

Application Number and Registration Date	MO/2019/0222 (Change of Use) 04-Mar-2019
Applicant	Investment and Regeneration Team, Mole Valley District Council
Case Officer	Jenny Seaman
Amendments /amplifications	
Committee Date	5 June 2019
Ward(s)	Leatherhead South Within 20m of Leatherhead North Ward
Proposal	Change of use of the existing tennis courts to a temporary public car park to provide 64 spaces with associated access for a period of 3 years.
Site Description	Fromer Tennis Courts, Fetcham Grove, Guildford Road, Fetcham, Surrey

RECOMMENDATION: Approve subject to conditions

Summary

The proposal is for a temporary change of use of the former tennis courts at Guildford Road, Fetcham, Leatherhead to a public car park to provide 64 spaces with associated access.

The temporary car park is proposed to provide public parking spaces if the current proposals for redevelopment at Claire House and James House are approved. The supporting documentation states that the provision of a temporary car park on the existing tennis courts site is necessary to provide public parking spaces during the demolition of the existing buildings and construction of the new building.

1. Development Plan

Metropolitan Green Belt
Flooding Zone 2/3

2. Relevant Planning History

None relevant to the current proposal.

3. Description of Development

- 3.1 The application site comprises a disused tarmacked outdoor tennis court, enclosed by a chain link fence, and surrounding grassed area. The tennis court has fallen into a poor state of repair, and is overgrown with weeds and grass.
- 3.2 On the northern boundary adjoining the site is a car park which serves the offices at Cedar House. Close to the eastern boundary is a car park which serves Riverside Court and also 1-5 Fetcham Grove Cottages which residential properties. There are open grassed areas to the south and west. There are a number of mature trees adjoining the site. The western boundary is also screened by a dense bank of vegetation.
- 3.3 The site is located within the Metropolitan Green Belt and in Flood Zone 3. The site is outside of, but adjoining, the designated boundary of Leatherhead town centre.
- 3.4 The existing tennis courts have fallen into disrepair as these have not been used for more than 10 years as a result of improvements and changes in the provision of leisure services in Leatherhead. This includes the approval of a full planning application (ref: MO/2009/0036) in 2009 for the 'erection of a Multi-Use Games Area (MUGA) to accommodate four macadam sports pitches with perimeter fencing, floodlighting, access and associated works' on a site situated immediately to the east of the Leatherhead Leisure Centre building.
- 3.5 The proposals are for a temporary change of use of the site for a period of three years for the laying out of 64 car parking spaces (including 4 disabled spaces) to alleviate the temporary loss of the Bridge Street pay and display car park during construction works. On the basis that the use is temporary, only minimal planting and lighting is proposed.
- 3.6 The proposals include improvements to, but not the replacement of, the tarmacked surface of the tennis court given the deteriorating state of the current hardstanding. The proposals include white lining of the surface to define car parking spaces. The only intrusive works comprise the construction of the vehicle and pedestrian accesses and on the basis that the use is temporary, no built forms or lighting structures are proposed. The existing damaged fencing which encloses the tennis court will also be removed, subsequently increasing the openness of the site. This minimal approach will allow for the temporary car park to be easily returned to its original use or open space following the expiration of the temporary planning permission.
- 3.7 It has been clarified that 23 of the parking spaces will be for general public car parking and the remaining 41 spaces will be for use by contractors working on the Claire and James House site.
- 3.8 A new vehicular entrance is proposed and a short length of access road will connect the car park to the secondary access road leading to Leatherhead Football Club.

- 3.9 A pedestrian only entrance and footpath is proposed from the western boundary of the car park to the main Leisure Centre access road. It will connect to the existing footpath that runs along the access road.
- 3.10 At the end of the three year period, and on the basis there is no demand for further recreational use, it is proposed to remove the temporary access, remove all hardstanding and infrastructure associated with the temporary car park and reinstate the land as open space. The applicant has stated that it is not proposed to replace the tennis courts.

4. Consultations

4.1. SCC Highways

The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommends conditions be imposed in any permission granted (Condition 4).

It is understood that 23 of the proposed 64 car parking spaces will be for the general public following the loss of car parking spaces at Claire House and James House. The other 41 spaces are proposed to be allocated to contractor staff parking for the development of Claire House and James House. It is unclear why this many spaces are required. If any of these 41 spaces are to be used for any other purpose, the Highway Authority would like to see evidence and justification as to why this increase in parking is required. The Car Park Management Plan is required in order to manage the two sets of parking.

