# OFFICER REPORT

**Case No:** 25/01038/FUL Full Planning Application

**Proposal:** Siting of three padel tennis courts

**Location:** Blue Diamond Banks End Wyton

**Applicant:** mr James Jones

**Grid Ref:** 527037 272784

## DESCRIPTION OF SITE AND APPLICATION

The application site is a section of land south of Blue Diamond, a large building in use as a garden centre/retail purposes and its associated car park. The site is not within a Conservation Area and there are no Listed Buildings or trees subject to Preservation Orders in the immediate vicinity.

The site lies within defended flood zones 1, 2 and 3 as per the most recent Environment Agency Flood Risk Maps and Data.

This application seeks permission for the siting of 3 padel courts.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

## NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

## PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019

LP2: Strategy for Development
LP5: Flood Risk

LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP23: Tourism and Recreation
LP30: Biodiversity and Geodiversity

Houghton and Wyton Neighbourhood Development Plan 2018-2036 (March 2018) Policies:

HWNP1 - Houghton and Wyton built up area
HWNP6 - Retaining and enhancing biodiversity
HWNP8 - Tourism development
HWNP11 - provision of new community facilities
HWNP13 - Access by non-car modes
HWNP14 - Flooding and drainage
HWNP17 - Design of new development

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at https://www.huntingdonshire.gov.uk

**RELEVANT PLANNING HISTORY**

Given the use of the site there is a wide and varied planning history associated with it. History from 1974 is available to view on HDC's Public Access Site. The most relevant history is below:

91/00769/FUL - Change of use to nursery garden centre, erection of storage & sales building and access & parking area (Permission)

9900197FUL - Erection of garden centre & provision of car parking Tacchis Garden Centre Banks End, Huntingdon Road Wyton (Permission)

0100988FUL - Change of use of bungalow to offices ancillary to garden centre (Permission)

**CONSULTATIONS**

Houghton and Wyton Parish Council remained neutral but did make comments as below:

*Agrees with the principle of the application.
*Lighting needs to be controlled to prevent issues for neighbours and wildlife harm.
*Noise concerns.
*Hours of operation and increased traffic.
*Highways safety concerns.

Officer comments - These matters will be addressed in the proceeding sections of this report.

HDC Environmental Health - No objections subject to amended opening hours and conditions.

HDC Ecology Officer - No objections subject to conditions.

HDC Landscapes Officer - No representations received at the time of determination.

HDC Arboricultural Officer - No objection subject to condition.

Cambridgeshire County Council Highways - No objections.

Cambridgeshire County Council Lead Local Flood Authority (LLFA) - No representations received at the time of determination.

Environment Agency - No objections.

Sport England - No comments - refer to standing advice.

**REPRESENTATIONS**

Ten comments have been received and these are available to view on HDC's Public Access Site. Of these ten, seven are in support, two are neutral but raise queries/concerns and there is one objection. These are summarised below:

Support:

*Installation is a good idea.
*Beneficial to the community.
*Excellent way to keep fit.
*Social and community benefits.
*Good addition to sports facilities options within the district.
*Encourage visitors to the area.

Objection:

*Noise pollution, especially at times when this is not a factor at present (proposed hours of operation).
*Light pollution impacting residents and rural character.
*Increased traffic and strain on parking.
*Increased disturbance due to ancillary factors, cars, spectators, talking.
*Highway safety concerns.
*Risk of padel balls straying from the site and onto the highway.

Neutral:

*Unclear about hours of operation and noise concerns. Noise needs to be managed.
*Lighting needs to be managed to avoid light spill for neighbours and the road.
*increase of traffic/safety needs to be considered.

**SUMMARY OF ISSUES**

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, and Houghton and Wyton is a parish which has an adopted neighbourhood plan in place. This has therefore been given weight in the determination of this application.

