

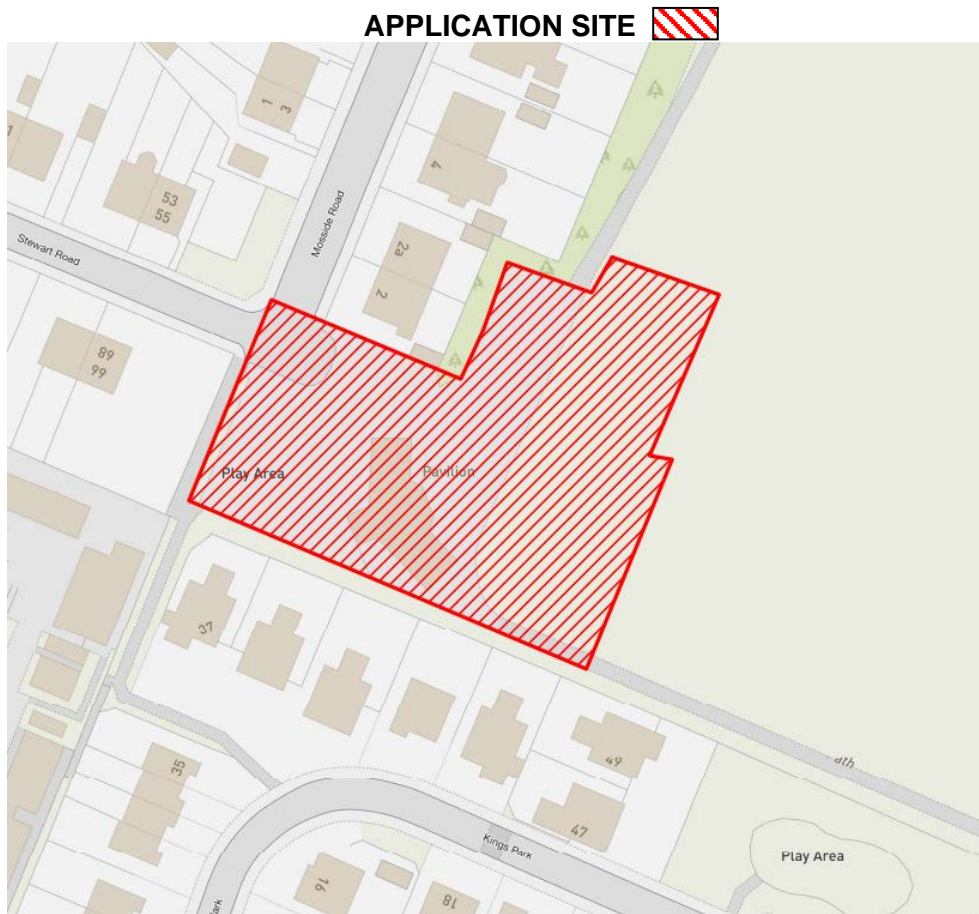
REGULATORY PANEL: 30 MARCH 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00041/APP

KING GEORGE V PLAYING FIELDS MOSSIDE ROAD AYR SOUTH AYRSHIRE

Location Plan



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Summary

The application site relates to the existing changing pavilion, associated parking and recreation grounds of King George V playing fields, Mossie Road, Ayr.

The proposed development comprises of the formation of 40no additional car parking spaces (including 3no. accessible spaces) and turning area associated with the existing sports changing pavilion and recreation ground. The existing site has 18no car parking spaces. The access road and spaces will be formed of a permeable surface. A new 2.4m wide concrete paved footpath will form an edging strip to the new parking area and link to the existing footpaths on the site.

The application has been assessed against the various material planning considerations which include the provisions of the National Planning Framework 4, the Adopted Local Development Plan 2, consultations, representations received (2 in total), and the impact of the proposed development on the locality. The assessment concludes that the proposed development broadly aligns with the policy provisions of both NPF4 and LDP2. The consultation responses do not raise any issues of concern and the matters raised in the representations have been fully considered, but do not raise any issues that would merit a different recommendation. Overall, 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 HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 30 MARCH 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00041/APP
SITE ADDRESS:	King George V Playing Fields Mossie Road Ayr South Ayrshire
DESCRIPTION:	Part change of use of playing field to form additional parking and turning area associated with changing pavilion
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:

The application site relates to the existing changing pavilion, associated parking and recreation grounds of King George V playing fields, Mossie Road, Ayr.

