

## REGULATORY PANEL: 9 May 2024

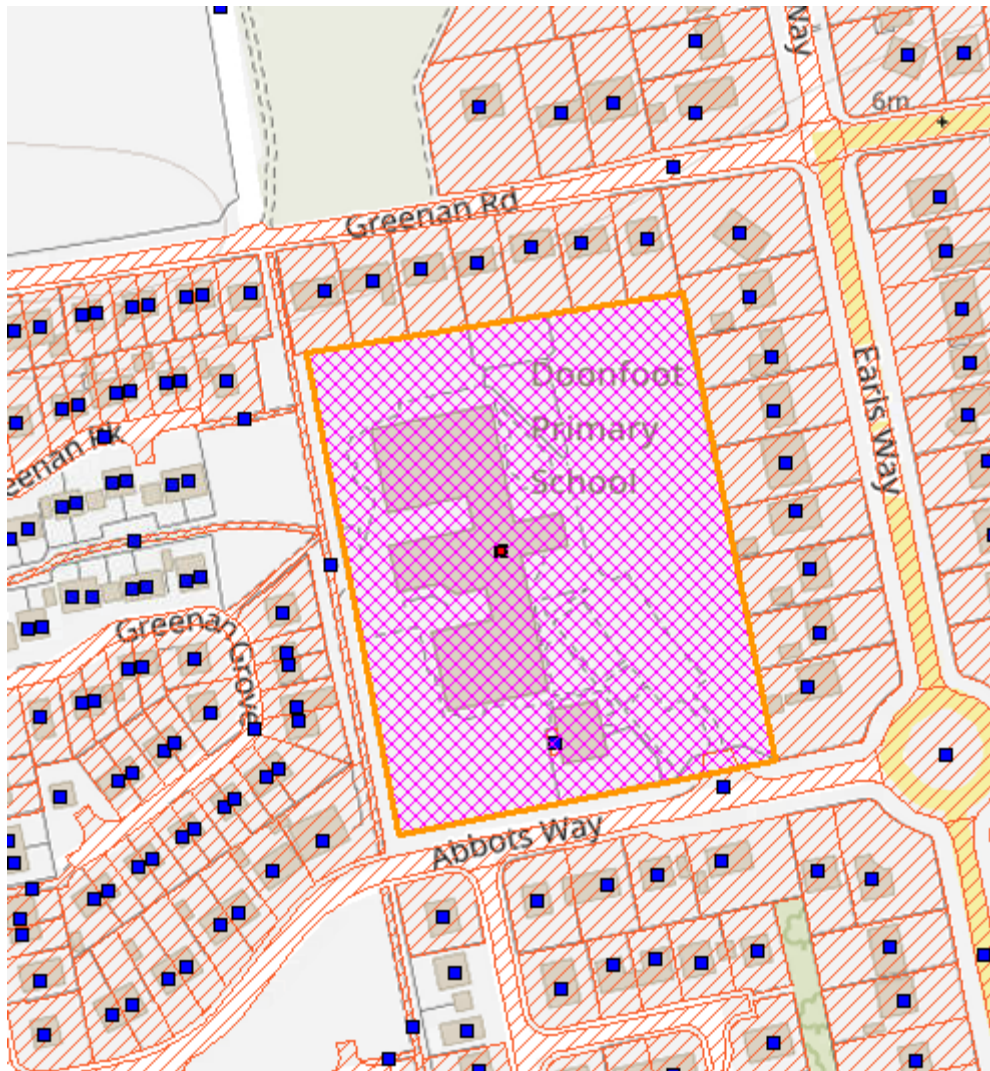
### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

24/00119/APP

DOONFOOT PRIMARY SCHOOL 28 ABBOTS WAY AYR SOUTH AYRSHIRE KA7 4HJ

#### Location Plan

##### APPLICATION SITE



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#### Summary

Planning permission is sought for alterations to revise the existing entrance and layout of the car park, installation of lighting and erection of fencing at Doonfoot Primary School, Ayr.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the amenity of the locality.

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. Accordingly, the application is recommended for approval.

