

KEY INFORMATION

Ward Balgillo

Proposal

Erection of covered enclosure, alterations to clubhouse and additional parking

Address

Broughty Ferry Lawn Tennis Club
Elcho Drive
Broughty Ferry
Dundee

Applicant

Broughty Ferry Lawn Tennis Club
Elcho Drive
Broughty Ferry
Dundee
DD5 3TB

Agent

Baxter, Clark & Paul
Dundee Ltd
24 South Tay Street
Dundee
DD1 1PD

Registered 8 Feb 2007

Case Officer C Walker



Proposed Indoor Tennis Facility in Elcho Drive

The erection of a covered enclosure and alterations to clubhouse and additional parking is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the Development Plan and is designed to minimise its impact on the amenities of neighbours. The resulting building will not have a significant adverse impact on the amenities of neighbours and the development is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a covered indoor tennis centre on the site providing 2 tennis courts. The proposed building has a height of 10 metres although it will sit 2 metres below the finished floor level of the existing clubhouse.
- The site is surrounded by housing and Policy 1 of the Local Plan encourages the development of an appropriate range of services and facilities close to and within housing areas subject to amenity considerations.
- Outline planning permission was granted for a covered indoor tennis centre on this site in 2003 and that consent has recently expired.
- Four letters of objection were received from the occupiers of nearby houses whose concerns relate to the height and design of the building, problems with increased traffic and parking, drainage problems and noise from the development.
- It is considered that the building has been designed to minimise its impact on residential amenity and that the development complies with the Development Plan Policy.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a covered indoor tennis centre on the site providing 2 tennis courts. It is proposed to site the building directly to the south of and linked to the existing clubhouse. The proposed building is large, with a plan area of some 1,275 sq. metres and a height of 10 metres. It is proposed to excavate existing ground levels so that the finished floor level of the covered facility will be some 2 metres lower than that of the existing clubhouse. The building will have a curved roof with its apex running north - south and it is proposed to finish the building with brick walls to match the existing clubhouse and a coloured steel roof to match the colour of the clubhouse roof as closely as possible.

The applicants have submitted a supporting statement with the application. The following points are made:

- 1 Outline planning permission was granted for a tennis centre on this site with a condition that the roof be no higher than 8 metres above the approved finished floor level. This relates to the clubhouse floor level and the current proposal complies with this requirement.
- 2 Lawn Tennis Association Rules require a minimum clear height of 9 metres at the net.
- 3 The current proposal is approximately half the size of the proposal which got outline planning permission, but otherwise identical in shape, dimensions and location, and therefore will have a much lesser impact on the amenities of neighbours.
- 4 The houses on land to the north and east of the site are on land sold by the tennis club to fund the proposed indoor tennis centre.
- 5 The reduced scheme provides additional off street parking.
- 6 They are not seeking a licensed facility.
- 7 They have sought to minimise the impact of the building by lowering it by a further metre so that it complies with the condition on the outline planning

permission. Any overshadowing will be minimal and the neighbour most affected to the north of the proposed building at 11 Elcho Drive has not objected.

- 8 The finishing materials have been designed to tie in with the existing building and the mini tennis court to the side of the building has been omitted to permit additional screening.



- 9 They will provide the only indoor tennis centre between Stirling and Aberdeen under the control of the Lawn Tennis Association and guarantee the future of a sporting and leisure facility which serves the entire community, including local residents, schools and clubs.

SITE DESCRIPTION

The site comprises the Broughty Ferry Lawn Tennis Club facility at Elcho Drive. This includes a club house, floodlit outdoor tennis courts and parking facilities for 30 cars. To the north of the clubhouse is a vacant area of ground enclosed by brick walls where it is now proposed to construct an indoor tennis centre. The land slopes downwards to the north so that this area of ground lies below the clubhouse level.



To the north and east of the site are 13 new houses at Elcho Drive constructed on land formerly owned by the tennis club but sold off to fund the

development of an indoor tennis centre. To the south and west are older houses constructed as part of the Balgillo Park development in the early 1990's.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

The site is in an existing housing area and Policy 1 Vibrant and Sustainable Communities encourages the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

This tennis club facility was originally incorporated into the housing development at Balgillo Park to serve the local and wider residential community. There is a legal requirement for the clubhouse is made available for hire to local groups. It is considered that the provision of recreational and community facilities adjacent to housing furthers the cause of sustainable development and reduces the need to travel by car.

