

Perth and Kinross Council
Development Management Committee – 13 July 2016
Report of Handling by Development Quality Manager

Erection of sports centre to provide indoor sports facilities (comprising sports centre with games hall, gymnasium, dance studio, swimming pool, changing facilities and associated ancillary accommodation) (in principle) at Dallerie Sports Pitches, Dallerie, Crieff, PH7 4LJ

Ref. No: 13/02364/IPL
Ward No: N6 - Strathearn

Summary

This report recommends approval of a planning in principle application for the erection of a indoor sports facilities (comprising a sports centre with games hall, gymnasium, dance studio, swimming pool, changing facilities and associated ancillary accommodation) at 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 erection of a modern indoor sports facilities at the northern end of the Dallerie Sports pitches in Crieff for Morrison's Academy. The statement lodged with the planning application states that the new facility would be contained within a single building encompassing a full games hall, a gymnasium, a dance studio, a swimming pool, changing facilities and other indoor sports accommodation. Works are currently underway on the construction of two new all-weather sports pitches and new parking area adjacent to the site, and this proposed indoor facility would be located within the area between proposed pitches and parking area.
- 2 In terms of the intended parking provision, as part of the previously approved detailed planning application for the new all-weather pitches 60 car parking spaces are to be created to the north of the site on an area of ground adjacent to Turretbank Road, and it is intended that this new parking area would also be used to serve this new indoor facility.
- 3 At this stage, only very indicative details of the scale of the building have been submitted however it's envisaged that the building would most likely be in the region of 11m in height, bearing in mind the required head room requirement for modern sports hall(s) is circa 9m.
- 4 The school has indicated that this proposal is part of an ambitious three stage development plan which comprises the currently under construction new all-weather pitches, a swimming pool and a sport centre – both of which are subject of this planning application, and also outdoor tennis facilities. The school has also indicated to the Council that new pitches were their key priority;

with the swimming pool its 2nd priority and the multi-use sport centre its 3rd. With works now underway on the new all-weather pitches, the school is now looking to advance their indoor facilities proposals.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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.
- 7 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'*
- 8 The following Planning Advice Notes (PAN's) are also applicable to the proposal,
- PAN 1/2011 - Planning and Noise
PAN 69 - Flooding

DEVELOPMENT PLAN

- 9 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

- 10 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.”*
- 11 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

- 12 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

- 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 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

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

Policy PM1A - Placemaking

- 15 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

- 16 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

- 17 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

- 18 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

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

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing, April 2016

- 20 This policy seeks to offer guidance on Developer Contributions and Affordable Housing in relation to new developments.

SITE HISTORY

- 21 A similar planning application to the one currently under consideration was withdrawn prior to it being determined by the Council in 2013 (13/01189/IPL) due to the lack of information lodged relating to noise and flooding matters.
- 22 In addition to that application, a detailed planning application for the construction of two all-weather sports pitches, new fencing and floodlighting columns was approved by this Committee in December last year (15/01036/FLL), and works are currently underway in relation to that permission.

CONSULTATIONS

EXTERNAL

- 23 **Scottish Environmental Protection Agency (SEPA)** – Initially objected to the proposal on the grounds of flood risk. However, after further discussion with the applicant and the Council's flooding team, SEPA have now formally confirmed that in principle, they have no objection to the proposal in terms of flooding issues subject to conditions being imposed on any permission and that they are

further consulted when an application for approval of matters specified or a detailed application is lodged.

- 24 **SportScotland** – No objections to the proposal.
- 25 **Scottish Water** – No objection to the proposal.
- 26 **Crieff Community Council** – Have not made specific comments in relation to this proposal, but previously made comments in relation to the new sport pitches. In their comments made in relation to that application, they recognised the benefit that the new facilities would have for the residents of Crieff, but did raised 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 off street parking and the impact on the local road network.
- 28 **Structures and Flooding** - 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 or light pollution.

REPRESENTATIONS

- 30 Seventeen letters of representations have been received, all of which are objecting to the proposal. 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
 - Air pollution arising from the swimming pool
 - Impact on wildlife
- 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	A series of documents in relation to flood risk have been submitted since the planning application was lodged.