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(s) has been received.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 9 MAY 2024

|                         |  |
|-------------------------|--|
| <b>SUBJECT:</b>         | <b>PLANNING APPLICATION REPORT</b>   |
| <b>APPLICATION REF:</b> | <b>24/00119/APP</b>  |
| <b>SITE ADDRESS:</b>    | <b>Doonfoot Primary School<br/>28 Abbots Way<br/>Ayr<br/>South Ayrshire<br/>KA7 4HJ</b>      |
| <b>DESCRIPTION:</b>     | <b>Revised layout of existing car park, installation of lighting and erection of fencing</b> |
| <b>RECOMMENDATION:</b>  | <b>Approval with conditions</b>  |

#### APPLICATION REPORT

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

#### Key Information:

- The application was received on 20 February 2024.
- The application was validated on 20 February 2024.
- A Site Visit was carried out by the Planning Authority on 2 March 2024.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 22 February 2024.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

#### 1. Proposal:

The application site is Doonfoot Primary School, 28 Abbots Way, Ayr.

Planning permission is sought for alterations to revise the existing entrance and layout of the car park, installation of lighting and erection of fencing.

The school's main vehicular entrance shall be altered so as to create a one-way system for vehicles. The entrance shall be brought forward in line with the current footpath which immediately abuts the front boundary of the school. New tactile paving and dropped kerbs are proposed to the entrance which will tie in with the existing footpath to the front of the school boundary.

The proposals include the erection of a brick boundary wall denoting 'Doonfoot Primary School' with a vehicular entrance and exit on either side of the boundary wall. The proposed wall reaches a height of 2.15 metres (at its highest point) and 8.5 metres in width and comprises Ibstock Chesterton Manorial Red Wire brick and concrete cope.

A new barrier fence approximately 1.65 metres in height and 9 metres in length is proposed adjacent to the right-hand side of the proposed exit comprising black powder coated metal balustrades; and additional fencing is proposed above the existing front boundary wall which runs approximately 70 metres along the front boundary and part of the side boundary of the school. From street level, the fence shall reach 2 metres in height and comprises Jackson's Euroguard black mesh to match that of the existing fencing. A 2-metre-high security fence and gates, also comprising black mesh, is proposed along the rear of the car park/ service area and adjacent to a playground area. The car park shall be surfaced in tarmac and shall comprise 68 car parking spaces in total (which represents an increase of 31 spaces). Finally, the scheme proposes new lighting within the car park area. The lighting will comprise 6 slimline LED grey powder coated aluminium columns measuring between 4 and 5 metres in height (4m high along the entrance footpath and 5m high around the vehicle areas).

The works will involve the relocation of 8 trees from the existing car park, as denoted in drawing GA 004 REV A. The trees will be re-positioned and planted within a suitable location elsewhere within the school grounds.

The application is accompanied by a supporting statement which advises that -

- the proposals shall provide safer access and egress to the existing car park;
- the proposal creates an additional 31 car parking spaces for staff and visitors so as to reduce on road parking in adjacent residential streets;
- introduces lighting within the carpark so as to ensure a safer environment for staff and pupils on darker evenings; and
- additional fencing/ gates are to be erected so as to provide secure, safe play areas for pupils.

Further details are set out in with submitted drawings which accompany the application.

The application site is owned by South Ayrshire Council, and the site is currently in use for educational purposes. The site is designated in the Adopted South Ayrshire Local Development Plan as being a community facility. The provision of education facilities is considered to be a community facility. Under the proposals, the site will continue to provide education facilities to meet the needs and demands of the local community.

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:**

**Ayrshire Roads Alliance** offers no objections.

**Council's Environmental Health Service** offers no objections; however, recommends advisory notes are attached to any permission regarding light pollution and noise/ vibration during construction works.

## **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:**

Two representations have been received to the proposed development: one objection and one neutral comment. All representations can be viewed in full online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning)

The issues raised by Representees can be summarised as follows.

- Potential for light pollution;
- Trees will be impacted by development, so two trees closest to my boundary should be removed;
- By reducing the pavement area will mean more people congregating in front of property and potential safety issues;
- The roadway on opposite side from the main entrance will be used for drop off and pick up which will obstruct the main entrance/ exit;

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:**

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

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

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

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

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

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

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

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.

Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. Policy 2 seeks to ensure that emissions from new development are minimised as far as possible. A healthy natural environment is recognised as a key to reducing emissions.

