

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 25 June 2014

DC14/118: Amendment to condition 30 of planning permission DC10/310 (to allow the school sports pitches to be used by school aged children during school holidays and at weekends between 9am and 3.30pm) at Dumbarton Academy, Crosslet Road, Dumbarton, by West Dunbartonshire Council.

1. REASON FOR REPORT

- 1.1** This application is classified as a major application, and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 Grant** planning permission subject to the conditions set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1** Planning permission for the erection of the new Dumbarton Academy secondary school and associated works was granted on 7 February 2012 (DC10/310). The previous Dumbarton Academy building and Brock Bowling Club were demolished, and the new secondary school erected. The positioning of the new school building and sports pitches within the site differ from those of the original school, as the new building was built alongside the original school in order to minimise disruption to education during construction.
- 3.2** The site is broadly level and surrounded by housing, with the school building fronting onto Crosslet Road. Within the grounds of the school there are two synthetic sports pitches and a grass football pitch. The two synthetic pitches are located to the rear (north) of the site and are floodlit, whilst the grass pitch is adjacent to Crosslet Road. The synthetic pitches are enclosed by ball stop fencing varying in height from 5m up to 7.5m behind the goals. The synthetic pitches are located on ground which was previously occupied by a grass football pitch and a synthetic pitch, neither of which was floodlit.
- 3.3** When planning permission was granted for the new school, the following planning condition was attached:
- “30. The sports pitches on site shall only be available for use by Dumbarton Academy and are not to be made available for hire. The pitches shall not be in use beyond 8pm Monday to Friday and 5pm on*

Saturdays and Sundays. The use of the pitches for hire would require the submission of a further application for planning permission.

Reason: In order to avoid disturbance to nearby residential properties.”

- 3.4** This condition allows for use by Dumbarton Academy sports clubs in the evenings and weekends, but not for use by other organisations at any time. The background to this condition is explained in Section 7 below. Planning permission is sought to amend condition 30 in order to permit the use of the school sports pitches by supervised groups of children (though not specifically Dumbarton Academy pupils) during school holidays and at weekends during the daytime. This would be in addition to the continued use of the pitches by Dumbarton Academy at the times already permitted.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions limiting use other than by the school itself to 9am to 3.30pm (Mondays to Saturdays) and 11am to 3.30pm (Sundays), unless otherwise approved for specific one-off events.

5. REPRESENTATIONS

- 5.1** At the time of writing this report, five letters of representation have been received from parents, all of which support the use of the sports facilities by supervised groups of children at weekends and during school holidays. The period for submission of representations had not yet expired and further representations may be received after this report is finalised. The number and nature of any subsequent representations shall be reported to the Committee orally, along with any changes to the report or recommendation which might arise there from.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** West Dunbartonshire Local Plan (2010)
The site is identified as a Community Learning Campus. Policy R3 states that the Council will endeavor to maximise community use of sports facilities within schools outwith school hours. The proposed use of the school sports pitches by school aged children during school holidays and at weekends is consistent with this policy.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 7.1** West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan
The site is located within an Existing Neighbourhood, where Policy BC3 states that development will not be permitted if it would significantly harm the residential amenity, character or appearance of the area. The additional use

of the sports pitches at weekends and during school holidays is considered to be in accordance with this policy since it is an appropriate use for school playing fields and would not have an unacceptable detrimental impact on the residential amenity of the surrounding area.

7.2 Scottish Planning Policy (SPP)

This notes that playing fields are an important resource for sport, and should be provided in sufficient quantity, quality and accessibility to satisfy community demand. For many sports and recreation developments, locations within or close to residential areas will be the most appropriate location and advice will be taken from Sport Scotland in this regard. Sport Scotland were consulted during the processing of the original planning application for the new Dumbarton Academy and advised that they were satisfied with the dimensions and type of pitches proposed as part of the development. Whilst they were prepared to accept the pitches only being available for use by the school, their preference was to encourage as much use of the pitches as possible. Extending the use of the pitches to allow use by other supervised groups of children would therefore be consistent with the SPP and with the previous advice of Sport Scotland.

