

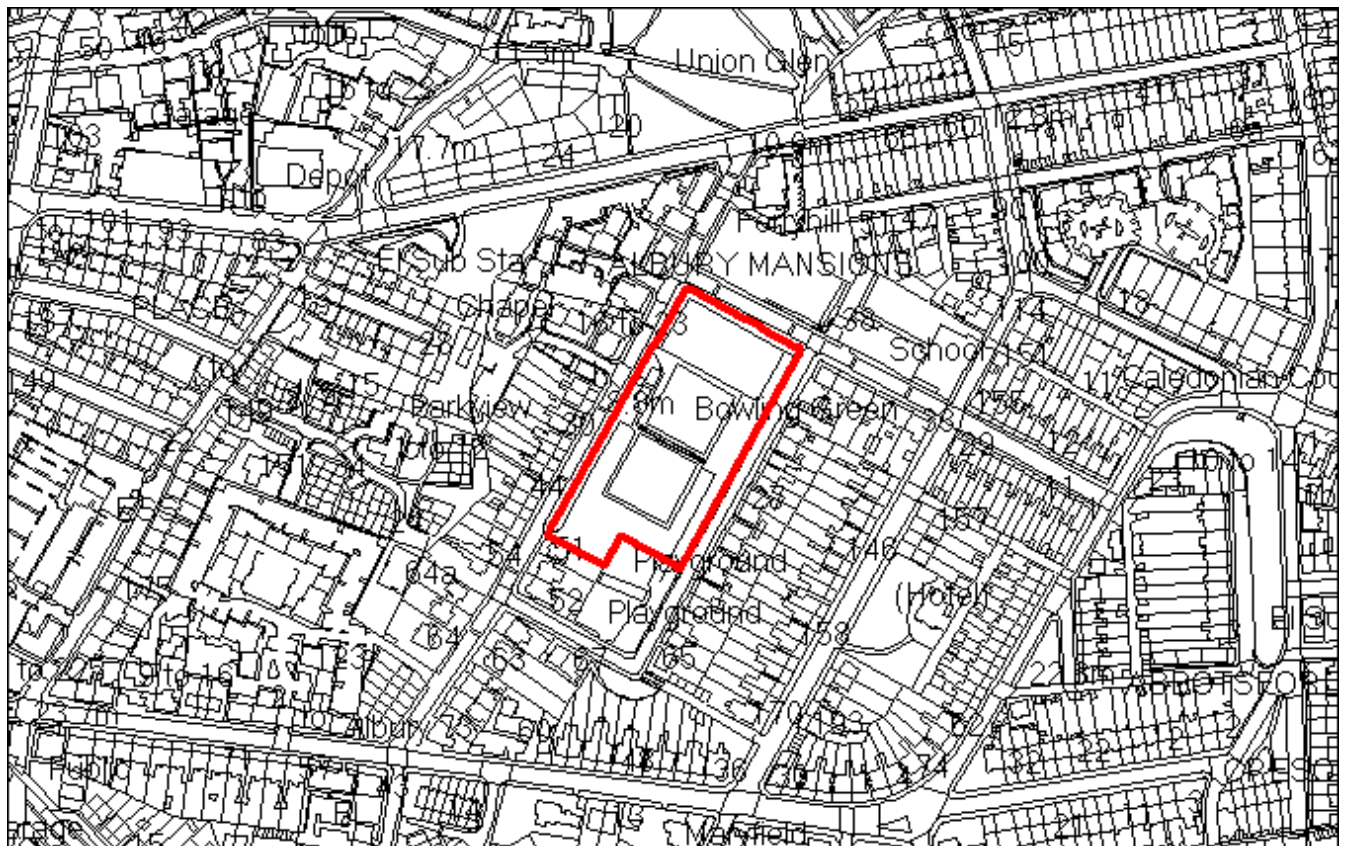
ALBURY OUTDOOR SPORTS CENTRE,
ALBURY ROAD, ABERDEEN

ALTERATIONS AND EXTENSION OF EXISTING
TENNIS COURTS, ERECTION OF
FLOODLIGHTS AND REPLACEMENT FENCING

For: Nigel Spencer (Inspire)

Application Type : Detailed Planning Permission
Application Ref. : P130268
Application Date: 28/02/2013
Officer: Sally Wood
Ward :

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 20/03/2013
Committee Date: 16 May 2013
Community Council : No response
received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is located some 90 metres south of the Ferryhill Community Centre, and is located between Albury Road, Caledonian Place and Albury Place. The site currently provides a sporting facility, including tennis courts and bowling greens.

The area of the tennis courts, which the proposed development relates to, is surrounded by a high metal fence. Located between the high fence and the road on the western and northern sides is a hedge, with a metal railing fence. On the eastern side are mature conifer trees, and other plants and shrubs.

