

APPLICATION NO	PA/2008/0348
APPLICANT	North Lincolnshire Council
DEVELOPMENT	Outline planning permission to construct a tennis hall and create car parking provision with associated vehicular access and landscaping
LOCATION	Land at Central Park, Ashby Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Kingsway and Lincoln Gardens
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest
POLICIES	<p><i>National</i></p> <p>PPS1 (Delivering Sustainable Development) – the thrust of PPS1 is sustainable forms of development in central, accessible locations, encouraging increasing biodiversity of sites and using energy efficiently with grey water recycling technology to maintain the environmentally friendly principles.</p> <p>PPS6 (Planning for Town Centres) sets out Government policies for town centres, promoting their vitality and viability by planning for growth, the development of existing centres, focusing development and encouraging a wide range of services and a good environment accessible to all.</p> <p>PPG15 (Planning and the Historic Environment) requires local planning authorities, in considering proposals for planning permission which could affect listed buildings, to have special regard to the preservation of the setting of the building.</p> <p>PPG17 (Planning for Open space, Sport and Recreation) requires local planning authorities, in considering proposals for development within open space, to weigh any benefits being offered to the community against the loss of open space that will occur.</p> <p>PPS25 (Flood Risk) states that sites located within Flood Zone 1 are low risk and requires development proposals</p>

on sites in excess of 1 hectare to include flood risk assessments to incorporate vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of new development on surface water run-off.

Regional

Regional Spatial Strategy for Yorkshire and the Humber: The proposal complies with policies YH1 (Overall Approach and Key Spatial Priorities) and YH2 (Climate Change and Resource Use) due to its location within the urban area with good access links to sustainable forms of transport.

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) states that future growth within North Lincolnshire will take place in accordance with the settlement hierarchy, at the top of which is the Scunthorpe and Bottesford urban area.

Policy ST3 (Development Limits) – the local plan defines development limits for all settlements except for rural hamlets and villages in the open countryside. Development outside development boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside.

Policy R1 (Protecting Playing Fields) prevents development which would lead to the loss or would prejudice the use of a playing field unless: an assessment of current and future needs has demonstrated that there is an excess of playing field provision; the development is ancillary to the use of the site as a playing field, not affecting the quantity or quality of the pitches; the development affects only land incapable of forming, or forming part of, a playing pitch; the playing fields lost as a result of the development would be replaced by playing fields of an equivalent or better quality; the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to outweigh the detriment caused by the loss of the playing fields.

Policy R3 (Built Sports Facilities) permits proposals which increase the provision of indoor purpose-built sports facilities or achieve an increase in the use of existing facilities. Additional provision will be secured through

funding bids and funding applications. Proposals that achieve increased use of existing facilities will be supported. Proposals that result in the loss of existing built sports facilities will not be permitted unless an equivalent replacement facility is provided or a facility is surplus to local recreational requirements.

Policy HE5 (Development Affecting Listed Buildings) – the primary consideration when considering proposals relating to listed buildings will be the need to preserve or enhance the fabric and character of the building. Proposals which damage the setting of a listed building will be resisted.

Policy LC3 (Local Nature Reserves) – to the west of the application site is Brumby Wood which is bisected by the Kingsway. This area is allocated as a local nature reserve.

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance) – any development which is likely to have an adverse impact on a local nature reserve will not be approved unless it can be demonstrated that the development outweighs the need to safeguard the intrinsic nature conservation of the site.

Policy LC11 (Areas of Amenity Importance) part of this application site falls within an area allocated as an area of amenity importance where development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact and make a positive contribution to such areas.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) – proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Landscaping, and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy DS16 (Flood Risk) – development will not be permitted within floodplains where it would increase the number of people or buildings at risk, or increase the risk of flooding elsewhere.

Policy T1 (Location of Development) – development proposals which generate significant volumes of traffic movement will be permitted provided they are located in the urban area of Scunthorpe and Bottesford, the principal growth settlements of the South Humber Bank and Humberside International Airport, where there is good access to rail, water and air transport and the strategic road network, and good cycle and public transport provision.

Policy T6 (Pedestrian Routes and Footpaths) – major new developments will be required to include links to nearby existing or proposed pedestrian routes.

Policy T8 (Cyclists and Development) – new developments will be required to include cycle links with existing and proposed routes.