Policy 9 seeks to direct development to the right place, maximising the use of existing assets (such as brownfield, vacant and derelict land and empty buildings), and minimising additional land take (such as greenfield developments). The proposals are contained within/ adjacent to an established primary school; in this regard, the proposals are not considered to constitute greenfield development.

Policy 13 considers the issue of sustainable transport and active travel and is supportive of development in locations which support safe sustainable travel, and travel by means other than private vehicle. The application proposes to utilise the existing entrance to the school. The school is accessible by all modes of sustainable transport; walking, wheeling, public transport and due to its location within a settlement, is accessible by walking.

Policy 15 encourages and promotes the Place Principle as a means to create connected and compact neighbourhoods where people can meet the majority of their needs within a reasonable distance of their home. In this instance, the site is located within a settlement, it is noted to accommodate an educational facility, and the proposals seek to enhance/ improve the existing facilities. Given the aforementioned, the proposals are considered to afford residents improved facilities which are not considered to adversely impact the setting, character or appearance of the locale. Therefore, the proposal shall allow the continued use of the site as an existing community facility for the benefit of the local community and is considered to meet the terms of NPF4.

(ii) South Ayrshire Local Development Plan 2

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):

Core Principle B2: Community Focused Development;  
Strategic Policy 1: Sustainable Development;  
Strategic Policy 2: Development Management;  
Community Facilities; and  
Land Use and Transport.

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

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

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

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

In this instance, the development proposals seek to alter the entrance and carpark of an existing primary school within the settlement of Doonfoot, Ayr. The alterations are considered acceptable in terms of their proposed siting, scale, design and finishing materials which are not considered to detract from the locale. On this basis, the proposals are not considered to adversely impact the setting, character or appearance of the area.

Furthermore, the proposals are considered to improve and make a positive contribution to an existing community facility which ensures the continued use of the school for the benefit of the wider community. It is recognised that, although the application site is designated as a community facility, it is situated within a residential area. Therefore, careful consideration of any impact from the application proposals on residential amenity in the vicinity, is set out further below. However, the principle of the development proposal is considered to accord with the strategic policies of the development plan.

Consultation responses received have not raised any objections to the proposals. Planning conditions and advisory notes can be attached to any permission to control matters arising as a consequence of the development. On this basis, it is considered that the development proposals to upgrade and improve the existing school entrance and car park has the potential to make a positive contribution to the locale. This aligns with this policy objective of the LDP in relation to community facilities which seeks to support community facilities.

LDP Land Use and Transport policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. It is noted that the car parking provision within the school grounds will be increased as a consequence of the proposal. The proposal creates 68 spaces within the curtilage of the school which equates to an increase of 31 spaces. The school is accessible via various modes of transport for the local community, including walking, cycling, wheeling and public transport links. The ARA offers no objection to the development proposals from a traffic/ transportation perspective. On this basis, it is considered that the proposal can satisfy the requirements of the LDP policy in relation to land use and transport.

(iii) Planning History

The primary school has previously been altered and extended. Planning applications, as follows;

Planning application: 07/00396/FUL Alterations to existing building – Approved in 2007;

Planning application: 13/00068/APP Alterations and extension to school, erection of sprinkler tank building and associated landscaping Approved in 2013;

Planning application: 19/00241/APP Alterations and extension to existing school – Approved in 2019; and

Planning application: 23/00056/APP Alterations and extension to existing school – Approved in 2023.

(iv) Other Policy Considerations (including Government Guidance)

None.

(v) Objector Concerns

*The following comments are offered in response to the representations received.*

Light pollution;

The proposal is accompanied by details of the lighting columns proposed within the car park. The submitted car park illumination information shows that the proposed lighting is low level LED lighting. As set out above, the Council's Environmental Health Service has offered no objections to the proposals. Their recommended advisory note indicates that 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 and this can be imposed as a condition of the permission. Therefore, on this basis, it is not considered that the proposed lighting will adversely impact any adjacent residential properties. The management and maintenance of the proposed lighting, once installed, is a matter for Educational Services and is not a material planning consideration in the assessment of the application.



Trees;

The proposal is accompanied by a plan and statement denoting the trees impacted by the development proposals. It is proposed to replant these 8 trees within the school grounds. The trees to which the comment refers (to the east of the site immediately adjacent to the properties within Earls Way) shall not be removed as a consequence of the proposals and they are outwith the 8 trees that are identified for transplanting to another area of the school site. Furthermore, the trees within the school grounds are not protected and could be removed without the prior consent of the Planning Service. However, the proposals to replant the 8 trees is welcomed.

