
Appeal Decision

Site visit made on 9 January 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/P2935/W/16/3161660

**South Newsham Recreation Ground, South Newsham Road, Blyth
NE24 3AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Sandra Orr (Blyth Town FC) against Northumberland County Council.
 - The application Ref 16/01632/VARYCO is dated 10 May 2016.
 - The application sought planning permission for provision of 150 Seater Spectator Stadium, reconfiguration of football pitches, fence around part of site and extension to car park without complying with a condition attached to planning permission Ref 13/03924/FUL (Appeal Ref APP/P2935/W/14/3001929) dated 27 April 2015.
 - The condition in dispute is No 2 which states that: 'The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 213117 07 P1, Proposed site plan 213117 02 P10, Proposed tiered seating details 213117 03 P3, Parking plan 213117 06 P2, Proposed boundary fence details 213117 05 P2.'
 - The reason given for the condition is: 'To ensure that the scheme is implemented as intended.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Procedural Matters

2. The application which is the subject of this appeal is made under Section 73 of the Planning Act for minor material amendments to a scheme that was granted planning permission at appeal for the provision of a 150-seater spectator stadium, the reconfiguration of football pitches, the erection of new floodlighting, a fence around part of the site and an extension to the car park.
 3. Condition 2 of that original planning permission specified the approved plans. This appeal proposal seeks permission for a revised but not substantially different scheme, which includes works not shown on the previously approved plans. Based upon the submitted evidence, these works comprise the provision of a larger car park, the installation of 2 additional floodlights, re-siting of the boundary fence, provision of a fence and hard standing around the main pitch, formation of mounds around the site, an admission kiosk and a lighting control box.
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4. This is an appeal against non-determination of the planning application by the Council. However, I have been provided with a copy of an officer report to the Council's Planning Committee and a decision notice that was issued after the appeal was submitted.
5. It is clear from the report to Planning Committee that the proposed re-siting of the boundary fence, admission kiosk, lighting control box, additional floodlights and the slightly enlarged car park would be acceptable to the Council. This is against the background of what was found to be acceptable by the Inspector who considered the original development, how these new elements would be seen in the context of the existing development and the consultation responses received including those from the Council's Public Protection team who considered the impact of the increase in the number of floodlights on the surrounding area. Based on the evidence before me, I have no reason to take a different view to the Council in relation to these aspects of the appeal scheme. I also cannot reopen the debate over whether the main elements of the development would be acceptable in principle given that planning permission has already been granted for them.
6. The report to Planning Committee and decision notice outline the Council's concerns about the proposed formation of mounds around the site and the provision of a fence around the main pitch. I shall consider these accordingly.
7. The application was amended following its submission to the Council (plans Ref 213117 MD01 P01 sheet 1 of 2 Proposed Mound Details and 213117 MD02 P01 sheet 2 of 2 Proposed Mound Section). These amended plans do not materially alter the substance of the scheme, and I note that the Council carried out further consultation upon receipt of these amendments. I have therefore dealt with the appeal on the basis of the amended plans as no party would be prejudiced or caused any injustice by me taking this course of action.
8. I noted during my site visit that much of the development shown on the submitted plans has been carried out. However, I observed that the mounds on the appeal site do not reflect the location and extent of the mounds shown on the plans referred to in paragraph 7 above. I have based my decision upon the scheme shown on these amended plans, which were considered by the Council and on which interested people's views were sought.

Main Issues

9. Based on the above, I consider that the main issues are the effect of the proposed mounds and the fence around the main pitch upon:
 - (a) The character and appearance and biodiversity of the area; and
 - (b) Public access to and use of the appeal site.

Reasons

Character and appearance and biodiversity

10. The appeal site is a substantial, broadly rectangular, area of open space that is largely given over to football pitches and associated development including a multi-use games area, a club house building and a spectator stand. At the eastern side of the site is a car park accessed from Sandringham Drive.

Extensive tree belts along the north, west and south boundaries screen the site from the main road and surrounding residential development. A hedge along the eastern boundary provides partial screening.