7.3 Reason for Existing Condition

At the time of the original planning application (DC10/310), the Education Service had hoped to make the floodlit synthetic pitches available for community lets, up until 10pm at night. However despite repositioning these pitches to the optimal part of the application site, following a noise impact assessment and discussions with the Environmental Health Service it was considered that it would not be possible to install any noise mitigation measures capable of limiting noise to a level suitable for times after 8pm (weekdays) or 5pm (weekends). Furthermore, the noise mitigation measures which were possible would have involved the use of 4m to 6m high acoustic fencing; however this was not taken forward due to a significant number of local residents objecting on visual grounds. As a result, the application was determined on the basis that there would be no acoustic fencing provided and the pitches would be used solely by Dumbarton Academy.

7.5 Current Proposal

The purpose of the original condition was therefore to protect residents from the noise of regular evening use of the pitches, and use for community let purposes which might give rise to different noise characteristics, and it did not seek to restrict use of the pitches for normal educational purposes. However, in practice the wording of the condition does prevent some relatively innocuous activities which would normally be associated with the use of school pitches and facilities. A specific issue which has arisen is the use of the pitches by the Sports Development Section of West Dunbartonshire Leisure Trust, which operates children's sports activities and coaching sessions at various schools during school holiday periods. Such use is technically outwith the letter of condition 30 because the activities are not being run by the school itself, and they are open to children from other schools. The Education Service has therefore applied to vary condition 30 in

order to allow use of the pitches by supervised groups of school-aged children during the daytime.

7.6 Impact on Residential Amenity

Whilst the proposal would obviously increase use of the pitches during holiday periods, and potentially at weekends (although this is not currently planned), by limiting such use to school-aged children under supervision and restricting the hours of such use to 9am to 3.30pm (commencing at 11am on Sundays), the impact on surrounding residential properties would be minimised and would not be greater than the impacts arising from use by Dumbarton Academy. The most sensitive periods in terms of noise disturbance (i.e. late afternoon/evenings, and early on Sunday mornings) would remain excluded so there would be no additional disturbance at these times. It is therefore considered that the impact of the proposed change upon the amenity of neighbouring residents would be relatively minor. Furthermore the proposal would provide benefits for the wider community by making the high quality sports facilities more widely available to local children, for their enjoyment and to the benefit of their health, which should be encouraged.

8. CONCLUSION

- 8.1** The rebuilding of Dumbarton Academy has resulted in significantly improved sports facilities being available for use by the school, but these facilities are not available for general community use. Nonetheless, it is considered that limited community use by supervised groups of school-aged children during the equivalent of normal school hours would not have a significant impact on residents and would be an appropriate use of the facilities. Such a use of the pitches would make more effective use of the new sports facilities for the benefit of the local community, and would be in accordance with relevant planning policies.

9. CONDITIONS

Note: as this is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997, it grants a new permission for the school and it is therefore necessary to re-state all of the outstanding conditions. Most of the original conditions have already been discharged or partly discharged. The only condition which is relevant to this application is condition 6, which replaces the original condition 30.

- 01. Landscaping of the site shall remain in accordance with the approved landscaping scheme agreed under planning permission DC10/310. Any trees or shrubs removed without the consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees or shrubs of similar size or species.**
- 02. The floodlights shall be maintained in accordance with details approved under planning permission DC10/310. Any subsequent**

changes to their position or specification shall be subject to the prior written approval of the Planning Authority.

03. The floodlights shall be switched off and shall not be in use after 8pm Monday to Friday and 5pm on Saturdays and Sundays.
04. The actions arising from the School Travel Plan and Workplace Travel Plan approved under planning permission DC10/310 shall be maintained hereafter.
05. No development including any landraising shall be carried out in the functional floodplain which forms part of the application site (0.5% annual probability) as shown on Figure 3 Rev B (Proposed Site Plan) prepared by Jacobs dated June 2011 as a part of planning permission DC10/310.
06. The external sports pitches on the site shall not be used or made available for hire to groups or at times outwith those specified as follows:
 - a) Use by Dumbarton Academy (including sports clubs, teams and events associated therewith) between the hours of 9am to 8pm Monday to Friday and 9am to 5pm Saturday and Sunday; and/or
 - b) Use by other supervised groups of children of school-age or younger between the hours of 9am to 3.30pm on any day of the week (including school holiday periods and weekends)

Richard Cairns
Executive Director of Infrastructure and Regeneration
Date: 9 June 2014

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Clydebank. G81 1TG.
01389 738656
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None.

Background Papers:

1. Application documents, plans and representations;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire LDP - Proposed Plan; and
4. Environmental Health consultation response.

Wards affected: Ward 3 (Dumbarton