

# Development Management Sub Committee

**Wednesday 8 September 2021**

**Application for Planning Permission 21/02381/FUL  
At Currie High School, 31 Dolphin Avenue, Currie  
Proposed 3G Pitch including floodlighting, fencing and  
spectators' area.**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

## Summary

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The proposed development will formalise existing recreational space within the school grounds and is acceptable in principle, complying with Edinburgh Local Development Plan (LDP) policies Env 18 and 19.

The proposal is of an appropriate scale and design and will not impact on the character and appearance of the surrounding area.

The proposal will not have a detrimental impact on neighbouring amenity or increase flood risk.

There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN09, LEN16, LEN18, LEN21, LDES05, NSG, NSGD02,

# Report

## **Application for Planning Permission 21/02381/FUL At Currie High School, 31 Dolphin Avenue, Currie Proposed 3G Pitch including floodlighting, fencing and spectators' area.**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The site is the existing Currie High School located at 32 Dolphin Avenue to the south of Currievale Drive.

The existing site comprises the school buildings, sports pitches and open space /footpaths associated with the existing school use.

The site is surrounded on all sides by residential homes, predominantly two-storey dwellinghouses.

The site is central to a residential neighbourhood and can be accessed by pedestrians at various points around the site boundary. The main vehicle access point is from Dolphin Avenue.

#### **2.2 Site History**

August 2021- Application pending for construction of a new ultra low energy community high school, swimming pool and sports facilities within the grounds of the existing school, plus associated external landscaping and car parking. Demolition of the existing school building (application reference: 21/04443/FUL)

## Main report

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### 3.1 Description Of The Proposal

The application seeks permission for the formation of a 3G Pitch including floodlighting, fencing and spectators' area.

The new pitch is proposed on a grassed area which lies to the west of the existing synthetic pitch (proposed to be removed as part of the overall school development).

The full pitch, from north to south will be 106m x 66m with a 3m run-off zone around the perimeter of the pitch before the 5m high fence, with recessed fences behind and to the side of the eight goal areas. The size of the full pitch is proposed to conform to the Sports Scotland and Scottish Football guidance for artificial turf pitches in length and in width. The overall area for the pitch development is 0.76ha.

Along the south, east and west sides of the pitch will be goal storage areas. A spectator's area is proposed along the eastern side. This area is protected by a spectator's barrier which separates this area of paving from the pitch surface.

The perimeter fencing will be a wire mesh coated in green. The fencing will include 'access flaps' to allow accessibility when the gates are locked as similar to the existing fence at the synthetic pitch.

The proposal will include eight 15m high LED floodlights surrounding the pitch. The luminaires are proposed to have minimum light spill. The lighting will be capable of 350 lux with the option to dim down when used for training. The lighting columns will be hinged to allow for ease of maintenance when cleaning or replacing the flood lighting.

The pitch can be accessed via the school grounds and the main community path which links the west and east access points. Car parking arrangements will remain unchanged.

The proposal forms the first phase of the wider proposed development of the new school on the site which is subject to a separate application.

Supporting information was submitted as part of the application. This includes:-

- Design and Access Statement;
- Ecology Report;
- Heritage Impact Report;
- LED Floodlight Specification;
- Maintenance Schedule; and
- S1 Sustainability Form.

The above documents are available to view on the Council's Planning and Building Standards Portal.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, 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.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle and the loss of existing open space is acceptable;
- b) the proposal is of an appropriate scale, form and design is compatible with the area;
- c) the proposal adversely impacts on residential amenity;
- d) the proposal adversely impacts on traffic or road safety;
- e) the proposal will increase flood risk;
- f) the proposal will be to the detriment of existing trees or natural environment;
- g) the proposal will have any archaeological implications;
- h) any impact on equalities and human rights; and
- i) any comments raised and addressed.

#### a) Principle and Open Space

The school falls within the urban area as designated within the Edinburgh Local Development Plan, and the existing use is Class 10 (Non-Residential).

The Edinburgh LDP defines the area surrounding the existing school building within the site as open space. The area of land subject to this proposal is an area of open space currently utilised as informal recreational space.

