

Report

Report to:	Hamilton Area Committee
Date of Meeting:	26 September 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/07/0331
Planning Proposal:	Installation of Floodlights at Tennis Club

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Bothwell Tennis Club
- Location : Bothwell Tennis Club
Mill Road
Bothwell

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Attached)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: LBG Waterston
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES 1 – Residential Areas – General
Policy DC 1 – Development Control – General
Policy EN4 – Conservation Area
South Lanarkshire Planning Policies
SLP6 – Development Control – General
Finalised South Lanarkshire Local Plan (After Modifications)
Policy RES 6 – Residential Land Use Policy
Policy DM1 - Development Management
Policy ENV4 – Protection of the Natural and Built Environment
Policy ENV24 – Conservation Area

- ◆ Representation(s):
 - ▶ 11 Objection Letters
- ◆ Consultation(s):

Environmental Services

Leisure Services

Roads and Transportation Services (Lighting Section)

Planning Application Report

1 Application Site

- 1.1 The application site relates to the recently upgraded all weather tennis court located at Mill Road, Bothwell. It is located between Mill Road and Silverwells Crescent and is adjacent to Bothwell Conservation Area.
- 1.2 The tennis club is accessed via a pedestrian path from Mill Road and the ground is surrounded on all sides by residential properties, with a mix of styles and plot sizes.

2 Proposal(s)

- 2.1 The applicant proposes to install floodlighting around the perimeter of the court which will involve the installation of six 6.5 metre high columns around the tennis court. After discussions with the agent it is proposed to restrict the use of the floodlights until 9.30pm each evening.
- 2.2 The applicant intends to use 'Optivision' floodlights. This type of floodlighting will ensure a total cut off of light above the level of the luminaire and prevents uncontrolled light spillage into nearby properties. As such the proposal would have minimal impact on the surrounding residents.
- 2.3 The proposed works have been designed to both improve the use of the tennis court and to give a more modern attractive, appearance to the court without detriment to the adjoining residential properties.

3 Background

3.1 Local Plan Policy

- 3.1.1 In terms of the adopted Hamilton District Local Plan and the Finalised South Lanarkshire Local Plan (after modifications) the site is located within an area designated primarily as a general residential area.
- 3.1.2 Policy RES1 - Residential Areas - General of the adopted Hamilton District Local Plan and Policy RES6 – Residential Land Use Policy of the Finalised South Lanarkshire Local Plan (after modifications) seek to resist any developments detrimental to the amenity of these areas. It is noted, that through RES1 the Council seeks to maintain and improve open spaces within housing areas for both amenity and active recreation, at least to the existing standard of provision.
- 3.1.3 The proposed access to the site is located adjacent to the designated Bothwell Conservation Area. Policy EN4 – Conservation Areas of the adopted Hamilton District Local Plan and Policies ENV4 and ENV24 of the Finalised South Lanarkshire Local Plan (after modifications) seek to protect and enhance the built environment within designated conservation areas.
- 3.1.4 South Lanarkshire Planning Policy SLP6 - Development Control – General, Policy DC1 – Development Control – General of the adopted Hamilton District Local Plan and Policy DM1 – Development Management of the Finalised South Lanarkshire Local Plan (after modifications) require all planning applications to have due regard to the local context and built form of the area. Proposals should take cognisance of scale, position and materials of surrounding buildings and landscape.

3.2 **Relevant Government Advice/Policy**

3.2.1 The Scottish Executive Development Department's National Planning Policy Guideline NPPG11 – Sports, Physical Recreation and Open Space sets out the Government's guidance on such matters. This policy reinforces the Government objective to protect and enhance the land and water resources required for the nation's sport and physical recreation and allows redevelopment opportunity which will result in an overall improvement in local amenity and facility provision or make full productive use of an underused resource.

