

Installation of 12 Floodlighting Columns, Artificial Turf and Replacement of Chain Link Fence to Existing Tennis Courts

KEY INFORMATION

Ward The Ferry

Address

Forthill Sports Club
Fintry Place, Broughty Ferry

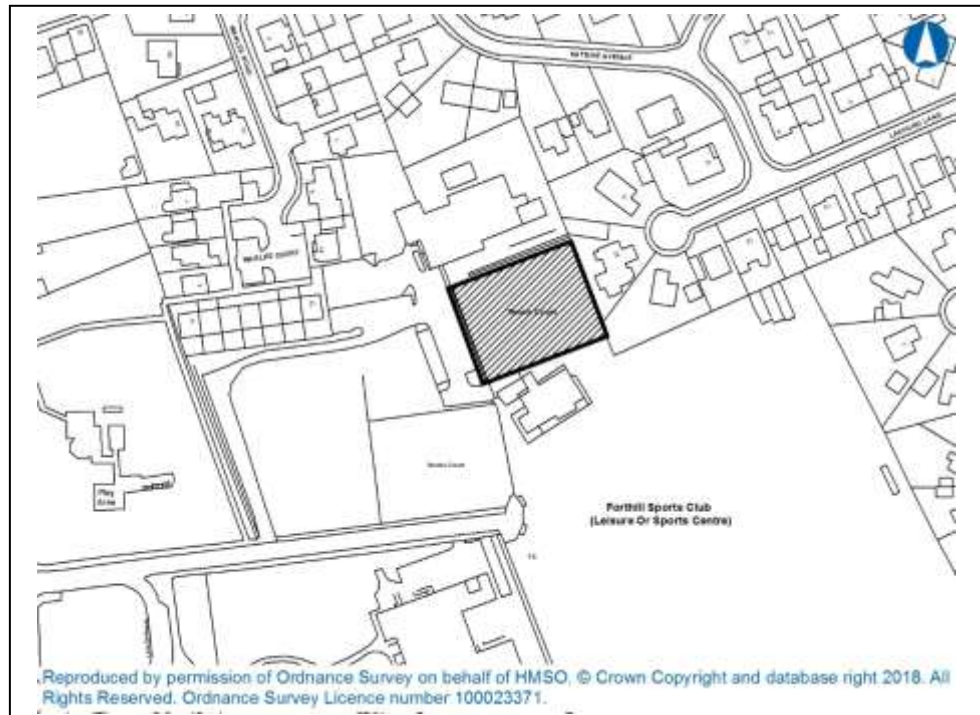
Applicant

Facilities Convener Alistair Walker
Forthill Community Sports Club, Fintry P
Broughty Ferry
Dundee DD5 3BL

Agent

Alistair Walker - Walker Interiors
7 Fortar Way, Balgillo Park
Broughty Ferry DD5 3BP

Registered 20 Nov 2018



SUMMARY OF REPORT

- Planning permission is sought for the installation of 12 floodlighting columns and replacement chain link fencing to serve existing tennis courts.
- Policies 5, 7, 36 and 47 of the adopted Dundee Local Development Plan (2014) are relevant to the determination of the application.
- The statutory neighbour notification procedure was undertaken, 7 letters of objection have been received.
- The application has also been advertised as a "bad neighbour" development, as listed within Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations, 2013.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee because more than 5 letters of objection have been received.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The application complies with Policies 5, 7, 36 and 47 of the adopted Dundee Local Development Plan and Policies 1, 7, 28 and 39 of the proposed Local Development Plan 2. There are no material considerations that would warrant refusal of planning permission. The application is therefore recommended for APPROVAL subject to conditions.

1 DESCRIPTION OF PROPOSAL

1.1 Planning permission is sought for the installation of 12 floodlighting columns to serve existing tennis courts. The columns would extend to a height of 6.7 metres, situated to the boundary of the tennis courts, the lighting proposed is Phillips Optivision floodlighting. It is proposed to replace the existing fence boundary around the periphery of the site with 3.5 metre high chain link fencing, finished in green plastic coating. The tennis court surface would also be renovated with artificial turf.