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to the imposition of conditions.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. The following points have been raised in *support* of the proposal:

Scunthorpe Steelers Basketball Club support the proposal for the following reasons:

- Scunthorpe has been crying out for a major sports investment for many years
- this project shows the council's vision for the future of the community
- the best way to move forward and help catch other areas that have successful sports academies

The following *objections* have been received:

- loss of privacy
- destroy tranquil outlook
- loss of security as public areas like this receive unwanted attention, unlike the present open fields
- noise pollution
- effect on smooth flow of traffic
- land to the rear of the academy (service area) will be very unattractive and visible for many residents
- change from beauty to eyesore
- disfiguration of Coronation Gardens
- doubts whether facilities are needed at all – Scunthorpe Leisure Centre is under-used
- loss of trees and wildlife will spoil Central Park
- the existing trees support a wide range of birds such as blackbirds, wood pigeons, greater spotted woodpeckers, a pair of tawny owls relocated from Brumby Woods to raise chicks in a nesting site that will be destroyed, copper beech trees (covered by a tree preservation order (TPO)) are to be removed for the access road
- some of the trees to be felled are not even in the way of the development
- for people who prefer to be outside the plans are sickening
- disgraceful waste of this amenity

- one of the reasons Scunthorpe can call itself a garden town will be lost
- are listed buildings only safe until the council finds something better to do with the site?
- can't see why it must go on the most attractive part of the town
- wrong location as site is already used for football, hockey and bowls
- provides a glorious outlook for residents
- a better site would be the current leisure centre and Club 2000, and other surplus land surrounding it, because of its proximity to the bus station and multi-storey car park; it would transform the area and have a knock-on effect for business and markets

ASSESSMENT

Outline planning permission is sought to construct a four-court tennis hall with ancillary office, store and changing facilities within a series of domed shells within the north-eastern corner of Central Park. The site is directly adjacent to the proposed sports academy site to the south under planning application reference 2008/0349. The proposal includes ancillary car parking for 20 cars and 10 cycles and will be accessed from Ashby Road through the entrance to Central Park and the sports academy. This planning application is within phase 2 of the council's strategy to regenerate Central Park; phase 1 includes the full planning application for the sports academy under reference no. 2008/0349.

The park currently comprises four main elements: woodland, formal public space, public sports facilities and private sports facilities surrounding Brumby Hall. In the western area of the park is Brumby Wood which is an ancient semi-natural woodland which is allocated as a local nature reserve under policy LC3 of the North Lincolnshire Local Plan. The woodland is split into two parts with the Kingsway road running between the western and eastern sectors.

The public sports facilities are located in the more central areas of the park and comprise mainly football and hockey pitches. The private sports facilities at Brumby Hall comprise cricket and bowling facilities which are of a county standard, with access limited to members only.

The original client brief called for a strong and visionary project to stimulate the rejuvenation of this important public park situated at the heart of Scunthorpe. In response to the client's brief a comprehensive set of proposals has been developed for the regeneration of the park as a whole. These proposals are summarised as:

- provision of a new sports academy/centre of excellence for sports and recreation – a hub for the development and delivery of sports education and leadership training for North Lincolnshire
- provision of a four-court indoor tennis facility (phase 2, planning application 2008/0349)
- provision of a network of new paths and links designed to open up the park, link key destinations and hubs within the park and improve access
- creation of a new gateway into the park comprising construction of a new lagoon and associated planting
- provision of new and replacement play facilities suitable for all abilities and age ranges
- provision of new public pavilion to accommodate public conveniences at the centre of the park, refurbishment and upgrading of existing maintenance facilities, comprehensive landscaping and a sustainable water strategy designed to enhance biodiversity and the wildlife of the park and improve drainage
- provision of a new landscaped events space with lighting to extend usage of the park (phase 2)

A number of the park's projects are permitted under the Town and Country Planning (General Permitted Development) Order 1995, and therefore could be progressed without the need to obtain planning permission. Such works include:

- construction of the east/west boulevard which involves a 3.5 metre wide footpath, a 5.8 metre wide link road, planting of a single avenue of mature trees and the erection of four lighting columns at the entrance to the boulevard
- relocation of the maintenance space involving the removal of existing buildings and provision of a new

facility to the rear of the sports academy, sharing the new servicing facilities

- replacement of the existing outdated play area and boating/paddling pond with a variety of contemporary play features
- wildflower planting and habitat creation alongside the boulevard
- creation of a new landscaped 'gateway' into the park which includes a lagoon and associated landscaping
- restoration of the existing fountain and seating areas
- creation of a new events space comprising a terraced grassed space with lighting

The proposals the subject of this planning application have been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and a screening opinion was issued in August 2007 confirming that the proposal did not constitute an environmental impact assessment providing that the relevant issues were addressed. Consequently the following documents were compiled and submitted in support of the application:

- a transport impact assessment and travel plan
- a flood risk assessment
- an arboricultural tree survey
- a habitat survey
- an archaeological desk assessment
- a noise scoping assessment

The key issues in determining this proposal are whether there would be an adverse impact upon residential amenity, visual impact, the setting of grade II listed buildings, traffic flows on the adjacent highway network, planning policy, and impact on existing landscape and mature trees.