3.3 **Planning History**

3.3.1 The application relates to Bothwell Lawn Tennis Club, Mill Road, Bothwell. There have been 3 previous planning applications in relation to this site:

- a) HM/05/0587 – This application specifically related to the sub-division of the site to form a house plot and new tennis court. The southern half of the club's land, remained in their ownership, with the northern section having been sold as a residential house plot to finance the creation of a new all weather tennis court and clubhouse. This application was granted on 10 May 2006
- b) HM/06/0729 – Erection of 2 storey dwelling granted on 15 March 2007. The principle of which was approved under the above planning consent (HM/05/0587)
- c) HM/06/0802 – Realignment of tennis court, new clubhouse and erection of fencing granted on 12 February 2007. Again the principle was approved under the above planning consent (HM/05/0587)

4 **Consultation(s)**

4.1 **Environmental Services** – have no objections to the proposal subject to the submission of a report with regard to the design and luminance that the floodlighting should comply with in respect of the relevant guidelines issued by the Institute of Lighting Engineers.

Response: Noted. A report has been submitted in respect of the design and luminance of the proposed floodlighting. This report has been assessed by Environmental Services and is considered acceptable.

4.2 **Leisure Services** – no response to date

Response: Noted

4.3 **Roads and Transportation Services (Lighting Section)** – have raised no concerns in respect of the proposal.

Response: Noted. The report submitted in respect of the design and luminance of the proposed floodlighting has been assessed and considered acceptable by the Lighting Section.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press as an application requiring advertisement due to the scale or nature of operations. Ten individual letters of representation and an objection letter from Bothwell Community Council were received. The contents of which are summarised below:

- (a) **The lights will extend the hours of play that the court is currently used for which has already seen a substantial increase in use, due to the new all weather surface. This use is already beyond sociable hours. Consequently the overall number of hours during which the adjoining neighbours will have to tolerate noise and disruption will be longer and later. This is unacceptable particularly for those with young families.**

Response: The floodlights would be restricted to 9.30pm each night. The evening sun in the summer months enables members to play till this time without the need for artificial lighting, therefore the floodlights would only increase the activity for a short period during the winter months. The impact of this is not considered to be great enough to cause a significant loss of amenity to the adjoining neighbours.

- (b) **Light pollution from the floodlights will disturb and pose a significant invasion of privacy to adjoining neighbours and therefore cause a great deal of inconvenience to local residents.**

Response: The proposed floodlights have been specifically designed to minimise impact onto adjoining properties. Both the height and orientation of the lights are restricted to prevent light spillage beyond the tennis court onto the surrounding residential properties. It must also be noted the properties adjoining the tennis court have substantial rear gardens and that Environmental Services are satisfied that the report submitted in respect of the design and luminance of the proposed floodlighting is considered acceptable. Given the above I am of the opinion that the floodlights would not have an adverse impact on the amenity of the objectors.

- (c) **The height and visual impact of the floodlights in an area bounded by traditional Victorian villas will create an alien structure, out of keeping with the Conservation Area, and will be injurious to the visual amenity of the area.**

Response: The height of the proposed floodlights are not considered to be excessively high (overall height 6.5 metres) and will be generally lower in height to the adjacent residential properties. Furthermore the tennis club is not located within the Conservation Area and therefore the floodlights would not have a significant impact on the setting or the character of the Conservation Area.

- (d) **The increased hours of activity at the tennis club has led to additional cars parking on Mill Road and the surrounding streets leading to difficulties for residents in entering and exiting their property.**

Response: The impact on road safety users was considered under Planning Application No HM/06/0802 for the installation of the new all weather tennis court. Roads and Transportation Services were consulted and had no objection to the proposal. Given that there is only one tennis court the number of people able to play on the court at one time is restricted it is not considered that the installation of floodlights would materially increase the number of cars that will be parked on the street.

- (e) **At a time when the Government is encouraging everyone to save energy it would seem wrong and not eco-friendly to put up floodlights throughout the night, which will increase pollution through unnecessary lights burning.**

Response: The lights would only be on for a limited period of time in the evening during the winter months (until 9.30pm). However, this issue is not considered to be a material planning consideration and as such should not unduly influence the determination of this application.