The proposed development comprises of the formation of 40no additional car parking spaces (including 3no. accessible spaces) and turning area associated with the existing changing pavilion and recreation ground. The existing site has 18no car parking spaces. The access road and spaces shall be formed using a permeable paving grid system. The agent has advised that the proposed finishing materials shall either comprise of "Grasscrete", which is a cellular reinforced concrete system, or "EcoGrid E40", which is a recycled plastic grid system. A new 2.4m wide paved footpath shall also form an edging strip to the new parking area and link to the existing footpaths on the site. The proposed path shall be formed from concrete paving slabs to match the pathway around both the existing carpark and changing pavilion.

The agent has outlined in their supporting statement that the additional parking has been proposed to accommodate more on-site parking and ease congestion in the surrounding streets following the approval and implementation of planning permission (20/00761/APP) for the extension and upgrade of the existing changing pavilion.

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 objections have been received.

2. Consultations:

Ayrshire Roads Alliance – Offer no objections.

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:

2 representations have been received, both of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representees can be summarised as follows.

- Visual appearance
- Loss of privacy
- Noise and air pollution
- Flooding
- Damage to trees
- Traffic and access
- Site history
- Other matters related to nature of development and design statement

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. A response to these representations is included within the assessment section of this report.

7. Assessment:

Statutory Development Plan Framework

(1) National Planning Framework 4 (NPF4)

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).

Section 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 statutory development plan and that determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 (The 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.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>

- Policy 14: Design, quality and place
- Policy 21: Play, recreation and sport
- Policy 22: Flood risk and water management

Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale.

Policy 21 states that development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:

- i. is ancillary to the principal use of the site as an outdoor sports facility; or
- ii. involves only a minor part of the facility and would not affect its use; or
- iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better-quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or
- iv. can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

The purpose of policy 22 is to strength resilience to flood risk by promoting avoidance and reducing the vulnerability of existing and future development to flooding. This policy requires development proposals to seek to minimise the area of impermeable surface resulting from a proposed development.

Regarding the above policies, the application proposals are ancillary to the principal use of the site as an outdoor sports facility and shall only involve a modest area of the overall recreation grounds which would not affect their use. The application site is identified as an area at medium to high risk of surface water flooding. The application submission proposes that the parking area shall be formed from permeable materials. It is therefore considered that the proposed development is compliant with NPF4, as outlined further below.

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.

(ii) South Ayrshire Local Development Plan 2 (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/local-development-plan-2):

- LDP 2 Strategic Policy 1: Sustainable Development
- LDP 2 Strategic Policy 2: Development Management
- LDP 2 Policy: Open Space
- LDP 2 Policy: Flooding and Development

The above policies indicate that development may be acceptable (on areas of open space) where its scale, use and design are appropriate to the existing character of the open space and there is no individual or cumulative effect on the amenity or recreational value of the site. The application site is an existing sports pavilion and car park located within an associated area designated as open space within the LDP2.

The proposed development ensures that the existing facility shall be served by adequate off-street parking to be formed using permeable materials. Furthermore, it is not considered that there would be any adverse effect on the amenity or recreational value of the overall site and open space or the surrounding locality; the additional parking is likely to result in less pressure for on street parking. It is therefore considered that the proposed development is compliant with LDP2, as outlined further below.

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.

(iii) Planning History

Planning permission 20/00761/APP was granted consent by the Regulatory Panel in December 2020 to extend and upgrade the existing changing pavilion at the site. This consent has been implemented.

(iv) Objector Concerns

- *Visual appearance*

This matter is addressed fully in sections 7(i), (ii) and 7(vi) of this report.

- *Loss of privacy*

This matter is addressed fully in section 7(vi) of this report.

- *Noise and air pollution*

It is noted that the application site and existing parking area lies adjacent to residential dwellings. While it is not expected that any substantial issues shall arise from the proposed development, should any statutory noise nuisance arise, or any matter related to air quality, it is for the Council's Environmental Health Service to address such matters under their statutory powers.

- *Flooding*

With regard to any flooding concerns in respect of surface water, the Ayrshire Roads Alliance, as local flood prevention authority, has a duty to ensure that surface water management infrastructure (drainage and flooding) is designed to appropriate standards. The Ayrshire Roads Alliance have advised that they have no objections to the proposed development and therefore the proposal is not considered to raise any significant issues relating to flood management.