LDP Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) There will be no significant impact on the quality or character of the local environment and;
- b) The open space is a small part of larger area or of limited amenity or leisure value and there is significant over provision of open space serving the immediate area and;
- c) The loss would not be detrimental to the wider network including its continuity or biodiversity value and either;

- d) There will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvements to an existing public park or other open space or;
- e) The development is for a community purpose and the benefits to the local community outweigh the loss.

Furthermore, LDP Policy Env 19 (Protection of Outdoor Sports Facilities) states the loss of a playing field or sports pitch will be permitted only where one of the following circumstances applies-

- a) The proposed development is ancillary to the principal use of the site as outdoor sports facilities;
- b) The proposed development involves the minor part of outdoor sports facilities and would not adversely affect the use or potential of the remainder for sport and training;
- c) An alternative outdoor sports facility is to be provided of at least equivalent sporting value in a no less convenient location or existing provision is to be significantly improved to compensate the loss;
- d) The Council is satisfied that there is a clear excess of sports pitches to meet the current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.

In this instance, the proposed 3G pitch is to replace the existing synthetic pitch to the east which is proposed to be lost as part of the overall redevelopment of the school site.

In terms of the grassed area, there will be no loss of open space as the application seeks to formalise the existing area to provide an all weather sports facility. Whilst the existing space has recreational value, this will not be lost but enhanced through the proposed development. It will not result in a loss of public open space to the detriment of the locality, as the proposed pitch will continue to contribute to, and enhance upon, the leisure needs of both students and the local community.

Sports Scotland were consulted on the proposal and make reference to Scottish Planning Policy paragraph 226 in relation to the redevelopment and protection of outdoor sports facilities. The response states that given a new synthetic pitch is proposed, the proposal meets the policy principles. Informatives are attached in relation to the maintenance and surface of the pitch.

Overall, the principle of development within the established school site is acceptable. The proposal will provide an outdoor sports facility with enhanced sporting value and in suitable and convenient location, and there will be no impact on the quality or character of the local environment. The proposal complies with LDP Policies Env 18 and Env 19.

#### b) Scale, form and design

LDP Policy Des 1 (Design Quality and Context) seeks to ensure development will contribute towards a sense of place. This applies to all new development to ensure proposals will not be damaging to the character and appearance of the area.

The formation of the synthetic pitch and associated lighting is located in an appropriate position. The proposal is functional in type and is acceptable in scale, form and design where it will be compatible with the existing school development within the context of the site.

It will not alter the character of the local environment. The acceptability of the proposal reflects the predominate use of the land where it will be appropriately positioned adjacent to existing sports pitch.

### c) Neighbouring Amenity

LDP Policy Des 5 (Amenity) seeks to ensure development will not be to the detriment of neighbouring amenity.

The site is surrounded by residential accommodation with the nearest homes being located immediately to the west beyond a small strip of vegetation and public path. Residential houses also lie further to the south, where there is also a strip of vegetation and a row of garages.

The proposal will not result in the loss of privacy or cause any overshadowing issues to neighbouring properties.

Environmental Protection have raised concern about potential noise disturbance as a result of the proposed pitch being located nearer to some residential homes than the existing pitch. However, as there is no change of use and this application merely formalises the existing sports facilities within the site. Given this, new controls cannot be placed upon the applicant to control noise.

Environmental Protection also raised concern that the new flood lights may impact on a greater number of surrounding residential properties, although commented that some will see an improvement. One area of concern is the potential glare from new lights. As such, assurance was sought from the agent that no flood light bulbs or reflective surfaces would be visible to residents.

The applicant has submitted drawings which show floodlight spillage. The drawings show the design and installation of the LED floodlights would comply with our standards for light spillage.

Environmental Protection have not objected to the application on the grounds that there are existing floodlights on the existing pitch, adjacent to the proposed site, and state that the proposed floodlights should be more effective at minimising light spill and glare than the existing ones. The luminaires also have cowls which should provide some reduction of glare.

That being said, Environmental Protection have recommended a condition be attached to this permission to limit the hours of operation of the floodlighting to between 08:00 and 22:00 hours daily.

