

## REGULATORY PANEL: 14 NOVEMBER 2024

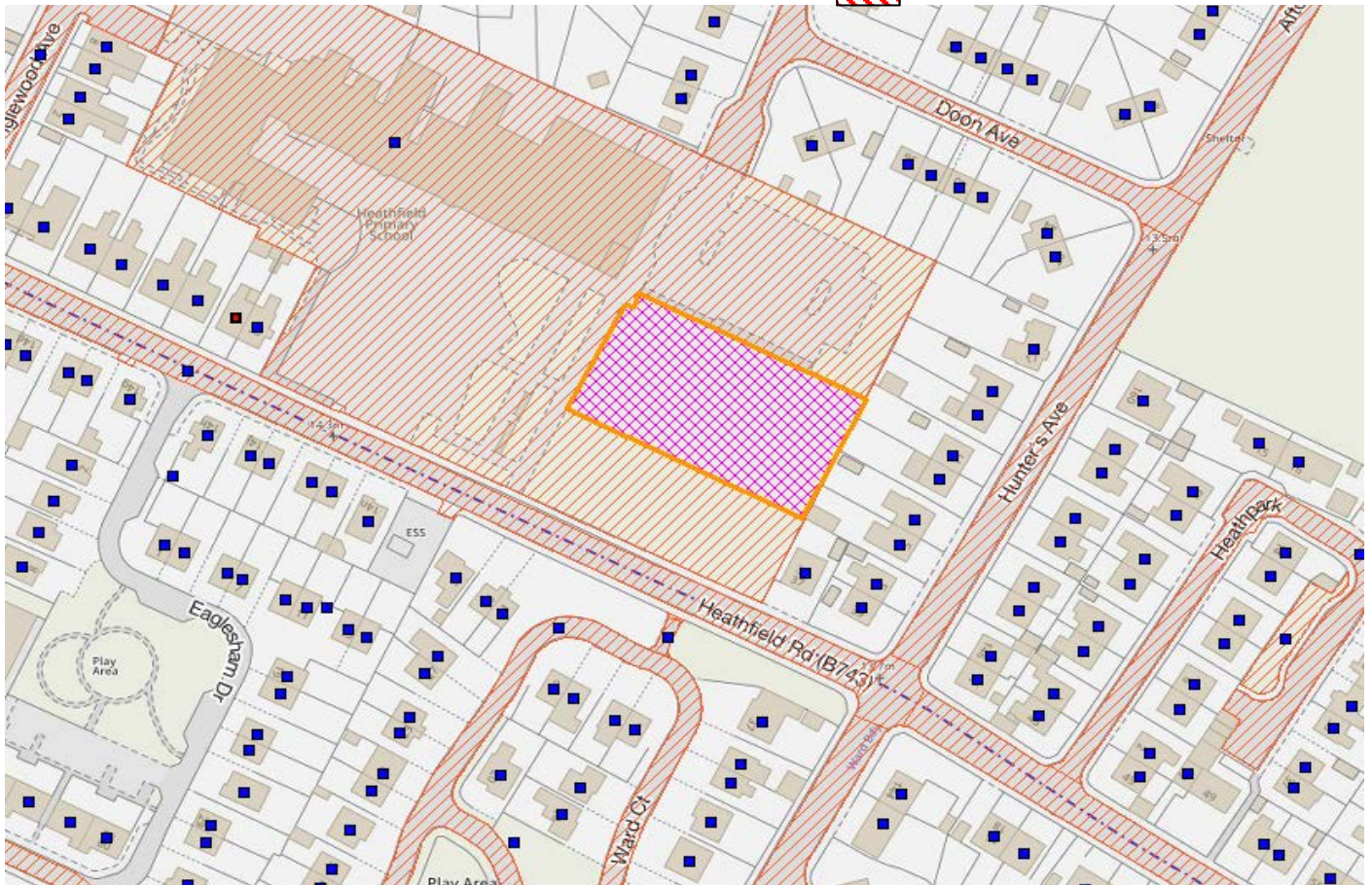
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

24/00538/APP

31 HEATHFIELD ROAD AYR SOUTH AYRSHIRE KA8 9DR

#### Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

### Summary

Planning permission is sought for the formation of an all-weather play court, the erection of fencing, the erection of floodlighting and associated development so as to upgrade and improve the existing open space and play facilities within the curtilage of Heathfield Primary School, Ayr.

