

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 5 JANUARY 2017

PLANNING APPLICATION – LAND ADJACENT TO TAY VIEW CAR PARK, MONIFIETH

GRID REF: 350418 : 732431

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 16/00791/FULL for the Formation of a Radio Controlled Vehicle Track, Erection of Ancillary Structures and Associated Development for Dundee & Angus Radio Controlled Car Klub at Land Adjacent to Tay View Car Park, Monifieth. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the formation of a radio controlled vehicle track, erection of ancillary structures and associated development.

3.2 The application site measures 2158sqm and is located to the south of the access road that serves the Barry Buddon Camp some 425m east of Marine Drive, Monifieth. The site consists of part of a bicycle track which is overgrown with vegetation and appears to be disused. The north boundary of the application site consists of an overgrown embankment, the east boundary consists of a post and mesh fence, the south boundary consists of a post and rail fence with the west boundary being undefined. The application site is bound to the north by an access road that serves the Barry Buddon Camp, to the east by the Barry Buddon Camp, to the south by public open space that accommodates a number of football pitches and to the west by the remainder of the bicycle track.

3.3 The proposal would involve the formation of a radio controlled vehicle track, the erection of ancillary structures and associated development. The proposed track would occupy the southern portion of the application site and encompass a total area of 570sqm and its configuration would result in the formation of 3 interlinked tracks with a length of 143m, 116m and 94m. The track would have a width of 2.5m and consist of a tarmac surface with its perimeter consisting of concrete edging stones. A converted shipping container with a footprint of 14sqm and an overall height of 2.7m would be provided adjacent to the mid-point of the south boundary as a race control building. A 1m high balustrade would be attached to the top of the shipping container and a set of external steps would be attached to its west elevation so that the roof of the container could be used as a control rostrum. A second shipping container with a footprint of 14sqm and an overall height of 2.7m to be used as a storage building would be located adjacent to the north east of the track. A shed to

accommodate a generator that has a footprint of 2.5sqm and an overall height of 1.8m would be sited adjacent to the south elevation of the storage container. A 1.8m high metal fence would be erected adjacent to the northern extent of the track tying into the existing fence at the east boundary and a 23.1m section of the west boundary would also be enclosed by a 1.8m high metal fence. A vehicular access would be formed at the north boundary of the site to provide access to the onsite parking associated with the proposal which consists of 14 parking spaces. The submitted information indicates the track would be used at weekends with the hours of operation being 0900 – 1700.

- 3.4 The application has been varied on 17 November and 5 December 2016. The variations removed a biomass plant from the development and relocated the parking associated with the development.
- 3.5 The application was advertised in the Dundee Courier as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee as Angus Council has a financial interest in the development as land owner and is recommended for approval whilst being subject to objection.

4. RELEVANT PLANNING HISTORY

There is no planning history that has any bearing on the determination of this application.

5. APPLICANT'S CASE

- 5.1 The applicant has indicated the following in summarised terms: -

The Club has been established for 30 Years. It operates electric cars only and indicates that nitro cars would not be used.

The site would be used at weekends (but not every weekend) between the hours of 9am and 5pm.

It is readily accessible and is large enough to accommodate the needs of the Club and may prove a national attraction.

No flood lighting is proposed.

- 5.2 The supporting information is available to view on the Council's Public Access system.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads (traffic)** – has not objected to the proposal in respect of traffic safety but has requested the provision of 2 disabled parking spaces and 2 cycle parking spaces within the site curtilage.
- 6.2 **Angus Council - Flood Prevention** – has no objections to the proposal.
- 6.3 **Angus Council – Environmental Health** – has not objected to the proposal subject to a condition regarding the hours of operation of the facility and restricting the means of power of vehicles used.
- 6.4 **Angus Council Parks & Burial Grounds** – has offered no objection to the proposal.
- 6.5 **Monifieth Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

- 7.1 One letter of objection has been received. The letter will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.
- 7.2 The following matters have been raised as objections to the application and are discussed under Planning Considerations below: -

