

REGULATORY PANEL: 23 JUNE 2022**REPORT BY PLACE DIRECTORATE****22/00093/APP****VICTORY PARK AND PAVILLION SOUTH PARK AVENUE GIRVAN SOUTH AYRSHIRE****Location Plan**

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Summary

Planning permission is sought for the construction of a 3G artificial grass surfaced sports pitch with associated fencing, floodlighting, access paths, service access road and drainage at Victory Park, South Park Avenue, Girvan. The application site is identified as open space through the provisions of the South Ayrshire Local Development Plan. The formation of the proposed 3G artificial grass surfaced sports pitch is considered to ensure the continued open space use of the site and the proposed fencing and floodlighting are considered to be ancillary to this leisure use.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, the emerging development plan, Scottish Planning Policy, PAN65, consultations, representations received, and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of the local development plan and the emerging local development plan 2. The consultation responses do not raise any issues of over-riding concern. The matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, there are no policy objections. It is considered that the proposal will not have an unacceptable impact on the character, setting or appearance of the site, or the wider locality. The application has been considered in this context. Accordingly, the application is recommended for approval, subject to conditions.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 23 JUNE 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00093/APP
SITE ADDRESS:	VICTORY PARK AND PAVILLION SOUTH PARK AVENUE GIRVAN SOUTH AYRSHIRE
DESCRIPTION:	CONSTRUCTION OF A 3G ARTIFICIAL GRASS SURFACED SPORTS PITCH WITH ASSOCIATED FENCING, FLOODLIGHTING, ACCESS PATHS, SERVICE ACCESS ROAD AND DRAINAGE
RECOMMENDATION:	APPROVAL WITH CONDITIONS

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.

1. Proposal:

Planning permission is sought for the construction of a 3G artificial grass surfaced sports pitch with associated fencing, floodlighting, access paths, service access road and drainage at Victory Park, South Park Avenue, Girvan.

The application site is located within the boundaries of Victory Park, Girvan. The site is bound by Victory Park Road and residential developments to the west, North Park Avenue to the north, further playing fields to the east and South Park Avenue to the south. Approximately 230 metres east of the site, the Mill Burn flows in a generally north-westerly direction, with Girvan Academy approximately 50 metres further east of the eastern site boundary. Victory Park includes a formal play park and formal playing fields; and is identified in the South Ayrshire Local Development Plan as an area of open space. In total, the application site covers an area of approximately 10,050 square metres. It should be noted that the existing play park/ play equipment would require to be relocated with Victory Park should planning permission be granted for the proposal and, while not forming part of this application, it is proposed to be re-located to the north-east of the existing footpath that traverses the centre of the site.

The proposed 3G sports pitch would occupy a footprint of approximately 8468 square metres and the playing surface would be constructed of synthetic materials. A wire mesh fence would be positioned around the perimeter of the pitch and would reach a height of 3 metres. A total of 8 floodlights are proposed around the perimeter of the pitch and would reach a height of 15 metres. It is understood that the facility will be utilised by both the nearby Girvan Academy and Girvan Primary School, as well as being available for public use. The application submission notes that the formal play park is to be reallocated as a consequence of the development proposals under consideration.

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.

2. Consultations:

Environmental Health - offer no objection but indicate that the proposed facility should not exceed specified DB levels of noise. Environmental Health also indicate that the proposed facility should not be in use before 8.00am and after 10.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction shall be submitted.

Scottish Environment Protection Agency - offer no objection but indicate that under SEPA's Flood Risk and Land Use Vulnerability Guidance on outdoor sports and recreation and essential facilities...' the proposals are considered to be 'water compatible' in terms of their susceptibility and resilience to flooding. SEPA note the Flood Risk Assessment states that existing ground levels are to be maintained, to ensure that no existing functional flood plain storage is compromised. SEPA therefore do not intend on offering site specific comments pertaining to the application proposals.

Ayrshire Roads Alliance - offer no objection subject to conditions.

West Of Scotland Archaeology Service - no objection, subject to a suitable planning condition requiring the submission of a written scheme of investigation to determine the character and extent of any archaeological remains within the proposed development area. This aspect can be dealt with via an appropriate planning condition.