The applicant is South Ayrshire Council, and the land is under the ownership of the Council. The site is designated in the Adopted South Ayrshire Local Development Plan 2 (LDP2) as being a community facility. The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the amenity of the locality. Accordingly, it is recommended that the application is approved subject to conditions.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objection has been received.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

### REGULATORY PANEL: 14 NOVEMBER 2024

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>24/00538/APP</b>
<b>SITE ADDRESS:</b>	<b>31 Heathfield Road Ayr South Ayrshire KA8 9DR</b>
<b>DESCRIPTION:</b>	<b>Formation of all weather play court, erection of fencing, erection of floodlighting, and associated development</b>
<b>RECOMMENDATION:</b>	<b>Approval with conditions</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### Key Information:

- The application was received on 16 July 2024.
- The application was validated on 9 August 2024.
- A Site Visit was carried out by the Planning Authority on 13 September 2024.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 19 August 2024.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 10 September 2024.

#### 1. Proposal:

The application site is contained within the curtilage of Heathfield Primary School, which is located at 31 Heathfield Road, Ayr. The school sits within large grounds forming part of the wider school estate and more specifically comprises of the school building, the hard-surfaced playground both of which are positioned to the north-west of the grounds, grassed open space lies to the south-east, and an associated car park area is positioned to the north. The topography of the school grounds at Heathfield is generally flat. The application site relates to a portion of the grassed open space/ play area to the south-east of the site, and contains timber play equipment close to the north-eastern boundary. The site is bound by the school car park to the north and north-west, residential properties to the south-east, and the by the school grounds on the remaining boundaries.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

Planning permission is sought for the formation of an all-weather play court, the erection of fencing, the erection of floodlighting and associated development, so as to upgrade and improve the existing open space and play facilities within the school grounds. An all-weather court measuring approximately 36 metres by 24 metres is proposed within the north-western portion of the site, powder coated galvanised metal weld-mesh fencing ranging from 1.0 to 4.0 metres in height is proposed around the perimeter of the court, with a new path around the outer perimeter to facilitate access. Four, 6.0-metre-high LED floodlights are proposed in each corner of the play court. The lights will be affixed to extended corner fence posts rather than stand-alone columns. Two new in-ground trampolines are proposed to the south-east of the new court, with new tree planting proposed along the south-eastern boundary with the adjacent residential properties. A free-standing climbing wall is to be positioned in the north-western corner of the site. The existing timber play equipment within the open space is to be re-positioned closer to the north-eastern boundary of the site.

From an operational perspective, the submission confirms that the development shall primarily be for the use of the pupils at Heathfield Primary School during the operation of the school. Outwith the operation of the school, the facilities shall be available for use by the local community. The floodlighting shall operate during the hours of darkness on a timer, and shall turn off at 2130, thereby preventing use of the facility beyond this time.

### **2. Consultations:**

**Council's Environmental Health Service** - no objection.

**Ayrshire Roads Alliance** - no objection, subject to conditions.

### **3. Submitted Assessments/Reports:**

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

None.

### **4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

### **5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

### **6. Representations:**

One representation has been received, which objects to the proposed development. All representations can be viewed online at ([Application Summary](#))

The issues raised by Representees can be summarised as follows;

- Residential amenity concerns – potentially from noise and light;
- Operational arrangements of facility – no details of out of hours supervision;
- Submitted information – no measurements on drawings;

A response to the issues raised is included within the assessment section of this report.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly.