In addition, the proposed parking surface is to be formed using permeable materials designed to slowly release surface water into the ground and reduce the risk of flooding.

- *Damage to trees*

No trees are proposed to be felled as part of the development proposals. While it is noted there are trees situated within the application site, none are located immediately adjacent to the site of the proposed works.

- *Traffic and access*

Concerns regarding the potential of increased traffic at the locale, that the access does not comply with the National Roads Development Guide and that no Transport Impact Assessment has been submitted have been noted. In response, the Ayrshire Roads Alliance have advised that they have no objections to the proposed development and as such the information provided is regarded to be sufficient and the proposal is not considered to raise any issues relating to road infrastructure, traffic or safety.

- *Site history*

Planning Application ref. 20/00761/APP was previously approved for alterations and extension to the change pavilion. This consent has subsequently been implemented. While it is noted that the current application site includes and is related to the use of this pavilion, any issues regarding the implementation of this previous consent are not matters relevant in the assessment of this current application.

- *Other matters related to nature of development and design statement*

A concern was raised that a development of this nature has never been permitted anywhere else in this Local Authority area. In response it is noted that each planning application is considered on its own merits and requires to be in accordance with the Development Plan, unless material considerations indicate otherwise. The application is considered in this context.

A further concern was raised that the Design Statement submitted in support of the application is not compliant with Planning Advice Note 68: Design Statement. In response it is noted that this document is guidance only, and that the details provided within the submission for this local application are sufficient to determine the application proposals in this instance.

(v) Impact on the Locality

The proposed development comprises of the formation of 40no additional car parking spaces (including 3no. accessible spaces) and turning area associated with the existing sports changing pavilion and recreation ground. The existing site has 18no car parking spaces. The access and spaces proposed shall be formed using a permeable paving grid system. As full details of the exact finishing materials have not been confirmed, it is considered appropriate to attach a condition with regards to the proposed finishing materials to ensure that the details are submitted and agreed to prior to commencement of work on site. A new 2.4m wide paved footpath is also proposed to form an edging strip to the new parking area and link to the existing footpaths on the site. The proposed path shall be formed from concrete paving slabs to match the pathway around both the existing carpark and changing pavilion.

The agent has outlined in their supporting statement that the additional parking has been proposed to accommodate more on-site parking and ease congestion in the surrounding streets following the approval and implementation of planning permission (20/00761/APP) to extension and upgrade the existing changing pavilion.

While it is noted that there are residential properties to the south and west of the existing parking area, it is not considered that the formation of additional parking shall result in a significant increase of overlooking than currently present.

As set out above, the scale, use and design of the development proposals are acceptable in this instance. Therefore, it is not considered that the proposals will adversely impact on the amenity of the surrounding locale or have a detrimental impact on its setting.

The application site is located within an area designated as open space within the LDP2. The proposed development is considered to meet the policy provisions of the open space policy and there would be no cumulative effect on the amenity or recreational value of the overall site and playing fields.

Furthermore, it is acknowledged that the Ayrshire Roads Alliance has offered no objections to the proposals.

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations 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. Overall, 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.

8. Conclusion:

Overall, the proposed development is considered to comply with the policy framework of NPF4 and LDP2. The application has also been assessed against the other material considerations which include consultations, representations received, the planning history of the site and the impact of the proposed development on the locality. It is considered that the proposal will not have an adverse impact on the amenity of the locality. The area of land required for the proposals is modest and it is not considered that they will impact the recreational open space to an extent that would warrant refusal of the application.

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 with condition(s).

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) 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.
- (3) That prior to the commencement of development, full details of the materials to be used to form the parking area shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.

9.1 Reasons:

- (1) 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.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To ensure that the materials are appropriate for the site and in the interests of visual amenity.

9.2 Advisory Notes:

N/A.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 001 Rev. A – Location Plan as Existing
Drawing - Reference No (or Description): 002 Rev. A – Block Plan as Existing
Drawing - Reference No (or Description): 003 – Block Plan as Proposed

9.4 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 or the road network.

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. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. Consultation Responses.
5. Representations.

Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00041/APP)

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:

Ms Emma McKie, Planner - Place Planning - Telephone 01292 616 203