Planning policy

The proposal complies with national planning policy as set out in planning policy statements for the following reasons.

The development complies with the principles set out to improve access to health, leisure and community facilities, open space, sport and recreation by locating this facility close to the town centre that is well served by public transport and is close to train and bus services.

PPS6 encourages the promotion of the vitality and viability of town centres by focusing development in areas accessible to all that will regenerate and provide a wide range of services in a good environment.

With regard to local planning policies, the development complies with the strategic policies of the North Lincolnshire Local Plan because the site is located within the development limits of the Scunthorpe and Bottesford urban area in a location which is well served by public transport.

With regard to consideration of policy R1 and PPG17, relating to the loss of existing playing fields and sports facilities, the proposal, together with the sports academy, would deliver significant benefits that are of regional significance and provide an opportunity to deliver sport and leisure facilities to a much wider population. The new facilities are public that can be used throughout the year as opposed to the existing training sports pitches which are private. In 2001 the council adopted a playing pitch strategy which was updated in 2005 in response to a request from Sport England. The strategy looked at the quantity and quality of public, private and voluntary pitches across the area and current and future demand. The strategy identified that there was a surplus of adult football pitches and rugby pitches and a shortfall of mini football pitches and cricket pitches.

With regard to the transportation policies, the proposal also complies because of its location within a sustainable area with the provision of pedestrian and cycle routes to increase accessibility and linkages through the wider park area.

Impact on trees and landscape

With regard to policy LC12 (Protection of Trees and Hedgerows), a line of trees will be felled as a result of this

proposal along the entrance road known as Centenary Way that leads to Brumby Hall Social Club. A joint access to serve the tennis academy and the sports academy will be provided. In excess of 20 trees will be felled along Centenary Way, most of which are covered by a TPO. The application provides for significant new tree planting within the area covered by the tennis academy, together with Central Park and the separate sports academy proposal.

Residential amenity

The residents who are potentially most likely to be affected by the proposal are those directly opposite the proposed vehicular access from Ashby Road from an increase in the flow of traffic and vehicle movements in and around the area, and also the residents who occupy property on the south side of Brumby Wood Lane. The southern boundary of Brumby Wood Lane residential properties forms the northern boundary of the proposed tennis centre. As this is an outline planning application no details have been submitted with regard to the treatment of this boundary. It is understood that local residents have concerns with regard to security and outlook of their properties. It is envisaged that these details will be required upon submission of a reserved matters application to ensure that the fence or wall is visually attractive, secure and provides a satisfactory, robust boundary between the commercial use of the tennis centre to the south and the residential uses to the north.

A noise scoping assessment has been submitted by the applicants to establish potential noise impacts from the development. The report recommends that in the event that there is a likelihood of noise emissions being close to the proposed noise level criteria the applicants will make an application for prior consent to the council under Section 61 of the Control of Pollution Act 1974. This will establish working hours, methods of construction and identify noisy and vibration generating operations, predict resulting noise and vibration impact, and design suitable working practices and mitigation methods. This will be controlled by a planning condition.

Ground-borne vibration may arise from construction activities but such vibration is typically imperceptible at distances over 10 metres from heavy earth-moving plant. Consequently, in relation to the sports academy, there is no risk of perceptible levels from standard construction activities at sensitive receptors. The resultant changes in ambient noise climate as a result of road traffic flows are

considered to be negligible, hence no mitigation is required.