SITE HISTORY

In 1992 planning permission was granted for a clubhouse and 7 floodlit tennis courts as Phase 1 of the tennis club development - application 92/17394/D refers.

In September 2003 outline planning permission was granted for a covered indoor tennis centre on this site - application 03/00515/OUT refers. The illustrative plans submitted indicated the demolition of the existing club house and the erection of a new 2 storey clubhouse and 3 indoor courts. The plans indicated a roof level for the indoor courts of some 9 metres high or 8 metres above the level of the clubhouse. A planning condition imposed stated that "Details of the finished floor level of the proposed building shall be submitted to the Council for approval before any development is commenced. The maximum height of the proposed building shall not be more than 8 metres above the approved finished floor level and the development shall be carried out only in full accordance with such approved details".

Just prior to the expiry of the outline planning permission the applicants submitted an application for the approval of reserved matters relating to the outline consent in September 2006 - application 06/00909/REM refers. The application attracted a considerable amount of objection from local residents. The competency of the application was questioned because it did not appear to comply with condition 8 of the outline permission in that the roof level was some 9 metres above the floor level of the clubhouse. This application was withdrawn in February 2007 and the outline planning permission has now expired

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters of objection were received from the occupiers of nearby houses at Elcho Drive. Their concerns relate to the height and design of the building (1 objector states that it does not comply with the original outline planning permission), problems with increased traffic and parking with lots of children living nearby, drainage problems and noise from the development.

Copies of these letters and petition are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

No adverse comments on the development were received from Statutory Consultees. The Head of Environmental Health and Trading Standards has noted that permission was previously granted for a larger facility on the site and asks that if the application is supported that a condition be attached restricting noise from any mechanical or electrical plant.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

In terms of Policy 1, issues arise in connection with design, parking and traffic movement and noise.

The nature of an indoor tennis centre means that it has to be a fairly large and bulky building, and its scale can never relate to that of nearby houses. However in this case an attempt has been made to minimise the visual impact of the building. Firstly its finished floor level has been set below existing ground level and some 2 metres below the floor level of the existing clubhouse. This helps to reduce the impact of its overall height. Any potential overshadowing of neighbours is thereby reduced and the situation is assisted by the fact that the ground immediately to the north of the proposed building is a surface water drainage area. Secondly the walls of the proposed building are finished in brick to a height of up to 4 metres. This will match the existing clubhouse. Although the roof is of a more

functional appearance, it is curved in shape so the prominence of its east and west elevations will be reduced. The roof can be coloured, with the applicants proposing to match the roof of the clubhouse. It may be more appropriate to use a darker colour to further reduce its prominence and should Members be minded to approve the application this matter could be the subject of a planning condition. Bearing in mind these attempts to minimise the impact of the building and that the principle of developing a much larger building on this site has already been established (although the permission has recently expired), it is considered that Policy 1 is not contravened in respect of design matters.

In terms of traffic and parking matters, the applicants propose to form an additional 18 parking spaces on the site. The additional courts will accommodate a maximum of 8 players at any one time. Obviously when tournaments are being played spectators may choose to attend but this is no different to the current situation relating to the outdoor courts. At present there are 6 outdoor courts and the increase to 8 (one third more) is more than matched by the increase in parking (60% more). Furthermore the increase in activity as a result of the proposed development is not such as to result in unacceptable parking or traffic movement issues at this location.