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

*The principle of development
*Design, visual amenity and impact on the area
*Residential amenity
*Highway safety
*Flood risk
*Biodiversity
*Impact on trees

*The principle of the development

The proposed development is located outside the built-up area of Houghton and Wyton and therefore considered to be within the countryside. As such Policy LP10 of the Local Plan to 2036 is therefore relevant. Policy LP10 seeks to limit development in the countryside unless it is permitted under other Policies of the Local Plan. One such Policy is LP23 (Tourism and Recreation) and this is discussed in further detail later in this assessment. In all cases, LP10 states that:

All development in the countryside must:

a. seek to use land of lower agricultural value in preference to land of higher agricultural value:

i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and

ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;

b. recognise the intrinsic character and beauty of the countryside; and

c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others".

In this case, the land in question is classified as grade 2 land and so not land of the highest value. There is land of varying grades in the immediate vicinity. Whilst the loss of agricultural land is regrettable, in this instance, given the current use (not in use for arable farming and associated

with the garden centre) and the relatively small scale of development this is not a justifiable reason to resist the proposal.

In terms of part b, whilst outside of the built-up area (BUA) and so considered 'countryside' the site is not located in an intrinsically rural area. As discussed, there is a large garden centre/retail outlet and associated parking to the north, residential development adjacent and the A1123 which is the main route between St Ives, Huntingdon and links to major arterial roads is to the immediate south. As such, whilst there is a mixture of developed and undeveloped character, the site is not experienced as being within the countryside and the introduction of this development (the design of which is considered later in this report) will not cause significant harm.

In terms of part c, again, the context of the site has to be considered. Environmental Health have been consulted and (subject to conditions) raise no objections in terms of noise, light spill and so on. The same applies to the consultation from the Local Highways Authority. These matters are addressed in more detail later in this report. However, for the purposes of this assessment, given the existing use and main road directly south of the site is cannot be considered that significant harm would be caused and the scheme would broadly comply with Policy LP10 of the Local Plan.

As referenced above, one such Policy which permits development in the countryside is LP23 (Tourism and Recreation). This permits such development where it can be demonstrated that:

a. it is well-related to a defined settlement unless there are robust operational or sustainability reasons why it needs to be located elsewhere;

b. it does not cause harm to, and where appropriate, enhances the ecological, landscape and heritage significance of the proposed location;

c. the impact of the scale, character and location of the development on both its immediate surroundings and the wider landscape are minimised as far as possible;

d. adequate servicing can be provided, including water supply, electricity and for sewage and waste disposal; and

e. it will not have an adverse impact on any internationally or nationally designated wildlife site through increased visitor pressure.

In this case, whilst outside of the BUA the site is well-related to Houghton and Wyton and arguably to St Ives. There is a footpath alongside the A1123 connecting the settlements and allowing access by sustainable travel methods. Given its scale there is no requirement to apply the sequential test (for a main town centre use) to dictate the siting. Matters regarding impact on character and landscape character have been touched upon above but will be considered in further detail below, as will ecology matters. However, again considering the site in context it is concluded that there will be no significant harm. In terms of part d, the site is well located in relation to the garden centre and so access to shared services is available. Finally, given that visitors to the site are currently uncontrolled and the fact that the site is not within close proximity to a designated site (such as a Site of Special Scientific Interest - SSSI) there is overall no harm.

Given the reasons set out above, the development broadly accords with Policies LP10 and LP23 of the Local Plan to 2036 as well as Policies HWNP8, HWNP11 and HWNP13 of the Houghton and Wyton Neighbourhood Development Plan 2018-2036 (March 2018) and the provisions of Para. 88(d) of the NPPF (2024) and is acceptable in principle subject to compliance with all other material planning considerations and conditions.

*Design and visual amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan state, amongst other matters, that proposals will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, contributes positively to the character and identity of the area and successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape.

The application site is to the south of an established garden centre with retail facilities a café and other ancillary buildings. This proposal involves the provision of 3 padel courts measuring 20mx10m. These will be located to the east of a single storey former bungalow (granted permission for a change of use to offices ancillary to garden centre under ref 0100988FUL), south of the extensive car park and west of the entrance road from the A1123. The site is outside the BUA of any main settlements and has a mixed character. The area is generally verdant with trees and grass verges evident but there is also the large commercial development (the garden centre) and residential dwellings surrounding it. A post and rail fence and metal gates separate the site from the highway verge.

