

Games Area Proposed In Baxter Park

KEY INFORMATION

Ward Maryfield

Address

Disused Bowling Green
Baxter Park
Bingham Terrace

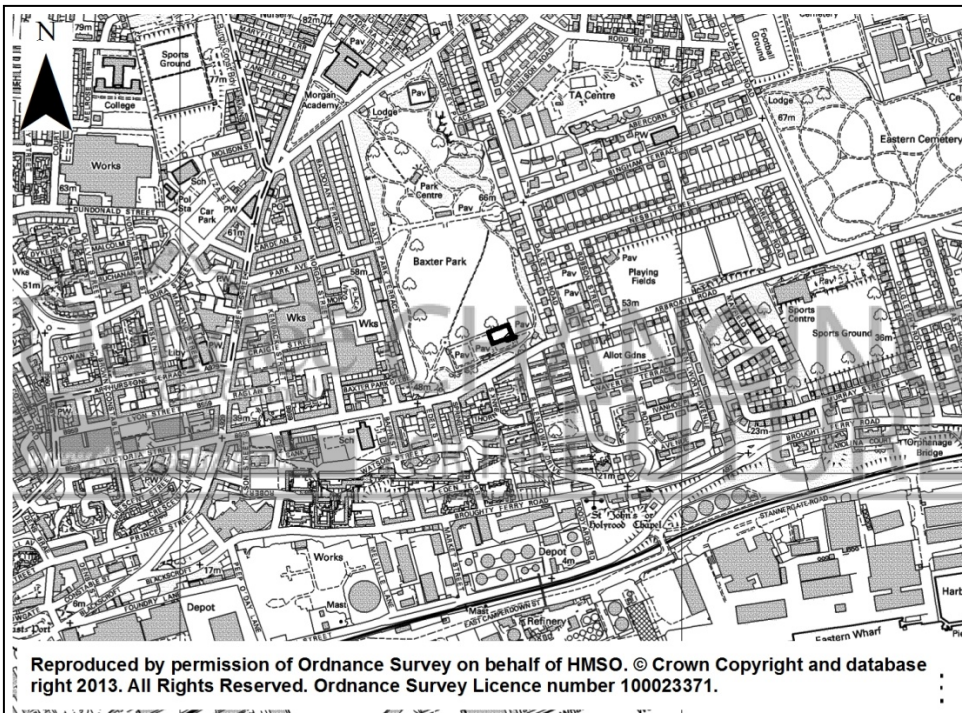
Applicant

Ms Elizabeth Woodhouse
Environment Department
Dundee City Council
353 Clepington Road
Dundee
DD3 8PL