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 areas surrounding the site have been identified within the LDP as being residential with compatible uses where *Policies RD1* and *Policy PM1A* of the LDP are applicable. Both these policies 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 *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 on any permission, 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 the 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 Taking these in turn, the proposal is essentially for a new indoor recreational facility which will provide a better quality facility than the existing (grass pitch) facility within the same site. Some concerns have been raised within the representations that the loss of open space to allow for the creation of the new indoor facility is not in line with the aims of the LDP, which seeks the retention of areas of open space/existing pitches. I do accept that an area of open space would be permanently lost in the event that this development was to proceed, however the area of ground which the proposed new building is to be located on is a fairly small section of the far larger Dalliery sports fields' area. It also needs to be taken into account that the proposed building would offer an improved recreational facility which is part of a wider improvement to the existing recreational facilities in the area, and in my view an indoor facility in this location would offer a far greater (wider) benefit to local community than the existing grassed pitch. As part of the consultation process, the national agency for sport, *SportScotland* were consulted on the proposal (as part of their remit as a statutory consultee when existing sports pitches area affected by new development), and they raised no objection to proposal. 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.
- 41 In terms of the proposals compatibility with existing uses, I note that within the representations a number of concerns have been raised regarding the potential for the new indoor facility to result in an increase in usage and intensity of the area/building, which in turn could have an adverse impact on the area in terms of greater noise nuisance and traffic movements. Bearing in mind what is proposed, it would be extremely disappointing if the proposal did not result in an increased usage compared to the existing usage of the grass pitch as the main purpose of this proposal is to create a quality, performance indoor facility which would allow for indoor activities to occur for 12 months of the year to complement the new all-weather outdoor facilities which are under construction. However, as was the case when considering the application for new sports pitches, it is important to note that the usage of the existing grass pitch 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 site at present.

- 42 It is also the case that the existing use of the land is not changing. What is changing is that the means of delivering the recreational use is moving from outdoor provision to indoors. It has been raised within the representations that the indoor facility would increase noise levels; result in longer hours of operation and introduce light pollution – all of which 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 exact operation of the facility and the location of any external lighting and / or external plant/equipment have yet to be advanced or agreed. However, in principle I consider all these aspects to be perfectly controllable via appropriately worded restrictive conditions, and this view is shared by my colleagues in Environmental Health. To this end, I consider the proposal to be compatible with existing land uses and any additional level of activity which it may bring, is acceptable and would not adversely impact on the (surrounding) land uses.

Flooding

- 43 In terms of flooding issues, the site is relatively low lying and can be liable to flood during bad weather. There are also ongoing issues concerning flooding in the adjacent lade to the east, and infrastructure capacity issues with the public sewer – both of which can (and have) affect the site. As part of a detailed submission, precise details of the disposal of the surface water would be engineered (in consultation with both SEPA and the Council's Flooding Team) to ensure that the new development does not increase the probability of flood risk elsewhere. SEPA have been consulted on the proposal, and after detailed technical discussions with the applicant and the Council's flooding team have now reached a position where they do not object to the proposal subject to conditions being attached to any permission and further consultation at any detailed stage. The Council's own Flooding Team also have no objection to the principle of the proposal.

Noise Impact

- 44 Within the representations, a number of concerns have been raised by local residents which focus on noise, and the impact that noise nuisance from the new facility may have on their existing residential amenity.
- 45 As this would be an indoor facility, noise from activities inside the building would be far more controllable than noise associated with outside uses. The main source of potential noise nuisance would most likely be from plant and associated external equipment, and these elements would be subject to normal compliance conditions in terms of noise emissions. It would also be the case that vehicles leaving and entering the site (users and deliveries) could potentially cause noise disturbance but this could be suitably controlled by limiting operation times 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 at this planning in principle stage.

Light Pollution

- 46 In terms of light pollution any external lighting would have to conform to the Council's standards in terms of light spillages, brightness and operation times. Whilst the introduction of some external light would inevitably change the appearance of the site, my colleagues in Environmental Health are content that any external lighting on the building for security / safety purposes 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. In terms of light pollution from inside the building via windows/doors, this would also need to be considered at the detailed stage however it's unlikely that internal light sources would have an adverse impact on surrounding residential amenity in what is already a built up area with existing sources of light.

