

The application is for the construction of a new sports pavilion in association with the adjacent playing fields at The Wammy, Lower Milehouse Lane.

The application site is situated within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expired on the 3rd May 2023. The applicant has agreed to an extension of time until the 23rd June.

RECOMMENDATION

Permit, subject to conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Restrictions to deliveries and construction vehicles**
- v. CEMP**
- vi. Opening hours**
- vii. External Lighting**
- viii. Extraction/Ventilation Equipment for kitchen/ catering area**
- ix. Full and precise details of security shutters**
- x. Tree Protection Plans**
- xi. Landscaping Scheme**
- xii. Full accordance with recommendations FRA**
- xiii. Drainage Maintenance and Management Scheme**

Reason for Recommendation

The proposed development would support an existing, established use of the site as a community football pitch and would not raise any adverse impacts in relation to the character and appearance of the area, residential amenity or parking and highway safety. It would therefore accord with the policies of the development plan and the aims and objectives of the NPPF.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Amended plans and additional information have been submitted in support of the application at the request of the LPA. Following the submission of these additional details the proposed development is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the construction of a new sports pavilion to be used in association with the existing playing fields at The Wammy.

The site is located within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map. The site also sits within Flood Zone 2.

The key issues to consider in the determination of this application are;

- The principle of the development,
- Design and the impact on the character and appearance of the area,

- Residential amenity,
- The impact on parking and highway safety,
- Any impact on visually significant trees and
- Flood Risk.

Principle of the Development

Paragraph 92 of the NPPF states that planning policies and decision should aim to achieve healthy, inclusive and safe places which it expands, at criteria c) should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible sports facilities.

Paragraph 93 of the Framework goes on to state that to provide social, recreational and cultural facilities and services the community needs, planning policies and decision should, amongst other points, plan positively for the provision and use of community facilities such as sports venues and other local services to enhance the sustainability of communities and residential environments.

The application site is located within the defined urban area of Newcastle-under-Lyme and is currently host to playing fields and an associated car park that is used by local sports clubs as well as for general recreation.

The application proposes the construction of a new sports pavilion which includes changing rooms, offices and a social and catering space to be used by local sports teams in association with the adjacent playing fields.

The application documents detail that there are currently no facilities for changing or toilets on site, and that the proposals will provide a much needed community space for the players and spectators to come together and allow for a more effective use of the site.

Sports England have been consulted on the proposals and do not wish to raise any objections to the scheme. They advise that the proposed development meets exception 2 of the Sports England Playing Fields Policy in that; “The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.”.

The proposed development is considered to be appropriately located to serve the established sports pitches at the Wammy and would serve to provide enhanced facilities to support this established community sports use. The site is also identified within the Council’s Playing Pitch Strategy 2020 as requiring improvement in terms of the ancillary facilities available to users.

The site is within a highly sustainable location that can be accessed by users via a variety of alternative transport options including good bus and cycle routes. The development would support and enhance an existing community sports use on the site and so would be considered to comply with the aims and objectives of the NPPF and on this basis the development is considered to be acceptable.

Design and impact on the character and appearance of the area

Paragraph 127 of the National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Council’s Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The application site comprises a large expanse of open green space that is used as community football pitches. The site is bounded to the south by the rear gardens of residential properties of St Bernard's Road and to the north is a further residential development, separated from the site by a formal cycle path and landscaping. The application site also benefits from an existing car park that is accessed directly from Lower Milehouse Lane.

The application proposes to construct a new single storey sports pavilion to the south east of the existing car park. The building would have a footprint of 480 square meters and would be constructed using a lean-to roof that would have an eaves height of 3.3m at its lowest point, adjacent to the southern boundary, and then increasing to 5.2m on the north elevation of the building. It is proposed to construct the building from a combination of facing brickwork and vertical metal cladding on the walls with a standing seam metal roof. Solar panels are also proposed to be installed on the roof.

While the development would introduce a large building into an area of the site that is open and undeveloped, its scale and overall design are considered to be appropriate and commensurate with the community use that it proposed. The building would be seen against the backdrop of existing development from the dwellings along St Bernard's Way and would also sit against existing trees and hedgerow vegetation that would help to soften its appearance within the wider landscape.

While large in its footprint, the application documents detail that this has been largely driven by the functional requirements for the building and the need for space to accommodate four teams and associated visitors as well as respecting guidelines set out by the Football Foundation.

The materials proposed are also considered to be acceptable, with the metal cladding and standing seam metal roof appearing as a more modern and contemporary design solution which will help to achieve a development that is of a good design standard. A condition to request specific details for the materials of the development should be attached to any permission granted.

The submitted drawings do make reference to security shutters that are to be installed on all window and door openings, however no specific details on the specification of the shutters has been included. It is accepted that security shutters can notably alter the appearance of a building and so it is considered reasonable to attach a condition requiring the submission of full and precise details for the shutters prior to the first use of the development.