4.2. Sports England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

4.3 Environment Agency

We have reviewed the letter from RSK (reference 133491-R2(1)-EA dated 15 May 2019). The document confirms that surface water disposal to ground will be by infiltration via appropriate attenuation and pollution mitigation measures. This is acceptable for us and we have no further comments to make on the application.

4.4 Environmental Health

No comments to make regarding noise from the proposed application. However, it would be advisable for the applicant to consider the site safety and how the car park is going to be protected from trespass. What will the operation hours be?

5. Representations

5.1. One letter, signed by the occupants of 1-5 Fetcham Grove Cottages, has been received raising the following (summarised) concerns:

- All properties will overlook this car park and every person using it will have visual access to our properties. We are in a raised building due to being on a flood plain meaning passers-by will have a clear view into our living areas, bedrooms and gardens which is unacceptable
- Due to being on a flood plain it would also mean that any alterations to the landscape would significantly increase the possibility of properties flooding causing significant damage. The water level has already noticeably increased since the erection of Grove House offices opposite our properties.
- Continuous noise and disturbance by development of the car park and its constant use and disturbance from lights from cars shining directly into windows where bedrooms and living areas are located
- Outlook severely compromised by excessive traffic and associated road, increased dust fumes and debris
- Proposed car park will significantly increase the generation of traffic as well as noise
- All properties have paid for the installation of a gate leading onto the proposed area for access. Four properties have either pets or young children using this access area therefore their safety would be compromised

6. Main Planning Policies

6.1. Government Guidance
NPPF

6.2. Mole Valley Core Strategy
CS1 – Where development will be directed
CS14 – Townscape, Urban Design and the Historic Environment
CS16 – Open Space, Sports and Recreation Facilities
CS17 – Infrastructure, Services and Community Facilities
CS18 – Transport Options and Accessibility

6.3. Mole Valley Local Plan
ENV22 – General Development Control Criteria
ENV57 – Lighting proposals

7. Main Planning Issues

7.1. Impact on the Green Belt

The site is located on the edge of the Green Belt adjoining the built up area of Leatherhead. The NPPF seeks to protect the Green Belt and considers that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness,

and any other harm resulting from the proposal, is clearly outweighed by other considerations. It goes on to state that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”.

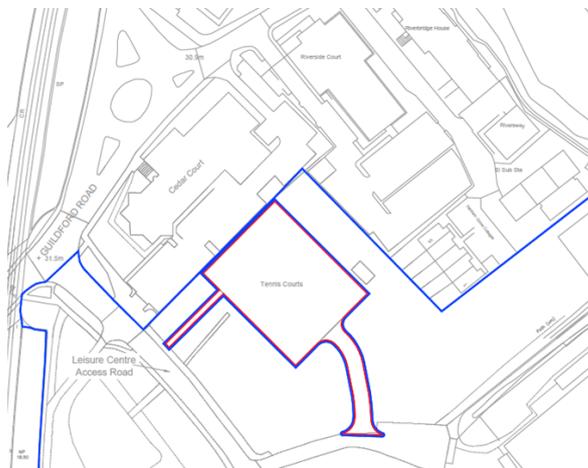
Paragraph 146 advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these is the provision of local transport infrastructure which can demonstrate a requirement for a Green Belt location.

The applicant argues that the site comprises previously developed land and although its existing use is a tennis court, it has not been used for more than 10 years since the construction of the new modern courts, located directly adjacent to the Leisure Centre. This has resulted in the courts being poorly maintained, falling into a poor state of repair. The site now comprises hardstanding overgrown with weeds and grass, hence the courts are no longer fit for purpose. The surrounding fencing is significantly damaged and there are no nets set up on the court.

The NPPF definition of previously developed land is as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

It is debatable whether the site can be considered as previously developed land; as shown by the map the site is within an area that is fairly built up and land in built up areas such as parks and recreation grounds are specifically excluded from the definition of previously developed land.



