

Perth and Kinross Council
Development Management Committee – 18 March 2015
Report of Handling by Development Quality Manager

Formation of two all-weather pitches, erection of perimeter fencing, floodlighting and associated parking (in principle) at Dallerie Sports Pitches, Dallerie, Crieff, PH7 4LJ

Ref. No: 13/02365/IPL
Ward No: N6 - Strathearn

Summary

This report recommends approval of a planning in principle application for the formation of two all-weather pitches, associated perimeter fencing, floodlighting and new car parking at the Dallerie Sports Pitches in Crieff as the proposal is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This planning application seeks to obtain a planning in principle consent for the formation of two floodlit all-weather sports pitches, new perimeter fencing surrounding the pitches and new car parking at the northern end of the Dallerie Sports pitches in Crieff. The existing pitches are located on the western side of Crieff, just outside the town centre and also outside the town's Conservation Area. The existing pitches are presently natural grass and are used for various outdoor sports primarily by Morrison Academy. The local community also has informal usage of the area.
- 2 An indicative layout plan submitted with the planning application shows the creation of approx. 60 car parking spaces to the north of the site on an area of ground adjacent to Turretbank Road and the creation of two full size hockey/football/rugby pitches on the site of one of the existing grassed pitches. The remaining pitches on the southern area of Dallerie would continue to be used as grassed pitches. Both the new pitches are proposed to be floodlit by lighting columns of approx. 15m and would be enclosed by perimeter fencing. The applicant has indicated that the height of the new fencing would range from approx. 3m to 4.5m in height.
- 3 The proposed use of the new pitches would remain as it currently is, with the principal user being Morrison's Academy. The school has indicated that they intend to let out the new pitches to the wider community when they are not in use by the school, subject to an approved code of practice/noise management plan being approved by the Council, which in turn would then be adopted and implemented by the school itself. The school has indicated that the new pitches are part of a three stage development plan which comprises the new pitches, a swimming pool and a sport centre - which includes the possibility for outdoor tennis facilities. They have also indicated to the Council that new pitches are their key priority; with the swimming pool its 2nd priority and the multi-use sport centre its 3rd. A planning application for the erection of a new sport centre and swimming (in principle) has been submitted as a separate planning application to the Council, however that application is still under consideration by the Council and remains undetermined.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of specific relevance to this planning application are,

The Scottish Planning Policy 2014

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

- 6 Of specific relevance to this planning application is the text contained within paragraph 226. This paragraph states that when an existing outdoor sports facility would be lost it should *'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'*

- 7 The following Planning Advice Notes (PAN's) are also applicable to the proposal,

PAN 1/2011 - Planning and Noise
PAN 69 - Flooding

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

- 9 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."*
- 10 In terms of specific policies, **Policy 3 Managing TAYPlan's Assets** seeks to protect our cultural heritage assets from inappropriate developments.

Perth and Kinross Local Development Plan 2014

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The site is located within the settlement boundary of Crieff within an area identified as being an existing sports pitch. In addition to this, the surrounding areas are identified as being residential with compatible uses. To this end, the following LDP policies are directly applicable to this proposal,

Policy CF1A - Space Retention and Provision

- 12 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply. Policy CF1A also states that the facility which would be lost must be replaced by a new facility of comparable or greater benefit to the local area and in a location which is convenient for its users, or by the upgrading of the existing provision to provide a better quality facility either within the same site, or at another location which is also convenient for its users.

Policy RD1 - Residential Areas

- 13 Residential amenity will be protected and where possible, improved.

Policy PM1A - Placemaking

- 14 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy EP2 - New Development and Flooding

- 15 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

Policy EP5- Nuisance from Artificial Light and Light Pollution

- 16 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. Proposed lighting equipment should comply with current standards, including approved design standards. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.

Policy EP8 - Noise Pollution

- 17 There is a presumption against the siting of proposals which would generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy HE2/3 – Listed Buildings / Conservation Areas

- 18 Seeks to ensure that the character and appearance of both listed buildings and Conservation Areas are protected from inappropriate developments.

OTHER COUNCIL POLICIES

- 19 None specifically relevant to this proposal.