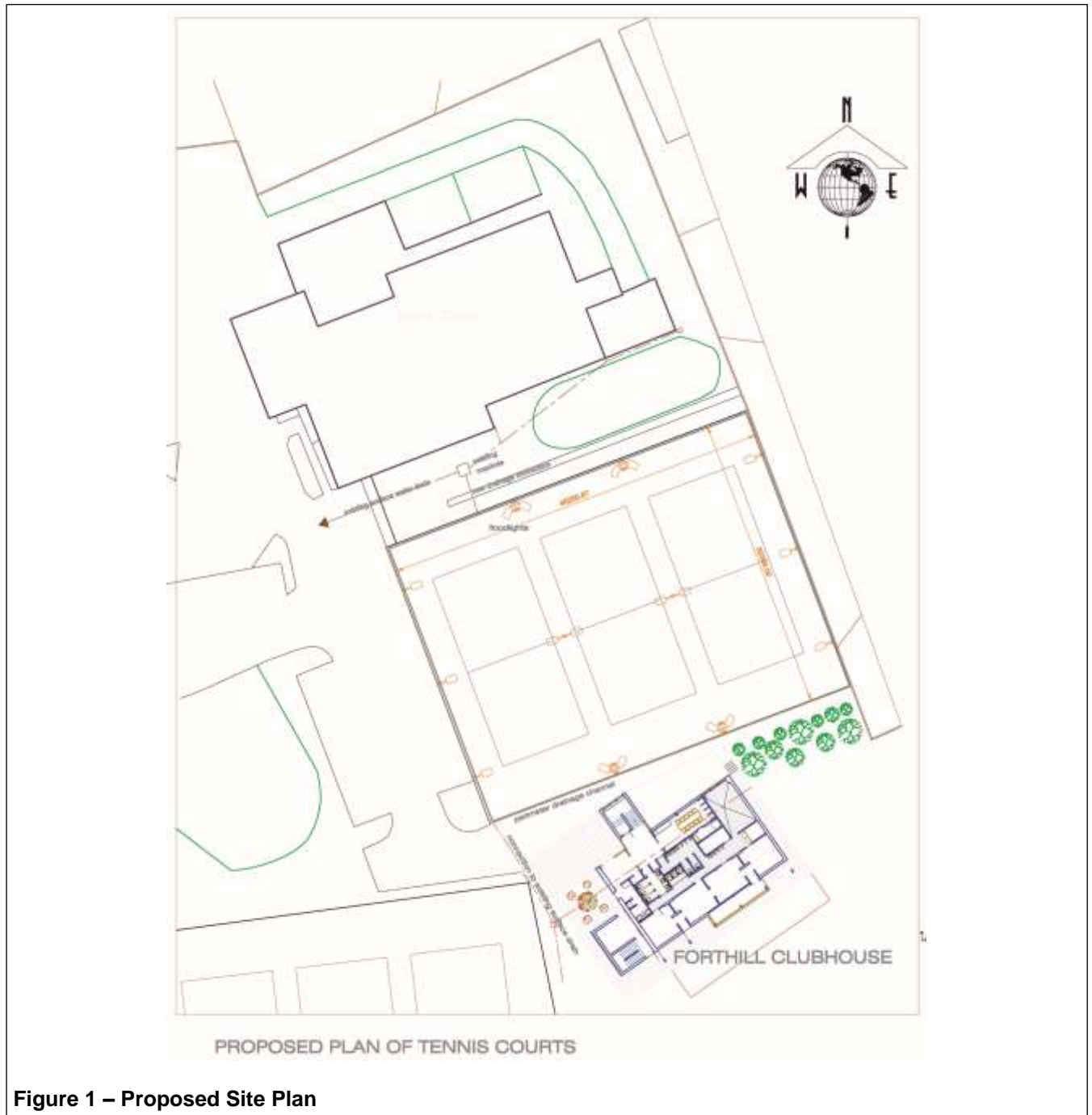


Figure 1 – Proposed Site Plan

2 SITE DESCRIPTION

- 2.1 The application site is located within Broughty Ferry at Forthill Sports Club grounds. More specifically the application site relates to three existing tennis courts to the immediate north of the clubhouse and south west of residential properties at Laxford Lane. The site is designated as open space as per the adopted Dundee Local Development Plan, 2014.