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.

Ecological Impact Assessment – The Ecological Impact Assessment recommends mitigation measures, including the retention and protection of existing trees. The assessment considers that when the recommendations are taken into consideration the overall impact of the proposed development on the key ecological constraints and considerations is reduced to an acceptable level. The assessment therefore concludes that any potentially significant ecological impacts can be met and reduced to an acceptable level.

Additionally, the Ecological Impact Assessment states that the new development has potential to bring local biodiversity benefit through the range of enhancement measures for biodiversity recommended within this report, although it should be noted that the developer is under no legal obligation to carry any of these recommendations.

Flood Risk Assessment (FRA) – A FRA has been submitted which assesses the potential risk of flooding to the proposed development site. The FRA also addressed flood risk from all sources, with particular focus on fluvial and pluvial sources. The report recommends that the existing site levels are maintained as part of the design so that any functional floodplain storage within the site is retained. Additionally, the FRA intimates that a suitable and efficient drainage network for the pitch area should be implemented and maintained so that there is minimal chance of blockages occurring (such as through siltation etc.). Finally, the report recommends that all impermeable areas, access roads, and additional SUDS features should be located out with the functional flood plain.

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:**

236 representations have been received, 61 of which object to the proposed development and 175 which support the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The concerns of the objectors can be summarised as follows:

- The development is contrary to the Local Development Plan and the principle of Scottish Planning Policy;
- Impact of the proposed development on the residential amenity (noise and light pollution) of neighbouring properties at Victory Park Road, North Park Avenue and South Park Avenue;
- Concerns relating to the landscape impact, layout, design and visual appearance of the development;
- Flooding and drainage concerns – specially that the development proposal is to be built on a flood plain;
- Traffic/ parking/ road safety concerns;
- Natural heritage/ ecological concerns;
- The loss of public open space;
- Proposal will change and prevent public right of access to Victory Park;
- Proposal does not meet the requirements of COP26, the climate change agenda and will contribute towards pollution;
- No changing/ toilet facilities associated with the proposal;
- Application site comprises Common Good Land and should not be developed;
- Anti-social behaviour/ security concerns;
- Proposal should be located in a different and more suitable location;
- Concerns regarding the cost of the development proposal;
- No need for the pitch as others exist within Girvan;
- Proposal does not meet the provisions of the Equalities Act (2010);
- Approval of the permission would set an undesirable precedent;
- Impact on property values; and
- If the development goes ahead, surrounding properties should have their Council Tax Rates reduced.

The comments made in support of the application proposals generally indicate that the proposed all weather pitch would represent a much needed and welcomed facility for the town of Girvan.

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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.

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.

(i) Development Plan

Section 25 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 following provisions of the local development plan are considered relevant to the consideration of this application and the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>

- Spatial Strategy (Core Investment Towns);
- Sustainable Development;
- Open Space;
- Community Facilities;
- Archaeology;
- Flooding and Development; and
- Land Use and Transport.

The proposal has been assessed against the Local Development Plans' Spatial Strategy and is found to be in accordance with that strategy, particularly with regard to the creation of sustainable communities and directing development to environmentally suitable places with infrastructure.

LDP Policies: Spatial Strategy and Core Investment Towns seek to direct and encourage development towards existing towns and villages, and in particular to the most environmentally suitable places with the best infrastructure within settlements. In this instance the proposal will provide an all-weather community outdoor games area and associated infrastructure. It is considered that the development makes a positive contribution to local amenities, in terms of the provision of improved and additional community facilities including the outdoor games area, and through the provision of enhanced pedestrian and cycle access to, and through the site. The application is considered in this context.

LDP Policy: Sustainable Development seeks to ensure that development is appropriate in terms of its impacts on local amenity and that its layout, scale, massing, design and materials are acceptable in relation to its surroundings. 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.

Further consideration of the impact of the updated proposals on the residential amenity of properties in the vicinity, is set out below. Consultation responses received have not raised any objections to the scheme. Planning conditions and advisory notes can be attached to any permission to control matters arising as a consequence of the development.