Agent

Registered 13 Nov 2013

Case Officer B Knox



SUMMARY OF REPORT

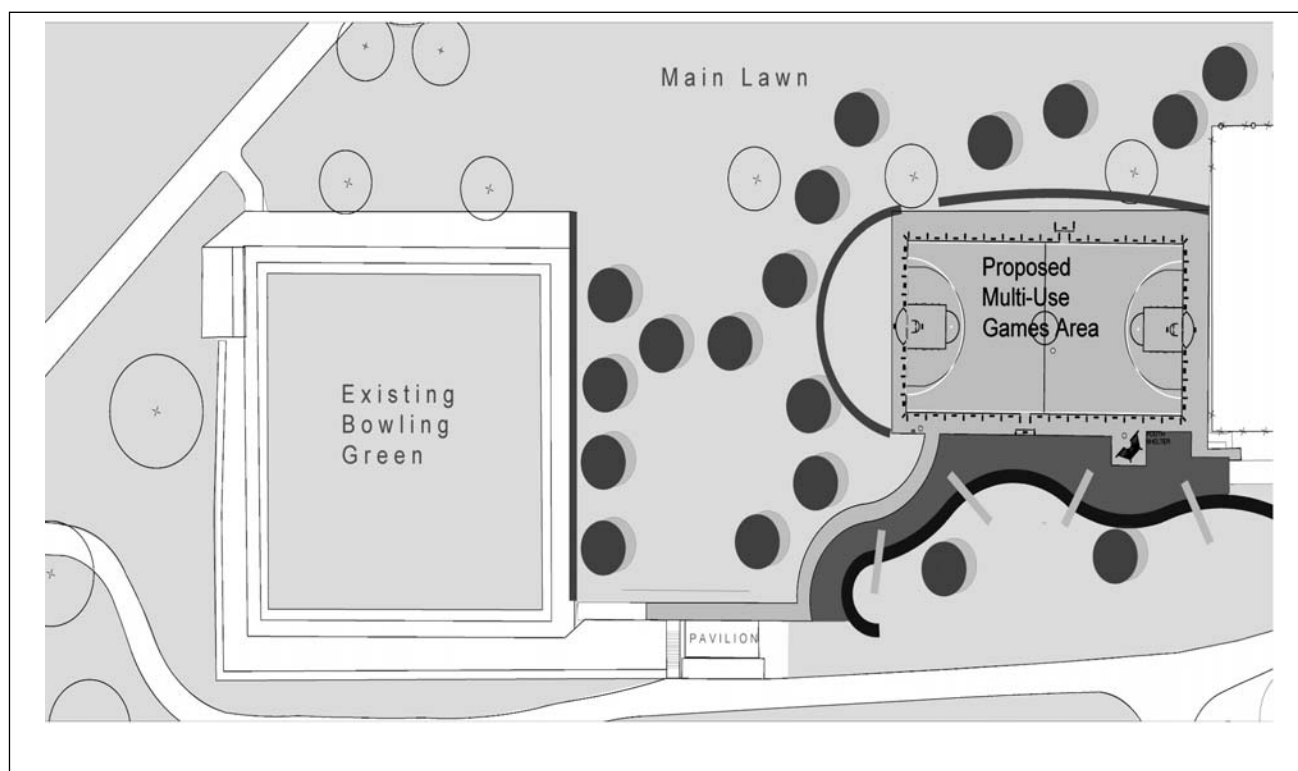
- Planning permission is sought for the creation of a multi use games area (MUGA) with the erection of a youth shelter and the installation of associated floodlighting.
- The proposals would also include the erection of a small youth shelter and floodlighting for the pitch.
- The MUGA is to be located at the southern end of the park on the site of a disused bowling green.
- One letter of representation has been received in relation to the proposals in relation to the availability of the pitch and the height of the fencing.
- The proposals are considered to preserve the appearance of the Conservation Area and surrounding Designed Landscape and are therefore considered to be in accordance with Policies 50 (Development in conservation areas) and 52 (Gardens and Designed Landscapes) of the Dundee Local Development Plan.
- The application is recommended for approval.
- More information can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MVWHUYGCGR600>.

RECOMMENDATION

The proposals are in accordance with the relevant Policies of the Dundee Local Development Plan and there are no material considerations, including the views of the objector, that would justify a recommendation for refusal. The application is therefore recommended **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application proposes the creation of a multi use games area (MUGA) with the erection of a youth shelter and the installation of associated floodlighting. The MUGA uses include both formal and informal sport such as basketball, hockey and football. It would be available to members of the local community, voluntary groups, schools and youth clubs etc.
- 1.2 The MUGA is to be located in the southern part of the park on the site of the disused bowling green and will consist of a tarmac surface with metal fencing panels to the sides and ends. It is to measure approximately 37 metres by 19 metres in total size and the fencing will run around the perimeter.
- 1.3 In addition, it is proposed that there would be floodlighting installed to allow use of the pitch in the evenings. In this regard, there would be four columns to provide the lighting. The lighting is to be timed so as to not cause disturbance at night. They have been designed to avoid glare and are positioned to focus illumination on the play surface.
- 1.4 As part of the proposals, there would also be a youth shelter located at the south of the pitch.
- 1.5 The application is being referred to Committee as it is an application in which the Council has an interest as the land is Council owned.



2 SITE DESCRIPTION

- 2.1 The application site is located at the south end of Baxter Park which is a designed landscape within the Baxter Park Conservation Area.
- 2.2 Baxter Park was designed in 1863 by Sir Joseph Paxton, possibly the most important Victorian park designer, and this is the most complete Paxton park in Scotland. The park therefore has significant interest as a historic designed landscape, but it is also important as an attractive large area of mature planting within this otherwise fairly densely built-up part of the city.
- 2.3 The park is contained to its west by the long run of Baxter Park Terrace. This is formed by individual tenement blocks built from 1885. To the east of the park, the individual late 19th and early 20th century detached and semi-detached houses all face the other way, except the terrace at Wortley Place, to the north corner, fronted by an original section of the park's boundary railings.
- 2.4 The south edge of the park was originally formed by a series of elaborate railings, continuous with the grandiose gateway, fronted by an avenue of street trees.
- 2.5 The area for the pitch has been previously utilised for the purposes of a bowling green but has not been in use for some time. High hedging surrounds the disused bowling green area as well as the bowling green that is still in use. In addition to this, there is an existing small pavilion building close to the application site on the outer side of the hedged area.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:
- DUNDEE LOCAL DEVELOPMENT PLAN**
Policy 50: Development in Conservation Areas
Policy 52: Gardens and Designed Landscapes
- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 The application was previously in use as a bowling green but has become disused as there are other facilities of this nature within the park. One of these is located at the south end of the park and another at the northern end of the park.
- 4.2 There is no specific planning history in relation to the current proposals.