SITE HISTORY

- 20 A detailed planning application for the creation of an all-weather pitch and associated floodlighting was approved under delegated powers in 2007 (07/00374/FUL) however that consent was never implemented and expired prior to any works commencing. Unlike this application (which is at the northern end of the existing Dallerie pitches), the location of that proposal was at the southern end of the sports pitches.
- 21 Last year a similar planning application to the one currently under consideration was withdrawn prior to it being determined by the Council due to the lack of information relating to noise and flooding matters.
- 22 In addition these two previous planning applications, a planning in principle application for a new sport centre, as referred to above, is currently still under consideration by the Council and remains undetermined.

CONSULTATIONS

EXTERNAL

- 23 **SEPA** – In principle, they have no objection to the proposal in terms of flooding issues. SEPA have however indicated that they wish to be consulted on any detailed submission and have requested that no land rising occurs as part of the development.
- 24 **SportScotland** – No objections to the proposal and general advice offered regarding the types of surfacing of the proposed pitches.
- 25 **Scottish Water** – No objection to the proposal.
- 26 **Crieff Community Council** – Whilst the Community Council welcomes the proposal and recognises the benefit that the new facilities would have for the residents of Crieff, they have raises some concerns regarding the proposed parking (insufficient number of spaces) and the vehicular access arrangements (would result in congestion).

INTERNAL

- 27 **Transport Planning** - No objection to proposal in principle to the proposal in terms of proposed parking and the impact on the local road network, subject to the finalisation of the off street parking provision (and layout) and vehicular access details.
- 28 **Local Flood Prevention Authority** - No objection to the proposal in terms of flooding matters.
- 29 **Environmental Health** - Subject to appropriate conditions, they have no objection to the proposal in terms of noise nuisance and light pollution. As this is a planning in principle consent, the exact location and specification of the lighting columns are not approved at this stage.
- 30 **Conservation Officer** – No objection to the proposal in terms of the impact on the appearance of the Conservation Area or on the setting of adjacent listed buildings.

REPRESENTATIONS

- 31 Sixteen letters of representations have been received, all objecting to the proposal, the majority of which are from local residents. In addition to this, a separate representation has been received from Crieff Community Council. The main issues raised within the representations are,
- Contrary to the Local Development Plan 2014
 - Impact on residential amenity
 - Impact on visual amenity
 - Loss of open space
 - Flooding implications
 - Impact on Trees
 - Increased Traffic on local roads
 - Inadequate parking provision
 - Impact on the Conservation Area / Listed Buildings
- 32 These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Background information on flooding/noise submitted.

APPRAISAL

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 34 The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth and Kinross Local Development Plan 2014 (LDP).

Policy

- 35 In terms of land use policy issues, the key land use policies are contained within the LDP. Within that plan, the site lies within the settlement boundary of Crieff within an area which has been identified as an existing sports pitch where *Policy CF1A* is directly applicable. This policy states that existing sports pitches have a high value to the local community for recreational and amenity purposes and that new development proposals which would result in the loss of these areas will not be permitted, except in certain circumstances. In the case of proposals involving the loss of a recreational facility, *Policy CF1A* states that the facility which would be lost must be replaced by a new facility of comparable or greater benefit to the local area and in a location which is convenient for its users, or by the upgrading of the existing provision to provide a better quality facility either within the same site, or at another location which is also convenient for its users.
- 36 The land surrounding the site has been identified as being residential with compatible uses where *Policies RD1* and *Policy PM1A* of the LDP both seek to ensure that all new developments do not have an adverse impact on the existing environment, which includes the impact on existing residential and visual amenity.
- 37 In addition to this *Policies EP5 and EP8* of the LDP seek to ensure that new developments which may generate noise and light pollution do not adversely affect sensitive, adjacent land uses whilst *Policy EP2* of the LDP seeks to ensure that new developments are not undertaken on areas of land which are liable to flood or would create flooding elsewhere.
- 38 For reasons stated below, subject to appropriate details being finalised and restrictive conditions being imposed, I consider the proposal to be consistent with all the aforementioned policies.

