

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01121/PP

Planning Hierarchy: Local

Applicant: Mr Gerry Boyle

Proposal: Construction of an all weather sports court and the erection of associated lighting and fencing

Site Address: Strath of Appin Primary School, Tynribbie, Appin

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Construction of an all weather sports court;
- Erection of associated lighting and fencing.

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

Having due regard to the development plan and all other material planning considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

06/00364/CPD

Alterations in connection with Disability Discrimination Act (changes to door openings and ramps etc). *No objection 23rd February 2006*

(D) CONSULTATIONS:

Area Roads Manager (23rd December 2010) – no objection

Public Protection (10th December 2010) – no objection subject to conditions

(E) PUBLICITY:

'Regulation 20 – Advert Local Application' expired 6th January 2011.

(F) REPRESENTATIONS:

One letter of representation has been received from;

- Mr and Mrs MacKenzie, 4 Tynribbie Place, Tynribbie, Appin, Argyll and Bute, PA38 4DS (e-mail dated 04.01.2011)

The concerns raised are summarised as follows:

- The proposed development will cause an increase in the volume of traffic using an already inadequate access, turning and parking facilities.

Comment: The Area Roads Manager has no objection in relation to the impact which the proposed development will have upon the existing access, turning and parking facilities.

- The amount of noise generated by participants using the proposed all-weather sports court, particularly during the evenings, would be intolerable and would cause a detrimental impact upon the amenity of adjacent properties.

Comment: Public Protection raise no objection in relation to the potential for noise nuisance. The sports facility is within the grounds of an existing school on land currently used as a grassed sports pitch, where outdoor evening activities can already take place.

- We already experience considerable aggravation during the evenings and weekends with local youths drinking and running about in the immediate vicinity of the school and its playground. We have had to contact the Police on several occasions. Associated littering and vandalism is also a problem, with litter and glass bottles etc being thrown into our garden.

Comment: Any acts or alleged acts of anti-social behaviour should be reported to the police. This is outwith the jurisdiction of the Planning Authority.

- The proposed development includes lighting which would cause light pollution within the surrounding area. Implementation of strong lights would be very intrusive and would have a negative impact upon both the natural and built environment.

Comment: Public Protection Services recommend that a condition should be attached in order to eliminate the potential for light nuisance and glare beyond

the boundary of the site. Conditions recommended below include this provision, which is appropriate in the circumstances.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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|---|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |
| The applicant submitted further information in relation to the floodlighting, fencing, purpose of the sports court and the specified hours of use. | |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
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(H) PLANNING OBLIGATIONS

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| (i) Is a Section 75 agreement required: | No |
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| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application**

'Argyll and Bute Structure Plan' 2002

Policy 'STRAT DC 1 – Development within the Settlements'

'Argyll and Bute Local Plan' 2009

Policy 'LP ENV 1 – Development Impact on the General Environment'

Policy 'LP ENV 19 – Development Setting, Layout and Design'

Policy 'LP TRAN 4 – New and Existing, Public Roads and Private Access Regimes'

Policy 'LP TRAN 6 – Vehicle Parking Provision'

Policy 'LP REC 1 – Sport, Leisure and Recreation'

Policy 'LP COM 1 – Community Facility Development'

Appendix A: Sustainable Siting and Design Principles

Appendix C: Access and Parking Standards

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009

Scottish Planning Policy (Feb 2010)

The Town & Country Planning (Scotland) Act, 1997

The Planning etc. (Scotland) Act, 2006

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN 41 or other): No

(P) Assessment and summary of determining issues and material considerations

The proposal constitutes the development of an all-weather sports facility on the site of existing grass football pitch, which is intended to serve Strath of Appin Primary School and the wider community of Appin for educational and recreational uses respectively, subject to controlled access by the school. The development of recreational/community facilities within settlement areas is supported by local plan policy subject to there not being an unacceptable amenity or other environmental constraints.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

The proposal for the construction of an all weather sports court and the erection of associated lighting and fencing on land which is situated within the confines and to the west of Strath of Appin Primary School, which is intended to serve the school and the wider community of Appin for educational and recreational uses respectively.

The proposal satisfies Policy 'STRAT DC 1' of the Argyll and Bute Structure Plan 2002 and Policies 'LP ENV 1', 'LP ENV 19', 'LP TRAN 4', 'LP TRAN 6', 'LP REC 1' and 'LP COM 1' of the Argyll and Bute Local Plan 2009. There are no material considerations, including matters raised by third parties, which would warrant the refusal of planning permission.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A – the proposal is in accordance with the Local Development Plan

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Walter Wyllie
Reviewing Officer: Stephen Fair

Date: 31st January 2011
Date: 23rd February 2011

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01121/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th June 2010 and the approved drawing reference numbers:

- Plan 1 of 4 (Location Plan at a scale of 1:2500)
- Plan 2 of 4 (Site Plan at a scale of 1:500)
- Plan 3 of 4 (Proposed Block Plan of All Weather Sports Court at a scale of 1:200 and Proposed Elevations of Fencing at a scale of 1:200 and 1:100)
- Plan 4 of 4 (Proposed Goal and Basketball Hoop at a scale of 1:25)

Reason: For the purpose of clarity and to ensure that the development is implemented in accordance with the approved details.

3. Prior to commencement of development, full details of all proposed external lighting and measures to prevent light spillage or nuisance beyond the site boundary, in accordance with the Institute of Lighting Engineers published guidance, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed and maintained in strict accordance with such details as are approved, unless any subsequent variation thereof is agreed in advance in writing by the Planning Authority .

