

North Yorkshire Council
Community Development Services
SCARBOROUGH AND WHITBY AREA CONSTITUENCY PLANNING
COMMITTEE
9 MAY 2024

**ZF23/02026/RG3 - ALTERATIONS TO SURFACING OF 4NO. TENNIS COURTS;
ERECTION OF 6NO. FLOODLIGHTS, SECURE FENCING AND GATES;
PROVISION OF 5NO. PARKING SPACES; AND, ASSOCIATED DRAINAGE,
LANDSCAPING AND FOOTPATHS AT SCARBOROUGH SPORTS CENTRE ,
FILEY ROAD, SCARBOROUGH, NORTH YORKSHIRE, YO11 2TP ON BEHALF
OF NORTH YORKSHIRE COUNCIL (MR DAVID ROBINSON)**

Report of the Assistant Director/Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine a planning application for alterations to surfacing of 4no. tennis courts; erection of 6no. floodlights, secure fencing and gates; provision of 5no. parking spaces; and, associated on land at Scarborough Sports Centre , Filey Road, Scarborough.

1.2 This application is brought to the Area Planning Committee, noting it is an application made by the Council on its own land and has been subject to a number of objections.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be APPROVED subject to conditions stated at the end of this report.

2.1. The application relates to the upgrading of tennis courts on the southern part of the former Filey Road Sports Centre. The site is situated in the heart of the Weapონness Conservation Area, characterised by distinctive detached houses set in large gardens interspersed by a significant number of trees. Proposals include minor alterations to the courts, floodlighting of two and provision of off-site parking spaces on nearby road verges. The application does not encompass the central and northern parts of the Sports Centre where the existing buildings are situated.

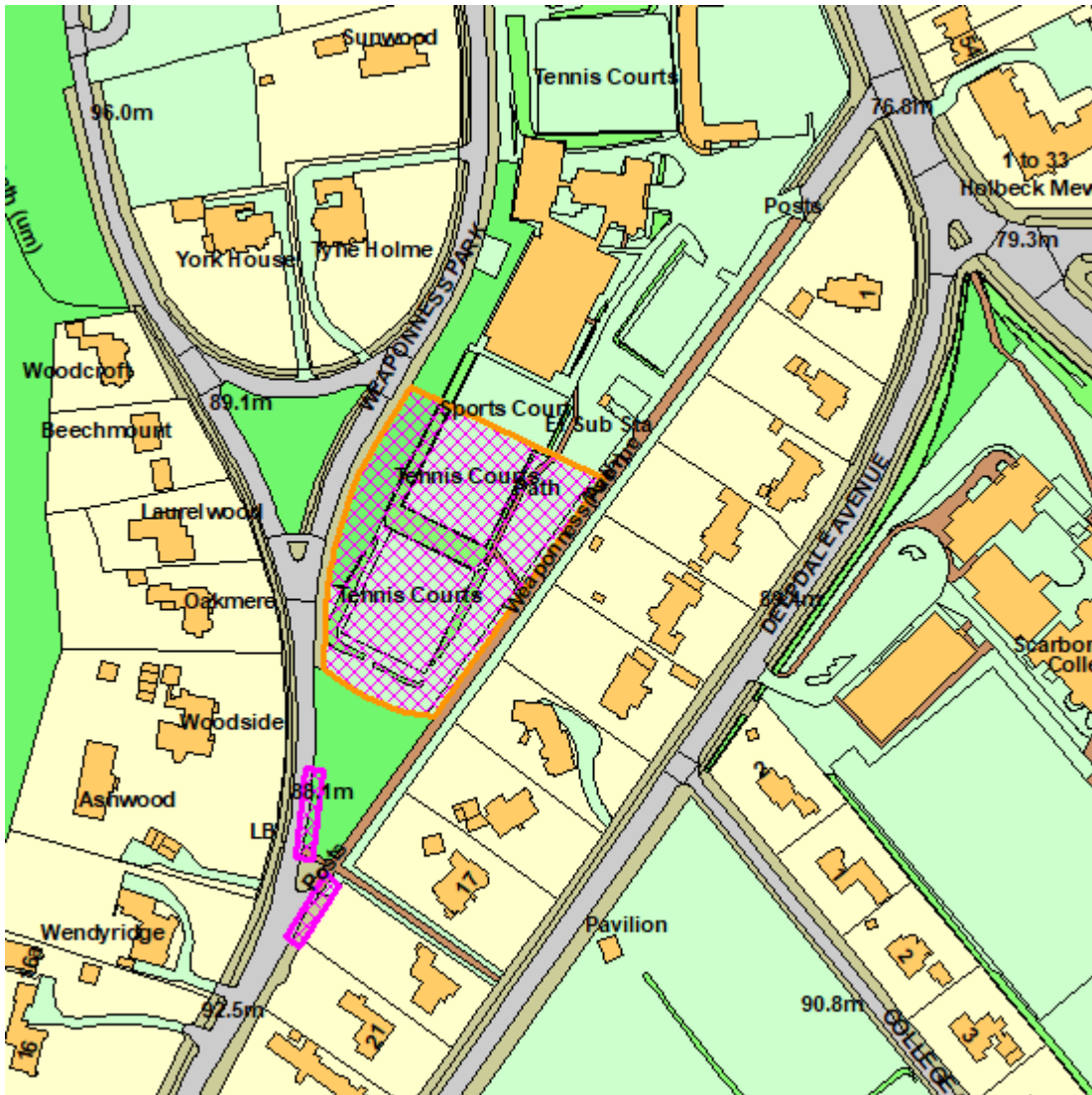
2.2. The key issues to be considered are the impact on the Weapոness Area Conservation and setting listed of the clubhouse building on the wider site, the impact on trees, neighbours and sports provision in Scarborough.