- (f) **The neighbour notification procedure was not undertaken correctly as the residents at 5-11 Douglas Drive and No 30 Silverwells Crescent were not notified.**

Response: As the southern section of the site had been sold properties at 5-11 Douglas Drive did not adjoin or come within 4 metres of the new boundary to the tennis club as such neighbour notification was not required. 30 Silverwells Crescent did require notification. The agent was informed and the notification procedure was properly undertaken. Notwithstanding this proposal required to be advertised due to the scale or nature of operations. and this has also been carried out.

- (g) **The number of people who will benefit from the installation of the lights is very small compared to the number of people who will be adversely affected.**

Response: Environmental Services are satisfied that the proposed floodlighting would not be detrimental to the amenity of the adjoining residents. However notwithstanding it should be noted that the Tennis Club is now a Community Amateur Sports Club rather than a private club and is open to the community.

- (h) **The developer of the proposed house (on the land sold by the tennis club) has destroyed decades of bushes and shrubbery and left the outlook to the adjoining rear gardens in a terrible mess. These lights will exacerbate the adjoining residents situation if they are approved.**

Response: The development of the adjacent site for a dwelling is a separate issue outwith the applicant's control as such these concerns should not have a bearing on the outcome of this application.

- (i) **The objector is of the opinion that due to a difference in ground levels the lights facing north will shine directly into his bedroom and the level of light pollution will make sleeping extremely difficult.**

Response: The height of the proposed floodlights are not considered to be excessively high (6.5 metres) and will not be illuminated after 9.30 pm. In addition given the design of the proposed lights together with the substantial depth of garden of the objectors property I am satisfied that the objector will not experience a detrimental impact on this amenity. Furthermore Environmental Services are satisfied that the report submitted in respect of the design and luminance of the proposed floodlighting is acceptable.

- (j) **Given that the entrance fence to the tennis court bounds with No. 16 Mill Road and the tennis court borders the rear boundary of No. 16 the objector is concerned that the proposed lighting will adversely affect the amenity and privacy of No.16.**

Response: The height of the proposed floodlights are not considered to be excessively high (6.5 metres) and will not be illuminated after 9.30 pm. In addition given the design of the proposed lights together with the substantial depth of garden of the objectors property (approximately 46 metres) I am satisfied that the objector will not experience a detrimental impact on this

amenity. Furthermore Environmental Services are satisfied that the report submitted in respect of the design and luminance of the proposed floodlighting is acceptable.

- (k) The noise from the court (including the use of foul language) has reached unacceptable levels with little or no supervision being provided when youths are on the court.**

Response: Anti-social behaviour is a matter to be dealt with by the appropriate authorities and is not a material planning consideration. As such this issue should have no bearing on the determination of this application.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The proposal relates to the installation of floodlights at the existing recently upgraded tennis court at Mill Road, Bothwell. The main planning considerations in determining the application are whether the proposal is in accordance with local plan policy, the impact of the proposal upon the amenity of the surrounding area and if there is any impact on the adjoining Conservation Area.
- 6.2 In terms of local plan policy, the proposals raise no issue. The site is identified in both the adopted and finalised local plans as being within a residential area covered by the relevant policies RES1 and RES6 respectively. The installation of the floodlights for recreational use in such areas is considered to be consistent with the general aims of this policy and do not raise any issues.
- 6.3 Whilst the proposed access to the site is located adjacent to the designated Bothwell Conservation Area the proposed floodlighting is outwith the Conservation Area. It is therefore considered that the proposal would not be detrimental to Policy EN4 – Conservation Areas of the adopted Hamilton District Local Plan or Policies ENV4 and ENV24 of the Finalised South Lanarkshire Local Plan (after modifications).
- 6.4 In terms of Policies DC1, SLP6 and DM1, in both the adopted and finalised local plans, the recent works undertaken to upgrade the tennis court have been designed in a manner consistent with such modern facilities and are considered acceptable both in terms of design and impact on the amenity of the surrounding area and raise no issues. It is considered that the introduction of the floodlights will complement the improvement works already undertaken and provide a quality facility.
- 6.5 With regard to the objectors' concern that the proposed floodlighting will impact on the nearby properties I am satisfied that the use of the 'Optivision' floodlighting, which incorporates cowling of the floodlights, together with the substantial distance of the adjoining rear gardens is sufficient to minimise any adverse impact on residential amenity. Furthermore after consultation Environmental Services are satisfied that the report submitted in respect of the design and luminance of the proposed floodlighting is acceptable.
- 6.6 In view of the above I am satisfied that there is sufficient distance between the tennis court and the adjoining properties to minimise the impact of the floodlighting and that the proposal to install floodlights at this facility will not unduly affect the amenity of the existing residential properties bounding the site. In addition I am satisfied that the objectors concerns have been fully considered and adequately addressed by the