Land Use

- 39 In terms of land use issues, there are two key considerations. The first is whether or not proposal is acceptable in terms of the requirements of *Policy CF1A* of the LDP and secondly, whether or not the proposal is compatible with the adjacent residential use.
- 40 The proposal is essentially for the replacement and upgrade of an existing recreational facility with the objective of providing a better quality facility within the same site. To this end, I consider the principle of the proposal to align itself positively with the requirements and aspirations of *Policy CF1A* of the LDP. Whilst I note that

within the representations a number of concerns have been raised regarding the potential for the new facility to result in an increase in usage and intensity, bearing in mind what is proposed, it would be extremely disappointing if the proposal did not result in an increased usage of the pitches to some degree. The main purpose of this proposal is to create a quality, performance playing surface which would allow for outdoor activities to occur for 12 months of the year, which is simply not possible with the existing natural grass surface which is often prone to waterlogging, rutting after being played on during wet weather and also deep penetrating frost during the winter— all of which could make the existing pitches unplayable for a number of weeks, if not months. However, it is important to note that the usage of the existing pitches is not restricted by the terms of any historic planning permission and whilst pitch conditions and the lack of existing lighting does (in reality) have a material influence on the probable level of usage in reality, there is not any formal restriction on the level of activity or use that can occur on the pitches at present.

- 41 Within the representations, concerns have been raised that the loss of open space for car parking is contrary to the aims of the LDP which seeks the retention of areas of open space/existing pitches. The area of ground which the proposed car parking is located on a small section of land which is currently used for formal activities by the school, and whilst this area would be permanently lost as open space, the area subject to the new parking is a small section of the overall space of Dallerie. It also needs to be taken into account that the proposed parking is directly linked to an improved recreational facility which is part of a wider improvement to the existing recreational facilities on the site and is not simply a new, stand-alone parking area. The National Agency for sport, *SportScotland* have commented on the planning application in their remit as a statutory consultee and have raised no objection to proposal. To this end, I consider the proposal to be consistent with the aims and objectives of *Policy CF1A* of the LDP.
- 42 In terms of the compatibility with existing uses the proposed use of the land is not changing. Whilst the usage of the area may increase due to the better quality of playing surface and also the introduction of floodlighting, at the present time there is no restriction on the level of recreational activity which can occur on the area. It has been raised within the representations that increased noise levels, longer hours of operation and the introduction of light pollution would collectively have an adverse impact on the residential amenity of adjacent residential properties. This is a planning in principle application therefore specific details regarding the operation of the facility and the location of lighting columns have yet to be agreed. However, in principle I consider all these aspects to be controllable via appropriately worded restrictive conditions which would be attached to any permission and this view is shared by my colleagues in Environmental Health. To this end, I consider the proposal and any additional level of activity which it may bring, to be compatible with the existing (surrounding) land uses.

Flooding

- 43 In terms of flooding issues, the site is relevantly low lying and can be liable to flood during bad weather. Whilst flooding may still occur with the introduction of the all-weather pitches, their usage would not necessary be restricted during times of bad weather which is part of the reasoning behind the proposal. As part of a detailed submission, precise details of the disposal of the surface water - which may gather

on the pitches surfaces - would be engineered (in consultation with both SEPA and the Council's Flooding Team) to ensure that the new pitches do not increase the probability of flood risk off site.

Noise Impact

- 44 Within the representations, the majority of the concerns raised by local residents are focused on noise issues and the impact that noise nuisance may have on their existing residential amenity. As stated previously, the area is already in use as an active sports field for both Morrison's Academy and the wider public so restricting usage of a use which is already established is not considered a reasonable position for the Council to take. However, whilst the planning system cannot tackle any existing noise issues associated with this site and its existing use, it can control future noise via the terms of this permission by limiting operation hours and approving (and enforcing) a noise management plan for the running of the pitches - which would be applicable to all users of the facility. Subject to control over these matters, my colleagues in Environmental Health have no objection to the proposal in terms of noise issues.

Light Pollution

- 45 In terms of light pollution any floodlighting would have to conform to the Council's standards in terms of light spillages, brightest and operation times. Whilst the introduction of light would inevitably change the appearance of the site during some evenings when the facility is in use, my colleagues in Environmental Health are content that floodlights can be positioned, designed and time restricted in such a way that the residential amenity of adjacent, existing residential properties would not be compromised to an unacceptable degree.

Hours of Operation

- 46 As stated previously, the site is presently a sports field and there is an existing interaction between the use of the area (for sports) and the adjacent residential properties which is largely limited to the hours of daylight – the extent of which would obviously vary throughout the year. This interaction is also linked to some degree to the playability of the existing surface, which could be significantly restricted during the winter. The proposed floodlighting and the improved pitch surfaces would result in an increase in usage which the Council has a duty to control. Whilst Council is supportive of proposals which promote health and physical activities, the Council does still have a responsibility to ensure that any new or additional provision is not to the detriment to existing, neighbouring residents.
- 47 In order to address some of the concerns of the local residents the applicant has suggested daily hours of operation of between 9am-9pm, with no activities beyond 9pm or before 9am on any day of the week. In principle, I have no objection to these proposed times and my colleagues in Environmental Health are also content that they would be suitable for this area and would be comparable to other restrictions imposed on other multi use, outdoor arenas which are located adjacent to noise sensitive receptors.