Visual impact

The visual impact of the tennis centre will be most prominent when viewed from the north from the residential properties on the south side of Brumby Wood Lane. The tennis centre building has been sited 10 metres away from this boundary and given the proposed height, which is to be no higher at the centre of the building than a standard two-storey dwelling, the proposal should not adversely affect residents on Brumby Wood Lane with respect to loss of light, overbearing or domineering impact. Consideration has been given to the extensive rear garden areas of properties on Brumby Wood Lane and also the design principles submitted with the application which show a series of domed structures gently rising from the perimeter to the centre of the building. The form and height mean that the building will be visible from the upper floors of the dwellings but at a distance of approximately 60 metres the structure is not considered to be detrimental to the living conditions of these residents. This is an outline application and therefore only the principles of the development are to be considered at this stage. Should planning permission be granted, a detailed application would need to be submitted and local residents would again be consulted on the detailed design.

Potential impact upon the setting of two listed buildings

The tennis centre is located a significant distance from both Pittwood House and Brumby Hall. Given that the sports academy proposal is to be sited between the tennis centre and Pittwood House, the proposal would have no additional impact upon the setting of Pittwood House over and above that caused by the sports academy. With regard to the impact upon the setting of Brumby Hall, this grade II listed building is surrounded by a brick wall and is set with a dense canopy of mature woodland. The immediate setting of this listed building is therefore within the curtilage of this brick wall and whilst views of Brumby Hall will be affected, given the significant distance of approximately 100 metres and the relative low height of the tennis centre, there is considered to be no adverse impact upon the setting of the listed building. The council's conservation and listed buildings officer has been consulted and raises no objections to the scheme.

Impact upon traffic flows on existing highway network

A traffic impact assessment was submitted with the application. Highways have assessed the assessment and raised no objection subject to conditions.

The Environment Team have issued advice regarding the protection of bats, nesting birds and other protected species. The proposals for the green roof of the sports academy building (a separate scheme) and landscaping surrounding the building, and more generally the park's planting strategy with its measures to improve biodiversity, are welcomed. However, the removal of trees protected by a TPO needs to be mitigated by the planting of many new trees which would give the area greater amenity value.

Environmental Protection officers have stated that the British Geological Society indicates that arsenic levels at the site are above the CLEA soil guideline values. Consequently, conditions should be attached to any grant of planning permission to deal with arsenic contamination of the site.

RECOMMENDATION

Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.
Plans and particulars of the reserved matters referred to in condition (1) above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

3.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the provision of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provision of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The scheme shall provide for:-

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
- (ii) assessment of the impact of the proposed development on the archaeological remains;
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork

as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

- (v) notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7.

Development shall proceed fully in accordance with the mitigation measures (eg finished floor levels) set out in the approved Flood Risk Assessment, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

8.

Prior to the commencement of development, details shall be submitted to and agreed in writing by the Local Planning Authority of a strategy to minimise disturbance to local residents during the construction phase of the development. The strategy shall include the following details and the agreed mitigation methods shall be implemented in their entirety:

- (i) hours of operation

- (ii) methods of construction
- (iii) identification of operations generating noise, dust and vibration
- (iv) methods for minimising impacts and designing sustainable working practices.

Reason

To protect the living conditions of residents during the construction phase in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

Prior to the commencement of development, details shall be submitted to and agreed in writing by the Local Planning Authority of the predicted noise levels of operating plant, measured at sensitive receptors, and attenuation levels of the building to minimise noise disturbance. The agreed attenuation levels shall be implemented/maintained thereafter.

Reason

To protect the living conditions of residents from noise disturbance.

10.

When applications for matters reserved for subsequent approval by this outline permission are submitted, details shall be included of an external lighting scheme for the site that will include luminance levels and position and type of lights to be installed. The approved details shall be constructed and operated in strict accordance with these details.

Reason

In the interests of visual amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

The proposed development shall not be brought into use until all associated within-highway works, including access, pedestrian/cycle links and traffic-controlled junction, have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

No development shall take place until full details of all internal infrastructure serving the needs of all users for both the proposed new developments and existing facilities have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

The proposed development shall not be brought into use until adequate cycle parking facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To encourage the use of sustainable means of transport.

14.

Development shall not begin on site until details of:

- (i) the number, location and layout of vehicular accesses to the site;
- (ii) the number, location and layout of vehicle parking spaces, including access aisles, surface markings and turning facilities;
- (iii) the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles;
- (iv) the pedestrian means of access to all buildings;

have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) the loading, off-loading and turning areas for all vehicles; and
- (iii) the parking spaces and access aisles (including surface markings);

have been provided and all these facilities shall thereafter be so retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

16.

The submitted framework Travel Plan shall be fully implemented prior to the proposed development being brought into use and all conditions and requirements of the plan shall be fully implemented and retained at all times that the use is in operation.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the Highway Network.