2.3. In summary, the importance of providing adequate public tennis court provision in the town and retaining the historic links to tennis on the site are considered to outweigh any limited harm arising from the proposals. It does not cover the wider former Sports Centre site, but this does not represent a valid reason to object to this application.



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5ASBLNSH8A00>

3.2 In 2018 planning and listed building applications were submitted for residential development of the wider site with relocation of tennis courts to a site off College Avenue - the applications were withdrawn.

4.0 Site and Surroundings

4.1 The site forms the southernmost part of the former Filey Road Sports Centre site. This wider 2.8ha site is centred on former sports centre buildings, comprising the Grade II listed club house (constructed 1912) and more recent linked sports hall buildings. Tennis courts occupy the northern and southern parts of the site. To the north/east facing Filey Road are a number of former grass courts, including one surrounded by a grandstand structure. This application solely relates to hard-surfaced courts to the south of the modern sports hall building. A single tarmac and floodlit sports court next to this building is unaffected by this application, which relates to the 4 courts contained within 2 fenced compounds to its south.

4.2 The application relates to a part of the site set away from Filey Road. It lies to the west of Weaponness Avenue, a tree lined route, which beyond the former Sports Centre entrance is essentially a pedestrian route with the rear gardens of houses on Deepdale Avenue to its east. To the west of the site is a road - Weaponness Park and its broad junction with Weaponness Drive, and to the south is a triangle of public land occupied by mature trees. The area as a whole was planned in the first half of the 20th century with houses set in large gardens with extensive often planned tree cover.

5.0 Description of Proposal

5.1 The proposal involves the resurfacing and upgrading of 4 courts to meet Lawn Tennis Association (LTA) standards. The more northerly two courts would be floodlit and made accessible for disabled tennis players. This involves 6 hooded LED floodlights of 10m height with 3 each on the side boundaries of the surrounding fenced compound. The path from Weaponness Avenue would be upgraded, including steps up to the 2 other and more elevated southerly tennis courts, which would not be floodlit.