The padel courts would feature 3m high glass walling with a 1m high black wire mesh fence above (and this is the elevation which would face the road), however, it is set back from the highways to the rear of a fence and some trees (which will be protected by condition). It is noted that the submitted plans do not show the east and west elevations but Officers are satisfied that sufficient detail has been provided to determine the application and it is obvious from the submission as to what the appearance will be.

Overall, whilst it is acknowledged that there will be some impact, given the characteristics of the surroundings this will be minor in practice. Matters such as light spill can be addressed by condition and it is considered that the benefits of providing additional sports and recreation facilities in the district outweigh the minor harm and the development broadly accords with Policies LP11 and LP12 of the Local Plan to 2036 and Policy HWNP17 of the Houghton and Wyton Neighbourhood Development Plan 2018-2036 (March 2018).

*Residential amenity

Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

Given the scale of the proposed development, the separation from adjacent dwellings and land and the boundary treatments in place there will be no issues in terms of overbearing impact, overshadowing, loss of light, overlooking or loss of privacy. Main areas of concern are increased noise, activity and light spill. Some concerns were raised in the objections that it was unclear what the hours of operation proposed were and that these were excessive. It is accepted that the application form could have been clearer as it refers to a closure time of '11:00' as opposed to '23:00'. Officers sought clarity from the applicant on this and confirmation was provided that the hours intended were as detailed in the application form (albeit the 24hr clock was not used). Environmental Health have been consulted and, given the distance to residential properties raised no significant concerns. They were broadly comfortable with the proposed operating hours but considered that 7am on a Sunday was excessive and suggested that 8am would be preferable. The applicant has confirmed in an email dated 18th of August 2025 that they will accommodate this request. Hours of operation shall be secured by condition.

Environmental Health also requested that the times of lighting should be limited (in line with times of use) and that it is installed in compliance with recognised guidance. They also requested that anti-vibration bushings ne used to fix the panels and mesh fencing. The applicant has confirmed that these requirements will be complied with and again this will be secured by condition.

Whilst Officers acknowledge the concerns of Environmental Health it is considered that limiting the times of lighting to only opening times would not meet all required tests of a planning condition. For example, it is questionable as to if it would be reasonable or enforceable for all lighting to be extinguished at the exact point of closing. Therefore, a 'grace period' of 10 minutes shall be added either side of opening and closing times. This is considered reasonable and will not result in a hugely significant impact.

A further concern has been raised regarding potential for increased activity, spectators, cheering and so on. These matters are challenging to control from a planning perspective; the question is if the scale of development is such that the impacts would be significant in comparison with the existing use and the surroundings. In this case, the provision of 3 courts (in relation to the established uses) is unlikely to give significant rise to such issues. Whilst it is recognised that the impacts will differ from the established use, the closest boundary (on the northern side of the A1123) with a dwelling (Redcroft) is approx. 53m to the west. As such, whilst it is acknowledged that there may be some increased activity outside of the current hours of operation of the site the harm would be limited in practice. That said, it should be recognised that this does not absolve the applicants of their responsibilities in considering neighbour impacts and, any concerns could still be investigated by Environmental Health in the event that a report was raised.

Overall, whilst the concerns are noted, given the separation to adjacent residential uses, the scale of development and matters which can be controlled by condition the there are considered to be no significant residential adverse amenity impacts and the development accords with Policy LP14 of the Local Plan to 2036 in this regard.

*Highway safety

There is no change to the way that vehicles enter or leave the site and the development will utilise the existing ample parking provision on site. Cambridgeshire County Council's Highways Team have ben consulted and raise no objections. Initially they did request further details on details of the proposed lighting. An illumination plan has subsequently been provided and Highways were re-consulted. Following a review of the submitted details they raise no objections (subject to condition). Whilst Officers support the principle of the condition it shall be re-worded to ensure compliance with the detail submitted as again, that suggested by Highways is unlikely to meet the tests of a planning condition.

