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| <b>Report To:</b>       | <b>The Planning Board</b>                                                        | <b>Date:</b>       | <b>4th August 2010</b>                                                      |
| <b>Report By:</b>       | <b>Development and Building Standards Manager</b>                                | <b>Report No:</b>  | <b>10/0127/IC<br/>Plan 08/10<br/><br/>Local Application<br/>Development</b> |
| <b>Contact Officer:</b> | <b>David Ashman</b>                                                              | <b>Contact No:</b> | <b>01475 712416</b>                                                         |
| <b>Subject:</b>         | <b>Proposed floodlit new multi-use games area at<br/>Birkmyre Park Kilmacolm</b> |                    |                                                                             |

## **SITE DESCRIPTION**

The application site consists of the former tennis courts within Birkmyre Park, Kilmacolm, located to the south of Pacemuir Road. The courts have been disused for several years and the condition of the site has deteriorated.

Housing is located approximately 40 metres to the north west and approximately 65 metres to the south east. The car park for the Birkmyre Pavilion is located to the north east whilst open amenity ground, including a putting green, is located to the south west. There are also some mature trees immediately to the east of the application site.

## **PROPOSAL**

It is proposed to develop a multi-use games area (MUGA) which will be lined to accommodate football, basketball and tennis. The playing surface measures approximately 32 metres by 32 metres and is to be surfaced with green acrylic porous macadam. It is to be surrounded by a 4 metres high green metal mesh fence and six 10.6 metres high floodlights. Access will be via a single gate and gravel path from Pacemuir Road. The nets for the tennis court, when not in use, will be stored within the nearby Broomknowe Pavilion.

## **LOCAL PLAN POLICIES**

Local Plan Policy LR1- Safeguarding Open Space

Inverclyde Council, as Planning Authority, will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map;
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges; and
- (c) where appropriate, encourage other relevant and compatible development for the purposes of leisure, recreation and sport.

## Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

## Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

## CONSULTATIONS

**Principal Engineer - Street Lighting** – No objections subject to hoods being fitted to the lights to control overspill illumination.

**Head Of Safer and Inclusive Communities** - A series of conditions are suggested in respect of possible site contamination, Japanese Knotweed, controls on lighting overspill and hours of operation (not outwith 9am to 10pm). Advisory notes are also suggested regarding drainage and vermin control issues.

**SportScotland** - The site should be adapted to accommodate rugby training needs, although it is acknowledged that the proposed surface does not lend itself to such use.

**Head Of Environmental and Commercial Services** – No additional parking spaces are required.

**Biodiversity Officer** - Bats are unlikely to be affected due to the distance of the floodlights from any possible roost, controls on floodlighting and as the foraging area is likely to be further away from the proposed pitch.

## PUBLICITY

The application was advertised in the Greenock Telegraph on 14th May 2010 as a Schedule 3 development.

## SITE NOTICES

The nature of the proposal did not require a site notice.

## PUBLIC PARTICIPATION

The application was the subject of neighbour notification and press advertisement. 27 representations have been received, which include 8 letters of conditional support. A petition with 64 signatories in support of the application has also been received. With respect to those objecting to the proposal, the points raised may be summarised as follows:

- 1) Existing traffic problems in the area will be exacerbated.

- 2) It will encourage drinking youths to congregate.
- 3) The floodlights will create a light nuisance for people living nearby.
- 4) The number of lighting columns should be reduced.
- 5) The facility is inappropriate for the area as it is more an “urban” than a “rural” type of development.
- 6) It will adversely affect the “openness” of the area.
- 7) It will lead to noise issues (bad language and ball/fence contact noise).
- 8) The fence should be lowered in height to reduce its visual impact.
- 9) Planting should be introduced to soften the appearance of the fence.
- 10) Concerns are expressed over late night use.
- 11) There has been inadequate consultation on the proposal.
- 12) The MUGA would adversely affect the balance between formal and informal recreational open space.
- 13) Control of the use of the facility is a concern.
- 14) The nearby trees will adversely impact on the use of the facility (falling sap).
- 15) Its proximity to a Site of Importance for Nature Conservation could adversely impact on bats.
- 16) An alternative, more natural use of the site should be considered.
- 17) A site visit by the Planning Board should be carried out prior to a decision being made.

The letters of support welcome the removal of the unused tennis courts and welcome the opportunity this proposal provides for people to take exercise.