5.2 The chain link fence surrounding the courts would be replaced by weld-mesh fencing of 3m height. There would be a marginal increase in the width of the resurfaced area by 0.5m on both compounds on their western side. On the south-western corner there would be some trimming of branches of trees, some of which

are subject of a Tree Preservation Order (TPO). A further TPO tree would be removed close to the southernmost court corner.

5.3 At total of 5 parking spaces would be provided parallel to the road on grassed verges to the south of the site. Three standard spaces would be provided on Weaponness Park close to the point where Weaponness Avenue diverges. The remaining 2 bays for disabled drivers off Weaponness Park would be at the side of the wooded triangle of open land south of the Sports Centre site.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is the Scarborough Borough Local Plan. Relevant policies include the following:

Policy DEC1 - Principles of Good Design
Policy DEC4 - Protection of Amenity
Policy DEC5 - The Historic and Built Environment
Policy HA8 - Community Facilities
Policy HC14 - Open Space and Sports Facilities
Policy ENV5 - The Natural Environment.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- Weaponness Conservation Area Character Appraisal (2007)

The Filey Road Sports Centre Development Brief (2011) also provides guidance for the site.

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. Environmental Health - recommends that the floodlights should be installed as indicated in application documents to ensure there is no detriment to the community from light pollution.

7.3. Highway Authority - No objection subject to conditions relating to precise details of the construction of parking bays and footways, a construction management plan and informatives relating to Highway Authority consent for works to the highway and management of the parking bays for the disabled .

Local Representations

7.4. Two representations has been received in support, two more are neutral and 18 are against. Full details can be found on the website.

The objectors state the heritage assets/listed building (Club House and grandstand) should be preserved not demolished. This plan for the tennis courts will enable demolition of the rest of the site for housing and financial gain. The Council should be transparent about plans for the remainder of the site. This historic lawn tennis venue should be restored, so it is suitable for large tournaments. The proposals would increase traffic on Filey Road. The need is questioned since the plans would not benefit the community. Increased light pollution would occur, especially during winter months. Objection to the loss of tennis courts. [Officer note: this application does not involve loss of any tennis courts or building demolition].

Other comments:

- the adjacent basketball court should be upgraded to a multi-use games area.
- Support if it includes restoration of Club House and grandstand which are in poor repair
- Re. the lighting: safeguards should made for bats & owls
- Information on booking times would help
- Daily visits by the operators and CCTV would reduce anti-social behaviour.
- Concern about new (non-disabled) parking spaces - why can't the existing sports centre car park be used. It will increase traffic, not conserve the area and block the path to Deepdale Avenue.

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on setting of Listed Building and Conservation Area
- Impact on Neighbours
- Impact on Trees
- Parking and Access
- Impact on public sports provision.

10.0 ASSESSMENT

Principle of Development

10.1. Local Plan policy HC14 states that "the improvement of existing ... facilities for sport and recreation will be supported by allowing development of new or improved sites where it would not detract from the character and appearance of the surrounding area". Policy HC8 also states that, "new and expanded community services and facilities will be supported in accessible locations, providing the scale of the development is appropriate to the area".

10.2. The site is within the built-up area of Scarborough town close to a main bus route along Filey Road, making it accessible. Many of the former public sports facilities on the site were transferred to the Sports Village off Ashburn Road. This was not the case with tennis. As a result, Scarborough BC's Tennis Strategy considered provision within the former Borough and one its key recommendations was to provide 4 new 'pay as you play' courts in Scarborough town in order to replace the courts lost following the closure of the Sports Centre. In the event that the site were to be redeveloped, then it would still be necessary to find 4 replacement courts to comply with relevant planning policies. These current proposals therefore avoid such scenario, by bringing back 4 tennis courts in poor condition back into active use.

10.3. In summary, Policies HC14 and HC8 set out a general presumption in favour of the proposals, but is still necessary to consider the detailed implications of the proposals before making a decision.

