

KEY INFORMATION**Ward** Balgillo**Proposal**

Outline Planning Permission for the erection of a covered tennis enclosure, new club & parking

Address

Broughty Ferry Tennis Club
Elcho Drive
Broughty Ferry
Dundee DD5 3TB

Applicant

Broughty Ferry Lawn Tennis Club
Elcho Drive
Broughty Ferry
Dundee DD5 3TB

Agent

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(Dundee) Ltd
24 South Tay Street
Dundee
DD1 1PD

Registered 3 July 2003**Case Officer** C Walker

An outline planning permission for the erection of a covered tennis enclosure, new club & parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is in line with Development Plan policy and will not have an unacceptable adverse impact on residential amenity. It is, therefore, recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Outline planning permission is sought to erect an indoor tennis centre on land immediately to the east of the existing outdoor courts.
- Land to the north and east of the site is also owned by the tennis club but is the subject of an application for a housing development, the report on which is contained elsewhere in this Agenda (application ref. no. 03/00500/FUL refers).
- The site is allocated as falling within an existing residential area in the adopted Local Plan where Policy H1 seeks to protect residential amenity. The site is similarly allocated in the Finalised Dundee Local Plan Review.
- There is a Section 75 Agreement relating to the existing clubhouse building. This requires it to be made available as a community meeting hall suitable to meet the reasonable needs of the residents of the wider Balgillo area. The decision on the current application does not affect that agreement.
- A letter of objection was received from the occupiers of a flat to the west of the existing outdoor tennis courts stating concerns that the building will be an eyesore due its size and height and will therefore be out of keeping with the area.
- It is considered that the proposed development will not have any unacceptable adverse impact on residential amenity.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought to erect an indoor tennis centre on land immediately to the east of the outdoor courts. Part of this land is currently occupied by the existing clubhouse. The layout plan submitted indicates a building of 49 metres by 37 metres (1,813 sq. metres) housing 3 indoor courts and a 2 storey clubhouse building (10 metres by 31 metres on each level) attached to the south of the indoor courts. Parking for 56 cars is indicated to the south and east of the proposed building.

As well as the layout plan, an illustrative plan has been submitted indicating elevations and sections of the proposed indoor tennis centre. These show the building with walls extending to some 3 metres above ground level and a curved roof extending to 8 metres above ground level at the highest point.

The building and parking area occupy almost the whole of the application site with a small area of ground to the north of the proposed building and the existing outdoor courts reserved for screen landscaping.

SITE DESCRIPTION

The site comprises some 0.4 hectares of ground to the east of the outdoor courts at Broughty Ferry Lawn Tennis Club. It is currently occupied by the clubhouse building, a parking area to the south and vacant unmaintained ground to the north and east.

Land to the north and east of the site is also owned by the tennis club but is the subject of an application for a housing development, the report on which is contained elsewhere in this Agenda (application ref. no. 03/00500/FUL refers).

To the south and south east are recently completed detached villas on Elcho Drive and to the south west are older detached villas on Kilmaron Loan. To the west are the outdoor tennis courts and further to the west is housing including 2 blocks of flats.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

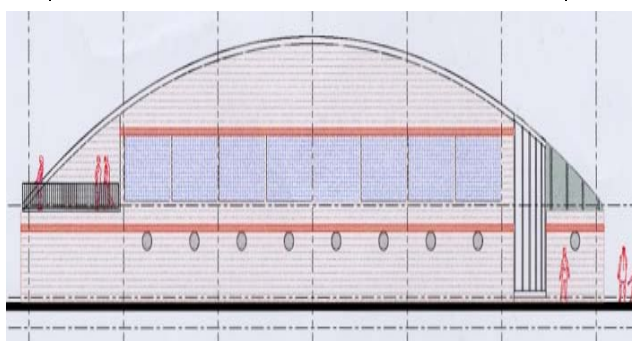
The site is allocated as falling within an existing residential area where Policy H1 seeks to protect residential amenity.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

The site is allocated as part of the existing residential area where Policy 1 seeks to promote vibrant communities and to protect amenity.



Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The development of this site for indoor tennis facilities furthers the Local

Agenda 21 aim of promoting opportunities for leisure and recreation.

SITE HISTORY

Planning permission was granted for Phase 1 of the tennis centre development in 1992 (applications ref. nos. D17394 and D17809 refer). This involved the clubhouse, outdoor courts and parking which were erected shortly after the consents were issued. It was intended to develop the remainder of the tennis court land for an indoor tennis centre and floodlight outdoor playing facilities but no application was ever submitted for further development on this land.

There is a Section 75 Agreement relating to the existing clubhouse building. This requires it to be made available as a community meeting hall suitable to meet the reasonable needs of the residents of the wider Balgillo area.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as a "bad neighbour" development (building for indoor games). A letter of objection was received from the occupiers of a flat to the west of the existing outdoor tennis courts (copy available for inspection in the Members Lounges). The objectors are concerned that the building will be an eyesore due its size and height and will therefore be out of keeping with the area. These concerns are considered in the Observations Section of this Report.

