

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 13 AUGUST 2024**

**PLANNING APPLICATION: UNION PARK, LINKS AVENUE, MONTROSE**

**GRID REF: 372206 : 758164**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application [24/00289/FULL](#) by Union Park Community Sports Club for the erection of a new community sports building and ancillary works including the formation of a parking area at Union Park, Links Avenue, Montrose. 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 erection of a new community sports building and ancillary works including the formation of a parking area. A plan showing the location of the application site is provided at Appendix 1.
- 3.2 The application site comprises land within the existing Union Park area of open space. The new building and associated development would be located in the eastern area of the park, adjacent to the boundary with Whinfield Road.
- 3.3 The proposed single storey building would have a footprint of approximately 570sqm and be rectilinear in form with a pitched roof. It would be finished in insulated cladding panels with feature timber cladding and glazing. The building would accommodate changing rooms, toilets, a medical room, kitchen facilities and a plant room, as well as multi-purpose spaces and a veranda facing west towards the sports pitches. The building would connect to the public drainage network with surface water directed to a sustainable urban 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 remain as existing.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.
- 3.6 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 Planning permission was granted by committee in August 2019 (Appn: [19/00183/FULL](#) and report no. 252/19 refer) for the erection of a building to accommodate community, rugby, and cricket club use at Union Park. That permission has expired, but it provided for a building of similar size and form, in a similar location.

#### 5. APPLICANTS CASE

- 5.1 The applicant has provided supporting information to clarify aspects in relation to the operation of the proposal and that is available to view on the [Public Access](#) system and is summarised below: -

- The social space will be used for daytime activities for community groups, after match food for minis and junior teams, potential children's birthday parties. These times will be all during the day.
- Have occasional junior evening match but the premises would be vacated by 9pm.
- Currently don't have any evening/ nighttime events or groups wishing to use the space.
- The servery/ kitchen area will be used for serving food for community/sporting events.
- Will not be operating a licensed premises or unsocial hours.
- The pitch is floodlit and is always off between 8.30-9pm.
- Lighting around the clubhouse will be entrance way lights and lights around outside access doors.

#### 6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection subject to a condition relating to the provision of cycle parking.
- 6.2 **Angus Council – Environmental Health** – no objection subject to a condition requiring a noise management plan.
- 6.3 **Scottish Water** – no objection.
- 6.4 **Community Council** – no comment received.
- 6.5 **Sportscotland** – no objection.

#### 7. REPRESENTATIONS

- 7.1 Two letters of representation have been received raising objection, comment, and questions regarding operation of the development. Those letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website.
- 7.2 In summary terms, the following matters have been raised as concerns and are addressed under Planning Considerations below: -

- Concern regarding impacts upon access, parking, and road traffic.
- Questions regarding operational issues, including whether the building would have an alcohol license, extent of use for social events, hours of use, and floodlighting.

## 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) (2023)
  - [Angus Local Development Plan](#) (ALDP) (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 site is located within the development boundary for Montrose as defined by the ALDP. Policy DS1 of the ALDP indicates amongst other things that, the focus of development will be sites allocated or otherwise identified for development and they will be safeguarded for the identified use. It further indicates 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. 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.
- 8.6 The application site forms part of the open space at Union Park and the park is identified as open space in the ALDP. Development plan policies 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. 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.
- 8.7 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. While it would result in a reduction of available open space, it would not adversely affect the existing sports pitch provision and it would improve the facilities available for those using the pitches. SportsScotland 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 NPF4 Policy 21. It is indicated that the building would also be available for community use and in broad terms the principle of the proposal is compatible with development plan policy.
- 8.8 The proposed building is single storey with a pitched roof and covered veranda 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 not give rise to any unacceptable impact on the streetscene. The design of the building does not give rise to any significant issue

in terms of relevant development plan policy and associated guidance. A proposed planning condition requires precise details regarding a number of detailed matters, including the external finishing materials.

