

	<h1>Report</h1>	Agenda Item <h1>16</h1>
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Report to:	Planning Committee
Date of Meeting:	20 March 2007
Report by:	Executive Director (Enterprise Resources)

Application No	HM/06/0570
Planning Proposal:	Upgrade Existing Tennis/5 a side Court, Install New Fencing and Floodlighting (Notice of Intention to Develop)

1 Summary Application Information

- Application Type : Notice of Intention to Develop (NID)
- Applicant : South Lanarkshire Council
- Location : Adjacent to Sports Hall
Donaldson Road
Larkhall

2 Recommendation(s)

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

- (1) Approve Notice of Intention to Develop (subject to suggested restrictions as attached)

2.2 Other Actions/Notes

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 this application will require to be referred to the Scottish Executive as it is a Notice of Intention to Develop and objections have been received.

3 Other Information

- ◆ Applicant's Agent: Professional Sportsturf Design Ltd
- ◆ Council Area/Ward: 54 Larkhall South
- ◆ Policy Reference(s): **Hamilton District Local Plan**
CU4 – Retention of Open Space Provision/Joint Use of Facilities
DC1 – Development Control – General
South Lanarkshire Planning Policies
SLP6 – Development Control – General
South Lanarkshire Local Plan Finalised Plan (after modifications)
ENV1 – Priority Greenspace Local Use
ENV2 – Local Green Network
DM1 – Development Management

- ◆ Representation(s):
 - ▶ 2 Objection Letters

- ◆ Consultation(s):

Enterprise Resources - Estates

Environmental Services

Roads and Transportation Services (Hamilton Area)

Roads & Transportation Services H.Q. (Flooding)

Planning Application Report

1 Application Site

- 1.1 The application site relates to the existing sports facilities located at Donaldson Road, Larkhall. The existing tennis/5 a side court is in a dilapidated condition and is seldom used by local residents. The tennis/5 a side court is surrounded on all sides by public open space.
- 1.2 Vehicular access to the existing tennis/5 a side court and associated sports barn is directly onto Donaldson Road, whilst a footpath network links the application site to the adjoining open space, sports barn and Donaldson Road.

2 Proposal(s)

- 2.1 The applicant proposes the refurbishment of the existing tennis/5 a side football pitch to provide a modern sports facility, to serve the needs of the local community. The proposal involves resurfacing the court with a new all weather, synthetic, porous surface which will improve the drainage to the court, removing and replacing the existing 5m high fence surrounding the court and resurfacing the footpath link between the court and the sports barn. These works in themselves do not require planning consent, however in addition the applicant now wishes to install floodlighting to the refurbishment scheme and intends to install six 10 metre high columns around the court. Initially the floodlights will be used until 8pm however should the facility prove popular the applicants will seek to extend the use of the floodlights until 10pm. This will of course be subject to agreement with the Planning Authority. The existing sports hall, in close proximity to the application site will be unaffected by this proposal.
- 2.2 The upgrading works have been designed to both improve the drainage and give a more modern attractive, appearance to the court whilst providing a valuable facility to be used by the local community.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the adopted Hamilton District Local Plan the site is identified as being an area for the retention of open space provision/joint use of facilities (as defined by Policy CU4). Policy CU4 states that the Council will “upgrade and expand facilities where appropriate” and promote the joint use of facilities.
- 3.1.2 Within the Finalised South Lanarkshire Local Plan (after modifications) this area of land is covered by Policy ENV1-Priority Greenspace Land Use which states that the Council will seek to protect and enhance priority areas of green space as identified on the proposals map and Policy ENV2 – Local Green Network Policy which states that the Council will seek to protect and support actions to enhance the Local Green Network
- 3.1.3 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 South Lanarkshire Local Plan (Finalised) requires all planning applications to take 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 nations 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 There is no relevant planning history to this site. It's use as an area for recreational activity is one of long standing.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services Hamilton Area** – Have no objections to the proposal as there is sufficient car parking serving the site and the proposal does not affect the existing parking and access arrangements at this facility.

Response: Noted.

- 4.2 **Environmental Health** – No objections to the proposal subject to the imposition of restrictions with regard to minimising both noise and the impact of the floodlighting on surrounding properties. In addition it is requested that a report be compiled by a competent person which examines the design and use of this facility again to ensure minimal noise impact on neighbouring properties. The report shall include issues such as management of the facilities, hours of operation and measures incorporated to minimise the impact of the artificial lighting on surrounding properties.

Response: Noted. Community Resources are aware of Environmental Health's requirements.

- 4.3 **Roads and Transportation (Flooding)** – Have no objections to the proposal subject to the provision of a surface water drainage system to the satisfaction of SEPA and in accordance with SUDS.

Response: SEPA were consulted informally on the proposal and are satisfied with the proposed use of the porous surface which will provide treatment for the surface water from the area. Community Resources are aware of SEPA's requirements.