It is considered that the use of part of the open space as part of the site to be developed, would improve, not only the facilities for the local community, but also the amenity value of the open space for the benefit of residents and the wider community.

The LDP policy in relation to community facilities seeks to support community facilities. In this regard, the proposals to provide a new 3G artificial grass surfaced sports pitch are considered to be entirely consistent with this policy objective of the LDP.

In terms of archaeological issues, the site lies within an area of archaeological sensitivity and potential based on the presence of recorded sites of prehistoric, medieval, and later date in the surrounding landscape. The Ayrshire coastal plain and the Girvan area in particular have a high density of recorded sites and finds and modern investigations ahead of other large-scale developments in recent years has revealed further buried archaeology. WoSAS offered no objection to the proposal, subject to an appropriate planning condition being attached to any permission so as to allow for the implementation of archaeological works, including recording and recovery of any archaeological resources within the site. This aspect can be addressed by way of an appropriate planning condition.

In terms of the flooding, the agent has submitted a Flood Risk Assessment to determine the flood risk to the development from all relevant sources, and to make appropriate recommendations to ensure that the development is appropriately resilient and resistant from all sources of flooding. The FRA has been considered and assessed by SEPA, and also the Ayrshire Roads Alliance in their capacity as the Flood Prevention Authority, both of which have offered no objection to the proposal. On this basis, it is considered that the development proposal is acceptable and does not present any issues in terms of flooding. The implementation of any flood mitigation measures can be addressed by way of an appropriate planning condition.

With regard to traffic/ parking road safety implications associated with the development proposals, the Ayrshire Roads Alliance has been consulted on the application and offer no objection subject to conditions. The comments of the Ayrshire Roads Alliance can be addressed by way of appropriate planning conditions.

Given the above policy context, the principle of the development proposal is considered to be in accordance with the afore-mentioned policy provisions of the local development plan.

The provisions of the Adopted South Ayrshire Local Plan must 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.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. At a meeting on 10th March 2022, South Ayrshire Council considered and agreed to accept Modifications, as recommended by the DPEA. At the same meeting, the Council agreed to submit the Plan (including those recommended modifications) to Scottish Ministers as the Local Development Plan that it intends to adopt. LDP 2 now forms a substantial material consideration in the determination of planning applications. The policy provisions of the LDP2 continue to identify the application as being an area of open space.

(ii) Other Policy Considerations (including Government Guidance)

- Planning Advice Note 65 – Planning and Open Space

Planning Advice Note - PAN65 - Planning and Open Space recognises that "open spaces are important for our quality of life. They provide the setting for a wide range of social interactions and pursuits that support personal and community well-being. They allow individuals to interact with the natural environment and provide habitats for wildlife. They can also be important in defining the character and identity of settlements". PAN 65 considers sports areas to be open space where they are described as "large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable". Given that PAN65 defines sports areas (including specifically designed surfaces) as being open space, it is considered that the principle of the proposal is consistent with this government advice note.

- South Ayrshire Open Space Strategy 2012;

The Council has produced an Open Space Strategy. The Strategy, which is based on a quantitative and qualitative audit of open space in South Ayrshire, sets out a vision for the provision, management, and maintenance of open spaces within the Council's area. Whilst generally seeking to protect and improve open spaces, the Strategy does not preclude them from being developed - particularly when the development improves the facilities associated with the open space. However, development proposals also require to be considered based on the provisions of the development plan, merits of the proposal and any individual site-specific circumstances arising, and also the planning history of the site. The application has been considered in this context.

(iii) Objector Concerns

The representations received in relation to the proposal are noted, and the following response is offered in respect of the objections received:

- The development is contrary to the Local Development Plan and the principle of Scottish Planning Policy (SPP);

An assessment of the development proposals against the policy provisions of the Local Development Plan are set out elsewhere in this report. A number of objections intimate that the proposals are contrary to the requirements set out in SPP pertaining to flood risk. As set out elsewhere in this report, the Ayrshire Roads Alliance (ARA) consider that the development of the 3G pitch would not be contrary to Scottish Planning Policy in terms of flood risk because of its intended purpose.

