

Perth and Kinross Council
Development Management Committee – 16 September 2015
Report of Handling by Development Quality Manager

Variation of Condition 2 (hours of operation of floodlights) of permission 11/01669/FLL (formation of an all-weather sports pitch and associated infrastructure) on land at Seven Acres, Newhouse Road, Perth

Ref. No: 15/00999/FLL
Ward No: 11 – Perth City North

Summary

The report recommends approval of the application to amend the operating hours of the floodlights subject to a condition limiting the permission to a trial period of one year to allow monitoring.

BACKGROUND AND DESCRIPTION

- 1 This application relates to a recently completed flood-lit all weather football pitch at Seven Acres Public Park which is located on Newhouse Road within the Letham residential area of Perth. Since opening in September 2014 the new sports facility has quickly become an asset to the local community, particularly in relation to the younger age groups. The football club has also seen an increase in young members joining the team.
- 2 The facility was approved in December 2011 by the Development Control Committee (11/01669/FLL). The club had initially proposed to operate until 2200 hours and whilst this was supported by the Planning Officer and Environmental Health Officer, Members resolved to limit the operating hours to 2100 hours following concerns raised regarding the potential impact of noise and light pollution on neighbouring residential amenity. At present the club operates the floodlights until 2100 hours, following which the floodlights automatically switch off and the players leave the pitch. For safety reasons the club has installed low level lighting on the eastern side of the pitch which remain on for a short period after the floodlights turn off in order to illuminate the exit from the pitch.
- 3 Planning permission is now being sought to amend Condition 2 of the 2011 consent in order to extend the operating hours by an additional hour to 2200 hours. The club has found that there is a significant level of interest in using the facility between 2100 and 2200 hours and this will enable the club to raise additional revenue for the maintenance of the facilities.
- 4 It should be noted that the football club also has a separate land lease in place with Perth and Kinross Council. This matter is briefly discussed within the main body of this report.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published on June 23 2014. It 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.

PAN 1/2011 – Planning and Noise

- 7 This document provides guidance on matters relating to noise issues and sets out the range of noise issues that planning authorities need to be aware of in formulating development plans, making decisions on planning applications and in taking enforcement action.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 9 Whilst there are no specific policies or 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.”*

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

- 10 The Local Development Plan 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.
- 11 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy CF1A – Open Space Retention and Provision

- 13 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 EP5 - Nuisance from Artificial Light and Light

- 14 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 15 There is a presumption against the siting of proposals which will 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.

SITE HISTORY

- 16 97/01782/FUL Erection of football changing rooms at Seven Acres Park, Newhouse Road, Perth Approved 6 January 1998
- 17 04/02523/FUL Proposed temporary siting of a portakabin to be used for changing accommodation Approved 15 March 2005 for temporary period until 31 March 2008.
- 18 05/02372/FUL Erection of a portakabin to provide additional changing facilities Approved under delegated powers, February 2006 for temporary period until 28 February 2008.
- 19 08/00447/FUL Siting of 3 portable storage units. Approved under delegated powers, April 2008 for temporary period until 30 April 2010.
- 20 09/00374/FUL Change of use from clubroom to players café. Approved under delegated powers, June 2009 for a temporary period until 30 April 2010.
- 21 11/01526/FLL Siting of six portable units including changing room and cafe (in retrospect). Approved by the Development Management Committee January 2012 for a temporary period until 31 December 2014.
- 22 11/01669/FLL Formation of an all-weather sports pitch with associated infrastructure. Approved by the Development Management Committee December 2011

- 23 15/00391/FLL Siting of six portable units including changing room and cafe (in retrospect) Approved under delegated powers April 2015 for a temporary period until 30 April 2017.

CONSULTATIONS

External

- 24 None

Internal

- 25 **Environmental Health** – Recommend that permission is granted for a trial period of 1 year in order to monitor the impact of the extended operating hours.

REPRESENTATIONS

- 26 6 letters of objection have been received from local residents. The grounds of objection can be summarised as follows:

- Light pollution from extended operation of flood lights
- Noise
- Anti-social behaviour
- Continual breaches of operating hours

- 27 10 letters of support have also been received which note the success of the facility, benefits to the local community and a reduction in anti-social behaviour.

- 28 The issues which are considered material planning issues are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

29

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Not required

APPRAISAL

Policy

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

- 31 The site is located within an area that is identified as open space where Policy CF1A 'Open Space Retention and Provision' is applicable. However, given the nature of the proposals, it is considered that the main relevant policies contained within the Perth and Kinross Local Development Plan 2014 are Policy EP5 'Nuisance from Artificial Light and Light' and Policy EP8 'Noise Pollution'. Policy EP5 outlines that consent should not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects. Policy EP8 outlines that there is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses.
- 32 In this instance the main issues to consider in the assessment of this application relate to the potential impact of any additional noise and light pollution on neighbouring residential properties from the extended operation of the floodlights and football pitch.