Figure 2 – Site Photo



Figure 3 – Site Photo

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

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ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN, 2014

Policy 5: Tourism and Leisure Developments

Policy 7: High Quality Design

Policy 36: Open Space

Policy 47: Environmental Protection

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2

Policy 1: High Quality Design and Placemaking

Policy 7: Tourism and Leisure Developments

Policy 28: Protecting and Enhancing the Dundee Green Network

Policy 39: Environmental Protection

Other plans, policies and non-statutory statements are not considered to be of direct relevance.

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 Planning application 12/00330/FULL was approved in July, 2012 for an extension to an existing scoreboard to form a storeroom, adjacent to the existing cricket square.

4.2 Planning application 14/00015/FULL was then approved in March, 2014 to site a container for rugby equipment, adjacent to the existing rugby pitch.

5 PUBLIC PARTICIPATION

5.1 Seven letters of objection have been received which cite the following concerns:

- Light pollution;
- Noise nuisance;
- Visual amenity, height of columns;
- Overshadowing, obstruction of view; and
- Light spillage and distance to adjacent properties.

5.2 The issues raised are considered in the assessment below.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – has recommended that planning conditions are appended to any permission granted to ensure that light spillage would be to an acceptable level adjacent to residential properties. It is also recommended that hours of operation of the floodlighting are restricted and that appropriate shielding be employed as mitigation if required.

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 5: Tourism and Leisure Developments** - states that tourist attractions capable of strengthening the appeal and attraction of Dundee to a wide range of visitors will be supported and that proposals should complement existing visitor facilities and be located in the City Centre unless activity-specific issues indicate that this is impractical. Proposals for major leisure uses will be directed firstly towards the City Centre thereafter to District Centres and existing leisure parks, unless activity-specific issues indicate that this is impractical.
- 7.3 As the proposal relates to an existing leisure use site and seeks to upgrade the existing facilities, it would be impractical for the development to be located elsewhere and the application would comply with the terms of the policy.
- 7.4 **The proposal therefore satisfies Policy 5.**
- 7.5 **Policy 7: High Quality Design** - requires all development to contribute positively to the quality of the surrounding environment, with reference to climate change adaptation. The design and siting of development should respect the character and amenity of the place and improve connectivity. Proposals should also incorporate new landscape and planting works appropriate to the development. Proposals should also:
- consider and respect site topography and any surrounding landmarks, views or skylines;
 - contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are accessible and respect the existing building lines;
 - the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours;
 - existing buildings, streets and spaces should create safe accessible inclusive places for people which are easily navigable particularly on foot, bicycle and public transport and designed with future adaptability in mind; and

- existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- 7.6 The application site is located within an established sports and leisure club and the proposed lighting columns would not be out of character with the surrounding area. The external finish of the lighting columns is not specified, a planning condition is proposed to ensure that the finish would be appropriate. The replacement fencing would respect the height and finish of the boundaries around the sports facility and would be acceptable in terms of height, finish and colour.
- 7.7 **With the addition of a planning condition, the proposal would satisfy Policy 7.**
- 7.8 **Policy 36: Open Space** - indicates that proposals which would result in a change of use of open space must be able to demonstrate that the proposals are consistent with a strategy approved by the Council, that compensatory open space would be provided or the proposals would affect only a lesser part of a site and be ancillary to it, or would result in improved recreational or amenity value on the remainder of the site. Proposals affecting playing fields and sports pitches are required to provide compensatory or improved playing fields unless the proposals are consistent with the Sport and Physical Activity Strategy.
- 7.9 The proposed area for the development relates to Forthill Sports Club. No change of use is sought, the application seeks to improve the existing facilities and create additional provision for sports during extended hours. The proposals are therefore deemed satisfactory in terms of the provisions of Policy 36.
- 7.10 **The proposal satisfies Policy 36.**
- 7.11 **Policy 47: Environmental Protection** - requires that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.12 In this case, the proposed floodlighting has the potential to create light pollution and affect the residential amenity of the properties located to the immediate north east of the application site. Information has been submitted which estimates that light emissions would be 2 lux measured to the boundary of the site.
- 7.13 The Head of Community Safety and Protection has recommended that the lighting should be prevented from shining directly into the adjacent housing and that there would be no glare from the floodlights. It is stated within supporting documentation that light spill from the floodlights shall not exceed 2 lux, as measured flat at the centre of the window of any habitable room. Planning conditions are recommended to seek further details of the proposed lighting and any shielding to be incorporated to ensure that light spill would be no greater than 2 lux at the boundary of the site. The Head of Community Safety and Protection has also recommended that the hours of use are restricted by condition to 0900 hours to 2100 hours Monday to Saturday, with no floodlighting on a Sunday, to prevent noise and light pollution.
- 7.14 **With the addition of planning conditions, the proposal would satisfy Policy 47.**
- 7.15 **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 - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN 2**

