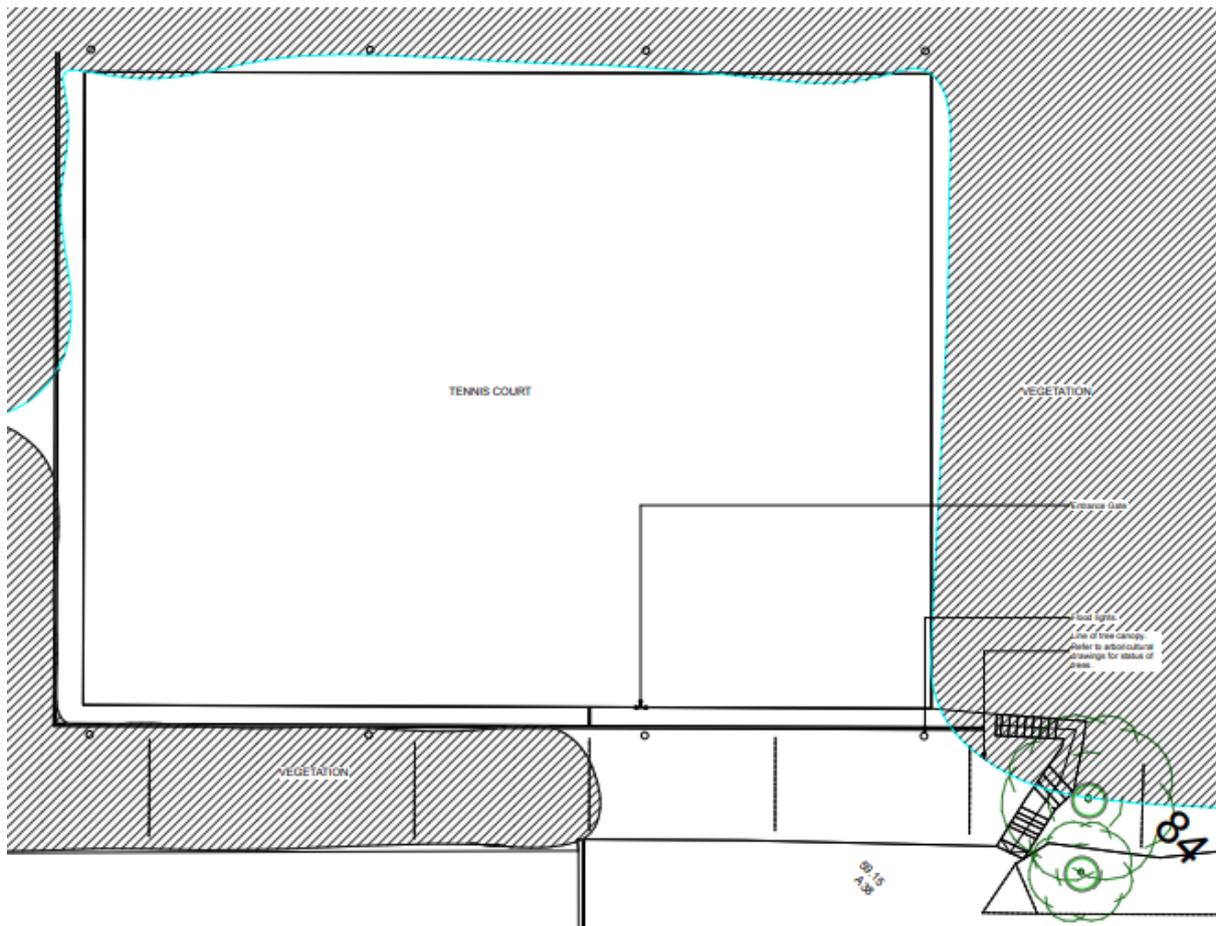
Location Plan



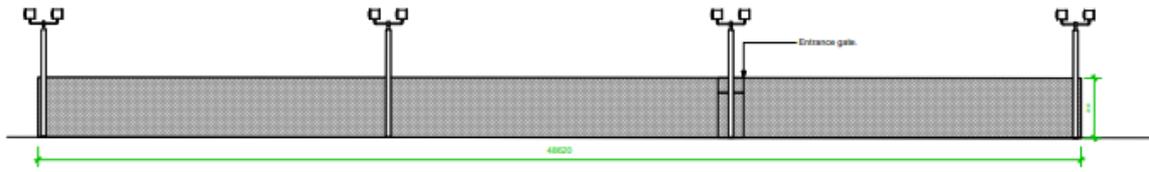
Existing Site Plan



Existing Tennis Court



Existing Elevations



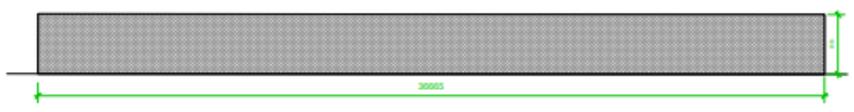
1 Existing North-West Elev - Tennis Court
1:100 @ A1 and 1:200 @ A3



2 Existing North-East Elev - Tennis Court
1:100 @ A1 and 1:200 @ A3



3 Existing South-East Elev - Tennis Court
1:100 @ A1 and 1:200 @ A3



Proposed Tennis Dome