Impact on Heritage Assets

10.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses. It is within grounds of a listed building, so on that basis could be deemed to have affect. The listing specifically refers to the Club House and protection would also be afforded to pre-WWII curtilage structures, such as the grandstand. It does not apply to the nearest building, the large sports hall building, which effectively act as barrier between the floodlighting and the buildings of historic interest.

10.5 The more important potential impact on heritage assets would be on the Weaponness Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. The main potential visual impact is the effect of the floodlighting, and new structures such as the columns and new fencing on the appearance of the area.

10.6 The Conservation Area Character appraisal (2007) identifies that it "is predominantly that of a leafy late 19th century/early 20th century residential area. There are many large, architecturally interesting, detached and semi-detached buildings set in generous grounds. The mature trees, shrubs and hedges in the private gardens partially screen the buildings and create a sense of spacious sylvan setting." It further notes the Sports Centre as one of a number of mainly open sites which contribute to the spaciousness.

10.7 The trees and hedges surrounding the site would largely screen the impact of lighting and fencing at lower levels. The submitted Lighting Assessment indicate that when in operation floodlighting would be contained thus minimising direct spillage beyond the site. It is also likely to be restricted to evenings in autumn/winter. There would be an illuminated block of space at higher levels, which would be somewhat more visible, although still often filtered/blocked by mature trees.

10.8 The location of the parking bays on the highway verge has some limited impact on the appearance of the Conservation Area, noting the open character of the wide verges, albeit vehicles could park in the area since there are no restrictions on the carriageway. It is understood that the remainder of the Sports Centre site may eventually be in separate ownership, so use of the car park next to the Club House cannot be guaranteed. Providing parking on the site would be screened, but gradients and potential impacts of works would be likely to damage trees/hedges, thus there is no straightforward solution. This is a further factor to consider as part of the wider planning balance.

10.9 Any possible negative visual impact on the appearance needs to be balanced against benefits to the character of the Conservation Area, which it is considered should be given greater weight in the decision-making process. The official listing of the Club House refers to the historic significance of the site due to its association with Lawn Tennis at the highest levels. The club hosted national and international competitions, including Davis Cup matches, in the 1940s, 1950s and 1960s and its association with internationally known tennis players, such as Fred Perry. Consequently, the proposals would ensure that modern-day LTA standards for public courts are satisfied and also maintain the historic linkage with the legacy of tennis on the site.

10.10 Clearly, this application only relates to the southern end of the Sports Centre site. Since the premises were vacated the condition of the listed Club House has declined, in part due to vandalism. Finding a beneficial use for the building and wider site is important, but is essentially a separate from consideration this application. Approval of the proposed works is not considered to prejudice the consideration of any future applications on the remainder of the site, which can be determined on their own merits.

10.11 Notwithstanding the impact of floodlighting, the continued presence of the tennis courts would also be likely to help preserve the openness of the southern part of the wider site, an important feature of this part of the Conservation Area. The previous withdrawn application in 2018 showed this area for housing which is clearly no longer the proposal. The overall balance of impacts on the Conservation Area are returned to later, when considering the proposals as a whole.

Residential Amenity

10.12 The use of the courts could in theory resume without planning permission. The main consideration would be whether new features, such as the lighting (required to meet LTA standards) would have a material impact on the nearest occupiers on Deepdale Avenue and Weaponness Park. The nearest dwelling is circa 60m away. Any additional noise/activity in the evening or from the new off-site parking bays is not considered to be sufficient to merit objection. From a crime prevention perspective active use of the site would have benefits.

10.13 The main impact on neighbours requiring assessment is the possible impact of light pollution. The application provides details of predicted light spillage with the impact being localised to the tennis courts and the immediate vicinity. Hoods would limit glare and a condition can be imposed requiring the adjustment of the lighting should a genuine problem occur. The Environment Health Officer does not object, subject to safeguards and the proposals are considered to comply with Local Plan policy DEC 4. The illuminated space beneath the floodlights would be visible from nearby dwellings, but assuming it only affects private view, as opposed to direct glare, then this is not a planning consideration.

