
Appeal Decisions

Hearing held on 30 November 2016

Site visit made on 30 November 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 23 December 2016

Appeal A: Appeal Ref: APP/N1025/W/16/3155945

Moor Farm Training Centre, Morley Road, Morley, Derbyshire DE21 4TB

- 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 Morris against the decision of Erewash Borough Council.
 - The application Ref ERE/0915/0051, dated 22 September 2015, was refused by notice dated 11 February 2016.
 - The development proposed is erection of a building containing one indoor football pitch and one futsal pitch, one outdoor pitch, extensions and alterations to existing academy building to provide first, second and third floors, link bridge between extended academy building and indoor pitch, groundsman's yard including stores, bunkers and irrigation tank and provision of 32 parking spaces.
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Appeal B: Appeal Ref: APP/N1025/W/16/3155952

Moor Farm Training Centre, Morley Road, Morley, Derbyshire DE21 4TB

- 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 Morris against the decision of Erewash Borough Council.
 - The application Ref ERE/0915/0044, dated 28 April 2015, was refused by notice dated 11 February 2016.
 - The development proposed is three football pitches, one 5-a-side pitch, warm up area, goalkeeping area, pavilion building incorporating two spectator stands, two plant rooms, external storage tanks, two biomass pellet hoppers, chemical store, electricity sub-station, temporary teaching block, gym and hydrotherapy building, new vehicular entrance to Locko Road including security cabin and gates, security fencing to perimeter of site and the provision of 259 car parking spaces.
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Decisions

1. Appeal A is dismissed.
 2. Appeal B is allowed and planning permission is granted for three football pitches, one 5-a-side pitch, warm up area, goalkeeping area, pavilion building incorporating two spectator stands, two plant rooms, external storage tanks, two biomass pellet hoppers, chemical store, electricity sub-station, temporary teaching block, gym and hydrotherapy building, new vehicular entrance to Locko Road including security cabin and gates, security fencing to perimeter of site and the provision of 259 car parking spaces at Moor Farm Training Centre, Morley Road, Morley, Derbyshire DE21 4TB in accordance with the terms of the application, Ref ERE/0915/0044, dated 28 April 2015 and subject to the conditions attached to this decision.
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Procedural Matters

3. I have referred to the different cases as Appeals A and B in this decision letter as set out in the heading. I have dealt with each appeal on its individual merits but, to avoid duplication, I have considered the proposals together in this document. I have made it clear in my decision where I am dealing only with one of the proposals.
4. The red line areas of both of the appeal sites include more than one parcel of land and there is a small degree of overlap between the two. I have used the following terms in relation to the different parts of the overall academy site:
 - 'original academy site' to refer to the land included with the red line of the permission granted for the original development in 2001;
 - 'extension land' to refer to the additional land acquired by Derby County Football Club (DCFC), lying to the north and east of the original site and extending up to the Locko Road;
 - 'extended academy site' to refer to the combined area of the original academy site, the extension land and the area covered by existing pitches 11 and 12 which were added to the original site under a planning permission granted in 2014.
5. Although the description of development in Appeal A refers to 'extensions and alterations to existing academy building' these works relate to the existing indoor pitch building and I have referred to it as such in order to avoid any confusion.
6. Subsequent to the refusal of the two planning applications in April 2016 the Council has granted a number of planning permissions on various parts of the extended academy site, some of which include development identical to some components of the appeal proposals. Accordingly, although they form part of the appeals before me, planning permission has separately been granted for various elements of the proposals as set out below.

Appeal A:

Permission granted for a groundsman's yard including stores, bunkers and irrigation tanks in the same location as proposed in the appeal.

Appeal B:

Permission granted for 3 football pitches, one 5-a-side pitch, warm up area, goal keeping area, two plant rooms, external storage tanks, chemical store, electricity substation, temporary teaching block, gym and hydrotherapy building, balancing pond and security fencing to perimeter of site, all in the same locations as proposed in the appeal. Permission has also been granted for 3 of the parking areas proposed in the appeal (together accounting for 54 of the 259 spaces proposed in Appeal B) and for the proposed biomass pellet hopper in the courtyard area of the original 'U' shaped academy building.