5 PUBLIC PARTICIPATION

- 5.1 The application was the subject of advertisement in the local press as the site is located within a Designed Landscape and Conservation Area. The statutory neighbour notification procedure was also carried out.

- 5.2 One letter of representation has been received in relation to the proposals. The following material planning considerations were raised:
- low side railings are inadequate as balls will go over and could hit people;
 - the MUGA should be available to the public at all times for those in the community that can't afford to hire private facilities; and
 - the youth shelter is not supported by the local community.

6 CONSULTATIONS

- 6.1 **Environment Department** – the main noise sources from the MUGA would be via ball impact on the fencing/backboards, shouts of participants during use of the MUGA, and possibly even spectator noise.
- 6.2 Noise from ball impact can be managed through its design and the materials used.
- 6.3 It is noted that flood lighting is to be provided however it is proposed that this will be on a “timer” set to turn off at 21.30. While this will prevent use after this time during the winter months, during summer, when there is light until much later, the MUGA would be open for use.
- 6.4 The nearest housing to the MUGA is situated approximately 60m to the south and 75m to the east so it is possible that any shouting/cheering etc from those using/spectating would be audible at these properties in the evenings. t
- 6.5 **Historic Scotland** – Historic Scotland have been consulted as the site is located within a Designed Landscape.
- 6.6 They have advised that the visual impact of the pitch and its associated floodlighting should be carefully considered. In this regard, they recommend careful positioning of the trees and selection of species to provide appropriate screening and also that the low surrounding hedge should be of a single species.
- 6.7 They also recommend that all elements of the proposal are painted green in harmony with the colour used throughout the park.
- 6.8 The issues of screening and colour finish are discussed in relation to the Development Plan.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

DUNDEE LOCAL DEVELOPMENT PLAN**7.2 Policy 50: Development in Conservation Areas****7.3 Policy 52: Gardens and Designed Landscapes**

7.4 Within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.

7.5 In addition to this, development affecting gardens and designed landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

7.6 The important aspects of the site relate to the historical value as it is the only complete park designed by Sir Joseph Paxton in Scotland. The trees within the park have some arboricultural value in the parks urban context and the recent areas of planting provide some horticultural interest. In addition, the pavilion combined with the entrance gateways and lodge gives architectural value to the setting of the park.

7.7 The applicant's design statement advises that the application site for the MUGA was chosen due to the required topography for the pitch and the desire to cluster associated uses together so that any MUGA would sit beside existing tennis courts and bicycle stands. In order to allow for the pitch, the existing conifer hedge to the disused bowling green will be required to be removed. This will open the area back into the main lawn and it is acknowledged that this is the way in which the designed landscape was laid out in its earliest years.

7.8 As part of the proposals the panels to the pitch are to be painted green and it is considered that this is an appropriate colour choice in order to help integrate the pitch into visual landscape since it is the colour of choice for the entire park.

7.9 The flood lighting is to be mounted on columns measuring 8m. It is considered that in the context of the proposed pitch this will be acceptable provided that they will be finished in a colour in keeping with the high quality appearance of the park.

7.10 In addition, it is noted that the MUGA is to be enclosed by a low hedge which will also contribute to the integration of the pitch into the wider landscape. It is also considered that the use of soft landscaping will soften the appearance of the pitch and it is therefore considered to be appropriate that additional planning of new trees and a contemporary planting scheme are being put forward as part of the scheme of works associated with the pitch.

7.11 It is considered that the above measures will be sufficient in order to ensure that in constructing the pitch the works shall preserve the character and appearance of both the designed landscape and surrounding conservation area.