Reason: In order to eliminate the potential for light nuisance and glare beyond the boundary of the site.

4. Unless otherwise first agreed in writing by the Planning Authority, the the sports court hard-standing and the powder coated steel fencing shall be finished in a dark green colour.

Reason: In the interests of visual amenity and to ensure that the proposal is compatible with the character of the immediately surrounding environment.

5. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing in advance by the Planning Authority.

Reason: In the interests of visual amenity and to ensure that the proposal is compatible with the character of the immediately surrounding environment.

6. Unless otherwise agreed in advance in writing by the Planning Authority, the sports pitch shall only be used between the hours of 0900 and 2100 on any day and must be vacated, with the lighting switched off at all times out with these hours.

Reason: In the interests of protecting neighbouring residential amenity at unsocial hours.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01121/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

With reference to the 'Argyll and Bute Local Plan' 2009, the application site is situated within the 'settlement' zone for Appin. With reference to the 'Argyll and Bute Structure Plan' 2002, Policy STRAT DC 1 – Development within the Settlements states that within the 'minor settlements' encouragement shall be given to appropriate small scale infill, rounding-off and redevelopment. In this case, the proposal constitutes the redevelopment of an existing grass football pitch with an all-weather sports court which shall be situated within the confines of and to the west of Strath of Appin Primary School. The proposed all-weather sports court shall serve Strath of Appin Primary School and the wider community of Appin for educational and recreational uses respectively. Therefore, the proposal satisfies Policy STRAT DC 1 as it constitutes an acceptable form of small scale redevelopment.

B. Location, Nature and Design of Proposed Development

The application site is situated on land within the confines of Strath of Appin Primary School which is situated on the north western periphery of the minor settlement of Appin. Situated directly to the north of the application site is a band of existing trees and further to the north is the Oban – Fort William Cycleway. Situated directly to the west is a band of existing trees and further to the west is open agricultural land. Situated directly to the south of the application site is the existing property 'Tynribbie Bungalow' and situated directly to the east is the primary school building. The existing band of trees which are situated along the northern and western boundaries of the application site will help screen the proposed development from the surrounding environment and these should not be removed without consent from the Planning Authority (recommended condition 5).

The principal purpose of the proposal is to provide an all-weather recreational and educational sports facility which shall support activities such as informal and formal games of basketball, 5-a-side football, shinty, netball and tennis. The proposed sports court will be primarily used by Strath of Appin Primary School for physical education, outdoor learning and active school activities. However, the proposed sports court will also be used by the wider community of Appin for activities such as fund raising events etc.

With regards to a design statement submitted by the applicant, the intended hours of operation for the proposed sports court will be approximately as follows:

- Monday – Friday (09:00 – 17:00) School and Active Schools use;
- Monday – Friday (17:00 – 21:00) Informal and Formal recreational use including clubs and coaching; and
- Saturday and Sunday (09:00 – 21:00) Informal and Formal recreational use including clubs and coaching.

With reference to the 'Argyll and Bute Local Plan' 2009, Policies LP REC 1 and LP COM 1 state that there is a general presumption in favour of new or improved sport, recreation and community facilities provided that the development is of a form, location and scale consistent with Policy STRAT DC 1, does not cause any evident amenity issues within the immediately surrounding area, and is readily accessible and located close to where people live. The proposal satisfies Policies LP REC 1 and LP COM 1 as the proposal is consistent with Policy 'STRAT DC 1, will not cause any amenity issues within the

immediately surrounding area subject to the requirements of recommended condition 3 being met, and is located within the minor settlement of Appin which ensures that the proposal is accessible and located close to where people live.

The site area for the proposed development measures approximately 840 square metres with the actual footprint of the proposed sports court only measuring 615.6 square metres. The proposed sports court will measure approximately 3.9 metres in height to the top of the basketball hoop, 34.7 metres in length and 18.8 metres in width. The hard-standing for the sports court will be finished in dark green colour and the associated fencing will be finished in a fully galvanised, dark green coloured powder coated steel finish.

Local Plan Policies LP ENV 1 and LP ENV 19 state that in all development control zones the Council will assess applications for planning permission for their impact on the natural, human and built environment and will require a high standard of appropriate design which shall accord with the design principles set out in 'Appendix A'. The proposal will be located approximately 40 metres away from the nearest surrounding residential property which is 'Tynribbie Bungalow' which is situated to the south of the application site and a condition has been attached (recommended condition 3) which shall ensure that the potential for light nuisance and glare beyond the boundary of the application site will be eliminated. The size, scale, proportion and design of the proposed sports court is acceptable and due to the location, within the confines of an existing primary school, will not cause any detrimental visual impact upon the surrounding environment. The proposal will also not cause any evident privacy or amenity issues within the immediately surrounding area, particularly given the intention to limit use during unsocial hours (recommended condition 6.)

C. Road Network, Parking and Associated Transport Matters

The proposal involves no alterations to the existing vehicular access or parking arrangements. During the determination process of this planning application the Area Roads Manager was consulted and has not raised objection. Therefore, the proposal satisfies Policies LP TRAN 4 and LP TRAN 6 of the 'Argyll and Bute Local Plan' 2009.

D. Infrastructure Considerations

There are no drainage or water supply infrastructure arrangements required for this proposal as surface water run off will be naturally absorbed within the existing school grounds. However, it is proposed to erect associated lighting and fencing. A condition has been recommended which shall ensure that the potential for light nuisance and glare beyond the boundary of the application site will be eliminated.