### 7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

#### (i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- National Policies 1 and 2 - Tackling the climate and nature crises, and Climate Mitigation and Adaptation;
- Policy 9 Brownfield, vacant and derelict land and empty buildings;
- Policy 13 Sustainable Transport;
- Policy 14 Design, Quality and Place;
- Policy 15 Local Living and 20-minute neighbourhoods; and
- Policy 21 - Play recreation and sport;

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

NPF4 Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as a key to reducing emissions. In particular, Policy 9 emphasises the need to make efficient use of existing buildings, land and infrastructure and to redevelop rural and urban brownfield sites before greenfield sites. NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. With regards to 'Placemaking', NPF4 Policy 14 states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. NPF4 Policy 13 supports accessible places supported opportunities for public transport, walking and cycling. The school is accessible by all modes of sustainable transport; walking, wheeling, public transport and due to its location within a settlement, is accessible by walking. The proposals are intended to provide additional and improved recreational facilities for children in an accessible location. Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. Policy 21 specifically encourages the provision of spaces and opportunities for play, recreation and sport.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

In this instance, the development proposals involve the provision of recreational facilities within the curtilage of an existing and established primary school. Therefore, the proposals relate to the use of the land, and are appropriately positioned on the school's grassed recreational area. The proposals are intended to primarily benefit the pupils of the primary school, but would also be available for informal use by nearby residents outwith the operation of the school. Given the aforementioned, the proposals are considered to represent the improvement of an existing community facility for the benefit of users of the facility, and the nearby community.

Overall, and for the reasons noted within this report, it is considered that the proposal accords with the provisions of NPF4.

(ii) South Ayrshire Local Development Plan 2

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- Core Principle B2: Community Focused Development;
- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Community Facilities;
- Land Use and Transport, and
- Air, Noise and Light Pollution.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Core Principle B2 states that the Council will support community focused development which support community-based projects provided they have no significant adverse environmental impact; facilitate the development of sports and leisure facilities and safeguard existing community facilities.

Strategic Policy 1: Sustainable Development seeks to support the principle of sustainable development by making sure that development respects, protects and where possible, enhances natural, built and cultural heritage resources. Strategic Policy 2: Development Management ensures development is in accordance with the site's land use and will be appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land use. In addition, development should be suitable in terms of its bearing on residential amenity, infrastructure implications and contribute to the efficient use of public services and facilities.

As noted above, the development proposals involve the provision of recreational facilities within the curtilage of an existing and established primary school. The proposals are intended to primarily benefit the pupils of the primary school, but would also be available for informal use by nearby residents outwith the operation of the school. There are no concerns regarding the siting of the development which is appropriately sited within the existing open space and grassed recreational area which is contained within the existing curtilage of the school. Given the aforementioned, the proposals are considered to improve and make a positive contribution to an existing community facility which ensures the continued use of the school for the benefit of the wider community. It is recognised that, although the application site is designated as a community facility, it is situated adjacent to residential properties. Therefore, careful consideration of any impact from the application proposals on residential amenity in the vicinity, is set out further below. However, the principle of the development proposal is considered to accord with the strategic policies of the development plan.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

Consultation responses received have not raised any objections to the proposals. Planning conditions and advisory notes can be attached to any permission to suitably manage any planning matters arising because of the development. On this basis, it is considered that the development proposals to upgrade and improve an existing school has the potential to make a positive contribution to local amenities, in terms of the provision of improved and additional community facilities at the locale. This aligns with this policy objective of the LDP in relation to supporting community facilities.

LDP Land Use and Transport policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. It is noted that the car parking provision within the school grounds is not impacted as a consequence of the proposal. The existing parking within the curtilage of the school grounds will remain unchanged in terms of numbers, and therefore unaffected by the proposals. It is also noted that the school is accessible via various modes of transport for the local community, including walking, cycling, wheeling and public transport links. As noted above, the ARA have no objection to the development proposal from a traffic and transport perspective. On this basis, it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

LDP Air, Noise, and Light Pollution policy recognises the role of the Council's Environmental Health Service as a regulator. The proposed lighting consists of four, 6 metre high floodlights, positioned in each corner of the pitch, and affixed to extended corner fence posts rather than stand-alone columns. The proposed lighting is considered to have a similar height and form to that of streetlights, and it is considered that their visual aesthetic will not detract from the character or appearance of the locale. The Council's Environmental Health Service has been consulted and has offered no objection. Specifically, the Environmental Health Service recommend that the facility shall not be utilised later than 2200, and also that the proposed lighting accords with the Institute of Lighting Professionals 'Guidance Note for the Reduction of Obtrusive Light'. As noted above, the lighting shall operate during the hours of darkness, until 2130. Appropriate conditions can be attached to meet with the aforementioned. Therefore, subject to suitable conditions being attached to any permission it is not considered that the proposals shall present an issue in terms of light or noise pollution.