Residential Amenity – Noise / Light Pollution

- 33 A number of objections have been received from neighbouring residents who have stated that the level of noise and light pollution from the football pitch already impacts on their residential amenity and that any increase in the operating times would further exacerbate this problem.
- 34 As acknowledged in the assessment of the original application, the introduction of the floodlit all weather pitch would unavoidably result in a significant increase in the year round usage of the pitch. However it is also important to highlight that prior to the development of the all-weather pitch, this area of ground was already in use as an 11-a-side football pitch which was used for league fixtures by the football club. The unlit pitch was also used on a recreational basis by the public throughout the year and during the summer months until late evening.
- 35 Since the completion of the development in September 2014, the Planning Authority has received one complaint relating to the operation of the floodlights beyond 2100 hours. This incidence occurred whilst the floodlights were being tested prior to the football pitch being operational. The matter was investigated by an Enforcement Officer and the Club advised that this was an oversight.
- 36 Environmental Health has also confirmed that they recorded two complaints in September and October 2014. These objections related to the use of the pitch and floodlights outwith permitted operating hours and noise levels from players using the pitch. These objections were addressed by the Environmental Health Officer (EHO) on October 2014 and no further objections have been recorded since that date. It should also be highlighted that on both occasions the EHO sent the complainants monitoring forms so that they could record any future events but these forms were not returned and no further correspondence was received. The EHO has also advised that the Community Warden was asked to monitor the football pitches in light of the concerns raised and they have not reported any concerns regarding the operation of the football pitch.

- 37 The concerns relating to the operation of the pitch outwith permitted hours have also been discussed with the football club and they advised that these were isolated instances. They also stated that they are keen to work with neighbouring parties to proactively resolve any concerns that are raised. Through discussions with the club it also appears that much of the concerns regarding the pitch being used after 2100 hours may be attributed to the low level lighting that remains on to illuminate the exit after the floodlights turn off. Whilst it is agreed that the flood lights and all sporting activities should abide strictly by the time restrictions, a period of grace seems only logical in order to allow the players to leave the pitch safely.
- 38 In addition to the above, it is also likely that many of the concerns raised regarding noise outwith the operating hours could be attributed to the players arriving before 0900 hours and leaving after 2100 hours. This is an unavoidable daily occurrence given that teams will book pitch slots starting at 0900 and ending at 2200 hours. However it is considered that the noise generated by players entering and leaving the site will be relatively low and short lived.
- 39 It is also important to note that since the opening of the pitch both Development Management and Environmental Health have not received any enforcement enquiries specifically relating to light pollution emitted from the flood lights. During the assessment of the 2011 application an Illumination Survey was submitted which predicted that the levels of light at nearby residential windows would be relatively low at 3.6 lux. This is well below the Scottish Government's 'Guidance to accompany the Statutory Nuisance Provisions of the Public Health etc. (Scotland) Act' which recommends lights levels of less than 10 lux at residential windows. The light levels will likely be even lower at the properties on Huntingtower Crescent as the existing tree cover was not taken into account in the calculations.
- 40 It is therefore considered that whilst there have been a number of isolated issues regarding operating hours and noise, the actual amount of disturbance caused through noise and light pollution has not been a significant issue. As such, extending the operating hours to 2200 hours would be unlikely to cause any significant adverse impact on neighbouring residential amenity. However, given the concerns expressed by local residents, it has been agreed, in discussion with the EHO, that the most suitable option would be to permit the club to extend the operating hours until 2200 hours for a trial period of one year. This trial period would allow the Council to monitor the situation and review any issues that may or may not arise during the extended operating hours. The club would then need to submit a further application to make the extended operating hours permanent and the Council would be in a better position to make a more informed decision based on the trial period.

Anti-Social Behaviour

- 41 A number of the objections received have made reference to anti-social behaviour from users of the facility, particularly in relation to bad language used by adults during football games. Whilst it is acknowledged that such behaviour can be distressing to local residents, the conduct of players using the facility is not a planning matter and should be addressed directly by the club that operate and manage the facility.

- 42 It is also noted that concerns have been expressed in relation to youngsters gaining access to the pitch after hours, resulting in noise disturbance late into the evening. Given that the football pitch is surrounded by a security fence which is locked after the hours, it is assumed that these instances relate to individuals gaining unauthorised entry onto the pitch by either climbing the fence or breaking into the facility. The club has put measures in place to prevent such occurrences, however the security of the facility is ultimately an issue for the club and any instances of unauthorised entry should be reported to the police.

