

Briefing Note - Application PL/2021/04084

Agent of Change principle and potential safeguards for Salisbury FC

Purpose of Report

This briefing note provides members with an overview of:

- How the Agent of Change principle applies to the application.
- What planning conditions and/or Section 106 obligations could be used to protect the continued operation of Salisbury FC as an established neighbouring use.
- The extent to which such measures could reduce the risk of future conflicts between residents and the football club.

1. Agent of Change principle

The National Planning Policy Framework and associated planning guidance recognise the 'Agent of Change' principle.

In simple terms, where a new development is introduced close to an existing lawful use which may generate noise, lighting or other activity, the responsibility normally falls upon the new development to mitigate those impacts rather than requiring the existing use to reduce or modify its operations.

In this case:

- Salisbury FC and Raymond McEnhill Stadium are established existing uses.
- The proposed residential development is the new noise-sensitive use.
- The developer is therefore expected to design the development so that future occupiers can enjoy acceptable living conditions whilst allowing the football club to continue operating normally.

The principle does not prevent future residents from making complaints. However, it seeks to ensure that the planning authority has properly considered and addressed foreseeable impacts at the planning application stage.

2. Limitations of planning controls

Members should note that neither a planning condition nor a Section 106 agreement can lawfully:

- Prevent residents from submitting complaints.
- Remove statutory rights under environmental legislation.
- Prevent residents commenting on future planning applications.
- Prevent private legal action where a resident believes they have suffered loss or nuisance.

Accordingly, it is not legally possible to create a condition stating that future occupiers must not complain about stadium activities.

The objective instead is to create a robust planning framework demonstrating that:

- The football club was the established use.
- Potential impacts were identified and assessed.
- Appropriate mitigation was secured.
- Purchasers were informed before occupation.

3. Recommended Tier 1 safeguards (essential)

These are the measures that would provide the greatest degree of protection to the football club whilst remaining realistic and enforceable.

A. Permanent acoustic mitigation condition

Require all approved acoustic mitigation measures to be installed prior to first occupation and retained thereafter. This should include acoustic fencing, acoustic walls, enhanced glazing, building insulation measures, and noise attenuation features.

Suggested wording:

No dwelling shall be occupied until the approved acoustic mitigation measures have been installed in accordance with the approved Noise Mitigation Strategy. The approved acoustic mitigation measures shall thereafter be permanently retained, maintained and kept in effective working order for the lifetime of the development. No alteration to, or removal of, any approved mitigation measure shall take place without the prior written approval of the Local Planning Authority.

The purpose of this condition is to ensure that the development continues to provide acceptable residential amenity having regard to the noise associated with the operation of the adjacent football stadium and its associated activities.

This provides a clear basis for rejecting future arguments that acceptable living conditions cannot be achieved. It better reflects the Agent of Change principle because it makes clear that the responsibility for managing impacts remains with the residential development throughout its life, rather than only at the point of construction.

B. Permanent ventilation requirement

Similarly, a written condition should be imposed that requires any dwellings identified by the acoustic assessment to retain approved mechanical ventilation systems.

This ensures acceptable internal conditions can be achieved without reliance upon opening windows facing the football ground.

Suggested wording:

No dwelling shall be occupied until the approved mechanical ventilation systems have been installed in accordance with the approved Noise Mitigation Strategy. The approved mechanical ventilation systems shall thereafter be permanently retained, maintained and kept in effective working order for the lifetime of the development. No alteration to, decommissioning of, or removal of any approved ventilation system shall take place without the prior written approval of the Local Planning Authority.

The purpose of this condition is to ensure that the development continues to provide acceptable residential amenity having regard to the noise associated with the operation of the adjacent football stadium and its associated activities, without reliance upon the opening of windows facing the stadium.

C. Permanent lighting mitigation condition

Similarly, a written condition should be imposed that requires all approved lighting mitigation measures to be installed and retained. This may include boundary fencing, screens, strategic planting, building design features, non-opening windows where approved.