7. In addition to the above, the Council has also granted planning permission for the following development within the extended academy site:
 - i) A building containing one indoor pitch and one futsal pitch, changing rooms and associated café with a bridge link to the existing indoor

pitch building and some alterations to the existing pitch building (approved as part of planning permission Ref ERE/0616/0033). The indoor pitch building approved under this permission is of the same dimensions as that proposed in appeal A and in the same general location but would be slightly closer to Morley Road. Excavations would be carried out to reduce its floor level by about 2 metres (m) below current ground level in this part of the site and the excavated material would be used to create a landscape bund of 3m maximum height to the Morley Road frontage in part of the area that would be occupied by Pitch 5 in the Appeal A proposals. That permission also includes a 208 space car park located immediately to the east of the proposed indoor pitch building.

- ii) Two back-to-back spectator stands, each providing 200 seats, located between Pitch 12 and Pitch 11 (an artificial pitch enclosed by high mesh fencing) which have been approved as part of planning permission Ref ERE/0616/0032. This permission also includes the construction of a landscape bund of 3m maximum height to the Locko Road frontage of the site broadly in the location of the larger (134 space) car park proposed in Appeal B.
8. I am advised that the various details required under the conditions attached to planning permission Ref ERE/0616/0032 have been received by the Council but that those conditions have not yet been discharged. Because the permission is in part a retrospective permission for works already carried out (including the provision new pitches on what had previously been agricultural land) the permission has been implemented. The details required under conditions attached to permission Ref ERE/0616/0033 have not yet been received by the Council and that permission has not been implemented.
9. The granting of separate planning permissions including identical proposals to some elements of the appeal schemes is a material consideration to which I must have regard in my determination of the appeals. I need also to have regard to the permissions granted for what I shall refer to as the alternative schemes for the indoor pitch building and the spectator seating.

Main Issues

10. The main issues in the appeals are;
- (a) Whether the proposals would constitute inappropriate development in the Green Belt;
 - (b) The effect on the openness of the Green Belt and the purposes of including land in the Green Belt;
 - (c) Whether any other harm would be caused by the proposals; and
 - (d) If inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Reasons

Whether inappropriate development

11. Policy 3 of the Erewash Core Strategy (Core Strategy), adopted in March 2014, states that the principle of the Nottingham-Derby Green Belt will be retained and that, when considering development proposals within the Green Belt, regard will be had, amongst other things, to the statutory purposes of the

Green Belt and to maintaining the strategic openness of the Green Belt between the towns of Ilkeston, Long Eaton and the Derby area. Policy 3 is a strategic policy and the detailed criteria against which proposals fall to be considered is found in policy GB1 of the Erewash Borough Local Plan Saved Policies 2005 (amended 2014) (Local Plan).

12. Local Plan Policy GB1 is broadly consistent with the policies in Section 9 of the National Planning Policy Framework (Framework) but was formulated in the context of previous national planning policy in Planning Policy Guidance Note 2. Policy GB1 sets out a general presumption against inappropriate development in the Green Belt except in very special in the same way that the Framework does. However the exceptions to that general presumption which are set out in paragraphs 89 and 90 of the Framework are not fully reflected in the Local Plan policy. For this reason I consider that the Framework provides a more up to date set of policy tests against which the proposals should be assessed.

Appeal A

13. The proposed pitch building and associated bridge link to the existing pitch building can properly be regarded as an 'appropriate facility' for the use of the extended academy site for outdoor sport. However, it is common ground that, due to the size and location of the proposed building, it would not preserve the openness of the Green Belt and, for this reason, this element of the proposals does not fall within the scope of the exception in the second bullet of paragraph 89. That major element would, therefore, constitute inappropriate development in the Green Belt.
14. The buildings and structures (also to be classed as buildings for the purposes of applying the policies) proposed for use by the grounds staff should also be classed as appropriate facilities for outdoor sport. Given their relatively small size and discreet location within the extended academy site, these buildings would preserve the openness and cause no conflict with the purposes of including land within the Green Belt. These elements would fall within the scope of the second bullet and would not be inappropriate development.
15. I consider that the proposed extension to the existing indoor pitch should properly be considered against the tests set out in third bullet of paragraph 89. That bullet states that an extension or alteration to an existing building in the Green Belt is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building.
16. The proposals would not alter the footprint of the existing building and the proposed first floor would be contained within the existing built envelope. In these circumstances I consider that the increase in building volume provides the best measure of the scale of increase proposed. In this case, the proposed second and third floors would have a much reduced floor area than the existing building and the proposal would increase the volume of the original building by around 23%. The Council has no policy or guidance on what might be considered to be proportionate increase in size but, in my judgement the proposed extension would not result in a disproportionate addition over and above the size of the original building and would not, therefore, be inappropriate development.
17. I accept that an upwards extension would increase the prominence of the building in available views and that this might be argued to have an adverse

effect on openness. However, the third bullet of paragraph 89 is concerned with the increase in the size of the building and there is no requirement under this policy test that the proposal should preserve openness and should not conflict with the purposes of including land in the Green Belt. In addition, the Court of Appeal has ruled in the Lee Valley case¹ that, where a development is found to be 'not inappropriate' when applying paragraph 89 or 90 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in it (paragraph 17 of judgment).

Appeal B

18. All of the buildings proposed in Appeal B would provide appropriate facilities for the use of the extended academy site for outdoor sport and would come within the scope of the second bullet of paragraph 89. Due to their size and location within the site those building elements which have subsequently been granted permission by the Council (as listed in paragraph 6 above) would not harm the openness of the Green Belt and would not, therefore, constitute inappropriate development.
19. The sites of the proposed pavilion building and security cabin are currently free of any buildings or other built structures. The introduction of new buildings in this part of the extension land would not preserve the openness of the Green Belt and these elements of the appeal proposal would be inappropriate development. For the same reasons, I consider that the proposed perimeter fencing would also constitute inappropriate development but note that planning permission has been granted this element of the proposals under a separate approval.
20. None of the exceptions listed in paragraphs 89 or 90 include a change of use from agricultural to outdoor sport and recreation and, at the time of its decision, the Council was correct to treat the construction of the 3 pitches on the extension land as inappropriate development. Planning permission reference ERE/0616/0032 has subsequently been granted on a retrospective basis for 2 of the 3 pitches proposed on the extension land and a change of use of that land has, accordingly, been effected notwithstanding that the third pitch has yet to be completed. In that context, the construction of the remaining pitch would comprise engineering works which would preserve openness and would, therefore, be within the scope of the exception in the second bullet of paragraph 90.
21. The construction of the two areas of car parking proposed on the extension land and the construction of the new site access from Locko Road would also constitute engineering operations. However, I consider that these elements would have some effect on openness and, for this reason, do not fall within that exception and would be inappropriate development.

Summary

22. In summary, I find that the following elements of the proposals would constitute inappropriate development in the Green Belt: the proposed indoor pitch building and related bridge (Appeal A); the proposed pavilion building incorporating the spectator stands, the pellet hopper, vehicular access and car

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404.

park (Appeal B). As the perimeter fencing has been granted permission under a separate application I do not need to give further consideration to this element of the proposals.

23. Paragraph 87 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Effect on openness

Appeal A

24. The development approved under the 2001 planning permission was found by the Inspector who conducted the Call In Inquiry to have a limited impact on the openness of the Green Belt. Within that proposal the building components occupied only around 3% of the original academy site and were located in part of the site that was previously occupied by a group of farm buildings. Mitigation of their visual impact was provided by means of a reduction, by about 2m, in site levels in that part of the site where the existing indoor pitch and academy buildings are now located.
25. The footprint of the indoor pitch building proposed in Appeal A would be considerably larger than the combined footprint of the existing indoor pitch and academy buildings and would extend almost to the northern boundary of the original academy site. The resultant, substantial increase in building coverage on that site would lead to a significant adverse effect on the spatial dimension of openness. Due to the length of its principal elevations (at around 154 m) and its considerable height (at around 15.5m) the proposed building would also have a significant visual impact when seen from inside and outside of the site.
26. The existing hedge and tree planting to the Morley Road frontage provide for filtered views into the site, with these being more open during the winter months. Due to the combined effect of this landscape screen, the reduced ground levels and their limited height, the existing buildings are very well screened in views from Morley Road and the site has a largely open character when seen from this public vantage point. In contrast, the considerable length and height of the proposed new indoor pitch building would result in this being clearly visible to residents of houses fronting Morley Road, to users of the footpath on the west side of the road and to drivers and passengers of passing vehicles. A building of the massing and height proposed would, in my view, dramatically reduce the existing open character of the site when viewed from Morley Road. No visual impact assessment has been carried out in relation to the proposals but, based on my observations on my site visit, I consider it likely that the proposed building would also be visible in longer distance views from Locko Road.
27. For these reasons I find that the proposed indoor pitch building would cause substantial harm to the openness of this part of the Green Belt and that the harm to openness would be increased by the spilling out of light from the building on dark evenings. Whilst the greatest effect in terms of light spill might be at the southern end of the building the 'glow' from the lighting within

the building would be visible from outside of the site and would raise public awareness of the presence of so large a building in the Green Belt.

Appeal B

28. Gates have been inserted into the perimeter fencing erected along the Locko Road boundary but I understand that, to date, this access has been used only for construction vehicles. The formation of a wider and more formal access together with its associated kerb radii and security cabin would have some effect on the perception of openness in this part of the extended site. That effect would, however, be limited by virtue of the small size of the cabin proposed and the intermittent nature of the use of the access.
29. The construction of what would be a reasonably large car park close to the Locko Road boundary would also have some potential effect on openness. However, the car park would only be used for relatively short periods during the day and would be vacant for much of the time. Given the intermittent nature of that use, and that it would be screened by the existing and proposed new hedges on the site boundary to Locko Road, the effect on openness would be relatively limited.
30. As a new building in part of the site where there have been no buildings previously, the proposed pavilion would have a material effect on the spatial dimension of openness. The building would be positioned at a slight angle to the roadside boundary and its nearest point would be about 120m from that boundary. By making use of the varying ground levels across the site the building would present only a single storey elevation towards Locko Road with an eaves height of around 5.5m.
31. Due to the proposed use of a 'zigzag' floor plan a substantial part of that elevation would be set further back from the road behind the raked seating of the spectator area and the projecting roof over the seating area. The zigzag floor plan and roof form, together with the extensive use of light steel and glass in its construction, would help to minimise the visual bulk of the proposed building when seen from Locko Lane. In combination with the screening that would be provided by the existing and proposed hedge planting to the roadside boundary, these factors would serve to reduce the visual impact of the proposed building, notwithstanding its overall length.
32. As Locko Road has no footways and no residential frontage the building would be seen mainly in glimpsed views by drivers and passengers of vehicles using that road. These would be transitory views and I observed on my site that traffic speeds are relatively high. The proposed pellet hopper at the eastern end of the pavilion building would be visible from outside the site but would be similar in appearance to the grain silos and other structures frequently seen on farms and would not be out of place in the context of other agricultural buildings in the surrounding area. Taking all of these considerations into account I find that the proposed pavilion building and pellet hopper would cause a moderate level of harm to the openness of the Green Belt.

Effect on the purposes of including land in the Green Belt

33. The Inspector who reported on the 2000 planning application concluded that the development then proposed would result in some encroachment into the open countryside. However, she found that the resultant harm to the purposes

of including land in the Green Belt would be limited by reason of the compact form and low height of the proposed buildings, the proposed landscape screening, and the manner in which the (now existing) indoor pitch building had been designed to reflect the characteristics of a farm building. The design of the indoor pitch building now proposed makes no pretence of adopting the characteristics of an agricultural building and the building would have an entirely different form and appearance to the existing indoor pitch building.

34. Appeal A would result in a substantial increase in the proportion of the original academy site covered by buildings and, as noted above, would dramatically alter the currently open character of the original academy site. In my view this increased building coverage, in combination with the visual presence of so large a building would have an urbanising influence in terms of the overall appearance of the site and would reduce the extent to which Morley Road defines the edge of the built area of Derby. To that extent the proposal would add to the harm caused by the original development in terms of encroachment into the countryside.
35. Two of the three pitches proposed on the extension land have already been constructed and, together with the tall fencing around the artificial pitch and the floodlights to pitches 11 and 12, these works have already resulted in a further encroachment of the academy facilities and activities into the countryside. The proposed pavilion building would occupy a very small part of the extension land and, when seen in the wider context of the extended academy site, would not cause any significant additional encroachment or harm to the purposes of including land in the Green Belt in this respect.

Other harm

Appeal A

36. The existing contrast between the built frontage along the western side of Morley Road and the mainly open character of the existing academy site and adjacent agricultural land creates a strong sense of Morley Road serving as the dividing line between the urban area of Derby and the open countryside to the east. The indoor pitch building proposed in Appeal A would significantly diminish the existing open character of the site when viewed from Morley Road and would harm the character and appearance of the area in this respect.

Appeal B

37. The almost unbroken line of roadside hedges on both sides and the absence of any residential buildings fronting or clearly visible from the road give Locko Lane a distinctly rural character and appearance. The development already carried out on the extension land is largely screened by boundary hedging which also helps to soften the visual effect of the perimeter fence. For those travelling along Locko Road, the presence of the academy is apparent mainly through the visibility of the floodlights above the boundary vegetation.
38. The new access would provide for more open views into the site but the proposed main car parking areas would be largely screened by the existing and proposed boundary hedges. The pavilion building would also be visible but it would be set back a significant distance from the road and would not be prominent in views from passing vehicles. Although there would be some

adverse visual effect this would result in a significant diminution of the existing, predominantly rural character of Locko Lane.

Other Considerations

39. Football training academies are graded by the football authorities under the Elite Player Performance Plan (EPPP) into 4 categories, with a Category 1/Elite status being the highest level that any club can attain. The DCFC Academy attained that status in August 2014 and is one of only 24 of the 92 clubs in the Football League to have done so. Subsequent changes to the EPPP have introduced revised requirements with regard to facilities and staff. Both the quality of facilities and programmes and productivity levels (in terms of the number of academy students who go on to become first team players in the league) are audited in order to ensure that academies continue to meet the minimum requirements. DCFC has identified the need to invest in the further upgrading of the facilities at Moor Lane in order to retain its Category 1 status.
40. In my view new or revised requirements set by the football regulatory authorities that must be met in order to retain Category 1 status are considerations that might reasonably be used to demonstrate very special circumstances, having regard to paragraph 87 of the Framework. I note the Council's concerns about the setting of a precedent but paragraph 88 makes it clear that such considerations need to be weighed against the substantial weight that must be given to any Green Belt harm that would result from a proposal. Each proposal must be considered on its merits having regard to that test.
41. Some of the objectives set out in support of the appeals, for example with regard to having facilities which would put the DCFC Academy among the top 10 such facilities in Europe, are aspirational rather than essential. However, the loss of Category 1 status would have a significant adverse effect on the funding available and on DCFC's potential to provide first class training within its Youth Development Programme, on its ability to maximise potential career path options for academy students who do not go on to become professional players, and on its extensive work with the many clubs and other groups who are able to use the facilities. The core need for the development proposed in these appeals is different to that which was accepted by the Secretary of State in justifying the development of the original academy site in 2001. However, I accept that some further development is required in order to secure, for the longer term, the many benefits to the club and to the people of Derby that flow from the academy's continued existence and success.

Appeal A

42. Within the context of that general justification for further development of the site I find that there is a need for the proposed indoor pitch building so as to achieve the minimum recommended pitch sizes and run-off areas to provide an appropriate level of safety for players. I am satisfied that the internal height of the building as proposed is a reasonable minimum to adopt in terms of the standard of games that the pitch would be used for and consider that the curved profile would help to reduce the massing and bulk of the building. I also accept that the siting of the proposed new building adjacent to the existing pitch building and the provision of a bridge connection between the two would enable maximum use to be made of that existing building to accommodate the permanent classrooms, gym and changing rooms, press room and other

facilities that are required. This would avoid the need for those facilities to be provided in more open parts of the extended academy site.

43. The EPPP Youth Development Rules with proposed amendments for the 2015/2016 season (EPPP Rules) (Document 14) are clear that the indoor facility should be located at the club's principal academy facility and, in view of the development already carried out at Moor Farm, it would not be practicable for the proposed indoor pitch to be located at any alternative site. Neither would it be practicable for this need to be met by making greater use of the Pride Park pitch given the number of games that are already played there. However, the Council's approval, under planning permission Ref ERE/ 616/0033 demonstrates that the need for this facility can be met in an alternative manner.
44. The approved alternative scheme for the indoor pitch building would be sited slightly forward of the building proposed in Appeal A. However, it would not have so great an impact on the visual dimension of openness or on the character and appearance of the area because of the proposed reduction in ground levels and landscape mound to the Morley Road frontage of the site. The alternative scheme would result in the loss of an existing pitch but, even without that pitch, the EPPP requirements in terms of the number of full sized pitches would still be exceeded. The siting of the building closer to Morley Road appears to have been driven partly by a desire to include a large car park to the rear. However, the construction of so large an area of parking in this location appears not to be consistent with DCFC's objective that the two parts of the extended academy site should be self-contained with regard to vehicular access, parking and support facilities.
45. Paragraph 88 of the Framework states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Having regard to the existence of the alternative scheme, I find that the substantial harm to the Green Belt and the related harm to character and appearance that would be caused would not be outweighed by the need for the appeal proposal. I therefore conclude that the very special circumstances necessary to justify this major element of the Appeal A proposals have not been demonstrated.

Appeal B

46. In granting planning permission Ref ERE/0616/0033, the Council has accepted that there is a need for two areas of spectator seating each with 200 seats having regard to the requirements and advice set out in the EPPP Rules. Although Appeal B proposes slightly larger spectator areas, each with 250 covered seats, I do not think that the increased size is, on its own, material in terms of additional harm to the openness of the Green Belt. I also accept the appellant's argument that the location of the approved spectator stands, between Pitch 12 and the artificial pitch (Pitch 11) rather than between 2 full sized grass pitches, represents a significant compromise in terms of enabling academy students to benefit from a full 'match day' experience.
47. The proposed pavilion building would house changing rooms, a treatment room, parent's room, café area and toilet facilities which would be used by those playing on and watching games on the various pitches located on the extension land. From my reading of the EPPP Rules the level of provision proposed is proportionate having regard to the number of games which need to

be hosted at the academy and the EPPP's requirements in relation to school and community use of the facilities.

48. As an academy operator DCFC has a significant level of responsibility for the safeguarding, health and safety and general welfare of the very large numbers of young people who attend training sessions and matches at the site in a typical week. At present, due to the absence of changing, treatment and other key facilities to serve the pitches on the extension land, players using these pitches have to walk considerable distances to and from the existing facilities adjacent to the existing indoor pitch building. There is also inadequate provision for emergency treatment in the case of an incident and for the general health and safety of players using these pitches. These deficiencies clearly make it more difficult for DCFC properly to discharge its responsibilities for the welfare of the young people in its care and this is a consideration of significant weight with regard to the need for the additional facilities that would be provided in the proposed pavilion building.
49. The new access from Locko Road and the parking provision proposed on the extension land would also bring significant benefits in terms of reducing parking on the existing site access and circulation roads and minimising pedestrian and vehicular conflict across the site. I note that the provision of a second vehicular access would also help to allay the concerns of nearby residents about the volume of traffic using the existing Morley Road entrance.
50. The proposed pavilion building is both larger and closer to the Locko Road boundary than the alternative scheme for spectator stands that have been approved by the Council and would not benefit from the screen mound which has been approved as part of permission ref ERE/0616/0033. However, the building has been carefully designed so as to minimise its visual impact and the additional impact on openness would not be substantial. Any additional harm to the Green Belt would be clearly outweighed by the need for additional facilities in this part of the extended academy site and the benefits derived from having a separate vehicular access and parking close to these facilities and the playing pitches that they would serve.

Conditions

51. I have regard to the draft conditions set out in the SoCG and have attached conditions to the permission granted under Appeal B in light of the conditions discussion at the hearing. As the permission is retrospective in part there is no requirement for a time limit condition but, in the interests of certainty, I have attached a condition that ties the permission to the approved plans.
52. In the interests of highway safety and of protecting the amenity of nearby residents a condition requiring the submission and approval of a Construction Method Statement is needed. Also in order to protect the amenity of nearby residents I have attached a condition restricting working hours and the hours at which deliveries or collection of materials take place during the construction period.
53. In order to ensure an acceptable quality of design in accordance with the Design and Access Statement submitted with the application a condition is needed which requires samples of materials to be used on the external surfaces of the pavilion building and pellet hopper to be submitted and approved before work on that element of the development is commenced. A condition is also

needed to ensure that details of external lighting, both to those buildings and within the proposed spectator areas, are submitted and approved to ensure minimal spilling out of light beyond the site boundary. A condition is needed which requires the submission and approval of a surface water drainage system for the site to ensure that this operates in a satisfactory manner and in the interests of sustainable drainage.

54. The Preliminary Ecological Appraisal recommended mitigation and compensatory measures to ensure no loss of biodiversity on the site and I have attached a condition requiring that full details of those works are submitted for approval and that those works are carried out in accordance with the approved details. A condition has also been attached to require that details of hard and soft landscaping works, including bollard lighting to car parks and access roads, are submitted for approval and carried out in accordance with the approved details. This condition, and a condition requiring the replacement of any planting that dies or is lost in the 5 years after completion of the works, are necessary to ensure an appropriate quality of development and to help minimise the effect on openness and on the character and appearance of the area. A condition is also needed that requires appropriate testing of any soils to be imported on to the site to ensure that risks of land contamination are minimised.
55. In the interests of highway safety a condition has been attached which requires that the new access from Locko Road be constructed in accordance with the approved drawings and that the necessary visibility splays be provided and maintained thereafter. Also in the interests of highway safety and the safe use and operation of the facilities a condition has been attached which requires that the proposed parking areas are completed before the pavilion building is first brought into use and that these are subsequently retained exclusively for parking use.
56. I have attached a condition limiting the hours at which external and internal lighting shall be used. This is required in order to minimise the visual effect of the development outside of the appeal site and its effect on the openness of the Green Belt. Finally, in order to ensure consistency with planning permission Ref ERE/0616/0032 a condition has been attached to confirm that the permission in respect of the teaching block is temporary and that the buildings should be removed from the site when that use ceases.

Conclusions

Appeal A

57. I find that, although there is a need for the proposed indoor pitch building and bridge link, that need can be met in an alternative manner which would be materially less harmful to openness and the purposes of including land within the Green Belt and to the character and appearance of the area. For this reason I conclude that the very special circumstances needed to justify a grant of planning permission for these elements of the appeal proposals have not been demonstrated. The proposals would conflict with the policies in section 9 of the Framework and with saved Local Plan Policy GB1, which states a presumption against inappropriate development in the Green Belt, and with Core Strategy Policy 3, which seeks to safeguard the strategic openness and statutory purposes of the Green Belt.

58. I have found the other elements of the appeal proposals not to comprise inappropriate development in the Green Belt and have given consideration to whether or not a split decision, granting permission for those elements, would be appropriate. However, the alterations to the existing indoor pitch building proposed in Appeal A would not tie in with the pitch building approved under permission Ref ERE/0616/0033 because of the different ground levels proposed in each of these schemes. Also, as most of the other elements which I have found not to be inappropriate development already benefit from planning permission granted by the Council, there would be little value in my allowing the appeal only in respect of those components of the proposals.
59. For these reasons I conclude that Appeal A should fail.

Appeal B

60. In relation to Appeal B I find that some moderate harm to openness would be caused by the development of the proposed pavilion and pellet hopper and that some limited harm would result from the new access and car parking provision. Substantial weight must be given to that harm to the Green Belt. However, I consider that this harm would be clearly outweighed by the need for the additional facilities comprised within the appeal proposals and DCFC's operational need for these to be located where they can effectively service the additional playing pitches located on the extension land. I conclude that, together, these needs constitute very special circumstances that justify a grant of planning permission in this case.
61. The other elements within the appeal proposals do not constitute inappropriate development and would not give rise to any other harm. The Appeal B proposals would therefore comply with the policies in section 9 of the Framework and with the development plan (Core Strategy Policy 3 and saved Local Plan Policy GB1) in this regard.
62. For these reasons I conclude that Appeal B should be allowed.

Paul Singleton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ian McHugh Dip TP MRTPI	IMcH Planning and Development Consultancy
Matthew Montague	Matthew Montague Architects
John Vicars	Chief Operating Officer DCFC
Sam Rush MA (Oxon)	Chief Executive Officer DCFC
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FOR THE COUNCIL:

Richard Snow BA (Hons) Dip TP MRTPI	Development Control Manager
Graham Wraight BA (Hons) MSc MRTPI	Senior Planning Officer

PLAN SUBMITTED AT THE HEARING

Plan identifying locations of development components approved by the Council under planning permissions granted since the refusal of the appealed applications.

Schedule of conditions for Appeal Ref: APP/N1025/W/16/3155952

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

935-P-03 Rev C	935-P-12
935-P-04	935-P-13
935-P-05	935-P-14
935-9-06 Rev A	983-P-01
935-P-09 Rev A	983-P-02
935-P-11	983-P-03
935-P-08 Rev A	15-502 Rev X
- 2) No further works in respect of any development permitted under this permission shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in the construction of the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) wheel washing facilities;
 - vi) measures to control noise emissions from the construction works; and
 - vii) measures for the protection, during the construction works, of all trees and hedgerows to be retained in accordance with the recommendations in section 6.1 of the Preliminary Ecological Appraisal submitted with the planning application.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 3) Hours of construction, including deliveries to and collection of materials from the site, shall be limited to:

07:30 to 18:00 Monday to Friday

08:00 to 13:00 Saturday

No work shall be undertaken and no deliveries or collection of materials shall take place on Sundays or Public Holidays.
- 4) No development shall commence in respect of the pavilion building and associated pellet hopper hereby approved until samples of all materials to be used in the construction of the external surfaces of those buildings have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall commence in respect of the pavilion building and associated pellet hopper hereby approved until full details and specifications of any lighting fittings to be installed to external elevations or within the spectator seating areas have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- 6) Within 3 months of the date of this decision a detailed design (including any landscaping details) and associated management and maintenance plan of a surface water drainage system shall be submitted to the local planning authority for approval in writing. The drainage system shall be completed in accordance with the approved detailed design prior to the pavilion building hereby approved being first brought into use.
- 7) Within 3 months of the date of this decision an Ecological Mitigation and Management Plan shall be submitted to the local planning authority for approval in writing. The plan shall provide details of all mitigation measures to be undertaken and details of how existing ecological features on the site will be protected and shall accord with the recommendations of the Preliminary Ecological Appraisal submitted in support of the application. The plan shall also provide timescales for the implementation of the mitigation and compensation measures and details of how their long term management will be achieved.

The development shall be undertaken in accordance with the approved Ecological Mitigation and Management Plan.

- 8) Within 3 months of the date of this decision a scheme of landscaping works shall be submitted to the local planning authority for approval in writing. The scheme shall be designed in accordance with the recommendations in section 6 of the Preliminary Ecological Appraisal submitted with the planning application and shall include;
 - i) indications of all existing trees and hedgerows on the land and details of any to be retained;
 - ii) full specifications of all new trees and hedgerows and other compensatory planting within the site;
 - iii) schedules of plants noting species, plant supply sizes and proposed numbers and densities for all soft landscaping works in respect of the proposed wildflower meadows in accordance with the outline proposals indicated in Figure 4 of Appendix 1 to the Preliminary Ecological Appraisal and all other soft landscaping works proposed;
 - iv) full details of the layout, surface finishes, means of marking out of spaces, landscaping and boundary treatments to the proposed car parking areas hereby approved;
 - v) full details and specification of all bollard and other lighting to be used to parking areas and access roads; and
 - vi) a programme for the implementation of all of the proposed landscaping works.

All landscaping works shall be carried out in accordance with the approved details and programme of implementation.

- 9) Any trees or plants which, within a period of 5 years from the completion of the development or the approved scheme (whichever is the later), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 10) If it is proposed to import soil on to the site in connection with the development hereby approved (for landscaping purposes and/or the construction of football pitches), any such soil shall be sampled at source such that a representative sample is obtained and analysed in a

laboratory accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results of any soil testing so undertaken shall be submitted to the local planning authority for approval in writing. No soil shall be imported to the site prior to the receipt of the written approval of the local planning authority following its consideration of the soil sample testing reports in respect of that soil.

- 11) The vehicular access proposed from Locko Road shall be constructed in accordance with the details shown on drawing no 935-P-12, and shall be provided with 2.4m x 154m visibility splays in either direction prior to the pavilion building hereby approved being first brought into use. The area within the approved sightlines shall thereafter be maintained throughout the life of the development free of any obstruction greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 12) The extended and additional car parking areas shown on the approved drawings shall be completed in accordance with the details approved under condition 8 and shall be made available for use prior to the pavilion building hereby approved being first brought into use and shall thereafter be retained exclusively for use for the parking of vehicles for the life of the development.
- 13) The external lighting approved under conditions 6 and 8 above and all internal lighting within the pavilion building hereby approved shall not be used outside of the hours of 08.00 to 21.00.
- 14) Permission for the temporary teaching block hereby approved is granted for a temporary period expiring on 28 February 2018. On or before that date the building hereby approved shall be removed and the site of the building shall be reinstated to its former condition.

End of schedule of conditions