

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 AUGUST 2019

PLANNING APPLICATION – UNION PARK LINKS AVENUE MONTROSE

GRID REF: 372270 : 758116

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 19/00183/FULL for the erection of a community building, rugby and cricket club (re-application) at the Union Park, Links Avenue, Montrose by MDCRFC. This application is recommended for conditional approval.

1. RECOMMENDATION

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

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

3.1 Full planning permission is sought for the erection of a community building, rugby and cricket club at the Union Park, Links Avenue, Montrose. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to approximately 3169sqm and comprises part of Union Park open space which accommodates cricket and rugby pitches. The proposed building would be positioned on the eastern boundary of the site with sports pitches located to the west. Whinfield Road borders the site directly to the east with residential property effectively on all sides.

3.3 The proposed single storey building would have a pitched roof and a footprint of approximately 580sqm. The proposed building would be rectilinear in form with a pitched roof. It would be finished in insulated cladding panels with feature timber cladding and glazing. It would accommodate changing rooms, toilets, a medical room, kitchen and bar facilities and a plant room as well as a multi-purpose space and a covered spectator gallery along the west facing elevation towards the sports pitches. The main entrance would afford pedestrian access from Whinfield Road directly to the east. The building would connect to the public drainage network with surface water directed to a sustainable drainage system (SUDS).

3.4 The external space around the building would include an informal parking area to the south with the existing clubhouse remaining in place as ancillary space. The sports pitches to the west would be reconfigured.

3.5 This application requires to be determined by Committee because it is recommended for approval in circumstances where the council has a financial interest and there are third party objections.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history.

5. APPLICANT'S CASE

- 5.1 The applicant's agent has submitted information to provide clarification on matters raised by SportsScotland and by the council's Environmental Health Service.
- 5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has not objected to the proposal in respect of traffic safety subject to a condition relating to the provision of cycle parking.
- 6.2 **Angus Council – Environmental Health Service** – has not objected to the proposal in terms of impacts upon amenity subject to a number of conditions to regulate ventilation equipment and noise emissions associated with the uses within the building.
- 6.3 **Scottish Water** – has offered no objection to the proposal.
- 6.4 **SportsScotland** – no objection subject to a condition requiring a safeguarding scheme which protects the existing pitch area during construction and amendments to the revised pitch layout.
- 6.5 **Community Council** – no response.

7. REPRESENTATIONS

- 7.1 Two (2) letters of representation have been received in objection to the proposal. The letters will be circulated to Members of the Development Standards Committee and a copy will be available to on the council's [Public Access](#) website.
- 7.2 The following matters have been raised and are discussed under Planning Considerations below: -
- Requirement to move the cricket wicket to accommodate the proposed building – this matter is discussed in the Planning Considerations section of this report.
 - Consultation by the club with the cricket playing section of the club – this is not a material planning consideration. The application has been subject of statutory publicity and consultation as required by planning legislation. The adequacy of any informal consultation undertaken by the applicant is not relevant to the determination of this application.

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 2017)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The Angus Local Development Plan forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 3.
- 8.4 The application site relates to land associated with existing cricket and rugby pitches and related clubhouse. Policy DS1 in the ALDP states amongst other things that sites allocated or otherwise identified for development within the Angus Local Development Plan, will be

safeguarded for the use(s) set out.