- Impact of the proposed development on the residential amenity (noise and light pollution) of neighbouring properties at Victory Park Road, North Park Avenue and South Park Avenue;

The application proposal has been the subject of formal consultation with the Council's Environmental Health Service (EH) which does not object to the application. EH indicate that the operation of the proposed facility should not exceed specified DB levels of noise and the operation of the facility should be limited between the hours of 8.00am and 10.00pm. The potential for noise issues arising from the proposal is a matter for the operator of the facility. A condition can, however, be attached to a planning permission which limits the hours of operation and requires the submission of management plan detailing the operational arrangements of the facility.

An advisory note can also be attached to the permission which indicates that the flood lighting requires to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to ensure neighbouring properties are appropriately safeguarded. Taking this consultation response into account, and the recommended planning condition/ advisory note, it is considered that the proposed development will have an acceptable relationship to the residential properties in the vicinity in terms of noise, light, privacy and enjoyment of gardens throughout the year.

- Concerns relating to the layout, design, and visual appearance of the development;

It is noted that the proposed perimeter fencing, and floodlights would be the most visually imposing aspect of the proposal, however, the fencing would be of a wire mesh type which would allow the penetration of light and not completely obscure views in the same way a building or other solid fence structure would. In terms of the floodlights, these would only be in use during times of low natural light and hours of darkness. These floodlight structures would also be slimline with limited visual impact when not in use. Both the fencing and floodlights would be read in the context of the proposed development. The visual impact of the proposal is, therefore, considered to be acceptable.

- Flooding and drainage concerns – specifically that the development proposal is to be built on a flood plain;

Local residents have expressed concern that the proposals represent an increased flood risk. The application has been the subject of consultation with Scottish Environment Protection Agency (SEPA) and the Ayrshire Roads Alliance (ARA) specifically in terms of potential flood risk. SEPA offer no objection to the proposal and advise that under their Flood Risk and Land Use Vulnerability Guidance 'outdoor sports and recreation and essential facilities...' are considered to be 'water compatible' in terms of their susceptibility and resilience to flooding. SEPA also note the Flood Risk Assessment states that existing ground levels are to be maintained, to ensure that no existing functional flood plain storage is compromised and therefore do not intend on offering site specific comments.

ARA undertakes the Flood Prevention role on behalf of the Council and offer no objection to this development on the grounds of flood risk and note following comments:

- *The proposed location of the 3G pitch is within a 1 in 200 (0.5% AEP) flood extent as identified by the Girvan Flood Study Phase 2; however, development of the 3G pitch would not be contrary to Scottish Planning Policy in terms of flood risk because of its intended purpose.*
- *The proposed development does not directly increase flood risk to other properties in the area.*

The ARA do, however, indicate that the development could present a significant risk to the feasibility of the currently developed Flood Alleviation Scheme for this area of Girvan which was initiated as a result of South Ayrshire Councils responsibilities under the Flood Risk Management (Scotland) Act 2009 and was an action identified in the first Ayrshire Local Flood Risk Management Plan which was approved by South Ayrshire Council Leadership Panel on the 24th May 2016. The Flood Alleviation Scheme identified the siting of a flood storage area in the location of the application site, but the ARA note that the storage area could be relocated elsewhere. While the ARA indicate that the relocation of the flood storage area could result in a significant risk to the feasibility of the Flood Alleviation Scheme for both technical and cost increase reasons, this is not a material consideration to the assessment of the current planning application which relates solely to the construction of a 3G artificial grass surfaced sports pitch and associated works. The statutory requirements of the Flood Risk Management (Scotland) Act 2009 remain and there is no general rule requiring a decision on the planning application to be delayed until the outcome of other statutory consent process(es).

Conditions can be attached to a planning permission which require the recommendations of the Flood Risk Assessment to be met and also for surface water from the site to be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS).

An objection also raises concern that the application submission is not accompanied by a Drainage Impact Assessment; however, the ARA has confirmed that this is not required for the application proposals.

- o Traffic/ parking/ road safety concerns;

The Ayrshire Roads Alliance (ARA) offer no objection to the application proposals and therefore the proposals are considered acceptable from a traffic/ parking/ road safety perspective.