Whilst the proposal will result in an increase in the level of floodlighting on the site, conditions controlling floodlights hours of operation, intensity and direction cannot be

applied when the proposal in effect relates to an established land use under the 'Mansi' principle from the High Court Decision of Mansi v Elstree RDC (1964 16 P and CR 153).

Furthermore, planning conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The test when considering necessity is whether planning permission would have to be refused if that condition were not to be imposed. Given that there will be no change to the existing lawful planning use of the site, where no such restrictions apply, it is considered the conditions requested are unnecessary in order to make the application acceptable.

Separate controls exist under Environmental Protection legislation to restrict levels of light pollution which may emanate from the site.

Overall, the proposal is compliant with LDP Policy Des 5.

d) Parking and Road Safety

The proposal will not alter existing car parking arrangements.

e) Flood Prevention

LDP Policy Env 21 (Flood Prevention) state that development should not increase flood risk or be at risk from flooding itself.

Supporting information was submitted as part of the application. The applicant intends to allow suitable drainage by providing filter trenches installed to the northern boundary of the development plateau to intercept any surface water leaving the site. This will aim to alleviate any future drainage issues.

The Council's Flood Prevention section were consulted on the proposal and raised no objection.

The proposal therefore complies with LDP policy Env 21.

f) Trees and Ecology

**Trees**

LDP Policy Env 12 (Trees) aims to protect existing trees against any damage from development.

In this instance, the existing mature trees to the north, south and west boundary are proposed to be retained.

A condition is recommended requiring a Tree Protection Plan to be submitted prior to the commencement of development to ensure the proposed works do not have an adverse impact upon existing trees on site.

## **Ecology**

LDP Policy Env 16 (Species Protection) aims to ensure there will not be an adverse impact upon protected species as a result of development.

A Preliminary Ecological Appraisal (PEA) of Land was submitted and indicates that there are no significant ecological constraints to the proposed development.

The applicant has confirmed that a nesting survey will be undertaken ahead of the pitch construction.

The proposal is in compliance with LDP Policy Env 16.

### **g) Archaeology**

The site has been identified as an area of archaeological potential. Accordingly, a condition requiring an investigation prior to any work commencing on site has been added in respect of this.

The proposal complies with LDP policy Env 9.

### **h) Equalities and human rights**

This application was assessed in terms of equalities and human rights. No impact was identified.

### **i) Public comments**

#### **Material Considerations**

- Impact on neighbouring amenity - addressed in Section 3.3 (c).
- Loss of open space- addressed in Section 3.3 (a)
- Flood Risk- addressed in Section 3.3 (e)
- Flood Light Disturbance - addressed in Section 3.3 (c).

#### **Non- Material Considerations**

- Impact on house prices;
- Impact upon garden fence and gate access; and
- Noise from construction.

#### **Letters of Support**

- Benefit to school and community, much needed all weather provision for students and community and growing population.

## **CONCLUSION**

The proposed development will formalise existing recreational space within the school grounds and is acceptable in principle, complying with Edinburgh Local Development Plan (LDP) policies Env 18 and 19.

The proposal is of an appropriate scale and design and will not impact on the character and appearance of the surrounding area.

The proposal will not have a detrimental impact on neighbouring amenity or increase flood risk.

There are no material considerations that outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives:**

#### **Conditions:**

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of development a Tree Protection Plan is required to be submitted to the Planning Authority for approval in writing and to be installed prior to development taking place.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to protect existing trees on site.

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

#### 4. Sport Scotland Informative

The new 60m x 100m pitch (with 3 m run-offs) will be surfaced with a synthetic pitch that will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development.

The proposed pitch is adjacent to trees and the maintenance regime for the pitch should factor this in in order that the performance of the surface is not compromised.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

### **Equalities impact**

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#### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

### **Sustainability impact**

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#### **7.1 The sustainability impact has been assessed as follows:**

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

#### **8.2 Publicity summary of representations and Community Council comments**

65 letters of support have been received in relation to the proposal. 7 objections have been submitted, along with 1 neutral representation.

## Background reading/external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

### Statutory Development Plan Provision

Adopted Edinburgh Local Development Plan.

