

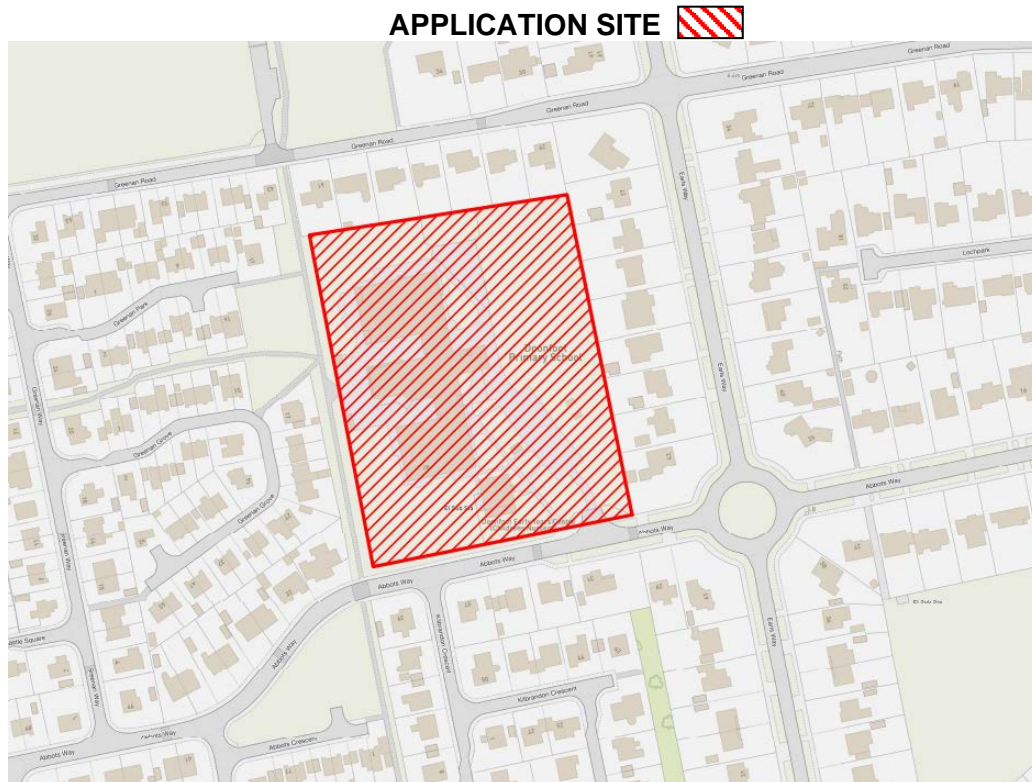
REGULATORY PANEL: 30 MARCH 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00056/APP

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

Location Plan



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Summary

Planning permission is sought for alterations and extension of Doonfoot Primary School, Abbots Way, Ayr. The proposals seek to extend the building to its western elevation, so as to create two additional classrooms. The proposed extension is single storey, reaches a height of 3.8 metres and has a footprint of approximately 144 sqm. The proposed extension takes its design cues from the original school and matches the finishing materials found at the locale. The current application is part of a phased programme of school-wide upgrade works to improve facilities.

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 concerns. 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.

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: 30 MARCH 2023

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|-------------------------|---|
| SUBJECT: | PLANNING APPLICATION REPORT |
| APPLICATION REF: | 23/00056/APP |
| SITE ADDRESS: | Doonfoot Primary School 28 Abbots Way Ayr South Ayrshire KA7 4HJ |
| DESCRIPTION: | Alterations and extension to existing school |
| 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 is Doonfoot Primary School, Abbots Way, Ayr. The topography of the site is generally flat, and the site is fully enclosed by fencing. The eastern portion of the site is utilised for car parking, and for accessing and servicing of the school. A pedestrian access is also located on the western boundary of the site. The remainder of the site is utilised as open space and for play areas associated with the school. The site is located within a predominantly residential area. A tree lined public footpath lies to the west and a public road lies to the south.

Planning permission is sought for alterations to, and the extension of the existing primary school. The proposals seek to extend the building on its western elevation, to create an enlarged building providing two additional classrooms. The proposed extension reaches a height of 3.8 metres and has a footprint of approximately 144 sqm. The proposed external materials comprise;

- Cladding – Kestrel Anthracite Grey uPVC textured cladding, all to match existing;
- Brickwork - Ibstock Chesterton Manorial Red Wirecut Facing brick, all to match existing;
- Window units – white uPVC double glazed units, all to match existing;
- Door units – Metal Technology Ltd - System 5-20DHi+ Thermally Enhanced Extruded aluminium alloy 6060 T4 Commercial Doors, anthracite grey powder coat finish to match existing.

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. Under the proposals, the site will continue to provide education facilities to meet the needs and demands of the local community.

Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 23/00056/APP)

The proposed extension does not impact on the existing 41 parking spaces within the curtilage of the school. While the current application does not propose any additional parking it is noted that revised entrance arrangements, that will allow for a one-way system for traffic and an increase in parking within the site in the future, are being taken forward separately from the current planning application and as part of a phased programme of school wide upgrades and improvements.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and one or more written objection has been received.