cowling of the lights and the imposition of a condition limiting the hours of operation of the floodlights

- 6.7 In summary, the proposal would provide a high quality facility for use by the community. It is not considered that the proposal, which is consistent with local plan policy, would have an adverse impact on the character of the adjoining Conservation Area or a material adverse impact on the amenity and privacy of adjoining neighbours and I recommend that consent be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity and complies with Policies RES1, EN4 and DC1 of the Hamilton District Local Plan, RES6, ENV4, ENV24 and DM1 of the Finalised South Lanarkshire Local Plan (After Modifications) and guidance contained within SLP6 of the South Lanarkshire Planning Policies. There are also no infrastructure implications.

Iain Urquhart
Executive Director (Enterprise Resources)

7 September 2007

Previous References

- ◆ HM/05/0587
- ◆ HM/06/0729
- ◆ HM/06/0802

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
- ▶ Representations
 - Representation from : Mrs Thelma Thomson, 5 Douglas Drive, Bothwell, G71 8DH, DATED 03/05/07
 - Representation from : Mr Bill Thomson, 5 Douglas Drive, Bothwell, G71 8DH, DATED 03/05/07
 - Representation from : Marian Byrne, 16 Mill Road, Bothwell, G71 8DJ, DATED 26/04/07
 - Representation from : J R Buttery, 7 Douglas Drive, Bothwell, G71 8DH, DATED 03/05/07
 - Representation from : Cliff & Karen Scobie, 14 Mill Road, Bothwell, G71 8DJ, DATED 03/05/07 & 30/08/07

Representation from : Grahame Roberts, 12 Mill Road, Bothwell, G71 8DJ,
DATED 03/05/07 & 05/09/07

Representation from : Mr & Mrs McCarte, 30 Silverwells Crescent, Bothwell, G71
8DS, DATED 08/05/07 & 24/08/07

Representation from : Bothwell Community Council, FAO Alan Carlton (Secretary)
9 Fairyknowe Gardens, Bothwell, G71 8RW, DATED
28/06/07

Contact for Further Information

If you would like to inspect the background papers or want further information, please
contact:-

Christine Laird, Planning Officer, Brandon Gate, Hamilton
Ext 3551 (Tel :01698 453551)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