The applicant has put forward very special circumstances. It is stated that the temporary use of this site will enable the proposals at Claire House and James House to be built out if those proposals are approved. The construction of the proposed scheme at Claire House and James House will result in the existing Bridge Street pay and display car park becoming temporarily out of use. The use of the redundant tennis courts will be necessary to alleviate the loss of the car park during this time. It is essential that an alternative car park is provided during this construction period to

ensure that residents and visitors are still able to easily access local services and businesses and prevent any significant parking issues from arising, particularly in terms of an increased reliance of on-street car parking which would lead to reduced highway safety on residential roads and traffic congestion. Given the close proximity of the site to Claire House and James House and the lack of alternative sites available, the change of use of the tennis courts is vital to enabling the construction of the proposals set out in the recently submitted outline planning application to take place.

Account is taken of the temporary nature of this proposal for a period not exceeding three years and that extensive works are not required. The existing surface of the tennis courts will not be replaced but improvements will be required due to the deteriorating state of the existing hardstanding and to allow for the creation of bay parking spaces. There will be no change to the levels of the site. The existing fencing will be removed helping to increase the openness of the site. Overall, a 'light touch' approach is proposed to include a basic car parking layout with no floodlighting, in order to create a suitable temporary car park which can be returned to its original use following the expiration of the temporary planning permission. The absence of any built form or lighting structures and the use for only a temporary period purely for car parking purposes, will not cause substantial harm to the openness of the Green Belt.

Once construction on the Claire House and James House site is complete, a new permanent public car park will be available for use and the temporary car park will no longer be required and can be returned back to its existing use or be grassed over.

It is considered that the very special circumstances have been demonstrated in this case, particularly since the use the proposal is temporary and only minimal changes are proposed to the land.

7.2. Loss of open space, sports and recreational buildings and land

Paragraph 97 of the NPPF states:-

“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”.

There are a number of tennis courts available within the vicinity of the site as follows:-

Location	No. of courts
Leatherhead Leisure Centre	4
Leatherhead Lawn Tennis Club	6
Christ Church Lawn Tennis Club	2
St Johns School	12
Therfield School	5

Given the extensive alternative supply of tennis court facilities close to the site, the impact of the loss of the tennis courts is accepted in this case. The alternative courts listed in the table above, particularly the four Leisure Centre courts, are of a higher quality and are recognised as being 'better provision'.

However, the land could be used as open space or for other sports and recreational facilities. The proposal is only considered acceptable given that the proposal is temporary and only minimal changes are proposed to the land.

7.3. Highways Issues

The Site is located approximately 370m walking distance south-west from Claire House and James House, the equivalent of a 4.5 minute walk time, accessible by the existing pedestrian facilities on Guildford Road.

The proposed temporary public car park will provide a total of 64 car parking spaces, including 4 disabled/accessible parking spaces.

Vehicle access will be taken via the Leatherhead Football Club access road which in turn is accessed via the main Leatherhead Leisure Centre access road, linked to the main highway network via a priority junction with B2122 Guildford Road to the north.

Vehicle access is to be taken via this location to ensure that, in the eventuality of any queuing out of the car park at times of extreme levels of occupancy, the queuing vehicles will not impact upon the local highway network.

Pedestrian access will be from the western boundary of the proposed car park, linking directly to the existing pedestrian provision on the Leatherhead Leisure Centre access road.

Survey work carried out by the applicants established that the majority of car trips arriving at the Claire House and James House via B2122 Guildford Road, pass the Leatherhead Leisure Centre access junction. Therefore, vehicles using the car park will already be on B2122 Guildford Road and will not be impacting any of the surrounding routes as a result of being displaced to the new temporary public car park.

Following an initial objection from Surrey County Council (Highways) the applicant provided further information as follows:-

- It is intended that 23 of those spaces will be for general public car parking to replace the Claire & James public car park whilst construction is underway.
- The other 41 spaces will be allocated for contractor parking to avoid contractor staff parking on the street around Claire House and James House. As a contractor is not yet on board the detailed car park management could be secured by a Construction Logistic Plan planning condition.

Surrey County Council confirmed no objection to the proposal following provision of the additional information subject to a condition on management arrangements for the car park (Condition 4).

7.4. Impact on trees

An Arboricultural Impact Assessment (AIA) has been submitted in support of this planning application. The report assesses the impact of the proposed works on trees identified in and around the site boundary.