2. Consultations:

Environmental Health Service (EH) offer no objections and have suggested advisory notes be attached to any permission in regard to SEPA guidance on pollution prevention and that works should comply with Noise Control on Construction and Open Sites and the Control of Pollution Act 1974.

The Ayrshire Roads Alliance (ARA) 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:

Four representations have been received, 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.

- Traffic congestion/ parking at the locale from users of the school/ engines left running/blocking of driveways, particularly at drop off and pick up times;
- Concerns with proximity of extension to dwellinghouse which could impact on privacy;
- Concerns with existing lighting at the school and introduction of more lighting on proposed extension will further impact property;
- Concerns with noise, fumes and disruption from construction of proposed works, as well as last extension to school; and
- Migration of the birds impacted due to a two-tier infrastructure being built right in their flight path and birds fly into the windows of the school will be frightening for the children and detrimental to the health of the birds.

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:

(i) National Planning Framework 4

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/>

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 9 Brownfield, vacant and derelict land and empty buildings;
Policy 14 Design, Quality and Place; and
Policy 15 Local Living and 20-minute neighbourhoods.

NPF4 Policy 9 emphasises the need to make efficient use of existing buildings, land and infrastructure and to redevelop rural and urban brownfield sites before greenfield sites. NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. With regards to 'Placemaking', NPF4 Policy 14 states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. NPF4 Policy 15 policy states that proposals should aim to support local living and accessible places supported opportunities for public transport, walking and cycling.

In this instance, the development proposals seek to alter and extend an existing and established primary school within the settlement of Doonfoot, Ayr. The alterations and extension of the school are considered acceptable in terms of the proposed siting, scale, massing, design and finishing materials which are considered to complement the original building. On this basis, the proposals are not considered to adversely impact the setting, character or appearance of the locale. The site is contained within a predominately residential area which is accessible via various sustainable modes of transport. 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.

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions 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):

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 and extend an established primary school within the settlement of Doonfoot, Ayr. The alterations and extension of the school are considered acceptable in terms of the proposed siting, scale, massing, design and finishing materials which are considered to complement the original building. On this basis, the proposals are not considered to adversely impact the setting, character or appearance of the locale. 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 provisions 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 because of the development. On this basis, it is considered that the development proposals to upgrade and improve an existing school has the potential to make a positive contribution to local amenities, in terms of the provision of improved and additional community facilities at the locale. This aligns with this policy objective of the LDP in relation to supporting 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 is not impacted as a consequence of the proposal. Forty-one spaces will remain within the curtilage of the school. The school is accessible via various modes of transport for the local community, including walking, cycling and public transport links. The ARA position is captured within Section 2 of the report above. The ARA have no objection to the development proposal from a traffic and 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.

It is also noted that the proposed works are part of a phased programme of school-wide upgrade works, which although not part of the current application under assessment, includes revised one-way entrance arrangements,

along with revised carparking arrangements so as to increase parking within the site.

(iii) Planning History

The primary school has previously been altered and extended. Historical planning applications are as follows;

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

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

19/00241/APP Alterations and extension to existing school – Approved in 2019.

(iv) Objector Concerns

It is noted that those objecting to the development proposal are nearby neighbouring residents. Their concerns are captured and summarised in italics. Responses to the representations are offered directly below.

- *Traffic congestion/ parking at the locale from users of the school/ engines left running/blocking of driveways, particularly at drop off and pick up times;*

It is accepted that at particular times of the day such as drop off and pick up (e.g. 9am and 3pm) neighbouring residents, in common with neighbouring residents at other primary schools, will experience temporary, concentrated traffic flows and vehicle movements associated with the operation of the school. Notwithstanding, it is the responsibility of the Council's Education Service to operate the school in a responsible and neighbourly manner so as to minimise any on-going parking and congestion occurring in the vicinity as a consequence of the operation of school. In this regard, the current proposals are part of a phased programme of school-wide upgrade works to create improved facilities. The future phase is to create a more welcoming entrance, along with revised carparking arrangements including a one-way system and an increase in parking within the site. It is expected that these measures will have a positive impact on existing traffic and parking issues at the locale. Additionally, following consultation with the Ayrshire Roads Alliance (ARA), no objection to the development proposal to extend the school is offered from an operational, traffic, access, parking and servicing perspective.

Inconsiderate parking of vehicles within the public highway/ pavements/ blocking of driveways is not a material planning consideration in the assessment of a planning application. Inconsiderate/ illegal parking, should it occur, is matter for either the Ayrshire Roads Alliance or Police Scotland.

- *Concerns with proximity of extension to dwellinghouse which could impact on privacy;*

Impact on residential amenity is set out elsewhere within the report.