Finally in terms of noise there are 2 potential sources that from traffic visiting the site and that generated from the new building. The scale of additional development is not significant in that 2 additional courts will be provided. However there is no doubt that the indoor facility will attract patrons at winter time when use of the outdoor floodlit courts may not be attractive. It is therefore suggested that should Members be minded to approve the application, that an hours of operation condition be imposed to ensure that the indoor facility does not operate after 10pm. In terms of noise from the building, noise from plant and machinery can be controlled by the planning condition suggested by the Head of Environmental Health and Trading Standards, should Members be minded to approve the application. The provision of indoor courts should result in much less noise than that experienced from the outdoor courts

and certainly not such as to create amenity problems.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

(A) The Concerns of the Objectors

Concerns about the height and design of the building have already been addressed in the assessment of the proposed development against Policy 1 of the adopted Local Plan and it has been concluded that the design and height of the building are satisfactory. One of the objectors states that the height of the building does not comply with the original outline planning permission. This is a new planning application which is not made within the ambit of the previous outline permission but in any case the maximum height of the building will be no more than 8 metres above the finished floor level of the existing club house which was what condition 5 of the outline application was seeking to achieve. The same objector asks that the building be sunk a further 1 metre into the ground and that screening should be provided along the eastern site boundary. It has already been concluded that the height of the building is satisfactory. However the suggestion of screening along the eastern site boundary is considered to be appropriate and should Members be minded to approve the application a condition to this effect could be imposed.

Alleged problems with increased traffic and parking have already been addressed in the assessment of the proposed development against Policy 1 of the adopted Local Plan and it has been concluded that there will not be an unacceptable impact.

Concerns about noise from the development have already been addressed in the assessment of the proposed development against Policy 1 of the adopted Local Plan and it has been concluded that there will not be an unacceptable impact.

Concerns about drainage issues relate to fears that the existing sustainable drainage feature is inadequate to cater for both the housing and indoor tennis court developments and that the open ground at the tennis court should not

therefore be developed. An engineers report has been submitted with the application confirming that the drainage feature has been designed to accommodate both the housing and the new indoor tennis courts and that the new parking spaces will be finished in permeable materials to assist in disposing of surface water run off from the proposed development. This matter can be covered by a planning condition should Members be minded to approve the application.

(B) The Applicants Statement in Support of the Development

The points made by the applicants in support of their proposed development have been taken into account in the determining of this application. It has been accepted that the development now proposed has been planned for some time and is much smaller than that granted in 2003 (although that previous consent has since expired). Changes to recently withdrawn proposals (06/00909/REM) include a reduction in effective height of the building by 1 metre (by reducing finished floor levels), improvements to finishing materials and removal of a mini tennis court adjacent to the eastern site boundary. It is noticeable that the level of objection to the current application has diminished significantly.

It is concluded from the foregoing that insufficient weight can be placed on the concerns of the objectors to justify the refusal of the proposed development. It is therefore recommended that planning permission be granted in accordance with the provisions of the Development Plan.

Design

The nature of an indoor tennis centre means that it has to be a fairly large and bulky building, and its scale can never relate to that of nearby houses. However in this case an attempt has been made to minimise the visual impact of the building by lowering its finished floor level and using appropriate finishing materials. There is also scope to screen the building along the eastern boundary. It is considered that the resulting development is of satisfactory design.

CONCLUSION

The proposed development complies with the Development Plan and is designed to minimise its impact on the amenities of neighbours. The resulting building will not have a significant adverse impact on the amenities of neighbours.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 Prior to the first use of the building, trees of an appropriate size to provide immediate screening and shrubs shall be planted on the site to the north and east of the indoor tennis centre in accordance with a scheme which has been submitted to and approved by the City Council. For the avoidance of doubt, a mini tennis court shall not be provided to the east of the building but rather this area shall be suitably landscaped. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 4 The use of the indoor tennis courts hereby approved shall not operate between 2200 and 0730 hours.
- 5 Noise from all electrical and mechanical plant at the proposed indoor tennis centre shall not exceed NR35 as measured 1 metre external to any residential property.
- 6 The maximum height of the proposed indoor tennis centre shall be no higher than 8 metres

above the finished floor level of the existing clubhouse building.

- 7 Details of the treatment of surface water run off from the proposed development in a sustainable manner shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 4 To protect the occupants of nearby houses from noise and disturbance late in the evening.
- 5 To protect the occupants of nearby houses from noise and disturbance.
- 6 To minimise the impact of the proposed building in the interests of visual and residential amenity.
- 7 In order to ensure that the site is drained in a sustainable manner.