7.12 The proposal satisfies Policy 50 and 52.

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

7.14 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that

with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

- 7.15 As discussed above in relation to the Dundee Local Development Plan, it is considered that the proposed pitch and associated works will have a neutral effect upon the character and appearance of the conservation area. A condition regarding the colour finish of the lighting columns will ensure that they are of an appropriate finish.
- 7.16 It is therefore considered that the approval of the application would discharge the statutory duties set out above.

OTHER MATERIAL CONSIDERATIONS

A – REPRESENTATIONS MADE

- 7.17 Low side railings are inadequate as balls will go over and could hit people.

The plans indicate that there will be 2 metre high fencing around the pitch. In addition, low hedging will enclose the MUGA area. This is considered to be sufficient in relation to the uses that are proposed to take place within the confines of the pitch. In any case, ball sports commonly take place within the wider park area on an unrestricted basis. Therefore there are no concerns in this regard.

- 7.18 The MUGA should be available to the public at all times for those in the community that cannot afford to hire private facilities.

The applicants have indicated in their design statement that although the park is owned by Dundee City Council and there is a 'Friends of' group. This project is a joint work between these parties.

The design statement goes on to advise that this project aims to provide opportunities for young people with the development of an all weather, intensive use Multi-Use Games Area (MUGA) on a disused bowling green in the southern part of the park.

The MUGA uses include both formal and informal sport such as basketball, hockey, and football. The space would be available to members of the local community; voluntary groups, uniformed organisations; schools and youth clubs etc. A number of local groups have already expressed an interest in such a space, including: 1 (a youth group), the Boomerang Project (works with all ages in the community), Brownies & Guide, Scouts and local schools (2 primaries and 1 secondary).

Once installed the space will be managed by the Friends of Baxter Park and use of the facility will be partially managed with specific time slots being bookable by local school groups during the day, whilst others can use it in a more informal way. The Friends of Baxter Park will work with a number of local organisations to develop the project.

It is considered that the use will be of benefit to the community and will allow opportunities for its use by a wide variety of groups.

- 7.19 The local community do not support a youth shelter.

The representation does not offer any supporting information as to why there should be no youth shelter. It is noted that the shelter will take the form of a three cell meeting point measuring 4.2 metres long, 1.9 metres wide and of a height of 2.2 metres. The seats are

angled to prevent long term loitering or sleeping. It is considered that the small size means it will not be capable of accommodating a large number of people at any one time and the design of the seating will deter people from using it to gather for long periods of time. It is therefore considered that it is unlikely to directly result in problems of anti social behaviour.

7.20 There are therefore no issues in this regard such as to support refusal of the application.

7.21 **The views of the objectors are therefore not supported.**

B – NOISE

7.22 The nearest residential properties are located approximately 60m to the south and 75m to the east. It is possible that any shouting/cheering noise from those utilising or spectating might be audible at these properties. The fact that the floodlighting would be timer controlled in the winter months means that late night use of the facility will be restricted and in this regard that applicant has indicated that it will be to 21.30. This information could be the subject of an appropriate condition to the grant of permission. In summer months when the daylight hours are significantly extended, this will clearly not be possible. However, in this regard, it is considered that whilst some noise may be heard at these properties, there is no significant change in the circumstances from the existing situation where people could be conducting the same activities on the open park area.

7.23 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

8.1 The proposal complies with the Development Plan and there are no material considerations that would justify the refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that consent be GRANTED subject to conditions:

- 1 Prior to the commencement of development, full details for the times and operation for the floodlighting system shall be submitted for approval in writing. The floodlights shall thereafter be installed and operated in accordance with the agreed details.
- 2 Prior to the commencement of any work on site full details for the finish of the floodlighting, fencing and youth shelter shall be submitted to the Council in writing. The works shall thereafter be carried out in complete accordance with the agreed details.
- 3 Prior to the commencement of development on site, full details showing a comprehensive scheme of landscaping, including, where appropriate, an indication of all existing trees and hedgerows on the land and details of those to be retained and cleared, together with the measures for their protection in the course of development. The landscaping scheme must also provide details of replanting on site including size, specification and location.
- 4 That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages

and any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

REASONS

- 1 In order to ensure they do not have a detrimental impact upon the amenity of the nearest residential occupiers.
- 2 In order to ensure the character and appearance of the Conservation Area and Designed Landscape is maintained.
- 3 In order to ensure that the landscaping proposals necessary to enhance the amenity of the proposals are satisfactory and acceptable to the Council.
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