- *Concerns with existing lighting at the school and introduction of more lighting on proposed extension will further impact property;*

The Council's Environmental Health Service has offered no objections to the proposals. It is not considered that the proposal would adversely impact on the amenity of the neighbouring residential properties. Notwithstanding, any lighting would require to be designed and sited in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" (as recommended by the Council's Environmental Health Service) which would ensure that surrounding neighbouring properties will not be adversely affected. Concerns with existing lighting at the school should be reported to the Council's Education Service.

- *Concerns with noise, fumes, and disruption from construction of proposed works, as well as last extension to school;*

It is acknowledged that a temporary level of inconvenience can be expected during the construction phase in terms of associated activities. The concerns raised in respect of pollution are noted. The developer will however require to meet with the legislative requirements of the Control of Pollution Act 1974 (enforced by the Council's Environmental Health Service) in the interests of safeguarding neighbours and the environment. The planning process considers the impact of the resultant development on the locality (it does not legislate the construction process). The Environmental Health Service has no objection to the proposal however should statutory noise nuisance occur, then this would be considered and actioned by the Council's Environmental Health Service.

- *Migration of the birds impacted due to a two-tier infrastructure being built right in their flight path and birds fly into the windows of the school will be frightening for the children and detrimental to the health of the birds.*

The application site has no environmental designations. It is not considered that the modest extension sited immediately adjacent to other school buildings which is proposed within an existing school campus would significantly impact any wildlife. It is noted that the campus has mature planting and trees within its grounds which will not be adversely impacted by the proposed development. Notwithstanding, an advisory note can be attached to the permission which reminds the applicant of the need to comply with the legislative requirements set out in the Wildlife and Natural Environment (Scotland) Act 2011.

(v) Impact on the Locality

The proposals, which take their design cues from the original building, are subsidiary in scale and massing to the existing building and offer a design solution which does not compete with the original building and shall be visually absorbed against the backdrop/massing of the original building. The proposed finishing materials match the finishing materials found at the locale, and the design integrates well with surrounding development. On this basis, it is considered that the proposed alterations and extension can be successfully integrated without an adverse impact on the setting, character or appearance of the area.

The proposed extension will extend closer to the residential properties to the west of the site. However, the proposals are entirely contained within the existing school campus, and therefore the proposals will continue to be viewed as part of the overall school campus. It is also acknowledged that the western boundary of school and the properties to the west, are separated by a public footpath and landscaping with mature trees. Additionally, the properties existing boundary treatments along Greenan Grove comprise high boundary fences that are considered to mitigate any potential overlooking from the proposed classroom extension. Furthermore, the proposed extension retains a separation distance of approximately 15 metres to its western boundary and approximately 26 metres from the closest residential properties rear boundaries sited at Greenan Grove. Given the modest scale, location and separation distances retained from neighbouring residential properties, the proposals are not considered so injurious to residential amenity which would merit refusal of the application in this instance.

It is noted that the proposed extension is sited in close proximity of mature trees. It is acknowledged that the trees are not protected by a Tree Preservation Order or sited within a conservation area. However, the trees are prominent landscape features which contribute to the appearance of the area. In this regard, it is considered prudent to attach a condition to the permission so as to ensure that the trees and their root systems are protected during construction works.

As set out elsewhere within the report, the Ayrshire Roads Alliance and the Environmental Health Service offer no objections to the proposals. It is also prudent to note that the applicant has intimated that the proposed works are part of a phase of improvements planned for the school which will introduce an improved one-way entrance and additional parking within the school grounds in the future. This future phase is separate to the current application.

In terms of its use, the site currently provides educational facilities, and under the proposal the site will continue to do so. The proposals are also entirely contained within the existing curtilage of the school grounds. Accordingly, it is considered that the use of the site for the continued delivery of local education facilities for the benefit of the local community is acceptable and will result in no net detriment to the character or amenity of the locality.

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 objections 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 to extend the school 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;

- 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 tree protection fencing shall be installed in accordance with British Standard (BS) 5837:2012 prior to the commencement of operations. This fenced area will not be used for storage of materials, fuels, machinery or plant and shall stay in place until the development is completed to the satisfaction of the Planning Authority.

10. 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) In order to protect the mature trees and prevent any damage to the tree roots during the construction period.

11. Advisory Notes:

1. SEPA – Work can be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows www.sepa.org.uk
2. 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.
3. Please ensure the advice on light pollution contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" is followed. [http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)
4. Please note that work should be undertaken in compliance with legislation and guidance relating to NatureScot <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>

12 List of Determined Plans:

Drawing - Reference No (or Description): AL-001
Drawing - Reference No (or Description): EX001
Drawing - Reference No (or Description): EX002
Drawing - Reference No (or Description): EX003
Drawing - Reference No (or Description): EX004
Drawing - Reference No (or Description): P001
Drawing - Reference No (or Description): P002
Drawing - Reference No (or Description): P003
Other - Reference No (or Description): G23217
Other - Reference No (or Description): G23217

13 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.

Background Papers:

1. Application form and drawings
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:

Ms Dianne Lewis, Planner - Place Planning - Telephone 01292 616 175