- 7.16 The Proposed Dundee Local Development Plan 2 was approved by the Council on 21 August 2017. It sets out the spatial strategy that will guide future development up to 2029.
- 7.17 The proposed Dundee Local Development Plan 2 will in time replace the adopted Dundee Local Development Plan, 2014. Approval of the Proposed Dundee Local Development Plan 2 represents the Planning Authority's settled view as to what the final adopted content of the Plan should be. Whilst the Dundee Local Development Plan, 2014 (along with TAYplan) constitutes the statutory Development Plan, the proposed Dundee Local Development Plan 2 has the status of a material planning consideration to be taken into account in the assessment of planning applications.
- 7.18 The provisions of the Proposed Dundee Local Development Plan 2 relevant to the determination of this application are specified in the Policy background section above.
- 7.19 The emerging local development plan policies do not raise any issues which would constitute a material difference to the assessment of the planning application.
- 7.20 The requirements of Policies 1, 7, 28 and 39 of the Proposed Dundee Local Development Plan are also satisfied.

B - VIEWS OF OBJECTORS

- 7.21 Seven letters of objection have been received which raise the following concerns:
- Light pollution;
 - Noise nuisance;
 - Visual amenity, height of columns;
 - Overshadowing, obstruction of view; and
 - Light spillage and distance to adjacent properties.
- 7.22 It is considered that the proposed development would not raise any significant issues in terms of visual amenity, overshadowing or obstruction of view. The character of the area would not be harmed as the application site relates to an existing sports club facility. The structures proposed are not of sufficient mass to create any overshadowing issues. The obstruction of a view is not a material planning consideration.
- 7.23 The residential amenity issues raised in relation to light and noise pollution, and the distance from the neighbouring properties has been addressed within the main body of this report. Details have been submitted by the applicant to demonstrate that the lighting can be designed to achieve satisfactory level at surrounding residential properties. Planning conditions would be attached to permission, if granted, to ensure that the lighting scheme is implemented to the agreed details. Curtailing hours by planning condition to 9.00pm would further ensure that any light and noise disturbance would not be unrestricted.

7.24 **The concerns of the objectors are not of sufficient weight to justify refusal of the application.**

7.25 **It is concluded from the foregoing that there are no material considerations that would justify refusal of planning permission.**

8 CONCLUSION

8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify 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 the following conditions:

- 1 **Condition** - prior to the commencement of any works on site, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by Dundee City Council as Planning Authority.

Reason - in the interests of visual amenity, to ensure that the colour of the external finishing materials are appropriate to the character of the area.

- 2 **Condition** - prior to the commencement of any works on site, further details of the proposed lighting shall be submitted for the prior approval of Dundee City Council as planning authority. Thereafter, the agreed lighting shall be installed as per the agreed details. For the avoidance of doubt, light spill shall be no greater than 2 lux at any residential windows.

Reason - in the interests of residential amenity.

- 3 **Condition** - the floodlighting hereby approved shall be operational between 0900 and 2100 hours Monday to Saturday with no use on a Sunday.

Reason - in the interests of residential amenity.