Developer Contributions

- 43 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Benefits

- 44 The operation of the football pitch is of limited economic benefit to the local economy but the proposed increase in operating hours will provide additional availability for the hire of the pitch which in turn would increase the amount of revenue generated for maintenance of the pitch and any future improvements to the facility.

Land Lease with PKC

- 45 The football club has leased the land from the Council for a period of 35 years. The terms of this lease include a number of conditions, including a condition that restricts the operating hours of football pitch and floodlights to between 0900 hours to 2100 hours Monday to Sunday. As such, if planning permission were to be granted to extend the operating hours, the football club will also need to negotiate an amendment to the terms of the lease. This is a matter that is separate from the assessment of this planning application but the applicant has been informed that this would need to be discussed with the Council's Estates Team.

LEGAL AGREEMENTS

- 46 None

DIRECTION BY SCOTTISH MINISTERS

- 47 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

- 48 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this

respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to a condition limiting the extended operating hours for a trial period of one year in order to monitor the operations.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions:

- 1 Consent is hereby granted for a limited period of 1 year from the date of this consent for the floodlights to operate between 0900 hours to 2200 hours Monday to Sunday. Upon expiration of this consent the hours shall revert back to 0900 hours to 2100 hours Monday to Sunday.

Reason - In order to provide a trial period during which the Council will monitor the situation.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 The applicant should be aware that the lease will also need to be amended to permit the proposed extension to the operating hours. Please contact Estates Surveyor Malcolm Hill on 475916 to discuss the matter.

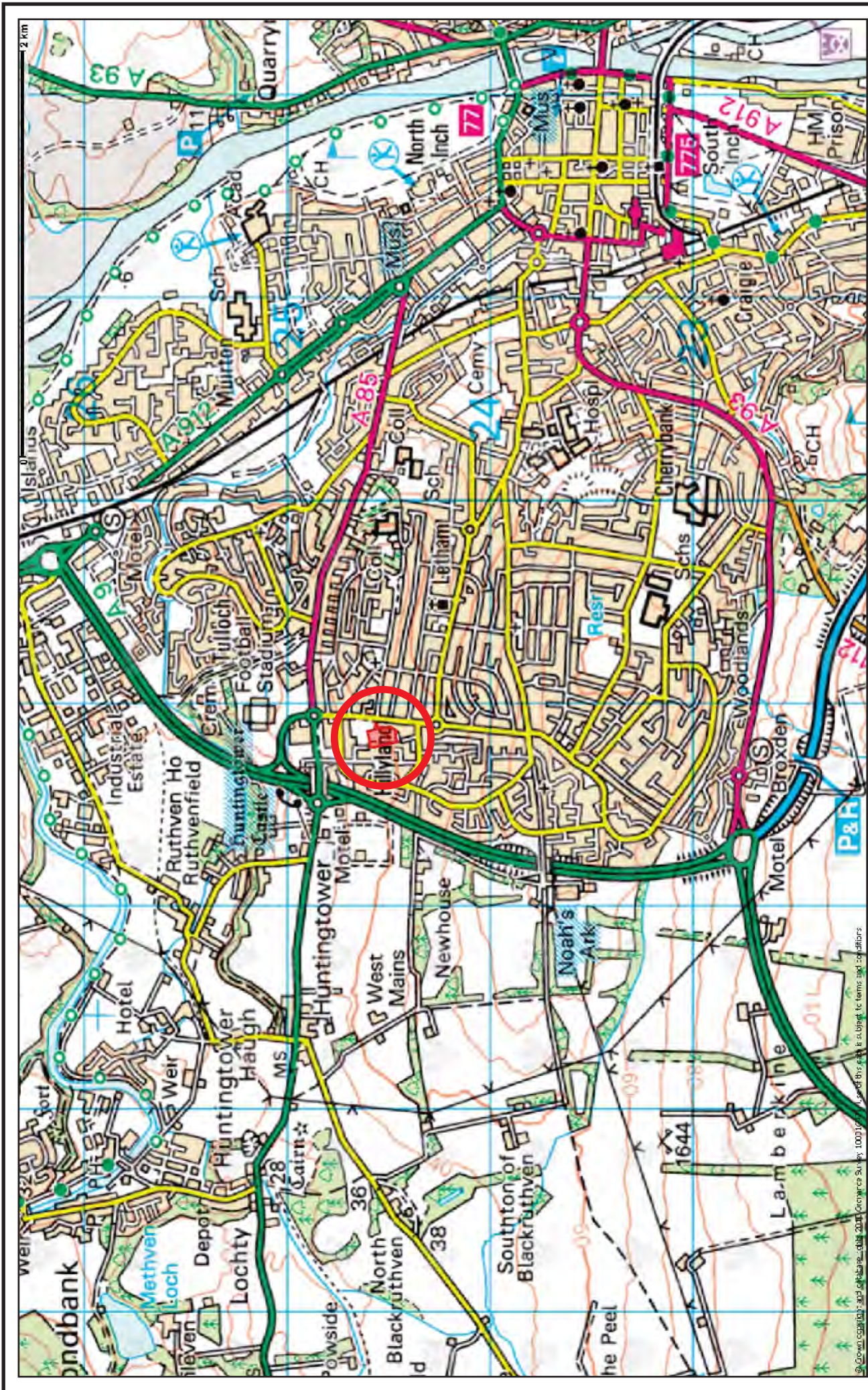
Background Papers: 16 letters of representation
Contact Officer: David Niven – Ext 75345
Date: 1 September 2015