Overall, for the reasons noted above, and elsewhere in this report, the proposals are considered to accord with the above noted policies of the development plan comprising of the combined provisions of NPF4 and the SALDP.

### (iii) Other Policy Considerations (including Government Guidance)

None.

### (iv) Objector Concerns

The representation received in relation to the proposal is summarised, and responded to below, as follows;

- Potential for lighting to adversely impact on amenity of adjacent property if extending outwith court;

As set out above, the Council's Environmental Health Service has offered no objections to the proposals. Suitable conditions can be attached requiring the lighting to meet with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light so to ensure the amenity of neighbouring properties are appropriately safeguarded. In addition, the submission confirms that the lighting shall be switched off at 2130. Given the aforementioned, and for the reasons noted within this report, it is not considered that the proposed lighting and operation of the facility will adversely impact any adjacent residential properties; the application is considered in this context.

## Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

- Potential for noise nuisance to occur, particularly at evenings and weekends;

Nearby residential properties experience a level of amenity which is commensurate with their location adjacent to an existing operational primary school and its grounds. The application site forms part of the grassed area in the south-eastern part of the school grounds, and is currently utilised for formal and informal recreational activities; in this regard the use of the site for the provision of more a formal recreation facility is consistent with the established use of the site. In addition to the school grounds being utilised during term time, the site currently permits public access outwith the operation of the school; this might include an access route to/ from the shops at Heathfield Road/ Prestwick Road, or to provide local children with an opportunity to use the school grounds for recreational purposes. Under the proposals, the development will continue to provide public access outwith the operation of the school, and therefore there is no change to the current operational arrangements, which is considered to reflect the role of the school and its grounds, as a community facility for local residents to enjoy. Therefore, it is considered that nearby residential properties shall continue to experience a level of amenity which is reflective of their location adjacent to a primary school. Notwithstanding, any potential anti-social behaviour, should it occur, is a matter for the Police, in conjunction with the Council as the Education Authority.

- Existing fencing on boundary with neighbouring houses might be insufficient;

No new boundary fencing is proposed over and above the existing metal fencing which exists at the site. Notwithstanding, the submitted drawings show the planting of trees along the boundary shared with the neighbouring properties, suggesting 9 new trees to be planted along this boundary. For the reasons noted within this report, the development is considered to be acceptable irrespective of whether new landscaping is proposed. Notwithstanding, it is considered that the proposed planting of trees along the aforementioned boundary provides scope for a more natural boundary over and above the existing fencing.

- The drawings do not show detailed measurements of the development, and distance to neighbouring properties;

A summary of the description of the development is set out above. The application drawings are drawn to scale, and can therefore be measured using the appropriate scale. The submitted drawings show the proposed pitch to be located approximately 22 metres from the boundary shared with the neighbouring properties. The proposed in-ground trampolines are to be positioned approximately 13.5 metres from the shared boundary. The proposed trampolines sit flush with the ground, and have a 1.5 metre high enclosure. The proposed free standing climbing wall is a piece of play equipment to be positioned on the opposite side of the proposed pitch and closer to the school (approximately 62 metres from the houses to the south-east). While an image of the climbing wall has been provided, no measurements have been submitted, and therefore a suitable condition is required. The existing timber play equipment currently exists at the site, and is to be positioned further to the north and away from residential properties.

- No information regarding the management of use of equipment and any provision for out of hours supervision of use;

The submission confirms that the facility shall be utilised by pupils of the school during normal school term time operation. Outwith the operation of the school, the facility shall be open and available for use by the local community. With regard to the floodlights, these are to be programmed to turn off at 2130, which will naturally prevent the use of the pitch after this time. Should there be a need to further manage the out of hours use of the facility, this would more appropriately be a matter for the Council as the landowner, and Education Authority, than a matter for the Planning Authority.

