

**Planning Permission 12/03076/FUL  
at  
East Meadows Pavilion  
Melville Drive  
Edinburgh**

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**Development Management Sub-Committee  
of the Planning Committee**

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**1 Purpose of report**

To consider application 12/03076/FUL, submitted by Edinburgh Leisure. The application is for: **The installation of floodlighting to 6 of the existing 16 tennis courts, part change of use of the existing pavilion building to provide a takeaway food and drink operation and external alterations including formation of a ramped access**

It is recommended that this application be **Granted** by Committee.

**2 The Site and the Proposal**

**Site description**

The application site comprises an existing fenced tennis court area and single storey pavilion building located at the eastern end of the Meadows. The site is close to the junction of Melville Drive (A700) with Hope Park Crescent and Summerhill Crescent.

The tennis courts are laid out in two lines, each comprising 8 courts (16 courts in total), and are enclosed by a 2.5 metre high, wire mesh fence which is supplemented by a high hedgerow along its south western boundary. The courts are wholly contained within the wider Meadows area with public footpaths along all four sides. Those footpaths are illuminated by 5 metre high concrete, street lighting columns.

The pavilion building stands further to the east immediately adjacent to a children's play area. It is a modern, single storey building with a mono-pitched roof and timber clad walls and has been painted bottle green.

This property is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

### **Site History**

31 August 2012 - A planning application for; the installation of flood lighting to the southern half of the existing tennis courts, a part change of use of the changing facilities to provide a sandwich take-away shop and external alterations and to refurbishment include the formation of ramp; was withdrawn by the agent prior to determination (Ref 12/02234/FUL).

### **Pre-Application Process**

The proposal was the subject of pre-application discussions resulting from the issues raised by the previously withdrawn application.

### **Description Of The Proposal**

The application is for the installation of floodlighting part of the existing tennis courts and external alterations to the existing pavilion building including formation of a ramped access.

The floodlighting comprises the erection of 14 support columns. Each column is 8 metre high, supporting either one or two 1kW sodium lights (24 in total). It is proposed to illuminate only the eastern 6 tennis courts in the northern row. A detailed lighting scheme has been submitted with the application. That scheme assesses both the issues of light spillage from the proposed floodlighting and an automated switch-off mechanism set to 22:00 hours.

The proposal also includes alterations to the exterior of the existing pavilion building. These include a ramped and stepped access, 0.25 metres high, on the western elevation and new steps to the new access on the eastern elevation. They also include the insertion of new windows and doors within those two elevations. These are to be supplemented with external shutters at those times when the building is not in use.

The proposal also includes a part change of use of the existing pavilion building from the existing changing facilities and storage use to include a servery/preparation area, extending to 21.8 square metres, for a proposed food and drink takeaway facility. This is proposed entirely as an ancillary element in association with the use of the building as a tennis club. Accordingly, this part together with the inclusion of showers within the new changing facilities are wholly internal and do not constitute development requiring planning permission.

### **3. Officer's Assessment and Recommendation**

#### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area?  
If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

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

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

#### **ASSESSMENT**

To address these determining issues, the Committee needs to consider whether:

- (a) the scale and design of the proposals are appropriate to preserve or enhance the character and appearance of the conservation area; and
- (b) there will be any loss of residential amenity as a result of the proposals.

a) Marchmont, Meadows and Bruntsfield Conservation Area Character Statement states the conservation area is focused on the Meadows and Bruntsfield Links, the largest urban recreational parkland in the city, and includes many of the buildings that surround and define these open spaces. Activities and uses are focused on the importance of this recreational open space.

The alterations proposed are to an existing pavilion building which is of a modern utilitarian design. As such, the proposed alterations will not affect the essential open/parkland character of this part of the conservation area. Accordingly, the external ramp and stepped accesses would have a very limited visual impact on the building and its immediate surroundings.

The lighting columns will have a diameter of 0.2 metres at their base and 0.1 metres over the upper 6 metres of their height. Given the proposed number, their size and position, they will have only a limited visual impact on this part of the Meadows and from more distant views will be seen with a backdrop of mature trees.

The area of the tennis courts is presently lit by existing street lighting columns located along the public footpaths in the vicinity of the site. Accordingly, whilst the introduction of the proposed floodlighting would have a visual impact, that impact would be suitably controlled, as identified in the proposed lighting

schedule, such that any impact will be limited within this part of the conservation area.

These changes have a neutral effect and therefore this is considered an enhancement in terms of Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

b) Environmental Assessment has raised no objections to the proposal subject to the imposition of certain conditional restrictions on the future operation of both the floodlighting system and the food takeaway use within the pavilion.

One of the conditions proposed relates to noise and vibration from machinery or equipment and the potential impact on nearby living apartments. However, the nearest residential property is located some 43.5 metres to the north east and stands fronting onto a main road. Given the limited extent of the proposed takeaway use and that distance, the proposed condition would not be necessary in planning terms in this particular instance.

The submitted lighting scheme clearly identifies that all of the lighting overspill will be contained within the Meadows and will not impact on any of the neighbouring buildings situated to the north of North Meadow Walk and that the intensity of lighting will be appropriately controlled. It also clearly addresses those concerns related to the control of the hours of lighting at 22:00 hours. Accordingly, it is therefore not necessary to impose conditions controlling these matters.

Those conditions relating to the ancillary takeaway element cannot be implemented given that this element does not constitute development.

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines, preserve the character and appearance of the conservation area and would not prejudice residential amenity. There are no material considerations which outweigh this conclusion.

This application is required to be determined by Committee as the applicant is Edinburgh Leisure.