Roads and Access Issues

- 48 Within the letters of representations concerns have been raised that the indicative level of off street parking (60) is insufficient and that the parking need associated with the new facility would overspill onto neighbouring streets. As part of the wider proposal (including the new sport centre) the applicants have carried out a Transport Assessment which addresses parking provision and the impact that the improved facility (in combination with the proposed sports centre) may have on the local road and pedestrian network. The Transport Assessment is comprehensive in its content and my Transport Planning colleagues have raised no objection to the indicative level of parking provision and the principle of what is proposed. As this planning application is in principle only, specific details regarding the exact level of parking provision and the access arrangements would be brought forward with any detailed submission and would be subject to further assessment.

Visual Impact

- 49 Within the letters of representation concerns have been raised that the proposal, in particular the perimeter fencing and floodlighting columns would have a negative impact on the visual amenity of the area. The site at present is open and the introduction of new fencing and lighting columns would change the appearance of the area to some degree. However, in this location (and bearing in mind what the fencing and lighting columns are for) I do not consider the introduction of these structures to have a negative impact on the visual amenity of the area. Precise details of both the perimeter fencing and lighting columns would be subject to further assessment at the detailed planning stage and measures will be made to ensure that details of each are appropriate for the location.

Impact on existing Trees Hedges

- 50 To facilitate both the proposed parking provision and also the new pitches, sections of the existing hedge along the northern boundary would have to be removed, whilst some trees would also have to be removed at the south-east and south western corners of the site. In principle I have no objection to these removals subject to the detailed plans ensuring that removals are kept to a minimum and that any removals are suitably compensated by appropriate replanting. As part of a detailed submission, a detailed landscaping plan would be required which would clearly show all removals as well as details of the new planting/landscaping.

Impact on the Conservation Area / Listed Buildings

- 51 The site is located outwith the Conservation Area of Crieff and would have little negative impact on its character of appearance. In terms of the impact on the setting of neighbouring listed buildings, the proposal is not likely to have an adverse impact on the setting of these historic buildings.

Economic Impact

- 52 Whilst the Morrison's Academy may benefit from a small financial return if the facility was to be let out for public use, this income is unlikely to be significant and would not have a significant impact on the local economy – either positively or negative. The principal impact that this facility would bring is improved recreational facilities for both the school and the wider community, which is not necessarily linked to the local economy.

LEGAL AGREEMENTS

53 None required.

DIRECTION BY SCOTTISH MINISTERS

54 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

55 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014. Whilst I note the proposal has attracted a number of representations objecting to the proposal, this proposal is ultimately for the upgrade and improvement of an existing recreational facility to a standard which would offer a modern, fit for purpose outdoor facility, principally for Morrison's Academy but also for the wider local community of Crieff. The key issues which have been raised within the representations relate to amenity issues centred on noise, hours of operation and light pollution which are all matters which I am confident can be fully addressed at the detailed planning application stage and then suitably controlled and enforced.

RECOMMENDATION

A Approve the application subject to the following conditions:

1 The development shall not commence until the following matters have been approved by the Council as Planning Authority: the siting, design and external appearance of the development and all matters regarding parking and vehicular access matters.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006

2 The hours of operation of the pitches shall be limited to 09:00 hours to 21:00 hours Monday to Sunday, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the existing residential amenity of the adjacent residential properties.

3 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified shall include specific details of the proposed lighting columns. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the existing residential amenity of the adjacent residential properties.

- 4 For the avoidance of doubt, the position and height of the floodlighting columns are not approved as part of this consent.

Reason - In order to protect the existing residential amenity of the adjacent residential properties.

- 5 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include the submission (for approval) a noise/operational management plan which includes specific details of the proposed operation times. The approved plan must be implemented in full at all times, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the existing residential amenity of the adjacent residential properties.

- 6 For the avoidance of doubt, the proposed parking and access arrangements are not approved as part of this consent. All matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting road and pedestrian safety.