11. The proposed mounds annotated on the submitted plans as 'X', 'Y' and 'Z' would be located around the periphery of the car park and the multi-use games area and seen in the context of these existing built elements. They would not exceed 400mm in height, and would have a very gentle gradient. As such, once covered in grass as proposed, their visual impact would be extremely limited.
12. The proposed mounds annotated as 'A', 'W' and 'W1' would cover a more extensive area of the site to the north of the football pitches. Mound 'A' would reach a maximum height of 800mm and mounds 'W' and 'W1' would be no higher than 600mm. Although higher than those proposed elsewhere on the site, these mounds would nevertheless be fairly low with a gentle gradient. They would be covered in grass and would thus appear as an open landscaped part of the site seen against the green backdrop of the substantial belt of mature trees that runs along the northern boundary. Therefore, the proposed mounds would not appear incongruous in this context.
13. However these mounds would be sited directly adjacent to the aforementioned tree belt, which makes a positive contribution to the landscape and biodiversity value of the site and the surrounding area. Due to their siting, extent and soil depth, the proposed mounds could cause compaction to the roots of the trees. No evidence has been submitted to demonstrate that the mounds would not result in harm to the trees. As a result, the appeal proposal would put the future health of the trees at unacceptable risk which could lead to their loss and would consequently adversely impact on the character and appearance of the landscape and biodiversity.
14. The post and rail timber fence that has been erected around the main pitch is a little over 1m in height. The fence clearly relates to the use of this part of the site as a football pitch and, seen in the context of existing adjacent structures and works including the spectator stand, multi-use games area, club house and large car park, does not appear out of place.
15. Overall, with regard to the first main issue, I conclude that the appeal scheme would have a harmful effect upon the character and appearance and biodiversity of the area. As such, it would not accord with the aim of conserving and enhancing the natural environment as set out in Policies SS1, SS3 and ENV1 of the Blyth Valley Core Strategy (the Core Strategy), Policies DC1 and DC16 of the Blyth Valley Development Control Policies Development Plan Document (the DPD), Policies 1, 3, 28, 29 and 50 of the Northumberland Local Plan Core Strategy Pre-Submission Draft (the draft Local Plan) and Part 11 of the National Planning Policy Framework (the Framework).

Public access

16. Due to their very limited height and gentle gradients, the proposed mounds adjacent to the car park and multi-use games area would not impede public access to or across the appeal site. The proposed mounds 'W' and 'W1' to the north of the main pitch would be slightly higher but would still only be around 600mm at their highest point, with gently sloping sides. Therefore, these mounds would not restrict access around the north of the site and, as most of

their surface would be fairly flat, the area could still be used for informal recreational purposes. Although the proposed mound 'A' at the far north of the site would be around 800mm high, the sloping sides and level area across much of its surface would not prevent access or use.

17. Whilst the post and rail fence prevents people from walking across the pitch, it remains possible to access the pitch itself. Free access across this part of the appeal site is not possible in any event, because the existing mesh fence that surrounds the club house, multi-use games area and main pitch has a limited number of gates in its perimeter which effectively channel public routes through the site. As such, the fence around the main pitch does not have the effect of restricting public access to or use of the site.
18. I therefore conclude that the appeal scheme would not, and does not, have a harmful effect upon public access to and use of the appeal site. Therefore, it would, and does, accord with the aims of Core Strategy Policies SS1 and SS3, DPD Policy DC1 and draft Local Plan Policies 1, 3 and 50 in respect of the accessibility, maintenance and enhancement of community, sport and recreational facilities. For the same reasons, the appeal scheme would, and does, accord with the social dimensions of sustainable development and the promotion of healthy communities, in accordance with paragraph 7 and Part 8 of the Framework.

Conclusion

19. I have found that the appeal scheme would not, and does not, have a harmful effect upon public access to and use of the appeal site. However, the harm I have identified with regard to the character and appearance and biodiversity of the area is decisive.
20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

C L Humphrey

INSPECTOR