

REGULATORY PANEL: 14 DECEMBER 2022

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00820/APP

MULTI USER GAMES AREA LINDEN AVENUE GIRVAN SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for the erection of two 8-metre-high floodlighting columns, one to each end of the existing multi use games area (MUGA) at Linden Avenue, Girvan. The MUGA is located in an area of long-established open space, and the floodlighting is intended to facilitate the continued use of the MUGA.

The application has generated 1 objection. Consultation responses have been received from the Council's Environmental Health Service and the West of Scotland Archaeology Service, neither of whom object to the proposed development. The proposed development has been assessed against the relevant policies of the Adopted South Ayrshire Local Development Plan 2, and other applicable material considerations. The proposals are not considered to adversely affect residential amenity in the locale.

Accordingly, it is recommended that the application is approved for the reasons specified in the report.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 14 DECEMBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00820/APP
SITE ADDRESS:	Multi User Games Area Linden Avenue Girvan South Ayrshire
DESCRIPTION:	Installation of 2 No. 8m high floodlight columns at existing MUGA
RECOMMENDATION:	Approval with Condition(s)

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

The site of the proposed development is an existing multi-use games area (MUGA) located in an area of open space at Linden Avenue, Girvan. Surrounding the open space are residential properties.

Planning permission is sought for the erection of two 8-metre-high floodlighting columns, one to each end of the MUGA. Full details are set out in the submitted plans.

There is no planning history at the application site other than the application for the MUGA itself (reference 08/00790/COU), which was approved at Regulatory Panel on 9th January 2009.

The planning application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as one objection has been received, and the Council is the applicant.

2. Consultations:

Environmental Health offer no objections to this application subject to an advisory note requiring compliance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light".

West Of Scotland Archaeology Service offer no objections to this application.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

A lighting assessment has been submitted with this application. This considers the impact of the floodlighting on the immediate locale.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

1 objection has been received. This can be viewed online at www.south-ayrshire.gov.uk/planning

The objector suggests that floodlighting proposals have been considered at this site before, and were refused on the basis that the MUGA occupies an elevated site and, even with cowling, the floodlights would still lead to light shining into their window. The objector also suggests that assurances were given that floodlighting would never be erected at the MUGA. Reference is made within the objection to the approval of the 3G pitch at Victory Park, Girvan (which will have floodlighting) and indicates that the MUGA at the application site is barely used.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to this representation is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

(i) Development Plan

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that 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. The following policies are relevant in the assessment of the application and can be viewed in full online at

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites; and
- LDP Policy: Open Space.

It is considered that the installation of two 8 metre high floodlighting columns to the MUGA (one to either end) will not have an adverse impact on the character or amenity of the locale. Whilst it is acknowledged that the MUGA occupies an elevated site in comparison to surrounding development, the floodlights are associated with the existing use of the MUGA, and it is considered that the proposals will not have an adverse impact on residential amenity in the locale. The closest floodlighting column is some 11 metres away from the rear boundaries of the nearest residential properties to the west (and pointing away from those properties), and the spillage of light from the floodlights would be limited to the immediate environs of the MUGA. In order to further protect residential amenity in the locale, it is considered appropriate to attach a condition to any planning permission granted that requires the floodlights to be turned on no earlier than 9:00am and turned off no later than 9:00pm. The applicant is agreeable to such a condition being attached in the event of the application being approved. Considering the above, the proposal is considered to accord with the relevant policies of Local Development Plan 2.

The provisions of the Adopted South Ayrshire Local Development Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

(ii) Other Policy Considerations (including Government Guidance)

None.

(iii) Objector Concerns

The concerns of the objection are summarised and considered in turn as follows:

- Floodlighting proposals have been considered at this site before, and were refused.

A pre-application submission relating to floodlighting at the MUGA was considered in 2012. No formal application was ever received for the erection of floodlighting at the MUGA until now. The objector's property sits some 59 metres to the south of the closest floodlighting column and even taking into account the elevated position of the MUGA in relation to the objector's property, it is not considered that light would shine in the windows to the front of their property. The lighting columns would require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" (as recommended by the Council's Environmental Health Service) which would ensure that the surrounding neighbouring properties will not be adversely affected.

- Assurances were given that floodlighting would never be erected at the MUGA.

The Planning Service cannot give assurances as to whether something may or may not be applied for through the planning application process, nor can it give assurances in respect of a potential planning decision.

- The recently approved pitch at Victory Park will have floodlighting.

The approval of a new pitch with floodlighting at Victory Park is not considered to be material to the assessment of this application. The Planning Authority must determine applications on their own merits, and it is not for the Planning Authority to question the need for a development.

- The MUGA is barely used.

The perceived level of usage of the MUGA is not considered to be material to the assessment of this planning application.

(iv) Impact on the Locality

It is considered that the proposed floodlighting to the MUGA will not have an unacceptable impact on residential amenity in the locale. It is acknowledged that the MUGA occupies an elevated site in comparison to surrounding development, however given the siting and orientation of the floodlighting columns, the distance between the floodlighting and residential properties and that the floodlighting will require to be designed in accordance with the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light", it is considered that the proposal will not give rise to light nuisance. In order to further protect residential amenity, it is considered appropriate to attach a condition to any planning permission granted that requires the floodlighting to be turned on no earlier than 9:00am and turned off at 9:00pm, and written agreement by the applicant to such a condition has been received.

8. Conclusion:

The application has been assessed against the various material considerations, including the provisions of the Adopted South Ayrshire Local Development Plan 2, consultations undertaken, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed floodlighting will facilitate the continued use of the MUGA, and that the proposed floodlighting, by reason of siting, orientation, design, and the distance between floodlighting and residential properties, will not have an adverse impact on residential amenity in the locale by way of light pollution.

Regulatory Panel (Planning): 14 December 2022

Report by Housing, Operations and Development Directorate (Ref: 22/00820/APP)

Given the above assessment and having balanced the rights of the applicant against the general interest, it is recommended that the application be approved subject to the conditions listed below.

9. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) That the proposed floodlights shall not be switched on or be in use before 9:00am and after 9:00pm, to the satisfaction of the Council as Planning Authority.

Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To define the terms of this planning permission.

10 Advisory Notes:

- (1) Please ensure the advice on light pollution contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light" is followed. [http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).PDF](http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).PDF)

11 List of Determined Plans:

- Drawing - Reference No (or Description): SAC/GLEND/MUGA/101
- Drawing - Reference No (or Description): SAC/GLEND/MUGA/102
- Drawing - Reference No (or Description): SAC/GLEND/MUGA/103
- Other - Reference No (or Description): LIGHTING ASSESSMENT

Background Papers:

1. Planning application form, plans and supporting information (available online)
2. South Ayrshire Local Development Plan 2 (available online)
3. Representations (available online)

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

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