Nick Brian
Development Quality Manager

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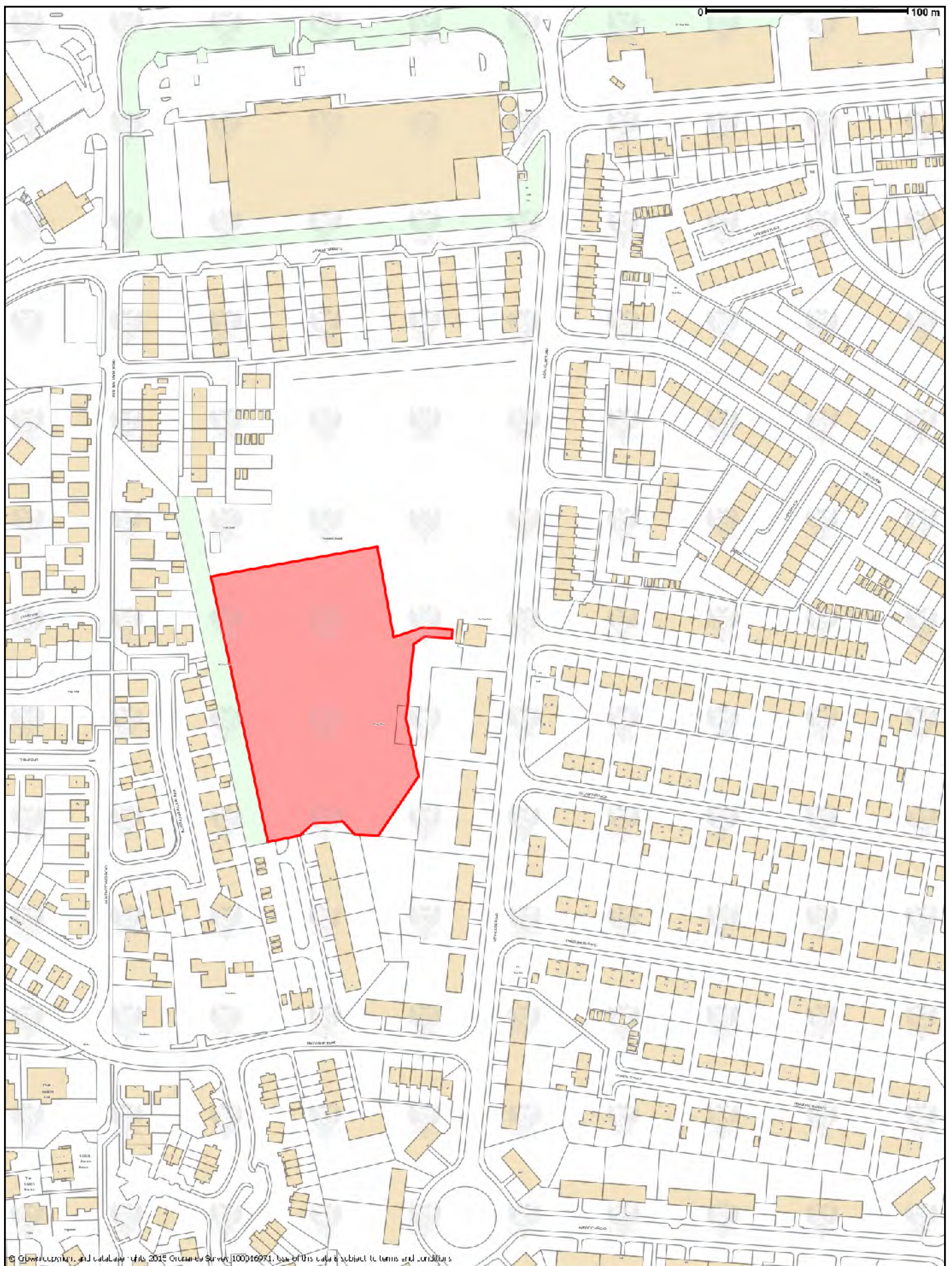
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