Impact on trees/ecology

10.14 Some of the trees on the site are protected by a Group Tree Preservation Order (TPO) dating from the 1960s. Due to the lapse of time not all the identified trees still exist, while there are others which are not included. Some of the trees off-site are of a greater amenity value, but are not protected by a TPO. Nonetheless, all trees are afforded some protection due to the fact that they are in the Conservation Area.

10.15 The application proposes lopping of some branches of a line of trees to the west of the southernmost court where they overhang. The application states these works are required to ensure the courts meet LTA standards. The 2 most affected trees would be non-TPOd poplars, with lesser pruning of 2 sycamores (1 included in the TPO). Noting the scale of works within the wider context of extensive retained tree cover that tree cover would be retained, no objection is raised. This is subject to the works being carried out in accordance with recognised arboricultural standards. In addition, a condition is required to ensure excavations relating to the minor enlargement of the hardstanding towards the same trees and the positioning of one of the bays for disabled drivers are hand dug to prevent root damage.

10.16 To the south of the courts a single Whitebeam would be removed. This is the last remnant of a group TPO in the south east corner of the site. It would be removed on safety grounds - a large branch has already fallen onto the court, revealing decay of the main trunk. Despite its TPO status, in amenity terms it is less important to the character of the area than other trees such as those lining adjacent routes and the planned planting on the land to the south, both of which mask the tree from public vantage points. The merits of replacement planting have been considered, but given the considerable levels of vegetation in the area, the benefits would be marginal.

10.17 An ecologist inspected the tree to be felled and it was found it does not contain sufficient cavities or potential for a bat roost. No evidence of bats was found, concluding that no further surveys are required. Floodlighting can affect bat foraging/wildlife, but given the localised nature of impact and the absence of clear demonstrable harm, no objection is raised on these grounds.

Other considerations

10.18 The Highway Authority does not raise concern regarding the proposed parking provision or traffic generation. The established lawful use is as tennis courts, so on the latter it is only the impact on the extended evening use which would be material. The fact that both parking and the access to the 2 floodlit courts would be made suitable for the disabled is welcomed, having regard to the provisions of the Equality Act. The parking bays would not block access to the pedestrian route to Deepdale Avenue.

10.19 One representation queries why the adjacent sports court is not being upgraded to a MUGA. This lies outside the application site, but it is also noted that the Sports Villlage provided a new MUGA, unlike specific tennis provision.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The consideration which requires greatest scrutiny with this application is the relevant impact on heritage assets within the context of NPPF policy tests. It is acknowledged that some limited harm with respect to the appearance of the Conservation Area may occur as a result of the lighting and parking. However, the policy and legislation refers to character and appearance, which is not confined to visual impact. The use of the site for tennis would maintain the historic legacy and therefore preserve an intrinsic characteristic of this part of the Conservation Area.

11.2. Para. 208 of the NPPF is most critical, stating, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

11.3. Given that any visual harm firstly needs to be balanced against the benefits to historic character, it is questionable whether the threshold of 'less than substantial harm' has been reached. However, even if this were applicable, it is concluded that greater weight is afforded to providing tennis courts for which need has been identified in the Tennis Strategy and on a site designed for such purposes.

11.4. Objectors have raised concern that the application will allow demolition of the rest of site. There are very strict policies to prevent loss of listed buildings and more importantly this is not part of the current proposals. The fact that a planning development brief was prepared in 2012 signalled that subject to significant safeguards that redevelopment was in principle acceptable to the Local Planning Authority. Among those caveats was to ensure that redevelopment does not negatively affect sports provision in the town and that a suitable beneficial use is found for the listed Club House. This application helps to ensure that adequate

tennis provision is secured. Objectors suggest this is a precursor to development they would oppose. It could also be argued that it removes an obstacle to any proposals which secure the future of the listed building. However, this is purely speculative, and the principal reason why this application is recommended for approval is that it would secure tennis facilities, for which there is an identified need.