## **ASSESSMENT**

The material considerations in determination of this application are the Local Plan, the consultee responses and the representations.

Birkmyre Park is identified as open space under policy LR1. The proposal is representative of relevant and compatible development: the key matter to be considered is whether or not it is appropriate at this specific location. In this respect, the amenity of the area has to be a prime consideration. This is key in assessment of the proposed development with respect to policies H1 and H9.

Birkmyre Park is located within a residential area and facilitates both informal recreational use and formal playing fields. The dissection of the park by Broomknowe Road and Pacemuir Road creates three parts. There is a “playing field” element, to the west of Broomknowe Road, which is mostly used as a rugby pitch. There is a “recreational ground” element to the east of Broomknowe Road, which is used for a variety of formal and informal sports (it has two sets of permanently fixed goalposts). This part also contains the Broomknowe Pavilion, with the new gymnasium facility, and the Duchal Nursery, together with dedicated parking provision. The application site is contained within the third part of the Park, to the south of Pacemuir Road. This contains a mix of formal and informal recreational space including a putting green and the former tennis courts.

The first consideration in assessing the appropriateness of the proposed development is the previous use of the application site for formal recreational purposes (i.e., a tennis court). I am satisfied that the development of a further formal recreational resource on the site will not result in a loss of informal recreational space and is acceptable in principle. Given the historical use of this part of the site, which also featured enclosing boundary fencing, I consider that the development will not adversely affect any sense of openness.

The second consideration is the impact of the proposed facility on amenity, particularly, with respect to the surrounding uses, on residential amenity. I consider the key factors to be noise, lighting, visual impact and traffic issues.

Any concentration of players within a confined area will generate noise. The main consideration is the level of that noise and the hours during which it will be experienced. Although there can be no

guarantees given on the total number of players (other than tennis where a maximum of 4 would be involved), the proposed MUGA is of restricted size, therefore only up to 10 players would be able to participate in any game played within the site. Previous experience of metered readings of noise levels at pitches has shown that critical decibel levels are not consistently reached. Of more concern is when the noise is occurring. I note that the proposed hours of operation are 9am to 9pm. I consider that within a residential environment these hours are appropriate. Conditions may be used to ensure that these hours of operation are adhered to. I note the concerns that the MUGA may attract anti-social behaviour. The MUGA will, however, be highly visible with little opportunity for concealment. The facility will be controlled via Birkmyre Pavilion and will be locked outwith operational hours. Indeed, the introduction of planting to soften the appearance of the fencing is a matter that I have given consideration to but I conclude that it is, on balance, better that the MUGA remains highly visible to help address other concerns expressed by some objectors over possible anti-social activity. This is more likely to occur if there is landscaping which offers the possibility of concealment. I also cannot reconcile the type of robust landscaping that would be required with the retention of the putting green.

The proposed lighting has been considered by the Council's Lighting Engineer. For adjacent residential properties the issue of light overspill is key. The Engineer is satisfied that, subject to the fitting of the appropriate hoods on the floodlights, lux values, which relate to lighting received at any one point, will be satisfactory and that nearby residents will not experience adverse lighting conditions. I am also mindful that the hours of lighting will be controlled relative to use of the site. I note a desire for the number of floodlight columns to be reduced, but to do so would impact unacceptably on the level of illumination or require an increase in column height.

The main visual impact of the proposal will be from the lighting and the boundary fencing. When not illuminated I consider that the lighting will have a negligible visual impact. The lights will be noticeable when in use but restricted hours of operation will address this impact. The 4 metre high fencing is necessary to prevent ball spillage from the site. I note that the metal fencing is to be coated in a green colour which will help it blend in with the surrounding environment. I also take into consideration that the former tennis courts were contained by fencing. Lowering the height of the fence is suggested in order to address concerns over visual impact. It could, however, lead to other disturbance with balls continually escaping from the playing area leading to nuisance for people using the putting green, walking in the area and possibly even to the detriment of nearby households. I am therefore satisfied that the fence is of a height appropriate to this type of facility.