Hours of Operation

- 47 As stated previously, this proposal would form part of a wider 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. It would also be the case that noise from the usage would be more manageable than that of noise from outside, and control over vehicle movement of users (and deliveries) would be possible to control possible nuisances from vehicle movements. Environmental Health suggested operating times of 0700-2300 as a maximum, which is in line with other leisure uses within built up areas and I have no objection to these proposed hours.

Roads and Access Issues

- 48 Within the letters of representations concerns have been raised that the level of off street parking (60) already approved is insufficient and that the parking need associated with the new indoor facility would overspill onto neighbouring streets. As part of the wider proposal, the applicants carried out a Transport Assessment (TA) which addressed parking provision and the impact that the indoor facility (in combination with the new all-weather pitches) would have on the local road and pedestrian network. The TA was comprehensive in its content, and Transport Planning have raised no objection to the level of parking provision proposed and the proposed access details. The parking provision and access arrangements have now been approved as part of the new pitch development, and are therefore considered acceptable to service this proposed development in combination with the new all-weather pitches.

Visual Impact

- 49 Within the letters of representation concerns have been raised that the proposal would have a negative impact on the visual amenity of the area. The site at present is fairly open, and the introduction of any form of new building would inevitably change the appearance of the area to some degree. However, in this location (and bearing in mind what the building is for, I do not consider the principle of a new building in this location would necessarily have a negative impact on the visual amenity of the area. It would be the case that any detailed submission would need to comply with the Council's Placemaking standards.

Impact on existing Trees / Hedges

- 50 To facilitate both new parking provision and also the new pitches already approved some sections of hedges along the northern boundary have been removed, whilst some trees are also to be removed from the south-east and south western corners of the site. As part of this proposal, it may be the case that some further removals at the northern end of the site may be necessary, however with any detailed submission, a detailed landscaping plan would be required which would clearly show all tree removal 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 new building (if designed appropriately) is not likely to have an adverse impact on the setting of these historic buildings.

Right of Way

- 52 There is a right of way which runs along the western boundary of the Dalliery Pitches. The applicant is aware of this, and is not intending blocking or obstructing this route either during construction or on completion of the development. A condition to this effect is recommended to be placed on any consent.

Air pollution

- 53 Within the representations, a concern regarding the potential for air pollution to occur in relation to the swimming pool and its associated plant/equipment has been raised. At this stage, Environmental Health have not raised any concerns regarding air pollution arising from the swimming pool, and I have no reason to offer a different view.

Impact on Wildlife

- 54 It is not expected that this proposal would have any adverse impact on any protected species or local wildlife.

Economic Impact

- 55 Whilst Morrison's Academy may benefit from a small financial return if the new indoor 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. It is also the case that a small number of jobs would be created during the construction phase and once the new facility was operational.

LEGAL AGREEMENTS

- 56 None required.

DIRECTION BY SCOTTISH MINISTERS

- 57 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

- 58 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 provide a modern indoor 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 specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision, all external lighting and specification of all proposed plant and associated equipment.

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 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified shall include specific details of any external lighting. 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.

- 3 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.

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

- 4 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include the creation of an overland flow path to capture water from the existing lade which will overtop Turretbank Road in the absence of such a path.

Reason – In order to reduce the risk of flooding and to address SEPA's concerns.

- 5 For the avoidance of doubt, planning permission is hereby granted for an indoor facility only, with no outside uses approved.

Reason – In order to clarify the terms of the planning permission.

- 6 For the avoidance of doubt, no details regarding the scale, mass, design or location of the proposed new building are approved under this permission.

Reason – This is a planning in principle application only.

- 7 The operation times of the facility shall be 0700-2300 only.

Reason – In the interest of protecting residential amenity.

- 8 Notwithstanding the terms of condition 1, the submission of an application for the approval of matters specified must include an air quality report, in the event that the swimming pool element is included.

Reason – In the interest of protecting residential amenity.

- 9 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring sensitive receptor, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting residential amenity.

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.
- 2 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.
- 3 The applicant is advised to make early contact with the Council with regards to satisfying the requirements of conditions 1, 2, 3 and 4 of this permission.

Background Papers: 17 letters of representation

Contact Officer: Andy Baxter – Ext 5339

Date: 29 June 2016

Nick Brian
Development Quality Manager

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