- 8.9 There are residential properties located to the north, south, east and west of the wider Union Park boundaries. The closest houses would be located approximately 40m to the east of the proposed building, but it would be separated by the public road. 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, including a requirement for a noise management plan. 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.
- 8.10 This is an existing recreational ground, and it is used for sporting and recreational purposes. It is a location that has reasonably good accessibility to the wider town for pedestrians. The development of a new building to provide an improved sporting facility for the community at an established sporting/ recreational location is unlikely to result in any significant increase in traffic associated with the existing use of the sports pitches. Community use associated with the multi-purpose spaces, may result in some additional use of the building, but this would be unlikely to result in a significant increase in traffic levels that are greater than that associated with the existing use of the sports pitches. The roads service has reviewed the proposal and considered the objections in so far as they relate to parking and road traffic safety and has offered no objection, subject to a condition to secure cycle parking. There is no dedicated parking associated with the current use of the sports ground. There is on-street parking available in the area, which is available to use by all, including those who currently use the sports pitches. The on-street parking would remain available on completion of the development and the application provides for the establishment of around 20 informal car parking spaces within the site. A proposed planning condition will require the provision of a scheme to ensure that the parking provision is available. There is no reasonable basis to conclude that provision of the building would significantly affect parking provision in the area or cause any significant issues in terms of road traffic or pedestrian safety.
- 8.11 Adequate space is available at the site for refuse collection and recycling. The development would not result in unacceptable impacts upon existing infrastructure. The principle of the drainage arrangements proposed are broadly acceptable and would be regulated through the building warrant and Scottish Water consenting processes. The proposal does not give rise to any other significant issues in terms of development plan policy.
- 8.12 The proposal provides for a new building that would improve recreational facilities at an area of land that is identified and safeguarded for recreational and sporting use. It would not give rise to significant or unacceptable impact on the amenity, environment, or infrastructure of the area subject to planning conditions. It would be of a scale and nature appropriate for the location, and it is compatible with the development plan.
- 8.13 In terms of other material considerations, it is relevant to have regard to the planning history of the site and to the letters of representations submitted in so far as they raise material planning issues.
- 8.14 As indicated above, planning permission has previously been granted by committee for a similar development at this location. However, that permission has now expired, and the development plan policy framework has been updated in the intervening period. Those factors reduce the materiality and weight that should be afforded to the previous permission. Notwithstanding that, the relevant policy considerations have not changed

to any significant extent and case law recognises the importance of ensuring consistency in decision-making. The previous decision merits some weight.

- 8.15 In terms of matters raised in letters of representation, issues regarding amenity impacts, including those relating to parking and road safety are addressed above. As indicated, the proposal would provide some off-street parking, existing on-street parking is not restricted to residents only, and the roads service has offered no objections. The building is some distance from neighbouring property and conditions are proposed to minimise potential adverse amenity impacts.
- 8.16 A number of questions are asked regarding the operation of the building, and these are not directly matters that the planning system can control in this case. It is indicated that the building would not be a licensed premises, but that is largely a matter for the licensing authority to consider if it receives an application. The applicant has provided some information on the level and nature of community use anticipated, but the planning system cannot reasonably regulate such use. Similarly, some information is provided regarding hours of use. However, subject to compliance with the identified conditions, there is no reasonable basis to conclude that the proposed building would cause any unacceptable impact on the amenity of those that live in the area, and there is no reasonable basis to control hours of operation at a sports pitch which is not currently subject to any such restriction. Finally, questions are asked regarding the hours of use of floodlighting at the pitches. It is relevant to note that the proposal does not make any provision for installation of new or alteration of existing floodlighting. A condition is proposed that requires details of any external lighting associated with the building proposed to be submitted to and approved by the planning authority prior to installation.
- 8.17 In conclusion, the proposal provides for the construction of a new building which would 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 have been taken into account, and conditions are proposed to address those concerns where appropriate. The proposal is in accordance with the development plan as it provides for the erection of a new building which would provide improved facilities associated with the existing sporting and recreational use of a park, in a manner that would not affect the wider use or amenity value of the park, and that 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.

## **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 erection of a new building which would provide improved facilities associated with the existing sporting and recreational use of a park, in a manner that would not affect the wider use or amenity value of the park, and that 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. 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 relative to a fixed datum. 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, and it shall include a complaints procedure. Thereafter, the building hereby approved shall be operated only in accordance with the approved noise management plan.
  - (e) 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;
  - (f) a scheme for the provision of a minimum of 10 parking spaces for pedal cycles within the site. The provision for cyclists shall be conveniently located for the main public entrance to the building and shall be signed, covered, and adequately lit. 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;
  - (g) 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.

*Reason: In order to allow the planning authority to verify the acceptability of the proposals in the interests of amenity and environmental protection; to ensure provision of adequate car and cycle parking provision; and to safeguard the sports pitches.*

3. Any amplified music or vocals associated with the use of the building, including its veranda, 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 at least 50mm.

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

4. Noise from any ventilation, plant or equipment associated with the development shall not exceed NR curve 35 between 0700 and 2200 and NR curve 25 at all other times, as measured within any dwelling or noise sensitive premises with windows open at least 50mm.

*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: JILL PATERSON**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 6 AUGUST 2024**

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