Impact from revised layout;

The Ayrshire Roads Alliance offers no objections to the proposals in terms of impact on local road network or road safety. Inconsiderate parking of vehicles within the public highway/ pavements/ blocking of driveways opposite the school entrance and surrounding locale is not a material planning consideration in the assessment of a planning application. Inconsiderate/ illegal parking, should it occur, is matter for Police Scotland. It is noted however that this proposal includes provision for an additional 31 parking spaces within the curtilage of the school grounds which should in theory alleviate on street parking. Furthermore, it is noted that existing signage and road markings are present at the school entrance which advises that there is no stopping permitted at the entrance.

The Planning Service cannot control the behaviours of parents/ groups congregating at the locale. Therefore, this is not a material planning consideration in the assessment of the application.

(vi) Impact on the Locality

It is accepted that at particular times of the day residents, in common with other residents adjacent to other primary schools, will experience concentrated traffic flows and vehicle movements associated with the operation of the facility. It is considered that the current proposals will help alleviate on road parking from staff and visitors by creating an additional 31 spaces within the curtilage of the school. Additionally, the new one-way system has been designed so as to assist in the flow of traffic to and from the school. Following consultation with the Ayrshire Roads Alliance (ARA), no objection to the development proposal is offered from an operational, traffic, access, parking, or safety perspective.

The proposals also comprise additional boundary treatments in the form of fencing and boundary walls. The proposed fencing and boundary walls match that of the existing boundary treatments found within the school grounds in terms of finishing materials, height and design. On this basis, the fencing and boundary walls are not considered to adversely impact on the setting, character or appearance of the locale. Additionally, due to their separation distances from neighbouring properties, the boundary treatments are not considered to adversely impact any neighbouring properties.

Given the siting and orientation of the slimline lighting columns, the distance between the lighting and residential properties and that the lighting will require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light", it is considered that the proposed lighting columns will not give rise to any significant light nuisance issues and will not be visually prominent and can be absorbed within the setting of the school/ surrounding locale.

Given the nature, scale and location of the proposed works at the locale, it is regarded that the development proposals will enhance the existing facilities at the location for the continued use and benefit of the wider community.

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



## **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 proposals will not have a significant adverse impact on 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 with conditions.

Condition:

1. That the development hereby permitted must be begun within **three years** of the date of this permission.

Reason:

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.

Condition:

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.

Reason:

1. To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

### **9.1 Advisory Notes:**

- (1) In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228. Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.

To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.

- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note 1 The Reduction of Obtrusive Light".

Guidance Note 1 for the reduction of obtrusive light 2021 | Institution of Lighting Professionals (theilp.org.uk)

### **9.3 List of Determined Plans:**

Drawing - Reference No (or Description): 01

Drawing - Reference No (or Description): 02

Drawing - Reference No (or Description): 03

Drawing - Reference No (or Description): 04

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Report by Housing, Operations and Development Directorate (Ref: 24/00119/APP)

- Drawing - Reference No (or Description): 05
- Drawing - Reference No (or Description): 10
- Drawing - Reference No (or Description): 11
- Drawing - Reference No (or Description): 12
- Drawing - Reference No (or Description): 15
- Drawing - Reference No (or Description): 17
- Drawing - Reference No (or Description): 18
- Drawing - Reference No (or Description): EX001
- Drawing - Reference No (or Description): GA 001 REV D
- Drawing - Reference No (or Description): GA 002 REVA
- Drawing - Reference No (or Description): GA 004 Rev A
- Drawing - Reference No (or Description): GA 005 A
- Drawing - Reference No (or Description): LP+SP
- Drawing - Reference No (or Description): Car Park 1 Contours
- Drawing - Reference No (or Description): Car Park 2 Illuminance
- Other - Reference No (or Description): Supporting Statement
- Other - Reference No (or Description): Product Datasheet – lighting
- Other - Reference No (or Description): Statement in relation to trees
- Other - Reference No (or Description): Marshalls Tactile Blister Brochure

**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.

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

**Background Papers:**

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

**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:**

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