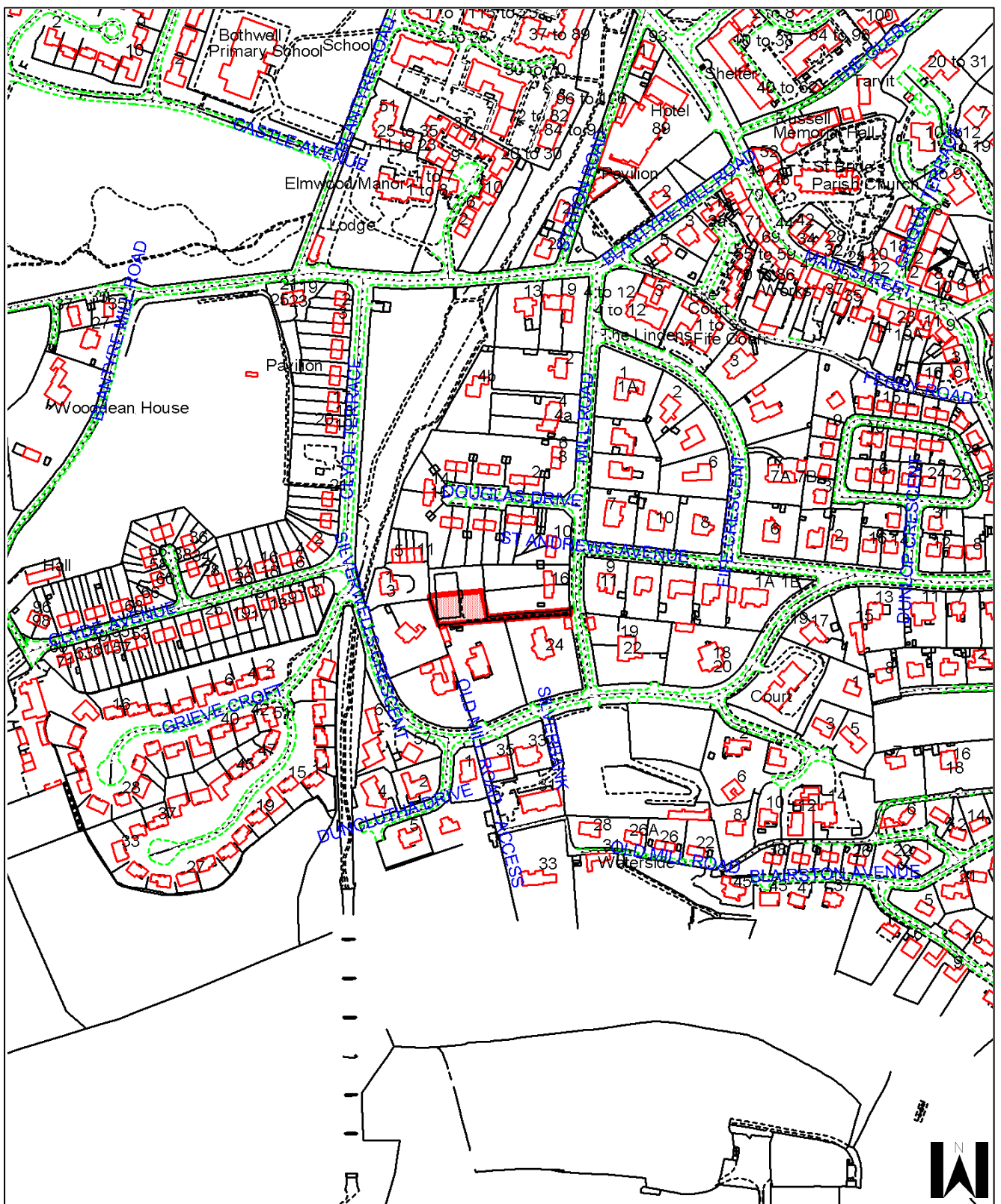
CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the number, design or position of the floodlights shall take place without the prior written approval of the Council as Planning Authority.
- 3 That before the floodlighting hereby approved is brought into operation, the lamps shall be cowled to prevent spillage of light onto the adjacent properties, all to the entire satisfaction of the Council as Planning Authority:
- 4 That the floodlighting hereby approved shall not be used after 9.30pm hours on Mondays to Sundays. The floodlights shall be turned off within 15 minutes of the end of the activity and in no circumstances shall they be left on for more than 15 minutes from the latest time referred to above.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity.
- 4 To minimise the risk of nuisance from light pollution to nearby occupants.

For information only



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