### Date registered

11 May 2021

### Drawing numbers/Scheme

01-09,10A,11-13,

Scheme 1

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## Links - Policies

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### Relevant Policies:

#### **Relevant policies of the Local Development Plan.**

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

#### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## **Application for Planning Permission 21/02381/FUL At Currie High School, 31 Dolphin Avenue, Currie Proposed 3G Pitch including floodlighting, fencing and spectators' area.**

### **Consultations**

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#### **Archaeology response**

*The 1960's Currie High School was constructed on farmland occupying part of the northern edge of a higher ground overlooking the Murry Burn and extending and raising slowly upwards towards Ravelrig and Kaimes Hills to the West. Recent archaeological excavations by AOC archaeology in advance of CALA housing developments at Ravelrig and Newmills Balerno have unearthed archaeological evidence for prehistoric settlement and occupation dating back to the Neolithic, suggesting that this high ridge of ground was widely occupied during prehistoric and perhaps into the early medieval period.*

*As such the site has been identified as an area of archaeological potential. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The construction of the new scheme will require significant ground-breaking. It is recommended therefore that a programme of archaeological works is carried out in advance of development, in order to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.*

*This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation. The results from this initial phase of work will determine the scope of detailed further mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken prior to construction including also for community engagement.*

*It is recommended therefore that a condition be applied to any permission granted to secure this programme of archaeological works based upon the following CEC condition;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting,*

*publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **SportScotland response**

*The application site contains an existing grass playing field area. Proposed is a full size synthetic pitch as part of a new school proposal. We are guided by the provisions of Scottish Planning Policy paragraph 226 (which is mirrored in LDP policy ENV19 'Protection of Outdoor Sports Facilities') when considering planning applications that impact on outdoor sports facilities, this states:*

*"Outdoor sports facilities should not be redeveloped except where:*

- o the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- o the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- o the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or*
- o the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision."*

*Given that a new synthetic pitch is proposed, the proposal meets the policy principles, which seek to protect these spaces.*

*Prior to providing our final consultation response to the application we would appreciate clarification of the following:*

- 1. Are there restrictions on the hours of operation at the existing synthetic pitch at the school, and can you advise on whether there will be a condition limiting hours of operation at the new pitch?*
- 2. Can confirmation be provided that users of the existing synthetic pitch have been consulted on the proposed new pitch, specifically the surface to be used?*

*Subject to information being received in relation to the above we would request the following condition on any grant of planning permission:*

*The new 60m x 100m pitch (with 3 m run-offs) will be surfaced with a synthetic pitch that will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development.*

*We would also request the following advisory note:*

*The proposed pitch is adjacent to trees and the maintenance regime for the pitch should factor this in in order that the performance of the surface is not compromised.*

*Please treat this as a holding response pending information being received in relation to these queries.*

### Sports Scotland Updated Response

#### *Response from sportscotland*

*The application site contains an existing grass playing field area. Proposed is a full-size synthetic pitch as part of a new school proposal. We are guided by the provisions of Scottish Planning Policy paragraph 226 (which is mirrored in LDP policy ENV19 'Protection of Outdoor Sports Facilities') when considering planning applications that impact on outdoor sports facilities, this states:*

*"Outdoor sports facilities should not be redeveloped except where:*

- o the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- o the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- o the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or*
- o the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision."*

*Given that a new synthetic pitch is proposed, the proposal meets the policy principles, which seek to protect these spaces.*

*Prior to providing our final consultation response to the application we requested clarification of the following:*

- 1. Are there restrictions on the hours of operation at the existing synthetic pitch at the school, and can you advise on whether there will be a condition limiting hours of operation at the new pitch? We have been advised in relation to this that there will not be restrictions and that standard hours of operation will apply in relation to any planning condition.*

2. *Can confirmation be provided that users of the existing synthetic pitch have been consulted on the proposed new pitch, specifically the surface to be used? In relation to this the applicant's agent has outlined consultation undertaken, and confirmed that there has been no community use of the existing pitch for hockey for several years.*

*Given this, we confirm no objection to the application subject to the following condition on any grant of planning permission (which was requested in our original response dated 18/5/21):*