- 8.5 The application site forms part of the open space at Union Park. That park is identified as open space in the ALDP and as such Policy PV2 is relevant. That policy states that the council will seek to protect and enhance existing outdoor sports facilities and areas of open space, including those of sporting and recreational value. It goes on to state that development involving the loss of open space will only be permitted in limited circumstances including where it is ancillary to the principal use of the site as a recreational resource. Policy TC8 deals with community facilities and services and states that the council will encourage the retention and improvement of public facilities, including halls and leisure facilities. It indicates that new community facilities should be accessible and of an appropriate scale and nature for the location.
- 8.6 In this case the provision of the new building is directly related to the enhancement of facilities associated with the recreational use of the park and the proposal attracts in-principle support from the above policy framework. The proposed building would be located adjacent to the eastern boundary of the park and to the east of the existing playing fields. The applicant has indicated that the proposal would require some reconfiguration of sports pitches and indicative information demonstrates that this can be achieved. Sportscotland has offered no objection to the proposal but has suggested some minor revision to the pitch reconfiguration and has indicated that measures should be taken to safeguard the pitches during construction of the building proposed. Conditions are proposed to address these matters but the proposal would not significantly erode the function or characteristics for which Union Park is valued and the playing fields would be unaffected by the operation of the building subject to their satisfactory re-orientation and protection during construction. The proposal would provide an improved sporting facility for the community at an established sporting/ recreational location.
- 8.7 The proposed building is single storey with a pitched roof and covered gallery along the west elevation facing towards the sports pitches. It is of reasonably simple design and is in a form that is not uncommon for buildings of this nature. The building would be positioned adjacent to Whinfield Road and would sit comfortably within the streetscene. The design of the building is considered to be acceptable but a proposed planning condition requires precise details regarding the finishing materials.
- 8.8 There are residential properties located to the north, south, east and west of the wider Union Park boundaries. The closest house would be located approximately 40m to the east of the proposed building but it would be separated by the public road. The distance between the proposed building and existing dwellings is comparable to the relationship between dwellings and the existing clubhouse. The design of the proposed building and its relationship to existing buildings is such that it would not give rise to significant impacts on neighbouring property. The Environmental Health Service is satisfied that impacts associated with the use of the building can be appropriately controlled by planning conditions. The new building might generate additional usage and consequently greater activity in the area but this would not be unacceptable given the nature of the area.
- 8.9 It is indicated that there is capacity within the site for the parking of around 20 cars but this provision is informal. A proposed planning condition requires the provision of a scheme to ensure that the parking provision is available. The Roads Service has offered no objection to the proposal but has requested a condition requiring the provision cycle parking. The drainage arrangements proposed are acceptable but a condition is proposed that requires approval of the surface water drainage system.
- 8.10 The proposal does not give rise to any other significant issues in terms of development plan policy and is of a scale and nature appropriate for the location.
- 8.11 In terms of material considerations two letters of representation have been received. Issues regarding the reconfiguration of the sports pitches have been discussed above. As indicated, Sportscotland is satisfied that the proposal would not adversely affect the ability of the sports ground to be used for cricket and rugby and a condition is proposed that requires additional detail of the reconfiguration of the pitches to ensure Sportscotland requirements are met.
- 8.12 In conclusion, the proposal provides for the construction of a new building which will provide improved facilities for those that use Union Park for sporting and recreational purposes. Concerns raised by third parties regarding the impact of the development on the sporting value of the park have been taken into account but Sportscotland is satisfied that it does not give rise to unacceptable impact subject to the proposed conditions. The proposal complies

with the development plan subject to appropriate planning conditions and there are no material considerations that justify refusal of 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 proposal will provide for an improved facility associated with an existing sports club and sports ground in a manner that complies with relevant policies of the development plan 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. Prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the Planning Authority:
 - (a) existing and proposed ground levels across the site and proposed finished floor levels for the building. Thereafter the development shall be undertaken in accordance with the approved levels prior to the use of the building hereby approved;
 - (b) precise details of the external roof and wall finishes for the building. Thereafter the building shall be finished with the external material as approved prior to its use;
 - (c) precise details of all external lighting. Those details shall be accompanied by sufficient information to allow consideration of light emission and potential impact on amenity of occupants of neighbouring property. Thereafter only the approved external lighting shall be installed and it shall be operated in accordance with the approved details;
 - (d) a noise management plan. The plan shall include measures to minimise the impact of noise at local sensitive receptors such as the provision of double doors, double glazing, the closing of doors and windows during functions and use of sound limiting devices. Thereafter, the building hereby approved shall be operated only in accordance with the approved noise management plan;
 - (e) a scheme (including detailed plans) which provides for the relocation of both the cricket pitch (including its wicket) and the rugby pitch relative to the proposed building and each other, which shall be approved in consultation with SportsScotland. Thereafter the pitches shall be formed in accordance with the approved details prior to the use of the building hereby approved;
 - (f) a scheme to ensure that the existing sports pitches are protected and available for use (as far as reasonably practicable) during the construction process as well as measures to reinstate any areas affected by construction operations to pre-construction condition. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil

- heaps, changes in ground levels or construction activities shall be permitted within the sports pitches area;
- (g) details of the means of surface water management within the site. For the avoidance of doubt the surface water drainage system shall not be accommodated within the sports pitches area. The approved surface water management scheme shall be provided in full before the commencement of use of the building and shall be maintained thereafter;
 - (h) a scheme for the provision of 20 car parking spaces within the site. For the avoidance of doubt if the parking spaces require any engineering works, the scheme shall include full details of the engineering works required. Thereafter, the approved scheme shall be provided prior to the use of the building hereby approved and shall remain available for the life of the development.