Whilst the concerns raised are noted, it is not considered that the scale of development would result in such a degree of strain on parking that it would become unmanageable. It should be acknowledged that visitors to the site are uncontrolled at present and so when compared against the scheme proposed the harm is minimal. Whilst there is the potential for equipment (balls for example) to stray onto the highway the courts are approx. 20m from the highway boundary and so given this separation alongside the court boundaries the risk in practice is low and no objections have been raised from specialists in this regard.

Overall, it is concluded that the impact in terms of highway safety will be neutral and the development accords with Policy LP17 of the Local Plan to 2036.

*Flood risk

The application site lies in an area defined by Flood Zone 1, 2 and 3 as per the most recent Environment Agency Flood Risk Maps and Data. It should be noted that the garden centre building is within Flood Zone 3 as is part of the car park and access.

A Flood Risk Assessment accompanies the application and the Environment Agency (EA) has been consulted. The EA recognise that whilst within FZ3 the site is defended from flooding, it also recognises that it falls within the category of water-compatible development under Annex 3 of the NPPF (2024).

Whilst it could be argued that the sequential test could be applied to the development, given that the site is defended, the scheme would not result in the introduction of a 'vulnerable' form of development as per the NPPF and its scale (below 250m²) falls below the threshold for applying the sequential test for non-residential extensions Officers have adopted a pragmatic approach. It is acknowledged that this is not an 'extension' but having regard to the fact that a larger extension could be added to the existing commercial site with no application of the sequential tests, alongside the measures set out in the FRA and the lack of objection from the EA, Officers are satisfied that the development is acceptable with regard to its approach to flooding and will not increase the risk of surface water run-off elsewhere. The measures shall be secured by condition.

Overall, the proposal is considered to be acceptable with regard to its approach to flood risk and surface water and broadly accord with Policies LP5 and LP15 of the Local Plan to 2036 and Policy HWNP14 of the Houghton and Wyton Neighbourhood Development Plan 2018-2036 (March 2018).

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is subject to Biodiversity Net Gain legislation pursuant to the Environment Act 2021. This means that a 10% statutory Biodiversity Net Gain (BNG) is required following the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits unless it can be demonstrated that the development would be exempt.

In this case the courts would be located on an area of maintained grassland. The application form detailed that the site was previously hardstanding and has been used to spread 'spoil' from the surrounding site in the past. It is not considered that it supports habitats of protected species and a Preliminary Ecological Appraisal is not considered necessary. However, notwithstanding this consideration the site does have some value and the view of the Council's Ecology Officer was that BNG needed to be considered. As such, details have been provided as to how a 10% net gain shall be achieved by provision of modified grass land and some tree planting. HDC's Ecology Officer has reviewed this and whilst he notes some anomalies in the submission is broadly supportive that this can be achieved. This shall be secured by condition.

Whilst no other specific details have been provided as to enhancements (bat and bird boxes etc) the nature of the development means that this would be challenging to achieve and with the minimum 10% BNG being achieved Officers are satisfied that the development is acceptable with regard to biodiversity impacts and accords with Policy LP30 of the Local Plan to 2036 and Policy HWNP6 of the Houghton and Wyton Neighbourhood Development Plan 2018-2036 (March 2018).

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to be compliant with the relevant national and local policy as it is acceptable in principle, would be visually acceptable and would not be harmful in terms of residential amenity, highway safety, flood risk, ecology or impact on trees.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP5, LP10, LP11, LP12, LP14, LP15, LP17, LP23, LP30 and LP31 of Huntingdonshire's Local Plan to 2036 and Policies HWNP 6, 8, 11, 13, 14 and 17 of the Houghton

and Wyton Neighbourhood Development Plan 2018-2036 (March 2018). Consequently, it is recommended that

planning permission be granted, subject to the imposition of appropriate conditions. If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

**CONTACT OFFICER:**

Enquiries about this report to **Kevin Simpson**