17.

The final Travel Plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan once approved shall be implemented and retained at all times.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the Highway Network.

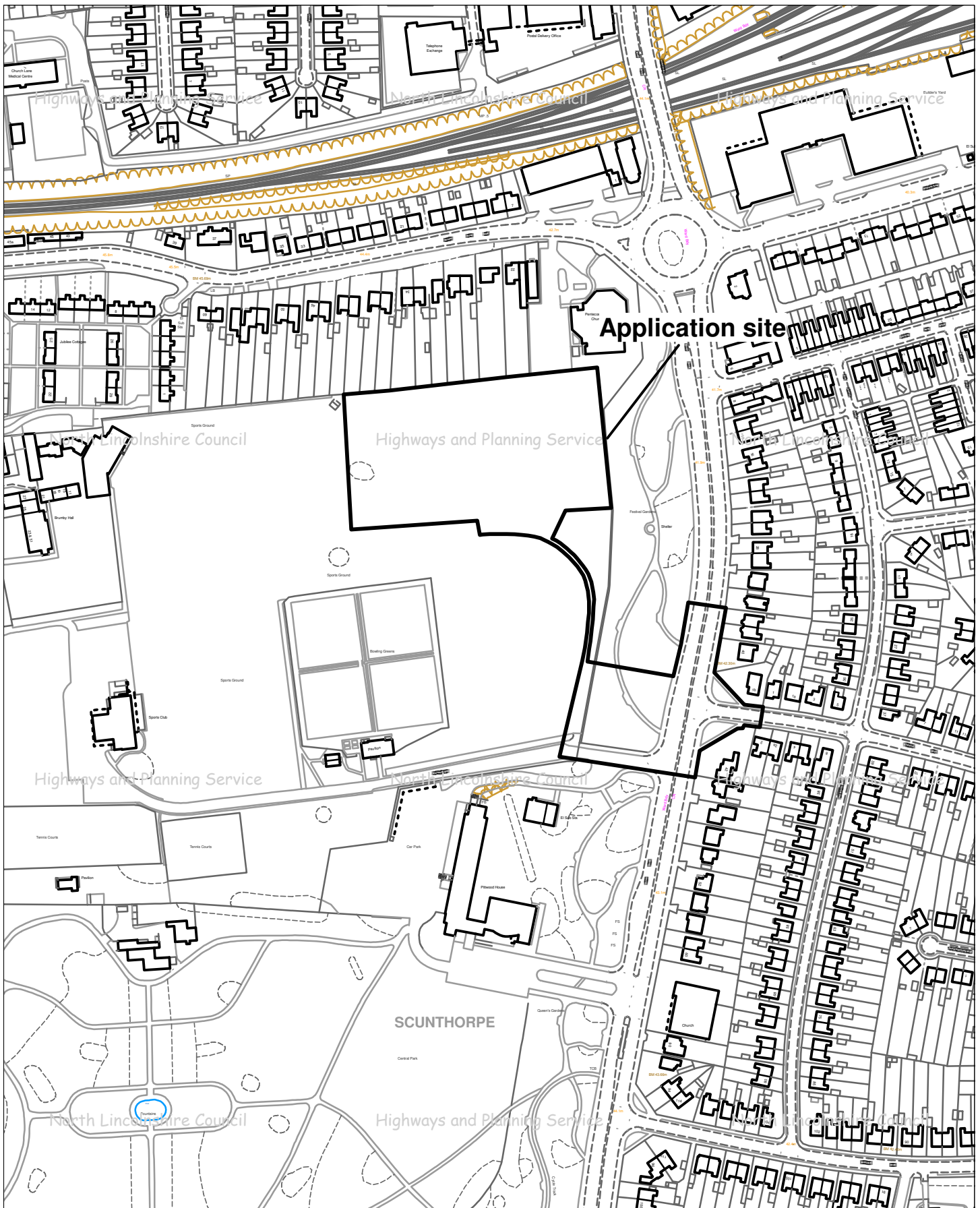
18.

Works shall not commence on site until wheel cleaning facilities in accordance with details to be approved in writing by the Local Planning Authority, have been

provided within the curtilage of the site and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.



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Highways and Planning Service

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G Popple

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Contextual East Elevation Without Tennis Academy, 1:500 @ A1, 1:1000 @ A3



Contextual East Elevation Without Tennis Academy, , 1:500 @ A1, 1:1000 @ A3