- 7 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include specific details of the existing ground levels and those of the proposed development. The proposed levels must not result in any land rising from that of the existing ground levels, to the satisfaction of the Council as Planning Authority.

Reason - In order to ensure that the development does not increase the risk of flood risk off site.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None applicable.

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

Background Papers: 16 letters of representation

Contact Officer: Andy Baxter – Ext 5339

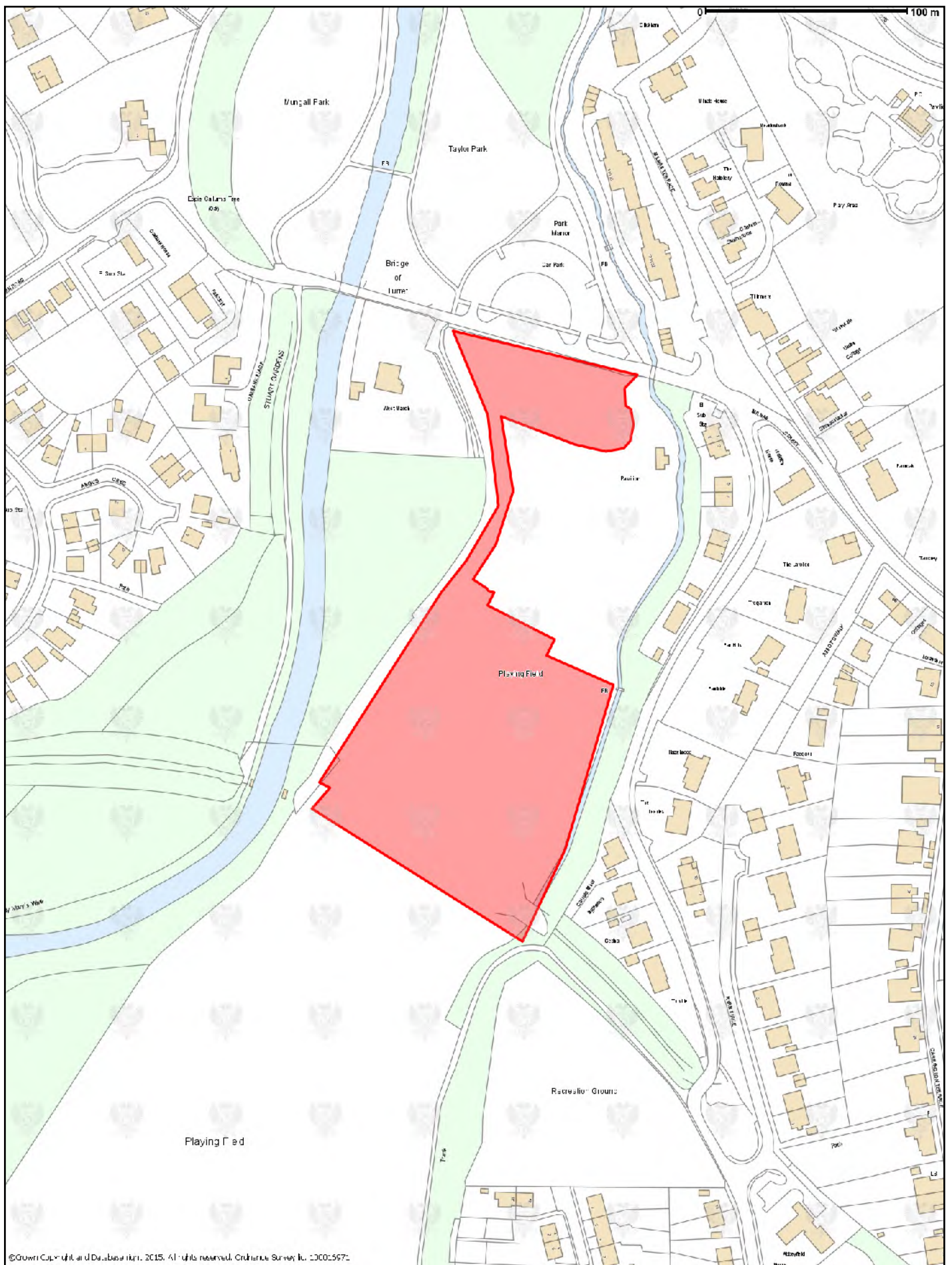
Date: 4 March 2015

Nick Brian
Development Quality Manager

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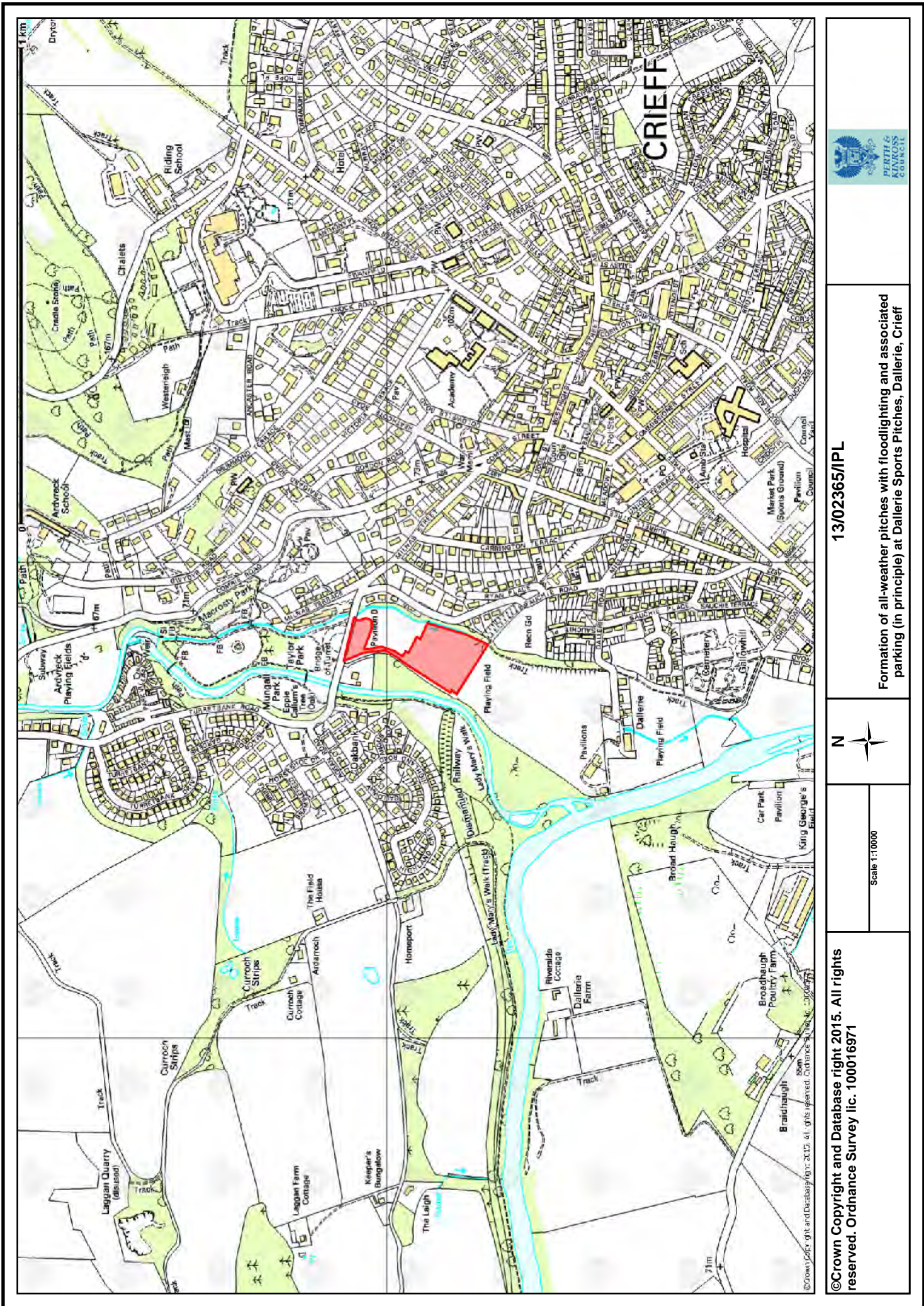


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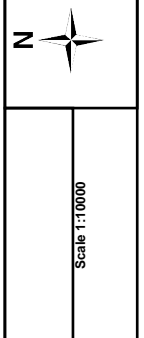
Formation of all-weather pitches with floodlighting and associated parking (in principle) at Dallerie Sports Pitches, Dallerie, Crieff





13/02365/IPL

Formation of all-weather pitches with floodlighting and associated parking (in principle) at Dallerie Sports Pitches, Dallerie, Crieff



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