### (v) Impact on the Locality

The development proposals involve the provision of recreational facilities within the curtilage of an existing and established primary school. Therefore, the proposals relate to the use of the land, and are appropriately positioned on the school's grassed recreational area. There are no concerns regarding the proposals, which are considered to be appropriately, sited and designed, noting that all of the development is set between 13 and 22 metres off the boundaries with the nearby properties, which is considered an acceptable separation distance.



## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

Overall, the proposals are considered to improve and make a positive contribution to an existing community facility which ensures the continued use of the school for the benefit of the wider community. It is recognised that, although the application site is designated as a community facility, it is situated adjacent to residential properties. As noted above, it is considered that nearby residential properties shall continue to enjoy a level of amenity which is reflective of their location adjacent to a primary school which currently permits public access outwith the operation of the school. Under the proposals, access to the development will continue to provide public access outwith the operation of the school, and therefore there is no change to the current operational arrangements, which is considered to reflect the role of the school and its grounds, as a community facility for local residents to enjoy. As noted above, any potential anti-social behaviour, should it occur, is a matter for the Police, in conjunction with the Council as the Education Authority.

Appropriate conditions and advisory notes can be attached to any permission in terms of the hours of operation of the facility and the floodlights, the need for the lighting to meet the relevant requirements, details of the climbing wall, and so as to agree the landscaping details.

### **8. Conclusion:**

The proposed development complies with the development plan for the reasons as outlined above. The proposal is considered to have an acceptable relationship to surrounding land and buildings, and an acceptable impact on the locality. The consultation responses do not raise any issues of over-riding concerns. Equally, the points raised in the representation have been fully considered, but do not raise any issues that would merit a different recommendation. On this basis, it is considered that the application is approved with conditions.

Given the above assessment, it is recommended that the application is approved, subject to conditions.

### **9. Recommendation:**

It is recommended that the application is approved, subject to the following conditions (C) and reasons (R).

- (1C) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (1R) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2C) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2R) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3C) That, prior to the commencement of development details shall be submitted for the prior written approval of the planning authority of the lighting which shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of the Council's Environmental Health Service and to the satisfaction of the Planning Authority. Thereafter the lighting shall be implemented as per the agreed specification, and shall operate in the evening hours of darkness, and not beyond 2130 hours daily.
- (3R) In the interests of residential amenity, and to accord with the advice of the Council's Environmental Health Service.
- (4C) That before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard.
- (4R) In the interest of visual amenity.
- (5C) That the development hereby permitted under this application shall not operate beyond 2200 each day.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 24/00538/APP)

- (5R) In the interests of residential amenity, and to accord with the advice of the Council's Environmental Health Service.
- (6C) That, prior to the commencement of development details shall be submitted for the prior written approval of the planning authority of the climbing wall. Thereafter, the climbing wall shall be implemented as per the agreed details.
- (6R) To clarify the terms of the development.

**Advisory Notes:**

N/A

**9.2 List of Determined Plans:**

Drawing - Reference No (or Description): SAC/HPS-103

Drawing - Reference No (or Description): SAC/HPS-106

Drawing - Reference No (or Description): SAC/HPS-100 B B

Drawing - Reference No (or Description): SAC/HPS-100 C

Drawing - Reference No (or Description): SAC/HPS-101A Layout A

Drawing - Reference No (or Description): SAC/HPS-102

Drawing - Reference No (or Description): SAC/HPS-105

Supporting Information - Reference No (or Description): Operational information and email of 28.10.2024

Supporting Information – Lighting Product data sheet and brochure

Supporting Information – Climbing Wall image

Supporting Information – Trampoline image

**9.3 Reason for Decision (where approved):**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

**Background Papers:**

1. Application form, drawings and supporting information
2. Representation
3. National Planning Framework 4 (NPF 4)
4. Adopted Local Development Plan 2 (LDP2)
5. Consultation responses

**Integrated Impact Assessment:**

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore no separate Integrated Impact Assessment is required.

**Person to Contact:**

Fiona Sharp, Supervisory Planner (Development Management) - Telephone 01292 616 147