

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 JUNE 2024

**PLANNING APPLICATION: RECREATION GROUND, GRAHAM CRESCENT,
FORFAR**

GRID REF: 344870: 750397

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application [24/00143/FULL](#) by Forfar Stingers Para-Football Club for the siting of a storage container at the Recreation Ground, Graham Crescent, Forfar. The application is recommended for approval subject to conditions.

2. RECOMMENDATION

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

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for the siting of a storage container at the recreation ground at Graham Crescent, Forfar. A plan showing the location of the application site is provided at Appendix 1.
- 3.2 The proposed flat roofed metal container is to be sited adjacent to the west boundary of the recreation ground and has a footprint of approximately 15sqm and an overall height of around 2.5m. The container would be blue in colour.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of statutory neighbour notification.
- 3.5 This application requires to be determined by committee because the council has a financial interest in the application site, and the application is recommended for approval in circumstances where it has attracted objection.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no planning history relevant to the determination of this application.

5. APPLICANT'S CASE

- 5.1 No information has been submitted in support of the application.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection.
- 6.2 **Angus Council – Parks Service** – no objection.
- 6.3 **Sportscotland** – no objection.
- 6.4 **Community Council** – no comment received.

7. REPRESENTATIONS

- 7.1 Two letters of representation have been received raising objection. Those letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) system.
- 7.2 In summary terms the following issues are raised: -
 - The development is out of character with and would adversely affect the open space.
 - Unacceptable visual impacts.
 - Concern regarding impacts upon access, parking, road traffic and pedestrian safety, including illegal parking.
 - The development encloses the public footpath between the open space and cricket ground.
 - The development would attract anti-social behaviour.
- 7.3 Material planning issues are addressed below but the following matters are addressed at this stage: -
 - **There are more suitable locations for such a development** – there may be other recreational areas and sports pitches in Forfar where this container could be located. However, the applicant has chosen to submit an application to site the container at this location following discussion with the landowner. The relevant considerations in relation to this planning application are whether this is an acceptable location having regard to development plan policy and material considerations. The availability of possible alternative parks where the container could be located is not a material consideration.
 - **Use of the recreation ground by a club for organised games restricts its use by others** – This is an application for a storage container, and it is not an opportunity to review the landowner's policy for use of sports pitches. Issues regarding impact on the recreational area are discussed below under planning considerations.
 - **Lack of neighbour notification on the application** – the neighbour notification has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, details of the application have been published on the council's Public Access system.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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:
- [National Planning Framework 4](#) (NPF4) (Adopted 2023)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the planning application are reproduced at Appendix 3 and have been taken into account in preparing this report.
- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The application site is located within the Forfar development boundary as defined by the ALDP. It is not allocated or otherwise identified for development, but it is greenfield land, and it forms part of an area of open space where open space protection policies apply.
- 8.6 Policy DS1 of the ALDP states that 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 other relevant policies of the plan. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the local development plan. Development plan policies also seek to safeguard existing open space and indicate that development on existing open space areas will only be permitted in limited circumstances, including where the proposed development is ancillary to the principal use of the site as a recreational resource.
- 8.7 The proposal would provide a storage container for a local football club at an existing recreational facility which accommodates a football pitch. The container would be ancillary to the sporting use of the football pitch at this location. It would be sited in a location that would minimise its overall impact on the useability of the pitches and wider recreation area. Development plan policy specifically allows for development which is ancillary to the principal use of the site as a recreational resource as is the case in this instance. Sportscotland has been consulted on the application and is satisfied that the proposed development is ancillary to the principal use of the site as an outdoor sports facility and is compatible with relevant NPF4 policy. The council's parks service has also offered no objection to the application and has indicated that the recreation ground would remain available for unrestricted public use. In general terms, the principle of siting a storage container in this area is compatible with policy and it is not unusual to see this type of structure within a recreational area.
- 8.8 The container is of utilitarian appearance reflecting its intended functional use, but it is small and would occupy a reasonably discrete location within the open space area. There are a variety of building styles in the surrounding area; this is not an area of special townscape quality; and the container would not occupy a particularly

conspicuous location in the wider townscape. The container would not detract from the character and pattern of development in the area, and it would not raise any significant conflict with development plan policies that deal with design or with the council's design quality and placemaking supplementary guidance.