- o Natural heritage/ ecological concerns;

The application site is not protected by way of any National or Local natural heritage designations. Notwithstanding, the application submission is accompanied by an Ecological Impact Assessment which recommends mitigation measures that can be reasonably secured by condition.

- o The loss of public open space;

PAN65 defines sports areas (including specifically designed surfaces) as being open space. The proposals are therefore not considered to result in the loss of open space.

- o Proposal will change and prevent public right of access to Victory Park;

It is not considered that the proposal will have an adverse impact on permeability/ connectivity within Victory Park or the surrounding area.

- o Proposal does not meet the requirements of COP26, the climate change agenda and will contribute towards pollution;

The planning system requires to focus on whether a development itself is an acceptable use of the land in question. Planning decisions require to be undertaken in accordance with the development plan are there are no specific policies within the South Ayrshire Local Development Plan which would preclude the installation of synthetic pitches. It should be noted however that the synthetic pitch as proposed is an area that is part of a much larger area of open space which shall remain as grass land.

- o No changing/toilet facilities associated with the proposal;

There are no changing/toilet facilities proposed and the existing pavilion to the south - east of Victory Park is not proposed to be used in association with the development. It should however be noted that how a facility in South Ayrshire is used, issues arising from its use and alternative options for the provision of sports facilities are not material considerations that should be given weight in the consideration of this application proposal. The purpose of this assessment is to consider the planning merits of the development being presented under this application.

- o Application site comprises Common Good Land and should not be developed;

It is noted that the application site comprises Common Good Land; however, potential land restrictions are not material planning considerations that should be given weight in the consideration of this application proposal.

- Anti-social behaviour/security concerns;

It is considered that appropriate usage of the facility should not adversely affect residential amenity. Anti-social behaviour, should it occur, is a matter for the police and/or anti-social behaviour teams of the Council.

- Proposal should be located in a different and more suitable location;

Each application is considered individually on its own merits, and therefore the purpose is to consider the planning merits of the development being presented under this application.

- Concerns regarding the cost of the development proposal;

The potential cost of the development is not a material planning consideration that should be given weight in the consideration of this application proposal.

- No need for the pitch as others exist within Girvan;

The representations note that other sports facilities are available elsewhere. The Council is obliged to consider the application proposal in front of it on its own merits. How a facility in South Ayrshire is used, issues arising from its use and alternative options for the provision of sports facilities are not material considerations that should be given weight in the consideration of this application proposal.

- Proposal does not meet the provisions of the Equalities Act (2010);

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

- Approval of the permission would set an undesirable precedent;

Each application is considered individually on its own merits, and therefore the purpose is to consider the planning merits of the development being presented under this application.

- Impact on property values;

Matters relating to property values are not material considerations that should be given weight in the consideration of this application proposal.

- If the development goes ahead, surrounding properties should have their Council Tax rates reduced.

Matters relating to Council Tax rates are not material considerations that should be given weight in the consideration of this application proposal.

(iv) Impact on the Locality

Planning permission is sought for the construction of a 3G artificial grass surfaced sports pitch with associated fencing, floodlighting, access paths, service access road and drainage at Victory Park, South Park Avenue, Girvan.

The application site is located within an area of designated open space; however, it is noted that the site is bound by Victory Park Road and residential developments to the west, North Park Avenue to the north, further playing fields to the east and South Park Avenue to the south. The closest residential properties to the proposed sports pitch are located at North Park Avenue, the closest being approximately 50 metres away. Given the separation distance of the proposed pitch to the closest residential properties, that Victory Park currently includes formal sports pitches and that the site is designated as open space in the Local development Plan, it is not considered that the proposed 3G artificial grass surfaced sports pitch would adversely impact on the amenity of the area.

The Council's Environmental Health Service has no objection to the application proposals in relation to the proposed 8 floodlights, has indicated that the operation of the proposed facility should not exceed specified DB levels of noise and the operation of the facility should be limited between the hours of 8.00am and 10.00pm. As set out above, the potential for noise issues arising from the proposal is a matter for the operator of the facility. A condition can, however, be attached to a planning permission which limits the hours of operation and requires the submission of management plan detailing the operational arrangements of the facility. An advisory note can also be attached to the permission which indicates that the flood lighting requires to comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light. On this basis, it is considered that the proposal will not have a significant adverse impact on the residential amenity of the area.