This should prevent the approved lighting mitigation strategy being undermined after occupation.

Suggested wording:

No dwelling shall be occupied until the approved lighting mitigation measures have been installed in accordance with the approved Light Mitigation Strategy. The approved lighting mitigation measures shall thereafter be permanently retained, maintained and kept in effective working order for the lifetime of the development. No alteration to, or removal of, any approved mitigation measure shall take place without the prior written approval of the Local Planning Authority.

The purpose of this condition is to ensure that the development continues to provide acceptable residential amenity having regard to the operation of the adjacent football stadium and associated floodlighting.

D. Purchaser notification requirement

This was discussed in a meeting between representatives of Persimmon Homes, Salisbury FC and Laverstock and Ford Parish Council. In fact, it was proposed by Persimmon itself. However, it is **NOT** included in the Wiltshire Council Planning Officer's report.

Namely, that it should be a requirement that all purchasers to be informed, prior to occupation, that the development adjoins an operational football stadium.

The notification could include reference to match-day activity, spectator noise, floodlighting, public address systems, training activity, and the staging of community events. The Clerk would also suggest that this notification includes wording that clearly states these impacts may increase, subject to planning, if the football club improves its football record or business activities.

Obviously, this creates a clear record that purchasers were informed of the neighbouring land use before purchase.

4. Recommended Tier 2 safeguards (highly desirable)

These measures provide an additional layer of protection.

E. Estate management information pack

Require the site management company to provide information to all purchasers and occupiers explaining stadium operations, match schedules, expected noise and lighting environment, existing mitigation measures. This should apply to social housing providers too.

F. Restriction on future windows facing the Stadium

Remove permitted development rights where necessary to prevent additional habitable room windows facing the stadium.

This will prevent future alterations undermining the approved mitigation strategy.

G. Restriction on roof terraces and balconies

Remove permitted development rights for roof terraces, raised platforms, and balconies facing the stadium.

This avoids creating new sensitive outdoor amenity areas not considered within the original assessment.

5. Recommended Tier 3 safeguards (supporting measures)

While less critical, these measures could further strengthen the planning position.

H. Formal Agent of Change clause within the Section 106 Agreement

Include wording recognising that:

- Salisbury FC is an established lawful use.
- The residential development has been designed accordingly.
- Mitigation measures have been accepted on that basis.

Creates a clear planning record that may assist in interpreting future planning decisions.

I. Planning Committee resolution

If permission is granted, the committee's reasons for approval could expressly record that:

- The neighbouring football stadium is an established use.
- Agent of Change principles have been applied.
- Appropriate mitigation has been secured.

Provides a useful planning history for future decision-makers.

6. *Matters these measures cannot protect*

Members should be aware that even the most robust planning conditions cannot provide Salisbury FC with unrestricted freedom for future expansion.

The safeguards would primarily assist in protecting:

- Existing lawful operations.
- Existing lawful lighting.
- Existing lawful noise emissions.
- Existing match and training activities.
- Normal day-to-day operation of the stadium.

They would not necessarily protect:

- Significant stadium expansion.
- Material increases in operating hours.
- Major increases in spectator capacity.
- Substantially upgraded floodlighting.
- New activities requiring separate planning permission.

Such proposals would be assessed on their own planning merits if brought forward in future.

Conclusion

If members are satisfied that professional environmental health advice demonstrates the current scheme can provide acceptable living conditions, the principal planning issue becomes how best to secure the long-term coexistence of the residential development and Salisbury FC.

The strongest approach would be to secure a comprehensive package comprising:

- Permanent acoustic mitigation.
- Permanent lighting mitigation.
- Mechanical ventilation requirements.
- Protected landscape buffers.
- Purchaser notification requirements.
- Ongoing management company obligations.
- Targeted restrictions on future alterations.

- A Section 106 covenant recognising the status of Salisbury FC as an established neighbouring use.

Taken together, these measures would not prevent complaints, but they would provide the strongest practicable planning framework to protect the football club's continued reasonable operation as an established community sports facility.