Therefore in conclusion the proposed development is considered to comprise a well-designed building that would maintain the character and appearance of the wider area. As such the proposal would comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Residential Amenity

Criterion (f) within paragraph 130 of the Framework states that planning decision should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, for not undermine the quality of life or community cohesion and resilience.

The proposed building would be sited adjacent to the rear boundary of a number of residential properties from St Bernards Road and the building itself would expand across the entirety of the length of the rear boundaries of Numbers 144 to 134 inclusively.

Whilst it is accepted that the development would introduce a built form within very close proximity to these rear boundaries, it should be noted that the building has been designed with a lean to roof, and the lowest point of this roof (which measures 3.3m) has been designed to sit adjacent to the rear boundary of these residential properties. This design feature will ensure that the development does not appear overbearing or oppressive to the occupants of these properties, particularly when they are using their private rear garden space.

There would also be no breach of the Council's Space Around Dwellings SPG when considering the separation distance between any rear facing principle windows of the neighbouring buildings and the rear elevation of the proposed pavilion.

With regards to noise and disturbance, the site is already used as a sports pitch and so it is not considered that the pavilion would intensify noise from this element of the scheme and it is only seeking to serve the established use of the site.

The building would also include a kitchen and social area to be used by the football teams and visitors. The Environmental Health Division (EHD) has raised no objections to the incorporation of the kitchen and social area, but has noted that the use of the proposed roller shutters could cause noise and disturbance to the nearby residential properties. Whilst it is accepted that this may create some level of disturbance, it would only be for a short period of time and is not considered to be to the extent that would result in severe harm to the amenity of neighbouring properties.

In their comments officers from the EHD also request a number of conditions including controls to hours of construction, control over the installation of external lighting and the submission of a Construction Environmental Management Plan (CEMP). Given the proximity of development to residential properties and potential for disturbance during the construction process, these conditions are considered to be reasonable and necessary.

The applicant has confirmed that the opening hours of the building would be 08:00 – 21:00 hours Monday to Sunday. The Environmental Health Officer has been contacted regarding these hours and raised no objections. A condition should be attached to any condition granted to secure the proposed opening hours given the proximity of residential properties to the application site.

Concerns in relation to the use of the building and its susceptibility to antisocial behaviour have been raised by both the EHD and the Staffordshire Police Crime Prevention Advisor. These concerns include inappropriate use of the building leading to noise and disturbance, litter and potential for misuse. It is considered that issues such as litter and graffiti would be beyond the control of the Local Planning Authority.

Comments from the Police in particular draw attention to the lowest point of the roof slope of the building sitting adjacent to the boundary with neighbouring properties which could attract misuse, particular in terms of unlawful access to the roof and proposed solar panels and this is something that should be considered and proactively designed out through this application process.

The applicant was approached in relation to the concerns raised and has now incorporated security fencing adjacent to both the south east and south west corners of the building to deter access to the rear of the building. This comprises 2.4m high mesh security fencing which is considered to be of sufficient height and design to prevent unauthorised access to the rear of the building. The applicant has also indicated that the roof has been designed with large overhangs of at least 600mm on every side, with larger overhangs on the front and rear, to prevent people from being able to climb up and access the roof. These design features, together with the use of security shutters and location of the building in close proximity to the car park is sufficient to deter any unauthorised use of the building.

It is therefore considered that in light of the amended plans and subject to suitably worded conditions, the proposed development would not raise any significant issues in relation to residential amenity and so would comply with the relevant policies of the development plan as well as the provisions of the NPPF.

Parking and Highway Safety

Paragraph 110 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The proposed pavilion building would use the existing vehicle access point off Lower Milehouse Road and the existing 51 space car park would continue to be used in association with the proposed development.

The Highway Authority (HA) have been consulted as part of the application and raise no objections to the scheme. In their comments they note that there is adequate on-site parking for the proposal and

that the existing highway access affords sufficient visibility in both directions and can therefore provide a safe and suitable access to the development. They have requested that conditions should be attached to ensure that any deliveries and site operatives utilise the existing off highway car park during the construction phase of the scheme to ensure that there are no implications on highway safety for road users. Given that Lower Milehouse Lane is heavily trafficked and that the site is within close proximity to the junction with St Bernard's Road and Cotswold Avenue, this condition is considered to be reasonable.

Concerns have been reported to officers during the course of the application in relation to the extent of parking and highway/pedestrian safety issues on Lower Milehouse Lane when football matches are taking place, and whether the application should consider enhancing parking provision or provide appropriate pedestrian crossing facilities. The HA maintains that the proposed development would serve an existing use and so would not introduce additional traffic over and above the current situation. The officer also confirms that the existing 51 spaces on the car park associated with the site would comply with Local Plan Parking Standards and on that basis it is not considered to be reasonable to request additional parking provision or pedestrian facilities.