- 4.4 **Estates** – No objections

Response: Noted

5 **Representation(s)**

- 5.1 Statutory Neighbour Notification was undertaken and the proposal advertised in the local press as a Notice of Intention to Develop. Two letters of representations were received. The grounds of objection are summarised below:

- (a) **The premises of the Avondale Recreational Association which are close by have been flooded on three different occasions. In their opinion this is due to the current drainage profile of the application site being insufficient for its current use. The objectors are concerned that the upgrading works will exacerbate the situation and will increase the risk of flooding to their property from the proposed football pitch.**

Response: Neither Roads and Transportation Services (Flooding) nor SEPA have raised any concerns about potential flooding. However it should be noted that the resurfacing of the pitch with a porous system should

substantially improve drainage from the site by providing treatment for the surface water which currently just runs off the site.

- (b) **The objector is concerned about the floodlights as she lives directly opposite the site and wishes to know if there will be a cut off time for the lighting.**

Response: Initially the floodlights will be restricted to 8pm. However, if the facility proves popular this could be increased to 10pm (subject to further consideration by the Planning Service). The objectors property is located approximately 72m from the court, separated from the application site by Donaldson Road and a large area of open space and the proposed floodlights will be cowled. I am therefore of the opinion that the floodlights will not have an adverse impact on the amenity of the objector.

- (c) **The objector wishes to know if the court will be supervised as the area is currently strewn with broken glass caused by the youths using it as a drinking/drug bolthole.**

Response: This issue is not a planning consideration and as such should not influence the determination of this application. However it is considered that the proposed upgrading of the pitch will encourage more people to use the facility which will provide less opportunity for anti-social behaviour at this location.

- (d) **The objector is concerned that the proposed upgrading of the court will exacerbate existing parking problems at this location.**

Response: Roads and Transportation Services were consulted and have stated there is sufficient parking to service the site and as such the proposal raises no issues.

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

6 Assessment and Conclusions

- 6.1 The proposals relates to the upgrading and improvement of the existing sports facilities at Donaldson Road, which will provide benefit to the residents of Larkhall. The main planning considerations in determining the application are whether the proposal is in accordance with local plan policies, the impact of the proposal upon the amenity of the area and its traffic and drainage implications.
- 6.2 In terms of local plan policy, the proposals raise no issue with regards to the development plan policies and government guidance. The site is identified in both the adopted and finalised local plans as being open space and the relevant policies CU4 and ENV1 & 2 respectively supports the continued use (and the enhancement) of such areas for recreational use.
- 6.3 In terms of amenity, the works to be undertaken to upgrade the existing pitch 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 again raises no issues. With regard to the objectors concern that the proposed floodlighting will impact on the nearby properties I am satisfied that the cowling of the floodlights and the distance of 72 metres which separates the properties from the court is sufficient to negate any adverse impact on residential amenity.

- 6.4 In terms of traffic implications Roads and Transportation Services have raised no concerns in respect of the proposal and are satisfied that there is sufficient parking servicing the site and the proposal does not affect the existing parking or access arrangements at this facility.
- 6.5 In relation to drainage issues neither Roads and Transportation Services (Flooding) nor SEPA have raised any concerns in respect of flooding. In addition I am satisfied that the objectors objections in this regard should be addressed by the resurfacing of the pitch with a porous system which should substantially improve drainage from the site by providing treatment for the surface water which currently just runs off.
- 6.6 Whilst it is not possible to impose legally binding conditions on a NID, I would recommend that the requirements set out overleaf are treated as formal restrictions. Community Resources have indicated that these “restrictions” are acceptable to them.
- 6.7 On the basis of the above, I therefore consider that the Notification of Intention to Develop be approved in this instance subject to the requirements specified overleaf. However, Committee is advised that the Notice will be required to be referred to the Scottish Executive, as 2 objections have been received in respect of the proposal.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity and complies with Policies CU4 and DC1 of the Hamilton District Local Plan, Policies ENV1, ENV2 and DM1 of the South Lanarkshire Local Plan (Finalised) and guidance contained within SLP6 of the South Lanarkshire Planning Policies. There are also no infrastructure implications.

Iain Urquhart
Executive Director (Enterprise Resources)

6 March 2007

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Roads & Transportation Services H.Q. (Flooding) 29/08/06
 - Roads and Transportation Services (Hamilton Area) 06/09/06
 - Environmental Health 28/08/06
 - Estates 29/08/06

► Representations

Representation from : Margaret Mayne, 6 Laurel Lane, Larkhall, ML9 2NG,
DATED 10/08/06

Representation from : Avondale Recreational Association, James Livingstone, 20
Allander Drive, Torrance, G64 4LG, DATED 30/08/06

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

Notice of Intention to Develop (NID)

PAPER APART – APPLICATION NUMBER : HM/06/0570

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 design , finishes or height of fencing or floodlights shall take place without the prior written approval of the Council as Planning Authority.
- 3 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 4 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:
- 5 That no consent is granted for the use of the floodlights after 20.00 hours on any day of the week. 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. The further written approval of the Planning Service will be required for the use of the lights after 20.00 hours.
- 6 That development shall not commence until a noise report examining the design and use of the proposed upgrading of the outdoor facility has been submitted to and approved by the Council as Planning Authority. The report shall identify any measures required to ensure that there is minimal noise impact on neighboring properties and shall include issues such as management of the facilities and hours of operation. Any measures required to minimise noise shall be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

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 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 4 In the interests of amenity.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To safeguard the residential amenity of the area.

For information only

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