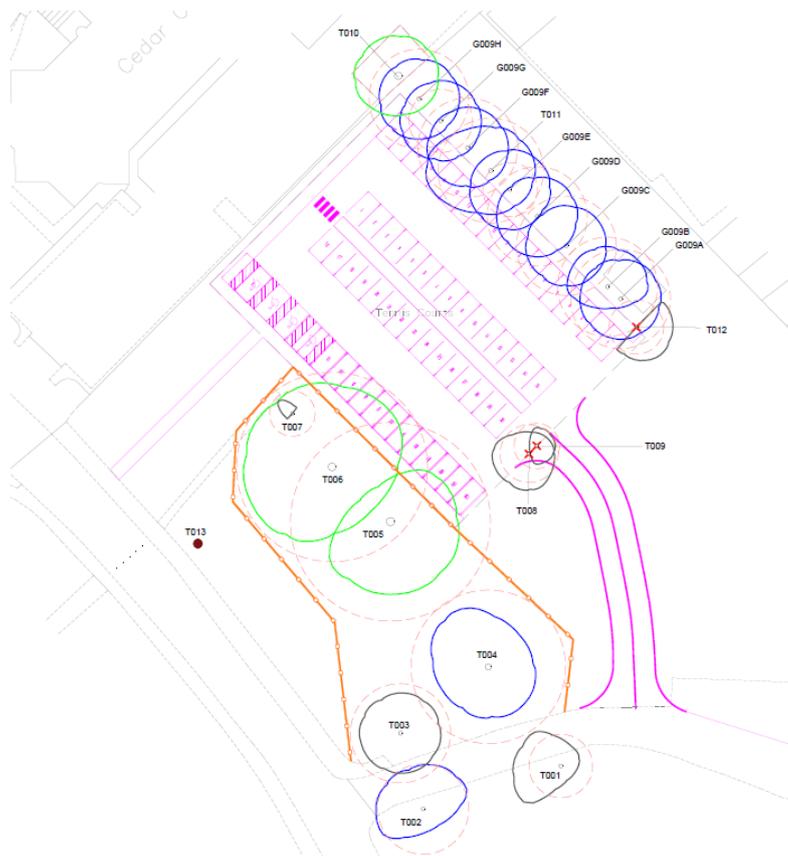
None of the surveyed trees are subject to a Tree Protection Order (TPO). The removal of three Category C individual trees is required because the trees are located directly in the footprint of the scheme. T012 has been shown for removal as the tree's root plate is lifting the tennis court surface, and the repair of the surface in this location would require significant root severance to facilitate. The trees are of low quality as defined by their BS Category rating.

The remaining trees are shown for retention, as the adjacent works are either outside of the RPAs of the trees, or the proposals involve non-intrusive operations such as repair to the existing surfacing and white lining to define car park spaces.

The location of protective barriers has been illustrated on the Tree Protection Plan, these would be required during the works to ensure the protection of the trees.

The specification for the protective fencing should be a 'Heras'-type fencing, which should be installed to protect both the crowns and RPAs of trees and to establish a Construction Exclusion Zone (CEZ) around the trees. Site operations not permitted in the CEZ without consultation with an arboriculturist include the storage of plant, equipment or materials; vehicular or plant access; the washing down of vehicles or machinery; the handling, discharge or spillage of any substances, including cement washings. No mechanical digging, scraping or excavation shall be permitted in the CEZ and no earthworks or changes in the finished ground levels other than those agreed by an arboriculturist.

The location of trees on site is shown on the plan below (the trees to be removed are shown by the crosses).



7.5. Flooding

The River Mole is situated approximately 100 metres to the northeast of the site. The Environment Agency's indicative flood zone map identifies that the site is located within Flood Zone 3 which is classified as having a 1 in 100 or greater annual probability of river flooding.

A Flood Risk Assessment (FRA) has been submitted in support of this planning application. This has been prepared to consider the implications of flooding and sets out the flood risk from fluvial, tidal, surface water, ground water, sewage and artificial sources in line with the NPPF and its corresponding Planning Practice Guidance (PPG).

The FRA sets out that flood risk from all sources other than fluvial is considered to be low. The site is considered to be at medium to high risk of fluvial flooding.

The Environment Agency initially objected to the proposal. The applicants sent additional information and the Environment Agency has now removed their objection.

7.6. Impact on neighbouring properties

The residents of 1-5 Fetcham Grove Cottages have objected to the proposals for a number of reasons including:-

- Overlooking
- Flooding, stating that water levels have risen since the Grove House development
- Noise and disturbance from cars
- Car lights shining into properties
- Increased fumes and dust
- Safety issues due to access

The map and aerial photo below show the proximity of the site to Fetcham Grove Cottages. As can be seen, the parking area does not directly overlook the Fetcham Grove Cottages or their rear gardens and the boundary has a number of trees which are located between the proposed car park and the cottages and will be retained. At its closest point the car park is more than 25m from the rear elevation of 5 Fetcham Grove Cottages which is a considerable distance. It is therefore considered that the proposal will not cause overlooking or that car lights will directly shine into the properties. A condition has also been included to prevent floodlighting (Condition 5).