*The new 60m x 100m pitch (with 3 m run-offs) will be surfaced with a synthetic pitch that will be designed and constructed by a recognised (e.g. SAPCA\* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development.*

*\*SAPCA is The Sports and Play Construction Association ([www.sapca.org.uk](http://www.sapca.org.uk))*

*We would also request the following advisory note:*

*The proposed pitch is adjacent to trees and the maintenance regime for the pitch should factor this in in order that the performance of the surface is not compromised.*

### **Flood Planning response**

*The completed certificate A1 is accepted. This satisfies CEC Flood Prevention's comments. This application can therefore proceed to determination, with no further comments from our department.*

### **Environmental Protection response**

*Environmental Protection has no objections to this application subject to the attached condition.*

#### **Conditions**

1. *The floodlights shall be fitted with a timer to switch off the lights by 22:00 hours.*

#### **Assessment**

*The proposed development is located on an existing sport playing field within the grounds of Currie High School, 31 Dolphin Avenue. The new 3G pitch is required as part of a redevelopment of the school and its grounds.*

*The site is surrounded by residential accommodation immediately to the west beyond a small strip of vegetation and path. There is also residential accommodation to the south, although it is slightly further away and there is a larger strip of vegetation and a row of garages. Residential accommodation also lies further away to the north.*

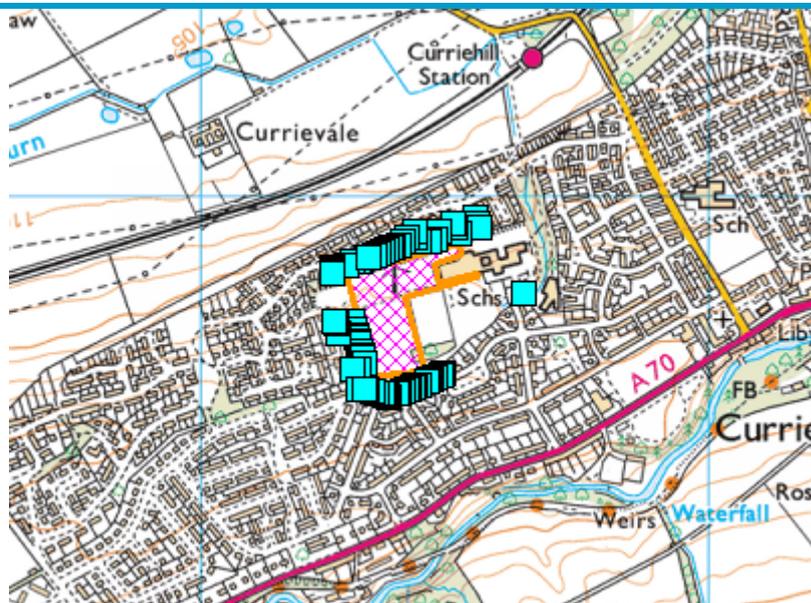
Although the application site is an existing sports field, a new 3G pitch would intensify the use and bring the noise from the use of the pitch closer to more residential properties, whilst taking it further away for some existing properties. However, Planning advised that as there was no change of use, it was not possible to ask for a Noise Impact Assessment, therefore noise was not considered as part of the consultation.

Similarly, the new flood lights will impact on a greater number of surrounding residential properties, although some will see an improvement. Drawings were provided which showed the design and installation of the LED floodlights would comply with our standards for light spillage. One area of concern is the glare from new lights. Assurance was sought from the agent that no flood light bulbs or reflective surfaces would be visible to residents. The following comment was received as mitigation: ".LED floodlight with best-in-class optic for control of obtrusive light for sports and area lighting applications, the luminaires will have maximum optical efficiency and flexibility with minimum light spill."

Whilst not specifically addressing the glare concern, on balance it would be unreasonable to object to this application. There is already existing floodlights adjacent to the proposed site based and the new floodlights should be more effective at minimising light spill and glare than the existing ones. The luminaires do also have cowls which should provide some reduction of glare.

Therefore, Environmental Protection has no objection to this application subject to the attached condition overleaf.

## Location Plan



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**END**