The issue of traffic is dependant on the day of the week, the time of day, and the other nearby uses. It also has to be considered if the MUGA will, in fact, draw players in from the wider area thus generating vehicular traffic. Given the quality of MUGA facilities elsewhere within the Council area, including the fact that they are recognised full size MUGAs rather than this smaller sized facility, it is not certain that the proposed MUGA will prove to be a wider area attraction. Should players be arriving by car it is anticipated that they will use the existing facility car park or be dropped off. The car parking in the area has been observed at various times of day and days of the week. It has been noted that some people choose to park on Broomknowe Road when there are still parking spaces available within the dedicated car park. I accept that it is possible that parking may be at a premium when events clash but, from observation, such a situation is an exception rather than the rule. In a typical night or at weekends, there remains capacity to absorb further car traffic. I also note that the Head of Environmental and Commercial Services has advised me that he has no record of complaints of parking issues in the vicinity, nor any record of road accidents. On this basis there are no firm grounds on which I can conclude that the MUGA will pose a significant traffic problem.

In view of the above I conclude that the impact of the proposed facility on amenity will be acceptable, subject to the use of conditions on any planning permission, especially in controlling hours of operation. I conclude that the proposed development is appropriate to the area and that the development complies with the Local Plan.

Turning to the consultation replies not yet addressed, I note all the points made by the Head of Safer and Inclusive Communities and intend to impose these as conditions. Controls on lighting overspill are under legislation operated by the Head of Safer and Inclusive Communities. Whilst noting SportsScotland's comments, there is a nearby grass rugby training facility and I agree that a tarmac surface does not lend itself to rugby training. I also note that, although some concerns were raised about the impact of the development on bats, the Council's Biodiversity Officer, following liaison with Scottish Natural Heritage, is satisfied that any bats in the nearest copse of trees will not be adversely affected by the proposal.

With respect to the outstanding points of objection raised by those making representations, I would deal with these in order as follows.

On the matter of consultation, I am satisfied that neighbour notification was undertaken in accordance with the statutory requirement and I also note that the proposal was advertised in the local press. I am therefore satisfied that there has been appropriate consultation on the proposal.

Given that the site was formerly used a tennis courts I am satisfied that the balance between formal and informal recreation will be maintained. Although the facility will be under the control of the Council via the Birkmyre Pavilion it is important that the objectors' concerns over matters such as accessibility and use are addressed. I consider that the submission of a management plan prior to any work commencing, and the subsequent implementation of that management plan, are crucial to alleviate concerns. This matter may be addressed by condition.

I have noted the position of nearby trees during site observations and I do not consider they will have any bearing upon the use of the facility.

An alternative, more natural use of the site, which presumably would involve regrading of the land and seeding or turfing/planting, may be another option but it is not one associated with this application. The application has to be determined on merit.

It is noted that a request has been made for the Planning Board to visit the site prior to determination and it is at the discretion of the Board whether or not to do so.

Having assessed all of the material considerations detailed above I reach the conclusion that, on balance, planning permission should be granted. It is appropriate, however, to impose conditions in respect of the hours of operation, including the use of lighting, in the interests of residential amenity.

## **RECOMMENDATION**

That the application be granted subject to conditions.

### Conditions

1. That the development to which this permission relates must be begun within 3 years from the date of this permission.
2. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

3. That the development shall not commence until a risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages, has been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
4. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but is not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
5. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
6. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing, by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include; the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.
7. That the facility shall not operate outwith the hours of 9am to 9pm. The floodlights shall be switched off upon the cessation of use of the MUGA.
8. That 4 additional car parking spaces shall be provided as part of the car park adjacent to the nearby Broomknowe Pavilion prior to the MUGA being brought into use.
9. That the boundary fencing hereby permitted shall be erected prior to the MUGA being brought into use.
10. That prior to work commencing on the construction of the facility hereby permitted, a management plan in respect of operation of the facility, including booking arrangements and means of entry control, shall be submitted to and approved in writing by the Planning Authority. The facility shall, thereafter, operate in accordance with the approved management plan.
11. That hoods shall be fitted on all floodlights to minimise light overspill and glare. Full details shall be submitted to and approved in writing by the Planning Authority and the approved hoods fitted, all before the floodlighting is brought into use.