The proposed vehicle access road has been designed to direct away from the cottages and is located more than 40m from the rear elevations of Fetcham Grove Cottages which is a reasonable separation distance. It must also be noted that this is a temporary use of the land for up to three years whilst works are happening at Claire House and James House.



It is not considered that there is a potential unacceptable increase in noise, fumes and dust. Individual cars will be moving at low speeds and noise emitted will be minimal. The eastern boundary of trees will act as a buffer. It is anticipated that vehicle trips will be distributed throughout the day and the open nature of the site means fumes will easily disperse. Condition 3 restricts the hours contractors can park on the site; the public car parking spaces will be unrestricted, but the unrestricted spaces can be sited away from the residential properties and this can be achieved as part of the condition for management of the car park (Condition 4)

A Flood Risk Assessment was submitted with the planning application to confirm that the use of the site as a temporary car park complies with the national flood risk policy and guidance in the NPPF and NPPG. Additional information was also provided and the Environment Agency has confirmed that they have no objection to the proposal. Condition 2 requires development to be carried out in accordance with submitted documentation including that relating specifically to flooding.

A transport consultant has designed the access road and pedestrian path to ensure both meet Surrey County Council's highways and pedestrian safety standards. Surrey County Council (Highways) have raised no objections to the access to the site.

In respect of Cedar Court which is currently used as offices, it should be noted that there is no prior notification approval for conversion to residential use, nor has any planning application been submitted or approved for residential use. As the building is in use as offices, the proposal is not considered to have an unacceptable impact on Cedar Court.

7.7. Conclusion

The proposal is considered acceptable on a temporary basis if the Claire and James House application is approved. Should the Claire and James House application be refused then the application would not be acceptable.

8. Recommendation

- (1) Should the application for Claire and James House application reference MO/2018/1983 be approved, permission be GRANTED subject to the following conditions:-
- (2) Should the application for Claire and James House application reference MO/2018/1983 be refused, permission be REFUSED as it would constitute inappropriate development in the Green Belt.

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 5 June 2022 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: Permission is given in this case, having regard to the circumstances appertaining to the site in question, but only on a strictly limited basis as the site consists of sports pitches in the Green Belt and would normally be contrary to the requirements of the NPPF and policies in the Mole Valley Core Strategy and the Mole Valley Local Plan.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan number(s):-

Drg No. WIE-14740-SA-95-0004-A06

Drg No. WIE-14740-SA-95-0005_A02

Letter from Carter Jonas dated 30 Jan 2019

Design and Access Statement

Tree Survey/Landscaping Proposals by Atkins dated 4 Jan 2019

Flood Documents (Flood Risk Assessment and appendices by RSK)

Letter from RSK (reference 133491-R2(1)-EA dated 15 May 2019

Transport/Travel document by Waterman Infrastructure & Environment Limited dated January 2019

contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. The 41 car parking spaces which will be allocated for contractor parking shall be used only between the following hours:-

Monday to Friday (7am to 6pm), Saturday (7am to 2pm) and the spaces shall not be used at any time on Sundays or bank holidays

Reason: To protect the amenities of nearby residential properties

4. The development hereby approved shall not be first used unless and until management arrangements are in place for the management of general car parking provision are outlined within the site, to include details of:
 - (a) How the car parking spaces will be designated, assigned and managed for the general public, and staff contractor parking.have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained for the duration of the planning permission.

The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2019), and to satisfy the Mole Valley Local Plan.

5. No floodlights or other forms of external lighting shall be installed on the site without the prior written approval of the Local Planning Authority..

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties, in accordance with Mole Valley Local Plan policy ENV57 and policy CS14 of the Mole Valley Core Strategy.

Informatives

1. You are advised, as discussed, that the Local Planning Authority wish to see the unrestricted public car parking spaces to be sited away from the residential properties at Fetcham Grove Cottages. This should be shown on a plan as part of the parking management plan required by condition 4. The LPA would also wish the management plan to include details of how the car park can be managed to ensure compliance with condition 3 of this permission