To the west and north are residential properties, which overlook the site.

RELEVANT HISTORY

None.

PROPOSAL

The planning application relates to the tennis courts, and it is proposed to refurbish them to provide enhanced facilities. There are currently five painted courts, but it is understood that they do not meet the required standards of the Lawn Tennis Association (LTA). The proposal is to extend the existing surface which the courts occupy by 2.66 metres to the north-west, to provide four courts at the required specification, and two mini courts.

The existing surface will be repaired. The retaining walls to the north and south-east will be repaired or replaced to match the existing height depending on condition. The high metal fence which surrounds the court will be replaced with a three metre high fence, in the same location as the existing. It should be noted that the hedge and metal railings will be retained.

Finally, floodlighting will be proposed for the four new courts, which will be designed for individual switches, with an over-ride system which ensures that they are not left on accidentally beyond the curfew. Floodlights would be located on eight metre high columns, of which ten columns are proposed. The three middle columns in each row would have two lights attached.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130268>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Design statement

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Council owns the application site. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – commented that there will be an additional parking demand, and request details of proposals for parking.

Environmental Health - no comments received.

Enterprise, Planning & Infrastructure (Flooding) - comments, no observations.

REPRESENTATIONS

Two number of letters of representation have been received. The points raised relate to the following matters –

1. Impact of floodlighting – brightness, number of, location, times of operation.

However, one letter of representation was subsequently withdrawn on receipt of further clarification of the lighting details; and the other advised support of the proposal on receipt of further information.

PLANNING POLICY

National Policy and Guidance

The policy seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Paragraph 149 states access to good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible

Aberdeen Local Development Plan

Policy D1 Architecture and Placemaking – ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 Design and Amenity – outlines a number of considerations which shall be taken into account when assessing a planning application in the interests of amenity considerations, mainly relating to residential.

Policy D3 Sustainable Active Travel – new development shall be designed to minimise private car travel. Promote healthy modes of travel. Ensure permeability and connection to existing development and environment.

Policy D5 Built Heritage – proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy D6 Landscape – development is not acceptable unless it avoids, (i) significant adverse impact on landscape character and elements that contribute to ‘sense of place’; (ii) obstruction of important views of the City’s townscape, landmarks and features when seen from important public vantage points; (iii) the disturbance loss or damage to important recreational resources; (iv) sprawling onto important or necessary green spaces.

Policy H1 Residential Areas – within existing residential areas proposed non-residential development will be refused unless it is considered complementary to residential use or it can be demonstrated that the use would not conflict with residential amenity.

Policy NE1 Green Space Network – the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE5 Trees and Woodlands – appropriate measures should be taken for the protection and long terms management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Supplementary Guidance

- Harmony of Uses – residential and other developments within the city (compatibility of residential and non-residential use mix)
- Landscape Guidelines
- Transport and Accessibility

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and/or enhance the character or appearance of conservation areas

Statement regards to the Adopted Local Development Plan (2012)

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Principle of the development.

The proposed development will be contained within the existing tennis court facilities. There is no change of use. The proposal involves a physical extension to the surface of the courts, with associated improvements, including the provision of floodlights. On the basis that the recreational facilities are retained, it is considered that in principle the development complies with planning policy NE1 of the Local Development Plan- Green Space Network. The application is considered acceptable in principle subject to considerations of design, impact on Conservation Area, residential amenity, road safety, and impact on trees.

Design

The extension of the existing court surface by 2.66 metres will have little visual impact in design terms within the area.

The wire fence will be replaced with new fencing, and be of a similar height. Visually there would be little change.

A new wall proposed to the north-west will be 0.7 metres above ground level. Planning permission is not required for a wall less than 1.0 metre in height, unless there are any previous conditions relating to planning permissions preventing so. The Planning Authority therefore has no control over this element of the works; however, it is considered that visually it would be acceptable, as it would be screened by railings and a hedge.

Given the comments noted above it is judged that the proposal would not affect the character of the Conservation Area, as they are minor in nature.

The floodlighting columns will be designed to illuminate the courts. There would be ten columns in total, which would be of galvanised steel. The poles have not to dissimilar an appearance to lighting columns, of which there are a number of within the area. On that basis, in design terms, it is considered that they are acceptable.

As a result of the proposed development encroaching to the north-west there is a consideration on the impact of adjacent trees and hedge. This is dealt with under the title heading – Other, within this report.

The proposal is judged to comply with planning Policy D1 as the proposed development is considered to be appropriate to its setting, and to comply with Policy D5 as the proposal complies with Scottish Planning Policy in terms of impact on the character and appearance of the Conservation Area.

Residential Amenity

The physical alterations are considered minor in nature, and therefore should not have an adverse impact on occupiers of the adjacent residential properties.