Therefore, subject to appropriately worded conditions, the proposed development is not considered to raise any adverse highway safety or parking implications and so accords with the policies of the development plan as well as the aims and objectives of the NPPF.

The impact on trees

Saved Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided through appropriate siting or design. It goes on to state that where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There is an expanse of mature hedgerow directly south of the proposed building and a further cluster of trees to the east. An Arboricultural Report has been submitted in support of the application following a request from officers.

The report identifies that two category C trees (T24 and T25) and a section of the existing hazel hedge (H3) would have to be removed in order to accommodate the proposed development. The rest of the trees would be retained and protected with appropriate protective fencing to British Standard. The protective fencing around T28 to the south-eastern corner of the building would have to be offset, leaving the Root Protection Area of this tree exposed. In this case the report suggests the use of protective ground measures.

Comments from the Landscape Development Section (LDS) are still outstanding at the time of compiling this report, and any comments received will be reported to the committee through a supplementary update. However, from the contents of the accompanying tree report it is considered that the proposed development would sufficiently safeguard the existing trees on site. Suitably worded conditions can be attached to any permission granted to ensure that the development is carried out in accordance with the submitted tree protection measures.

Therefore in light of the above the proposed development is considered to comply with Policy N12 of the local plan as well as the aims and objectives of the NPPF.

Flood Risk

The site is situated within Flood Zone 2 and the application is accompanied by a Flood Risk Assessment (FRA) and proposed drainage scheme. The Lead Local Flood Authority (LLFA) have made informal recommendations on the scheme, advising that the proposed building may be at risk of fluvial flooding via the Lyme Brook and that access to the pavilion via the existing car park is affected by surface water flooding during the 100 year event. As such they recommend that the applicant should demonstrate that safe access and egress is available and that appropriate mitigation measures are in place. They also recommend that a management and maintenance plan for the proposed drainage system are in place to ensure that this is maintained for the lifetime of the development.

The Flood Risk Mitigation within the submitted FRA indicates that floor levels of the building would be constructed 150mm higher than the anticipated flood level and has recommended the production of a Flood Emergency Access Plan as well as provision for suitable evacuation points. It is therefore considered that the consideration of mitigation measures within the FRA are appropriate and have identified suitable measures to implement to ensure the development is not adversely affected by flooding. In addition, a condition can be attached to any permission granted to ensure that all recommendations within the FRA are implemented prior to the occupation of the development.

Whilst the LLFA have recommended consultation with the Environment Agency (EA), based on the scale of the development and its location within Flood Zone 2, the EA are not required to be consulted and would revert to their standing advice. This standing advice has been covered by the applicant through the production of the FRA and consideration of the resilience and mitigation measures referred to.

It is considered necessary to attach conditions to ensure that the works are carried out in accordance with the recommendations of the FRA and that appropriate management of the drainage system is in place prior to the first use of the scheme. Subject to these conditions, the proposed development is not considered to give rise to any adverse implications in relation to flooding and so would comply with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy SP3: Spatial Principles of Movement and Access

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy Framework \(2021\)](#)

[Planning Practice Guidance \(PPG\) \(as updated\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme Borough Council Playing Pitch Strategy \(2020\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Space Around Dwellings SPG\(2004\)](#)

[Relevant Planning History](#)

10/00074/DEEM3 - Erection of ball fence to the rear of 72 to 130 St Bernards Road – Withdrawn

11/00071/DEEM3 - Provision of car park to service existing football pitches – Withdrawn

11/00097/DEEM3 - Provision of car park to service existing football pitches – Permitted

[Views of Consultees](#)

Sports England raises no objections to the application.

The **Environmental Health Division** raise no objections subject to conditions to secure a Construction Environmental Management Plan, hours of construction and external lighting.

The **Staffordshire Police Crime Prevention Design Advisor** raises a number of points to consider as part of the planning application process including;

- Rear of the building could be well screened and attract some misuse as well as providing opportunities for access to the roof and targeted theft of solar pv panels and equipment
- Consider the introduction of well positioned security fencing to prevent unauthorised access
- Design standards and security measures in relation to solar panels and security shutters
- Use of anti-graffiti coatings

Staffordshire Lead Local Flood Authority make a number of recommendations for the application in relation to surface water flooding, appropriate mitigation measures and management/maintenance of any proposed drainage system.

Initial comments from the **Landscape Development Section** requested the submission of an Arboricultural Impact Assessment and that any permission should include a condition to secure a landscaping scheme. Updated comments from the LDS based on the updated information have not yet been received at the time of compiling this report.

The **County Highway Authority** raise no objections to the development subject to conditions to secure appropriate deliveries to the site.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website by searching under the application reference number 23/00142/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/23/00142/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

7th June 2023.