Reason: In order that the planning authority may verify the acceptability of the proposals in the interests of visual amenity; to protect the amenity of occupants of neighbouring property; to ensure the development does not have an adverse impact on the sporting value of the site and to prevent unnecessary damage to the sports pitches; to ensure provision of an acceptable water surface water drainage system; to ensure provision of appropriate car parking provision and to allow the planning authority to verify the acceptability of proposals.

- 2. Prior to the use of the building hereby approved a minimum number of 10 parking spaces for pedal cycles shall be provided within the site curtilage. The provision for cyclists shall be conveniently located for the main public entrance to the building and shall be signed, covered, and adequately lit.

Reason: In order to ensure provision of adequate cycle parking and to encourage multi-modal means of travel.

- 3. Noise from any ventilation, extraction or refrigeration plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 35 between 0700 and 2200 and NR curve 25 at all other times.

Reason: In order to protect the amenity of occupants of neighbouring noise sensitive property.

- 4. All amplified music or vocals shall be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premise with the receiver room windows partially open for ventilation.

Reason: In order to protect the amenity of occupants of neighbouring noise sensitive property.

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.

REPORT AUTHOR: KATE COWEY
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 26 July 2019

APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES

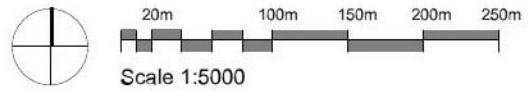
Appendix 1: Location Plan



Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown Copyright and database rights 100023404, 2019.

Location Plan

- Application Boundary
- Land in applicant's ownership



Rev	Date	Changes
A	31.01.18	Boundary amended
B	22.02.19	Client name

kerry smith architects					
<small>Studio Four 4 John Street Montrose Angus DD10 8LY Tel: 01674 660516 info@kerrysmitharchitects.co.uk</small>					
Project: Union Park Clubhouse		Address: Whinfield Road, Montrose	Client: MDCRFC	Drawing Title: Location Plan	Job No. / Stage / Dwg. No 330/P/01
Scale: 1:5000 @A4	Date: Dec. 2017	Drawn by: EH	Checked by: KS	Revision: B	
<small>This drawing is the copyright of kerry smith architects. This drawing is to be read in conjunction with the consultant's drawings, any discrepancies must be referred to the architect. Do not scale off these drawings</small>					

Appendix 2 – Summary of Applicant Supporting Information

Summary of applicant's position in relation to Sportscotland comment: -

A replacement artificial cricket wicket will be relocated 20m to the west of its current position. The rugby pitch will be relocated to the east of its current position. The plan referred to in the email showing the revised pitch arrangements has been submitted.

Eight rugby teams are fielded and there are 211 rugby members. One cricket team is hosted with 24 members. The site also hosts the Angus Girls Rugby Hub and rugby activities for Montrose Academy and six local primary schools.

The cricket and rugby clubs are constituted as a single club. The cricket members were consulted with their support recorded in a minute of a meeting in February 2019. In addition the Dundee and Angus cricket development officer was consulted.

The use of the building was confirmed as primarily a clubhouse. However, it is intended to encourage community access for other sports clubs and community groups.

Summary of applicant's comment in relation to matters raised by the Environmental Health Service: -

The kitchen will allow for hot food and beverages to be provided to parents, visitors and players during and after games. The equipment will be high spec domestic or low grade commercial. No commercial pie or pizza ovens such as those associated with fast food outlets would be provided.

The multi-function space would be used by parents who attend training.

The type of plant proposed consists of an electrical consumer unit, HW tank and heating controls.

The current training times are Tuesday, Wednesday and Thursday 18:00-20:00. Saturday and Sunday morning 09:30 – 12:30, unless a game is scheduled for the afternoon.

The multi-function space/ kitchen would be used during training/ game times. However it is the intention that it would also be used outwith those times to meet community needs.

Appendix 3 – 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.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2: Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 PV2: Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

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.