The proposed floodlighting columns would not have an adverse impact, but there is a consideration in terms of the impact of the lighting itself. The supporting information advised that the lights would be switched off at curfew. The applicant has advised that curfew is 10pm at night. Consideration has to be given to light spillage and impact on residential amenity arising from light.

The application is accompanied with details of the lighting. It shows that there will be a total of ten columns, laid out in two rows of five, with the middle three columns in each row having a total of two floodlights.

The accompanying information shows data on the level of illumination which would result from the development, and its impact on the adjacent residential properties. The information shows that the lighting would not have an adverse impact to residential properties through light spill. The application states that there will be over-ride switched which will automatically turn off the lights at curfew.

No conditions currently control the hours of operation, however its use would be controlled by the availability of light. The impact of light spill within this predominantly residential area is a concern. It is proposed to condition that the lights are not in operation beyond 9pm in the evening, to ensure that they are switched off. This is one hour earlier than the applicant wishes. The imposition of this condition has been carefully considered. It is recognised that the location is within a residential area where floodlighting potentially can cause a significant adverse impact on residential amenity, particularly to bedrooms. The floodlights could potentially cause light spill and artificial light within the area, particularly during the winter months. A 9pm curfew is therefore considered appropriate for such a location, and would enable monitoring of the situation. Should the applicant at a later date seek to review the time of the curfew, it could make a further application for consideration in the future, though it would be advisable that this was no less than 12 months after operation.

The proposal is considered to comply with planning policy D2 Design and Amenity, subject to conditions including 9pm switch off of the lights, as it should have not adverse impact on residential amenity, and therefore also complies with planning policy H1 Residential Areas.

Road Safety

The application is for a minor extension to existing tennis court facilities. It should not have an adverse impact on road safety, and should not generate additional traffic. It is noted that the facility is located within a sustainable location, and relates to an existing use. The proposal is therefore considered to not be in conflict with planning policy D3 Sustainable Active Travel.

The Roads Project Team judge that the proposal would create additional traffic, and therefore requests additional information on the provision of car parking. However, it is noted that the proposal would result in one extra mini-court being provided. Currently there are five large courts; the proposal would result in four large courts and two mini-courts. It is therefore considered that the proposal would not generate any significant change considering the existing courts.

Other

The application states that the proposal will require the removal of a tree, however, it appears that this has already been removed. It is considered appropriate to apply a condition which seeks landscaping details for a replacement tree, as it was removed to necessitate the development, and the site lies within a Conservation Area. Furthermore, it is judged that the proposal would not have an adverse impact on the existing hedge. However, to ensure that it is protected during the construction phase, it is proposed to apply a condition for fencing for the duration of the works.

Conditions requiring additional tree planting and the protection of the hedge, should ensure that the development would not have an adverse impact on the natural features within the site, which serves to assist in absorbing the development within the locality, and is a feature within the Conservation Area.

The proposal is therefore considered to comply with Planning Policies D6 Landscape and NE5 Trees and Woodlands.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development would ensure continuance of a sporting facility by providing enhanced facilities. The proposal is therefore considered to comply with planning policies NE1 (Green Space Network) of the Local Development Plan. The changes to the courts are considered minor in scale. The proposal for floodlights has been designed such that they would not have an adverse impact on neighbouring properties, subject to a condition requiring that they be switched off no later than 9pm to protect residential amenity.

The proposal is considered to not have an adverse impact on residential impact and would preserve the character of the Conservation Area. The application therefore complies with Scottish Planning Policy, and Planning Policies D1 (Architecture and Placemaking); D2 (Design and Amenity), D5 (Built Heritage); D6 (Landscape); and H1 (Residential Areas). Subject to condition requiring protection of the hedge and a landscaping condition, the proposal is considered to comply with Planning Policy NE5 (Trees and Woodlands).

It is recommended that approval is granted subject to the following conditions.

(1) Notwithstanding the details submitted, the ten floodlights hereby approved shall be switched off no later than 21:00 every day and shall not be switched on before 8:00am the following day. – To protect the residential amenity of the neighbouring occupants.

(2) No development shall take place unless a scheme for the protection of the hedge on site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented for the duration of the construction phase. - In order to ensure adequate protection for the hedge on site during the construction of the development.

(3) No development shall take place until details of two trees to be planted have been submitted to and agreed in writing by the Planning Authority. These trees are to be planted at half-standard size or larger. Planting shall take place in the first planting season after completion of the tennis courts and floodlight installation and any trees which within a period of 5 years from the completion of the 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 unless the Planning Authority gives written consent to any variation. - To mitigate against the loss of the tree to accommodate this proposal, to protect the character and amenity of the Conservation Area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.