11.5. Apart from sports provision or heritage-related concerns, the application is also considered to be acceptable relating to other relevant planning matters addressed in this report, or they are ones which can be suitably mitigated by conditions.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below:

- 1 The development hereby approved shall be carried out in strict accordance with the following plans received by the Local Planning Authority on 07/02/2024. This is unless otherwise agreed in writing by the Local Planning Authority:-

05965-5PA-B1-ST-DR-A-001000 - P03 - Location Plan
05965-5PA-B1-00-E-A-002000 - P03 - Proposed Site Plan
05965-5PA-B1-00-E-A-022000 - P03 - Groundworks Plan
05965-5PA-B1-00-E-A-022101 - P03 - Car Parking Proposal
05965-5PA-B1-00-E-A-022200 - P01 - Tree Works Plan
05965-5PA-B1-00-E-A-042000 - P03 - Proposed Elevations.

Reason: For the avoidance of doubt.

- 2 Unless otherwise first approved in writing by the Local Planning Authority the proposed weld mesh fencing shall be painted or coated in a dark colour (e.g. dark green or black) and shall not consist of exposed galvanised metal.

Reason: Having regard the appearance of the area and policies DEC1 and DEC5 of the adopted Scarborough Borough Local Plan.

- 3 Tree felling and pruning works shall be restricted to those specified as part of the application and shall be carried out in full accordance with the requirements of British Standard 3998 (2010).

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

- 4 Any excavation or other construction works taking place within the Root Protection Area of trees adjacent to development works shall accord with best arboricultural practice, including provisions that any excavations to take place using hand held or compressed air tools and not any mechanical digging equipment.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

- 5 Except to carry out works authorised by this planning permission, trees and hedgerows in the vicinity of the development (where the crown spread is within 1 metre of any development works), shall be retained and protected during construction work as follows :-
- a. Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
 - b. No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained.
 - c. No services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority.
 - d. No retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the area.

- 6 The use of the floodlighting hereby approved shall, except for safety reasons, only take place when the two illuminated tennis courts are in use or 30 minutes before or after such use takes place.

Reason: To protect the residential amenities of the occupiers of nearby dwellings, as well as the character and appearance of the area, having regard to policies DEC1, DEC4 and DEC5 of the adopted Scarborough Borough Local Plan.

- 7 The floodlighting hereby approved shall be provided in general accordance with the measures set out in the document prepared by Sports Lighting UK and submitted to the Local Planning Authority on 07/02/2024. This includes the provision of suitable cowling, and ensuring the angle of luminaires and their level of luminance when viewed from nearby dwellings and public roads comply with recommended standards consistent with Environmental Zone E3 as defined by the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light. If required by the Local Planning Authority, the lighting shall be adjusted/modified to ensure compliance with these criteria within 12 months of the lighting becoming operational.

Reason: To protect the residential amenities of the occupiers of nearby dwellings, as well as the character and appearance of the area, having regard to policies DEC1, DEC4 and DEC5 of the adopted Scarborough Borough Local Plan.

8 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- construction of the two parking areas on Weaponness Park prior to the opening of the facility.
- resurfacing of footway linking the constructed parking bays to the tennis courts, which is adopted highway, on Weaponness Park prior to the opening of the facility. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Informatives:

It is recommended that the following matters should be agreed in writing with the Local Highway Authority in advance of development taking place:

- an Agreement under Section 278 of the Highways Act 1980 in respect of any works to the existing highway.
- a Traffic Regulation Order to introduce restrictions controlling the proposed blue badge holders bay off Weaponness Park at the applicant's expense
- a Construction Management Plan.

Target Determination Date: 1 May 2024

Case Officer: Mr Hugh Smith
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