CONSULTATIONS

The Director of Environmental and Consumer Protection is keen to ensure that noise from electrical and mechanical plant at the proposed indoor centre does not have an adverse impact on the amenity of surrounding residents. He has therefore proposed the imposition of a planning condition to cover this matter.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

Policy H1 of the adopted Local Plan is relevant to the determination of this application. This accepts that non residential uses are appropriate in residential areas provided that they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic issues, noise or smell.

In this case, as this is an outline application, much of the details are not available. However given the nature of the proposed use, it is clear that the building will need to be of a certain scale and massing and that the proposals in the illustrative plans are likely to form the basis of any detailed submission. Whilst a building of this scale is not one normally associated with a housing area, the site is part of an existing tennis club and it has always been assumed that an indoor centre would be constructed at this location.

The proposed building is a considerable distance from most of the nearest existing houses. The closest existing house is a recently constructed villa at 9 Elcho Drive which will be some 24 metres to the south of the proposed building. Houses at Kilmaron Loan will be at least 33 metres distant and most are on much higher ground. The flats to the west of the existing tennis courts are some 65 metres distant. The proposed new houses to the north and east of the application site (see Report on application ref. no. 03/00500/FUL elsewhere in this Agenda) are separated from the site by a new access road. They are generally angled away from the proposed clubhouse building and the nearest proposed house is some 15 metres to the north west of the proposed clubhouse. The nearest proposed house on the eastern side is some 22 metres distant but in both these cases the roof of the proposed clubhouse has curved down to eaves level.

It is considered that in these circumstances the proposed

development will not have any unacceptable adverse impact on residential amenity by reason of either overlooking, overshadowing or from the sheer physical scale of the building. Existing houses are well separated from the proposed building and the proposed houses to the north and east are sited to minimise any potential intrusiveness. The design of the proposed building including its finishing materials and height will be reserved for future consideration when details of the proposed development are submitted although has previously been stated, the height is likely to be similar to that indicated in the illustrative plans.

There are unlikely to be any significant issues with traffic or parking. The site currently provides 6 outdoor courts, a clubhouse and parking for some 30 cars. The proposed development will add 3 indoor courts and provide a total of 56 parking spaces. Even taking into account the fact that the indoor courts should be used much more regularly than the outdoor courts, the additional parking proposed is adequate and the levels of traffic generated will not be excessive. It is accepted that occasionally there will be tournaments where the traffic and parking requirement generated may exceed the capacity available but this situation could equally prevail with the current arrangements.

Finally any issue about potential noise from the indoor tennis centre can be controlled by a planning condition.

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 Finalised Dundee Local Plan Review
- b The letter of objection
- c The community use of the existing clubhouse.

Policy 1 of the Finalised Local Plan Review is written in similar terms to Policy H1 of the adopted Local Plan and it is therefore considered that for the same reasons as stated above, the proposed development complies with Policy 1.

The letter of objection is from the occupiers of a flat some 65 metres distant from the proposed indoor tennis centre building. There is not doubt that the proposed building will be visible from their living room, but the distance involved is such that it cannot affect them in terms of any privacy or overshadowing issues and indeed they do not object on these terms. Their concern is that the bulky appearance of the proposed building will detract from their amenity. The final design of the proposed building has not yet been determined although it is fair to assume that it will be a large and bulky structure. However the current aspect of the objectors is over floodlight tennis courts surrounded by high fencing. The land owned by the tennis club was always likely to be the subject of an application for indoor courts and it is considered that the proposed building, subject to an appropriate design and finishing materials, will not adversely impact on the visual amenity of the area.

The existing clubhouse is the subject of a Section 75 Agreement ensuring that it is made available to the local community. This agreement is binding on the land (including buildings) and any decision on the current proposals has no affect on it. Should the applicants wish to proceed with their indoor tennis centre they may need to seek a variation of the agreement to apply its terms to the new clubhouse if and when the old clubhouse is removed. The decision on the current application does not indicate that the Council will necessarily agree to such a variation and should the application be approved it is intended that a Guidance Note to this effect be attached.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

Illustrative plans have been submitted indicating a large building with a barrel shaped roof. It is accepted that the design of the proposed building will be very much a function of its use. However it is situated in the middle of a residential area and its design and

finishing materials are important and these matters should be regulated by planning conditions.

CONCLUSION

The proposed development is in line with Development Plan policy and will not have an unacceptable adverse impact on residential amenity.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz:
 the siting of the buildings
 the design of the building
 the external appearance of the building
 the means of access to the building
 the landscaping of the site
- 2 application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission
- 3 the development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later
- 4 Noise from all mechanical and electrical plant at the proposed indoor tennis centre shall not exceed NR35 as measured 1m external to any residential property (including the dwellings proposed in planning application ref. no. 03/00500/FUL).
- 5 Details of the finished floor level of the proposed building shall be submitted to the Council for approval before any development is commenced. The maximum height of the proposed building shall not be more than 8 metres above the approved finished floor level and the development shall be carried out only in full

accordance with such approved details.

Reason

- 1 to reserve these matters for future consideration by the Council
- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 4 To ensure that the proposed development does not adversely impact on the amenities of the occupiers of existing and proposed houses adjoining the site.
- 5 To ensure that the proposed development does not adversely impact on the amenities of the occupiers of existing and proposed houses adjoining the site.