- 8.9 There is a residential home located around 15m to the north of the proposed container location with intervening landscape planting. The closest dwellings are located over 30m to the south of the proposed container, and buildings associated with the cricket ground are located to the west and separated from it by a track. The proposed storage use is unlikely to give rise to any significant impact on the amenity of occupants or users of neighbouring buildings. The container would be around 2-3m from the boundary with the track to the west and would not significantly impact the amenity of persons using that track. It would not give rise to any other significant amenity impacts.
- 8.10 This is an existing recreational ground, and it is used for sporting and recreational purposes. The existing football pitch is available to be used by all sections of the community. The provision of a storage container for a local sports group that will use the existing sports pitch is unlikely to result in any material increase in traffic. The roads service has reviewed the proposal and considered the objections in so far as they relate to parking and road traffic safety, and it has offered no objection. There is no dedicated parking associated with the recreation ground, but there is on-street parking available in the area and that is available to use by all, including those who currently use the recreational area. There is no reasonable basis to conclude that provision of a storage container for a use ancillary to the recreational area would materially affect parking provision in the area or cause any significant issues in terms of road traffic or pedestrian safety.
- 8.11 The application site is not subject of any specific designation for built, cultural, or natural heritage interests and there is no evidence to suggest that the proposal would give rise to any unacceptable impacts in relation to those matters. There is some indication of archaeological interests in the general area, but those would not be affected by the siting of a container. There are a number of trees within the park land, but there is no evidence to suggest that they would be affected by the siting of a container. The parks service has suggested a condition to deal with the specific siting of the container in order to ensure appropriate access to the recreational area is maintained and the specific micro-siting can ensure any potential impact on trees is mitigated.
- 8.12 The recreational area appears to subject of some risk of surface water flooding, but a storage container for a sports club is not a use that is highly sensitive to flood risk and there is no indication that provision of a small container would materially affect flood risk in the area. The proposal does not give rise to any significant conflict with flood risk or drainage policy.
- 8.13 The proposal does not give rise to significant issues in terms of other development plan policy and is broadly compatible with the development plan.
- 8.14 In addition to the development plan, it is necessary to have regard to other material considerations. In this case those comprise the planning issues raised in the letters of representation submitted in objection to the application.
- 8.15 Issues regarding the impact of the development on the useability of the wider recreation area, the appearance of the container, and road traffic safety and parking are discussed above. The proposal does not give rise to unacceptable impacts in relation to those matters for the reasons set out.

- 8.16 The container would measure around 6m in length and around 2.5m in height. It would be around 2-3m from the track that separates the park from the cricket ground. Given its length, height and distance from the track, it would not give rise to any unacceptable enclosing impact on users of the track which is otherwise reasonably open and subject to natural surveillance from surrounding buildings and public areas.
- 8.17 There is no reasonable basis to suggest that the container would attract or be any more susceptible to anti-social behaviour than other flat or mono-pitched roof buildings in the area. The park benefits from a degree of natural surveillance provided by surrounding buildings and public areas.
- 8.18 In conclusion, the proposal would provide for the siting of a storage container for a local football club within an existing area of open space. The container would provide storage for sports equipment and would be ancillary to the sporting and recreational use of the open space area. It would use around 15sqm of the larger park and would not adversely affect its wider use or amenity value. It would not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the proposed planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The recommendation in this report for grant of permission/consent, 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.

10. CONCLUSION

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following conditions:

Reason for Approval:

The proposal is in accordance with the development plan as it provides for the siting of a storage container which would be ancillary to the wider sporting and recreational use of the area. It does not affect the wider use or amenity value of the park and it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. That prior to the commencement of development, the precise location of the container shall be agreed in writing with the planning authority.

Reason: In order to allow any necessary micro-siting of the container in the interests of ensuring appropriate access to the recreational area is maintained and that potential adverse impact on existing trees is avoided.

3. That if the container is no longer required for storage directly associated with the sporting or recreational use of the recreational area, it shall be removed, and the land restored to its former grassed condition to the written satisfaction of the planning authority.

Reason: In order that the container is removed in the event that it is no longer required for the purpose permitted in the interests of the visual and recreational amenity of the area.

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

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: LETTERS OF REPRESENTATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES