
Appeal Decision

Site visit made on 31 October 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/Y3425/W/16/3154592

Stafford Cricket & Hockey Club, Brian Westhead Pavilion, Riverway, Stafford ST16 3WB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Wall on behalf of Stafford Cricket & Hockey Club against the decision of Stafford Borough Council.
 - The application Ref 14/21249/FUL, dated 17 October 2014, was refused by notice dated 15 January 2016.
 - The development proposed is construction of a new artificial turf pitch including fencing, floodlighting and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new artificial turf pitch including fencing, floodlighting and ancillary works at Stafford Cricket & Hockey Club, Brian Westhead Pavilion, Riverway, Stafford ST16 3WB in accordance with the terms of the application, Ref 14/21249/FUL, dated 17 October 2014, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The submitted plan refs NSSHC001 and 002348 E02 upon which the Council made its decision were marked as superseded in the appeal documents despite the absence of revised plans. The main parties have subsequently confirmed that the plans are the current drawings. I have determined the appeal on that basis.
3. There is an evident mistake in terms of the identification of the appeal site within the submitted plan refs: NSSCHC001, NSSCHC002 and NSSCHC003 relating to the omission of the access road. However, I am satisfied that the appeal site is correctly identified on submitted plan ref NSSCHC001b and, therefore, determine the appeal accordingly.

Main Issue

4. The main issue is the effect of the development on the provision of open space and outdoor sports facilities in the local area.

Reasons

5. The appeal site consists of an existing grass playing field and a car parking area forming part of the Stafford Cricket & Hockey Club (SCHC) sports ground
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that is accessed from Riverway via a private drive. The access also serves sports facilities at the adjacent Evans Park which includes the home ground of Stafford Town Football Club.

6. The appeal proposal relates to the development of a new sand dressed surfaced synthetic grass sports pitch (2G pitch) for hockey use by the club, but with some availability for schools, external affiliates and local community groups at certain times. The 2G pitch would consist of pitch dimensions of 101.4m x 63m, 8 additional recessed goals, 3m high fencing with kickboards and floodlighting consisting of 8 x 15m columns (4 on each side of the pitch). The identified hours of use would be between 0900 - 2200 hours on Mondays to Fridays, 0900 - 1800 hours on Saturdays and 0900 - 1700 hours on Sundays and Bank Holidays. The proposal also includes an extension to an existing car parking area adjacent to a large cricket pitch and a clubhouse.
7. The section of the existing grass playing fields where the 2G pitch would be located are currently in shared use. The playing fields form part of a cricket outfield associated to an adjacent cricket pitch used during the cricket season and a rugby union pitch in use by St Leonard's RFC during the winter rugby season in periods outside of the cricket season. The proposed car park extension is on the southern periphery of the site and would not affect any land capable of forming a playing pitch. Additional facilities within the SCHC sports ground include a large cricket pitch and outfield, cricket nets and a clubhouse with changing facilities that would be unaffected by the proposal.
8. Policy C7 of The Plan for Stafford Borough 2011-2013 (PSB), adopted June 2014, amongst other things, seeks to retain, protect, supplement or enhance all types of sport, recreation and open space facilities, in order to address deficiencies of both indoor and outdoor facilities and encourages additional provision, and enhancements to existing provision, which will reduce or prevent deficiencies, to help meet local standards. To achieve this, the policy seeks that development that results in the loss of existing open space, sport and recreation facilities will be resisted unless better facilities in terms of quality, quantity and accessibility can be provided or that redevelopment would not result in a deficiency in the local area.
9. Policy C7 of the PSB aligns with the Government's aims as set out in the National Planning Policy Framework (the Framework) to protect existing open space, sports and recreational buildings and land, including playing fields except in circumstances as set out in paragraph 74. However, the listed circumstances in the Framework also include an exception when 'the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss'. This also reflects Exception E5 of the Sport England Planning Policy Statement - A Sporting Future for the Playing Fields of England - Policy on planning applications for development on playing fields.
10. The appellant has indicated that hockey is played within the grass playing fields of the appeal site, including occasional Saturday games and an annual hockey festival. However, due to the unsuitability of the grass surface for regular use, a 2G pitch at a Stafford University site known as Beaconside is currently used for training and most games including all league games played by both the Mens and Ladies hockey clubs. Other fixtures are also played at a 2G pitch located at Alleynes School in Stone.

11. The closure of the Beaconside site was announced in January 2016 and access to the 2G pitch facilities is not secured after June 2017. The loss of the Beaconside 2G pitch would result in an absence of available provision within an 8km radius for parts of Stafford, which is the accessibility distance recommended in the Stafford Borough Council Open Space, Sport and Recreation Assessment Update (OSSRAU), published June 2013. Alleyne's School has been used on occasion by the SCHC due to the existing shortfall of capacity for hockey in Stafford at times of peak demand. However, I am satisfied that its distance from the SCHC makes it unsustainable for regular use to meet the future demands of both the hockey club and other participants in Stafford. Consequently, there is an urgent need to replace the 2G pitch with alternative provision in Stafford by the start of the hockey season in September 2017 which could be met by the proposal before me.
12. With regard to the above, the benefits of the proposal, therefore, carry considerable weight as they would help to deliver plans of England Hockey (EH) to maintain and grow hockey as a sport and at the SCHC club in particular. I also attribute weight to the associated positive benefits of consolidating the hockey function within the SCHC sports ground with a reduced need to travel to alternative facilities. There are also additional sporting and economic benefits to the sustainability of the SCHC club arising from the improvements to its existing facilities.
13. Notwithstanding the above, it is common ground between the main parties that the location of the development would result in the loss of the existing rugby pitch for which a replacement of equivalent or better provision in a suitable location has not been proposed. The proposed 2G pitch would be unsuitable for rugby use, as such use requires a specialist surface and shockpad that is not proposed.
14. With regard to the above, the development would require the relocation of St Leonards RFC to an alternative site, a matter to which Sport England and the Rugby Football Union (RFU) have objected. Nevertheless, based on the evidence before me, there would appear to be an evident need for the identification of alternative rugby pitch provision to regularly serve St Leonards RFC in any case. This is noting that St Leonards RFC have an unsecured agreement to use the rugby pitch within the SCHC sports ground and the pitch is not available during the period when the cricket and rugby seasons overlap. In addition, alternative pitch provision within the Stafford College site on the opposite side of Riverway previously used by St Leonards RFC during the overlapping period, is no longer available. This is due to relocation of the Stafford College rugby section to a shared facility with Stafford Rugby Club, resulting in recent remarking of the playing field to address a deficit of football pitches.
15. St Leonards RFC consists of only adult teams. The OSSRAU identified that the Borough had an adequate number of adult rugby pitches, which in Stafford reflected a surplus of 1 pitch on Saturday (pm) and 3 pitches on Sunday (am) relative to forecast needs. It is evident that there have been changes in pitch provision since the OSSRAU was published, including the loss of rugby pitches at the Beaconside and Stafford College sites. However, additional capacity for rugby would be provided through the relocation of the Stafford Rugby Club following the redevelopment of their current site, which includes replacement

grass pitches and a rugby compliant artificial grass pitch (AGP) as part of the development.

16. The Council evidence indicates that the new Stafford Rugby Club facility would accommodate its future growth but also would be used to capacity. Such a view appears contradictory and in any case, there is no substantiated evidence relating to forthcoming capacity, existing capacity, or otherwise, of adult rugby pitches elsewhere in Stafford beyond the publication date of the OSSRAU. The appellant has indicated the potential for a number of pitches at Stafford Grammar School which could meet the needs of St Leonards RFC, together with secondary school pitches which could be brought into community use. However, it is unclear whether any of those pitches are currently available, in use or have spare capacity. Based on the evidence before me, I, therefore, cannot reasonably consider that the existing playing pitch is surplus to requirements for rugby use, but nor can I determine that there would be a deficit of capacity of adult rugby pitches in Stafford resulting from its loss.
17. The proposal would have a harmful effect arising from the loss of the existing rugby pitch upon the short term sustainability of St Leonards RFC due to the requirement for relocation on a more permanent basis. Nevertheless, the development would not in itself result in St Leonards RFC being incapable of accessing suitable rugby pitch provision and facilities in Stafford to meet its needs. The evidence before me indicates that short term arrangements to date have been made by St Leonards RFC with Stafford Rugby Club when the cricket pitch was previously unavailable. However, it remains unclear whether such arrangements could continue in the future on either a temporary or permanent basis. In such circumstances, weight is attributed to the harm to the short term sustainability of St Leonards RFC arising from the proposal, but limited by the long term need for alternative facilities for temporary periods each year if the club were to remain at SCHC.
18. The development would also require the relocation of the existing cricket pitch, including replacement of the existing turf pitch wicket with a synthetic turf pitch. The evidence before me, including plan ref. NSSCHC002, indicates that the available dimensions of the existing cricket outfield is restricted to boundary sizes for junior cricket and below the 45.72 metres for senior cricket recommended by the English Cricket Board (ECB). This is due to the presence of rugby posts that remain in-situ throughout the year and the proximity to the northern boundary of the site. Although rugby posts would be capable of removal during the cricket season, the appellant has indicated that this has not taken place historically for financial reasons and to prevent damage to the playing field. In such circumstances, I have no reason to consider that the dimensions of the existing cricket pitch, as indicated on the submitted plans, are inaccurate.
19. The proposal would relocate the cricket pitch to the west onto land formerly used as a football pitch, the use of which ceased due to its condition and drainage being unable to support sports use in winter. Sport England and the ECB have objected to the proposal and consider that it would result in the loss of a cricket pitch.
20. The proposed cricket pitch would provide a replacement of the existing single pitch wicket strip. However, the outfield would have reduced dimensions to a boundary size closer to the minimum dimensions suitable for junior cricket

only, which is 37 metres measured from the centre stump. Nevertheless, as the dimensions of the existing cricket pitch do not meet the ECB requirements for senior cricket due to the constraints of the existing rugby pitch, the development would not result in the loss of an existing full size cricket pitch. The large cricket pitch to the south would not be affected. Consequently, the development, although not equivalent provision, would not exacerbate the deficit of pitch provision in Stafford identified in the OSSRAU as it would not cause a net loss of cricket pitches suitable for junior cricket. The harm arising from the replacement of the existing cricket pitch would, therefore, be limited.

21. In reaching the above findings, I have taken into account the concerns of Sport England and the ECB in terms of the loss of potential for investment in improvements to provide several fine turf wickets on the existing cricket pitch. Such aspirations would include developing the venue for cricket development and district/county competitions. However, the weight I can give to this issue is limited as there is no firm evidence that such investment is likely to take place and it would clearly be precluded if the rugby pitch remained in-situ.
22. The Council have indicated a preference for new 2G pitch provision to be provided in an alternative school location with less impact on grass pitches and sports club displacement, together with the sporting benefit arising from use by school pupils during the day. However, the OSSRAU has not been developed into an adopted delivery strategy and there is no firm evidence of a proposed location having been identified or such a development being feasible to meet the identified need for a 2G pitch in Stafford by September 2017. I, therefore, attribute little weight to the possibility of a more suitable site being capable of being brought forward to meet the needs of hockey in Stafford as an alternative to the development before me.
23. Additional concerns have been expressed regarding the absence of a long term business plan relating to maintenance of the development. However, it is reasonable that the SCHC club would seek to ensure that the condition of the facility would remain of a high quality in future following the initial investment. Furthermore, the provision of floodlights would likely increase the capacity of its use and hockey participation, with a resultant increase in revenue for the SCHC club which could be made available for ongoing maintenance.
24. Reference has also been made by the Council to the strategic prioritisation of investment in 3G pitches, as opposed to 2G pitches including ongoing development at the adjacent Evans Park. However, I give little weight to this matter given that 3G pitch provision would be unsuitable for hockey and a need for a 2G pitch in Stafford has been identified.
25. Having taken all of the above into account, I consider that the development would enhance the provision of open space and outdoor sports facilities in the local area by addressing a deficit of 2G pitch provision for hockey. The evidence before me does not clearly demonstrate that the land is surplus to requirements to justify the loss of the rugby pitch, nor would the development replace an existing cricket pitch with equivalent or better provision. However, paragraph 74 of the Framework requires that only one of its three bulleted criteria are met. In this regard, the proposal does constitute development for alternative sport provision, the needs for which I consider clearly outweigh the loss of a rugby pitch, the associated harmful effect on the short term sustainability of St Leonards RFC and the replacement of an existing cricket

pitch with a lesser standard of provision. The development would, therefore, accord with paragraph 74, bullet point 3, of the Framework.

26. I conclude that, on balance, the development would not have an unacceptable impact on the provision of open space and outdoor sports facilities in the local area. The proposal conflicts with Policy C7 of the PSB based upon the harm identified in terms of loss of facilities which would not be replaced by better facilities in terms of quality and quantity for the sports concerned. This includes circumstances where the evidence before me is inconclusive with respect to whether a deficiency in terms of adult rugby pitches would occur. Nevertheless, in the particular circumstances of this case, the conflict with the development plan is clearly outweighed by compliance with the Framework in terms of the benefits of alternative sports provision to address a deficit in Stafford for hockey provision, together with the additional sporting and economic benefits to the sustainability of the SCHC and improved local access to sports facilities.

Other Matters

27. The development would utilise an existing access that serves the SCHC site and the adjacent Evans Park from Riverway. There is no evidence before me of previous accidents associated to the use of the well-established access despite its narrow width and substandard visibility resulting from the presence of trees along Riverway.
28. Due to the installation of floodlights the 2G pitch would be available for use for longer periods of each day than the existing sports facilities at the SCHC site with a resultant increase in traffic movements. However, at the time of my visit, I observed that an alternative access to Evans Park from Fairway was approaching completion. This would significantly reduce the existing level of traffic movements utilising the Riverway access. Consequently, the increased traffic movements arising from the development would not have a significant effect on highway safety when compared to the level of existing use of the access and would not necessitate a condition for junction or access improvements.
29. Notwithstanding the above, a condition is required to ensure that sufficient car parking capacity is available within the site prior to the first use of the development to prevent potential obstructions through parking along the existing access road. The implementation of the 25 additional spaces as proposed would therefore, be necessary in this respect.
30. The 2G pitch and associated fencing and floodlighting would be located approximately 70m from Riverway and viewed against similar features within the immediately adjacent Evans Park. There are also existing floodlights which face the rugby pitch. In such circumstances, the proposal would not have a harmful effect on the character and appearance of the site. Furthermore, the development is sufficiently distant from the nearest residential properties which face Lichfield Road and St Georges Road to prevent any harm to the living conditions of occupiers in terms of noise, disturbance or light pollution. This would be assisted by the potential reduction in traffic using the access from Riverway, once the access to Evans Park from Fairway is completed.
31. The Council has indicated that the cricket pitch would be in close proximity to Riverway resulting in potential for health and safety issues. However, such

relationships are not uncommon for sports pitches, including cricket, and can often be resolved through ball netting. Although ball netting is not part of the proposal before me and cannot reasonably be secured by condition, this matter does not justify withholding planning permission.

Conditions

32. The Council provided a suggested list of conditions. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework.
33. Conditions are necessary to provide certainty in terms of the planning permission granted, a time limit for the development to commence and to ensure that the development is carried out in accordance with the approved plans.
34. As previously mentioned, a condition is also necessary to ensure the implementation of the car parking layout, together with associated turning and service areas prior to the first use of the development in the interest of highway safety. The suggested condition relating to junction widening and access visibility is not necessary as previously explained.
35. A condition to ensure that floodlighting is carried out in accordance with the approved details is not necessary. The technical specifications are included on plan ref 002348 E02 and the floodlighting column height, together with the raising and lowering mechanism are included on plan ref 000000 E01.

Conclusion

36. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions listed in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
NSSCHC001b (Location plan indicating existing pedestrian access and access route dated 23 November 15),
NSSCHC002 (Location plan indicating existing and proposed pitch provision dated 16 October 2015),
NSSCHC003 (Location plan indicating proposed car parking layout dated 16 October 2015),
NSSHC001 (Plan view, fence elevation, cross profile and cage elevations dated 7 January 2013),
000000 E01 (Typical 15m raise and lower mast arrangement dated 6 December 2013)
002348 E02 (Proposed floodlighting dated August 2014)
- 3) Prior to the first use of the development hereby permitted, the car parking, servicing and turning areas shall be carried out in accordance with the approved plans and should be permanently retained as such thereafter.