

DELEGATED OFFICER REPORT:**Application Ref:** F/24/97313**Site Address:** David Lloyd Southampton West End, Botley Road, SO30 3XA**Case Officer:** Clare Martin**Description:** Retention of 2no. padel courts and seating area with associated 8no. flood lights, glass panels and mesh fencing (retrospective application)

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Within Airport Safeguarding Zone		

Planning History?	Yes ☐	No ☐
• Z/30368/001 – Construction of tennis and health centre with parking spaces and temporary access road – Permitted (November 1993) • Z/30368/017 – Erection of air supported structure over 2no. tennis courts (between 1st October and 31st March) and erection of 14no. lighting columns to illuminate 4no. tennis courts – Permitted (July 1998)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Environmental Health:	<u>No Objection, subject to conditions</u> NOISE Padel is considered a noisier than tennis. No acoustic assessment is included in the application. However, as the nearest sensible receptors are located at 100m from the site, I would expect that the impact of the padel courts would be unlikely to pose a significant risk to residential amenity. The application did not include any details on operation times (assumed to be between 06:00h to 22:00h as per opening times of the David Lloyd Club premises). It would be prudent to impose a condition to limit hours of operation and prevent any nuisance. LIGHTING The lighting design plan (ELM, 2024) shows that no light spill is anticipated beyond the existing tennis courts and car park area. No concerns on this regard.		
Ecology Officer:	<u>No Objection</u> LIGHTING These courts are within the area between the car park and the existing tennis courts. The lighting diagram shows no light spill beyond the car park area. DRAINAGE These courts are sited on an existing tennis court and existing hard standing so there would be no change to the existing surface water drainage.		

	BIODIVERSITY NET GAIN Although 10% biodiversity net gain is not required as mentioned in section 6.34 of the Planning Statement by Lichfields (April 2024), some biodiversity enhancements are still required in accord with Local Plan policy DM 11 and NPPF paragraph 180. These can be made in the form of improvements to the existing landscaping on site or provision of bird boxes or bat boxes in a suitable location.
Transport Officer (HCC):	<u>No Objection</u> The 2no. padel courts appear to replace existing croquet courts, and as such no space is lost for either parking or the turning of vehicles on site. Additionally, the location of the courts is well away from the public highway, and as such it would not be anticipated that the 8no. floodlights would be visible to any great extent, certainly not enough to cause a distraction.
Southampton Airport:	<u>No Objection</u> The proposal does not conflict with safeguarding criteria
West End Parish Council:	No response

Site Visit:	Yes ☒	No ☐
Details: carried out 5/6/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies: S1 and S2; Development Management policies DM1, DM8, DM11, DM32 & DM34 Site Policies: WE4 Supplementary Planning Documents: Draft Parking Standards

Proposal:
The retrospective planning application comprises the replacement of one outdoor tennis court with two smaller padel courts. The padel courts are surfaced in artificial grass and enclosed by a mixture of glass and mesh infill panels (of 3-4m high). The proposal also includes 8no. (6m high) lighting columns in the corner of each court and a social space on

the north eastern side. The social space comprises a seating area with LED lighting, cantilever parasols, bag storage and water station.

Assessment:

Principle

The site is part of an established health and wellness club. The development is retrospective and is to retain the two paddle courts which have been created by re-purposing one of the six existing outdoor tennis court. It is understood that the tennis court was under used and could be better utilised as a paddle court, where a new market is emerging. The proposal will diversify and enhance the facilities available at the existing site as well as attract new members to the club.

The site is within the urban edge, where the principle of development is acceptable. The proposal is supported by planning policy, which looks to enhance sporting facilities within the wider Utilita/ Ageas Bowl complex (site policy WE4) and improve/ expand recreational facilities within the borough (Policy DM34).

Character and Appearance

The design of the paddle courts is typical of this type of sporting facility. The scale of the structure fits in with the surrounding tennis courts and is subservient to the main club building. The courts sits behind a high hedge, where only the top of the fencing and flood lights are visible from the adjoining car park, access road and club facility.

Residential Amenity

The paddle court is direct adjacent to the car park, tennis courts and club building. It is a good distance away from residential properties (approximately 100m) and as the development will not impact upon their residential amenity (in terms of a loss of privacy, light or outlook).

The proposal is part of a large sports complex and the noise from the paddle board courts and small social space are unlikely to cause significant disturbance given its position and existing background noise levels. The paddle courts are to be used as part of the existing health and wellness centre and so would only be available during their opening hours. It is not considered reasonable to restrict opening hours for the individual paddle courts.

Lighting

A lighting diagram has been provided showing that the flood lighting has limited light spill outside of the court and immediately adjoining area. As such the lighting is not considered to impact upon protected species or residential amenity.

Car Parking and Highways

The site contains a large car parking area for the existing club. While the paddle courts are likely to attract more visitors (than the previous tennis court) the number of trips will not be significant compared to that of the existing facility.

Other Considerations

- The proposal will not affect the existing drainage arrangements.
- Biodiversity enhancements are encouraged (in line with policy DM11) and an informative will be added to the decision notice with ecological advice.
- The nature and scale of the proposal is not considered to have a likely significant impact on the special protection area.
- No objection has been raised by Southampton Airport on safeguarding grounds.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.
Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...