#### Reasons

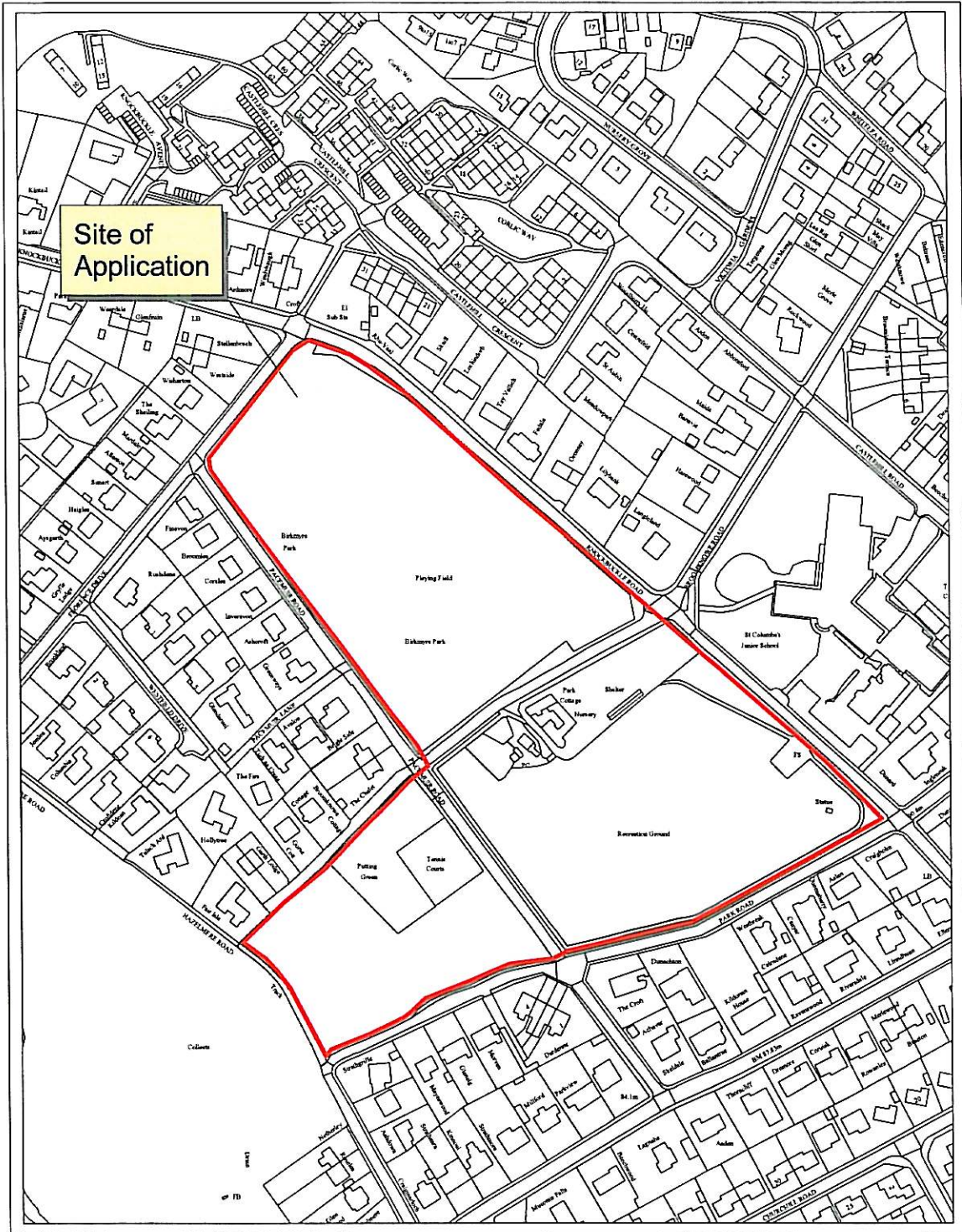
1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
3. To satisfactorily address potential contamination issues in the interests of environmental safety.
4. To provide verification that remediation has been carried out to the Authority's satisfaction.
5. To ensure that all contamination issues are recorded and dealt with appropriately.
6. To protect receptors from the harmful effects of imported contamination.
7. In the interests of residential amenity.
8. To address concerns over possible insufficient parking provision.
9. To help ensure ball game activity is confined to the application site in the interests of neighbouring amenity.
10. To help ensure controlled operation of the facility in the interests of nearby residential amenity.
11. To minimise light overspill and glare, in the interests of residential amenity.

N.McLaren  
Development and Building Standards Manager

#### BACKGROUND PAPERS

1. Application form and plans
2. Inverclyde Local Plan
3. Consultation responses
4. Letters and petition of representation.



Drawing No. 10/0127/IC Birkmyre Park, Kilmacollm

Drawn by: JML

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