As noted above, the applicant/ agent has appropriately considered the issue of flooding and a condition can be attached to the permission which requires the implantation of any flood mitigation measures can be addressed by way of an appropriate planning condition.

It is also noted that the Ayrshire Roads Alliance offer no objection to the proposals from a transport/ road safety perspective. The comments of the Ayrshire Roads Alliance can be addressed by way of appropriate planning conditions.

The formation of the proposed 3G artificial grass surfaced sports pitch ensures the continued open space use of the site and the proposed fencing and floodlighting are considered to be ancillary to this leisure use. Accordingly, there are no policy objections to the development proposal, which will facilitate the compatibility of sport and recreational uses in the wider area of open space. Overall, the principle of the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Equally, the points raised in the letter of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application.

8. Conclusion:

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 that cannot be addressed by condition. 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 an adverse impact on the amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

9. Recommendation:

It is recommended that the application is approved subject to the following conditions: -

- (1) 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.
- (2) That the proposed all-weather sports pitch shall not be in use before 8.00am and after 10.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction shall be submitted for the prior written approval of the planning authority before facilities become operational.
- (3) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- (4) Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007, details of which shall be submitted for the formal written approval of the Council prior to the commencement of work on-site. Thereafter, the development shall be implemented as per the submitted and agreed specification.

- (5) That the recommendations detailed in the submitted Enviro Centre Flood Risk Assessment, (June 2021) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development.
- (6) That the recommendations detailed in the submitted Ecological Impact Assessment, (January 2022) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development.
- (7) That before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the Travel Plan shall be implemented as approved.
- (8) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site. Thereafter, construction traffic shall be managed in accordance with the approved Construction Management plan.
- (9) The applicant/ developer shall, prior to the commencement of any construction work, submit a Parking Management Plan for the written approval of the Council as Planning Authority in consultation with the Roads Authority. The plan shall detail the measures in place to encourage patrons to park within the highlighted zones in the submitted layout plans. The Parking Management Plan shall also highlight the steps proposed to help prevent on-street parking by customers, in particular on North Park Avenue and Victory Park Road where on-street parking by customers could render existing advisory cycle lanes unusable. Information shall also be provided on how the capacities of these car parks will be managed especially in instances when the schools are hosting events/community uses at the development site. The measures identified in the Parking Management Plan shall be implemented before the development is brought into use and thereafter maintained for the lifetime of the development.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interests of residential amenity.
- (3) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (4) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (5) To reduce the risk of flooding, and to ensure the site is drained in an acceptably sustainable manner and the infrastructure is properly maintained.
- (6) In the interests of natural heritage.
- (7) To encourage sustainable means of travel.
- (8) In the interest of road safety.
- (9) In the interest of road safety.

Advisory Notes:

1. That the floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service.

List of Determined Plans:

Drawing - Reference No (or Description): SAC/VP/20 Access Road and Footpath

Drawing - Reference No (or Description): SAC/VP/20 Floodlighting Details

Drawing - Reference No (or Description): SAC/VP/20 Topographical Survey

Drawing - Reference No (or Description): SAC/VP/203_ Drainage Layout

Drawing - Reference No (or Description): SAC/VP/204_A Floodlighting Layout and

Drawing - Reference No (or Description): SAC/VP/206 Typical Section of Synth

Drawing - Reference No (or Description): SAC/VP/21 Detox/Dog Grid Details

Drawing - Reference No (or Description): SAC/VP/201 (Rev. B) Location Plan

Drawing - Reference No (or Description): SAC/VP/202 (Rev. B) Proposed Site Plan

Drawing - Reference No (or Description): SAC/VP/209 (Rev. A) Proposed Fencing Details

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, plans and submitted documentation
2. Representations
3. Adopted South Ayrshire Local Development Plan
4. Modified Proposed Local Development Plan 2
5. Town Centre and Retail Local Development Plan
6. South Ayrshire Open Space Strategy 2012
7. PAN65

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr David Clark, Supervisory Planner (Place Planning) - Telephone 01292 616 118