- Noise impacts from the radio controlled cars;
- Road traffic safety impacts.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (Adopted 2016)
- 8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The relevant policies of the Angus Local Development Plan are reproduced at Appendix 2.
- 8.4 Policy DS1 in the Angus Local Development Plan (ALDP) states that outwith development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP. It also indicates that proposals will be supported where they make better use of vacant, derelict or under-used brownfield land and are in accordance with relevant policies of the ALDP. In this case the site is not within a development boundary and is not specifically allocated for any purpose in the ALDP. The site has historically been used as a BMX track but is now unused and overgrown. I will return to this policy having considered other relevant policy tests.
- 8.5 As noted above the site has most recently been used as a BMX track but it is now unused and overgrown. It is located to the south of the railway line in an area that accommodates a range of recreational uses. The reuse of the site for the recreational/leisure use proposed would not adversely affect the recreational use of the wider area and does not give rise to any conflict with policies that seek to safeguard recreational resources.
- 8.6 The existing use of the site as a bicycle track is such that alterations to its ground levels would be required in order to accommodate the proposed track. The submitted information indicates the track would be located at a similar ground level to that of the adjoining playing field to the south. The embankment to the north of the site would screen the proposed track as would the landform of the remnants of the bicycle track to the west. Precise details of the revised ground levels are required by condition. The proposed track is relatively small scale and its presence would have little impact on the wider area. The proposed containers to be located within the site are utilitarian in terms of appearance but would not appear unacceptable within the wider area and would not have an adverse impact on the character or amenity of the area. The proposed 1.8m high metal fence is considered to be acceptable given the boundary treatments in the area.
- 8.7 Policy DS4 deals with amenity impacts and a third party has raised objection regarding possible amenity impacts as a consequence of noise. In this respect the application site is located adjacent to the Barry Buddon Camp and to the south of the East Coast railway line. The proposal is located in excess of 200m from the neighbouring residential properties. The facility would be in proximity to other recreational uses such as the adjacent football pitches and golf courses. The information submitted in support of the application indicates the radio controlled vehicles are restricted to battery power and a condition to that effect is proposed. It is understood that nitro oxide powered vehicles could generate more noise and no assessment of possible noise levels associated with that type of vehicle has been provided. The track is proposed to be used at weekends with the hours of operation likely to be 0900 – 1700. The Environmental Health Service has been consulted and has offered no objections to the proposal subject to a condition regarding the hours of operation of the facility and the restriction on the power source of the vehicles using the track. In these circumstances, and having regard to the location of the site and its proximity to neighbouring land uses, I am satisfied that the proposed conditions would ensure that the proposal would not give rise to any significant amenity impacts.
- 8.8 In respect of roads, parking and access, a third party has raised concern regarding the impact of additional traffic on road safety. The proposal is likely to generate additional traffic but the area to the south of the railway line is readily accessible and well used by vehicular traffic.

The Council's Roads Service has considered the application and has offered no objection. I am satisfied that any additional traffic would not be such that it would have a notable amenity impact for those living close to or using the public roads that would provide access to the site. The site is large enough to provide adequate car parking for the size of development and the Roads Service has requested that provision is made within the site for disabled and bicycle parking. These matters can be addressed by planning condition. It is noted that there is a public car park associated with the adjacent playing fields to the west of the site which could be used for additional car parking. The proposal does not give rise to any significant issues in terms of the remaining criteria of Policy DS4.

- 8.9 Overall the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to its location. On that basis the proposal is compatible with Policy DS1.
- 8.10 The proposal will provide a new recreational use at a location that currently provides recreational facilities for the town of Monifieth. It is compatible with surrounding land uses and with relevant policies of the Angus Local Development Plan. The objection from the third party has been discussed above and it is considered that any impacts can be successfully mitigated by the proposed conditions. There are no material considerations that justify refusal.
- 8.11 The application involves land in which the council has a financial interest as land owner. However, the application is not significantly contrary to the development plan and there is therefore no requirement to notify Scottish Ministers in the event that the committee determines to approve the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposed development would provide a new recreational facility in a manner that complies with relevant policies of the development plan. The proposal is of a scale and nature appropriate to its location and there would be no unacceptable amenity or environmental impacts subject to the stated planning conditions. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That prior to the opening or use of the facility, the parking shown on the approved drawings shall be formed and available for use and shall include 2 parking spaces for disabled users, and 2 cycle parking spaces within the site in accordance with the National Roads Development Guide (SCOTS).

Reason: To maintain the free flow of traffic on the adjacent road and in order to encourage multi-modal means of travel.

2. That the track hereby approved shall be used only by electric powered radio controlled vehicles and it shall not be used outwith the hours of 0800 – 2100.

Reason: In order to minimise the impact of the proposed use on the amenity of occupants of nearby noise sensitive property.

3. That no development in connection with the planning permission hereby approved shall take place unless precise details of existing and proposed ground levels across the entire site has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this should include contour plans and cross section drawings relative to a fixed or ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order that the ground levels are acceptable in the context of the landscape character and visual amenity of the area.

4. That should the shipping containers hereby approved no longer be required in conjunction with the operation of the facility, they shall be removed and the site that they occupied levelled and seeded with grass.

Reason: In order that the containers are removed when they are no longer required in the interests of the visual amenity of the area.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES

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APPENDIX 2: DEVELOPMENT PLAN POLICIES

Angus Local Development Plan

Policy DS1: Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

Policy DS3: Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC8: Community Facilities and Services

The Council will encourage the retention and improvement of public facilities and rural services.

Proposals resulting in the loss of existing public community facilities will only be supported where it can be demonstrated that:

- the proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or
- the loss of the facility would not have an adverse impact on the community; or
- the existing use is surplus to requirements or no longer viable; and
- no suitable alternative community uses can be found for the buildings and land in question.

The Council will seek to safeguard rural services that serve a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations. Proposals for alternative uses will only be acceptable where it can be demonstrated that:

- the existing business is no longer viable and has been actively marketed for sale as a going concern at a reasonable price/rent for a reasonable period of time;
- the building is incapable of being reused for its existing purpose or redeveloped for an appropriate local community or tourism use; or
- equivalent alternative facilities exist elsewhere in the local community.

New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

Policy PV1: Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be

permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV6: Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV15: Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

Policy PV18: Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.