It is recommended that the Committee approves this application.

## **REASON FOR DECISION**

The proposals comply with the development plan and non-statutory guidelines and maintain the character of the conservation area and have no adverse effect upon neighbouring amenity.

**David R. Leslie**  
Acting Head of Planning & Building Standards

<b>Contact/tel</b>	John Maciver on 0131 529 3918
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<b>Ward affected</b>	A15 - Southside/Newington
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Urban Area
<b>Date registered</b>	29 August 2012
<b>Drawing numbers/ Scheme</b>	01-05 Scheme 1

**Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Paul Devaney, 0131 529 3911, paul.devaney@edinburgh.gov.uk

**Application Type** Planning Permission  
**Application Address:** East Meadows Pavilion  
Melville Drive  
Edinburgh

**Proposal:** The installation of floodlighting to 6 of the existing 16 tennis courts, part change of use of the existing pavilion building to provide a takeaway food and drink operation and external alterations including formation of a ramped access

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## Consultations, Representations and Planning Policy

### Consultations

### Environmental Assessment

*The application proposes the floodlighting of the six existing north east tennis courts and to change the use of the changing facilities into a hot-food takeaway. Currently the facilities are often used until 22:00 hours, weather permitting. There are residential properties located to the north of the courts off Boroughloch.*

*The applicant submitted supporting information in the form of a lighting assessment. The information provided shows that both glare and light spillage are likely to be within the acceptable limits for this development. An automatic switch-off device will be installed to turn lighting off at 22:00 hours.*

*The proposed hot-food takeaway is located further to the east adjacent to the children's play park. The applicant has advised that this will only operate until 22:00 hours and will be operated by "Edinburgh Leisure and Tennis Centre".*

*Therefore this department has no objections to the proposal for the courts being floodlit or the operation of a hot food takeaway at this location subject to the following conditions:*

#### Tennis Courts

*1. The floodlighting system shall be so controlled so there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux. Additionally, glare shall be so controlled to ensure that no bulb or bulb reflecting surface be visible within any residential premises.*

*2. The hours of operation of the floodlighting system shall be restricted to 08:00 hours-22:00 hours daily controlled with an automatic switch off.*

3. *The area of illumination should be as shown within 'Meadows City Tennis Centre, Outdoor Tennis Lighting Design (Ref 3142a),' dated 17 August 2012. No change to the designed scheme shall take place with the prior written approval of the Head of Planning.*

Class 3 use

4. *The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

5. *The hours of operation of the takeaway shall be restricted to 08:00 hours-22:00 hours daily.*

**Transport**

*Has no objections.*

**Representations**

The application was advertised on 7 September 2012 and attracted 43 letters of representation. Two letters, from the Southside Association and one neighbour, are objections. There is one letter of comment and 40 letters of support from the Meadows City Tennis Club (based at the Meadows Tennis Courts) and 39 residents; of which a large number are members of the club.

The material points of objection/concern are:

- a. Conservation and Design issues, taken account of in assessment (a):
  - impact on wildlife; and
  - the character of the conservation area.
- b. Amenity issues, taken account of in assessment (b):
  - noise and disturbance.

The letters of support refer to the benefits of permitting the playing of tennis in the evenings throughout most of the year and the upgrade of the building and facilities for all park users.

***Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).***

**Planning Policy**

**Edinburgh City Local Plan - Designated Conservation Area, Open Space and Urban Area.**

## **Relevant Policies:**

### **Relevant policies of the Edinburgh City Local Plan.**

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

### **Other Relevant policy guidance**

The Marchmont, Meadows and Bruntsfield Conservation Area is characterised by well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'FOOD AND DRINK ESTABLISHMENTS' provide guidance on the location of such uses and set out conditions to control their impact.

### **Other Relevant policy guidance**

The Marchmont, Meadows and Bruntsfield Conservation Area is characterised by well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

## Appendix B



**Application Type** Planning Permission  
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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to any conditions, reasons and informatives stated below.

### Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

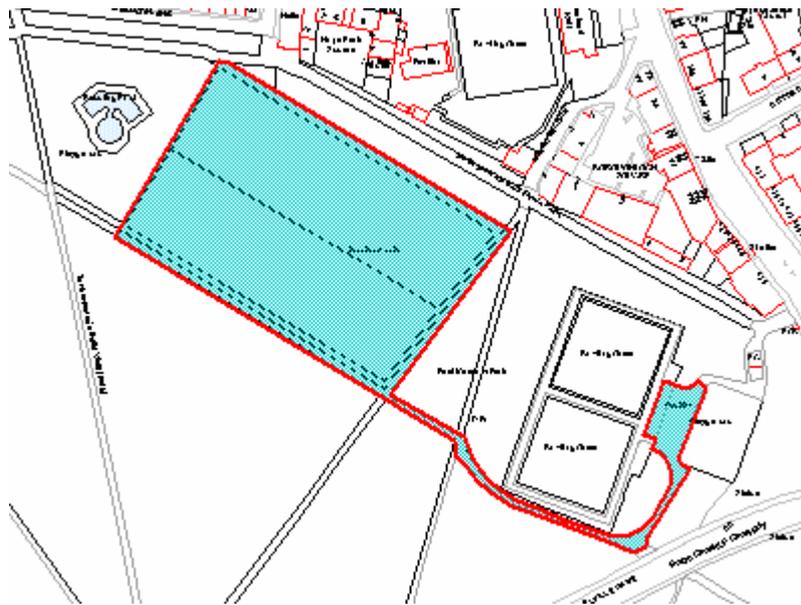
**End**

## Appendix C

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### Location Plan

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