

Development Management Sub-Committee Report

Wednesday 24 May 2023

**Application for Planning Permission
Colinton Lawn Tennis Club, 26 Westgarth Avenue, Edinburgh**

Proposal: To install controlled LED lighting to 3 courts by installing 6 new steel columns with 7m mounting height and utilise two existing columns that are already in situ for adjacent three court lighting system. The lights will have minimal physical tilt +incorporated integrated louvres to reduce spill and glare.

**Item – Committee Decision
Application Number – 22/04508/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to grant planning permission.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal would comply with the relevant policies contained with the Edinburgh Local Development Plan and NPF 4. It would be an appropriate visual introduction to the area and would not have an unacceptable impact on wildlife or on the climate crisis. With appropriate conditions, the development would not adversely affect neighbouring residential amenity.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is Colinton Lawn Tennis Club, which is located on the west side of Westgarth Avenue. It backs onto the rear gardens of residential properties in Dreghorn Loan

The site is located just outside the Colinton Conservation Area.

Description of the Proposal

To install controlled LED lighting to three courts by installing six new steel columns with seven metre mounting height and utilise two existing columns that are already in situ for adjacent three court lighting system.

Supporting Information

Lighting Calculation Report

Manufacturer's Report

Relevant Site History

21/04492/FUL

Colinton Lawn Tennis Club

26 Westgarth Avenue

Edinburgh

EH13 0BD

To Retrofit a new LED Sports Floodlighting System to the Existing courts 1-3 utilising the existing Infra-Structure including Columns & Electrical Installation. To Install a New LED Sports Floodlighting System on Courts 4-6 including New LED Floodlights, Columns & Electrical works required in accordance with LTA Guidance for Tennis.

Refused

18 January 2022

Other Relevant Site History

22/0674/ECOND - planning enforcement enquiry relating to the impact of approved floodlighting on neighbouring residential amenity.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 23 September 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 104

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- LDP Design Policy Des 1
- LDP Design Policy Des 5
- NPF 4 Sustainable Places Policy 1
- NPF 4 Sustainable Places Policy 4
- NPF 4 Liveable Places Policy 14
- NPF 4 Liveable Places Policy 23

Design

Whilst the club is situated within a residential area, within the context of the tennis club, the floodlights and columns are functional additions that are compatible with the use of the site. They would have a slim profile and would not constitute an over-dominant or unsympathetic feature within the surrounding streetscape.

The proposal would comply with LDP Policy Des 1.

Climate/Nature Conservation

Concerns have been raised in respect of the effect of the floodlights on wildlife. Although there would be an increase in localised light levels, this has to be considered in the context of the surrounding area, which has streetlights that will be on for greater periods of time than the floodlights. In these circumstances, the effect of the lighting would not be unacceptable and would not be justification for refusing the proposal.

The floodlights would utilise energy but would also promote wellbeing through the increase in opportunities to use the courts. The increase in energy use would be modest and would be balanced by the improvements to public health. In these circumstances, it is recommended that an informative be added to encourage the potential use of solar power to generate the energy to operate the floodlights.

The proposal would broadly accord with NPF 4 Policies 1 and 4.

Amenity

Environmental Protection and Planning Enforcement have on-going complaints from residents about the effects of light spillage from the existing units that were approved in the 1990s and it is important that any additional lighting units do not lead to a decrease in amenity for neighbouring residents.

Information has been submitted with the application to demonstrate that the development would be controlled to ensure the additional floodlights would not adversely affect neighbouring residential amenity. Environmental Protection is satisfied that the proposal would not have an unacceptable impact on amenity subject to the imposition of conditions to restrict the hours of operation and prevent direct illumination of neighbouring gardens and homes.

The proposal, as conditioned, would not have an unacceptable effect on neighbouring residential amenity. It would accord with LDP Policy Des 5.

Health and Wellbeing.

The provision of additional lighting columns would allow the courts to be used for longer periods of time, particularly in the winter. The potential for greater opportunities to utilise the club's facilities would have a positive effect on health and wellbeing.

The proposal would meet the objectives of NPF 4 Policy 23.

Conclusion in relation to the Development Plan

The proposed development would form a visually compatible addition to the site and the surrounding area. The provision of additional lighting units would increase the opportunities to use the courts and would have a positive effect on health and wellbeing. Although the units would use additional energy, the modest increase in energy consumption would be partially offset through improvements to individuals' health, and consumption could be ameliorated by the use of solar panels. This is to be encouraged through the use of an informative. The use of the lights would not adversely affect wildlife, as the vicinity is already lit in the hours of darkness.

The development would not have an adverse effect on residential amenity, subject to the imposition of conditions to restrict the hours of operation and light spillage.

There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

Impact on residential amenity - this is assessed in section b)

Impact on climate - this is assessed in section b)

Improvement to health and wellbeing - this is assessed in section b)

Impact on wildlife - this is assessed in section b)

non-material considerations

Anti-social behaviour

Conclusion in relation to identified material considerations.

These have been considered as part of the report of handling. As set out above, the development, with appropriate conditions, would not have an unacceptable effect on residential amenity or on wildlife., It would promote an improvement to the health and wellbeing of the users of the club's facilities.

Overall conclusion

The development would be an appropriate visual addition to the area and would not have an unacceptable impact on wildlife or on the climate crisis. With appropriate conditions, the development would not adversely affect neighbouring residential amenity.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The lighting system shall be designed and installed as described in the approved Lighting Calculation report (Project Code MLS814, dated 26-04-22). The floodlighting system being so controlled so that no part of the floodlighting bulbs or floodlighting bulb reflective surfaces shall be visible from within any nearby residential property.
3. An automatic switch off timer shall be fitted to all lights to ensure that the hours of operation of the flood lighting system shall be restricted to between 8am to 10pm.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. shall be given to utilising solar power to generate the energy required to power the lighting units.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 8 September 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Murray Couston, Planning Officer
E-mail: murray.couston@edinburgh.gov.uk

Summary of Consultation Responses

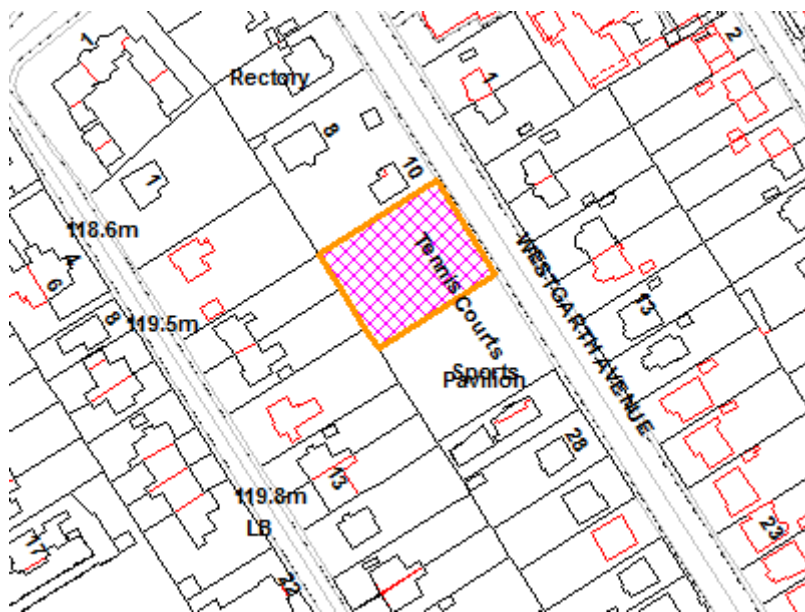
NAME: Environmental Protection

COMMENT: No objections, subject to conditions.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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