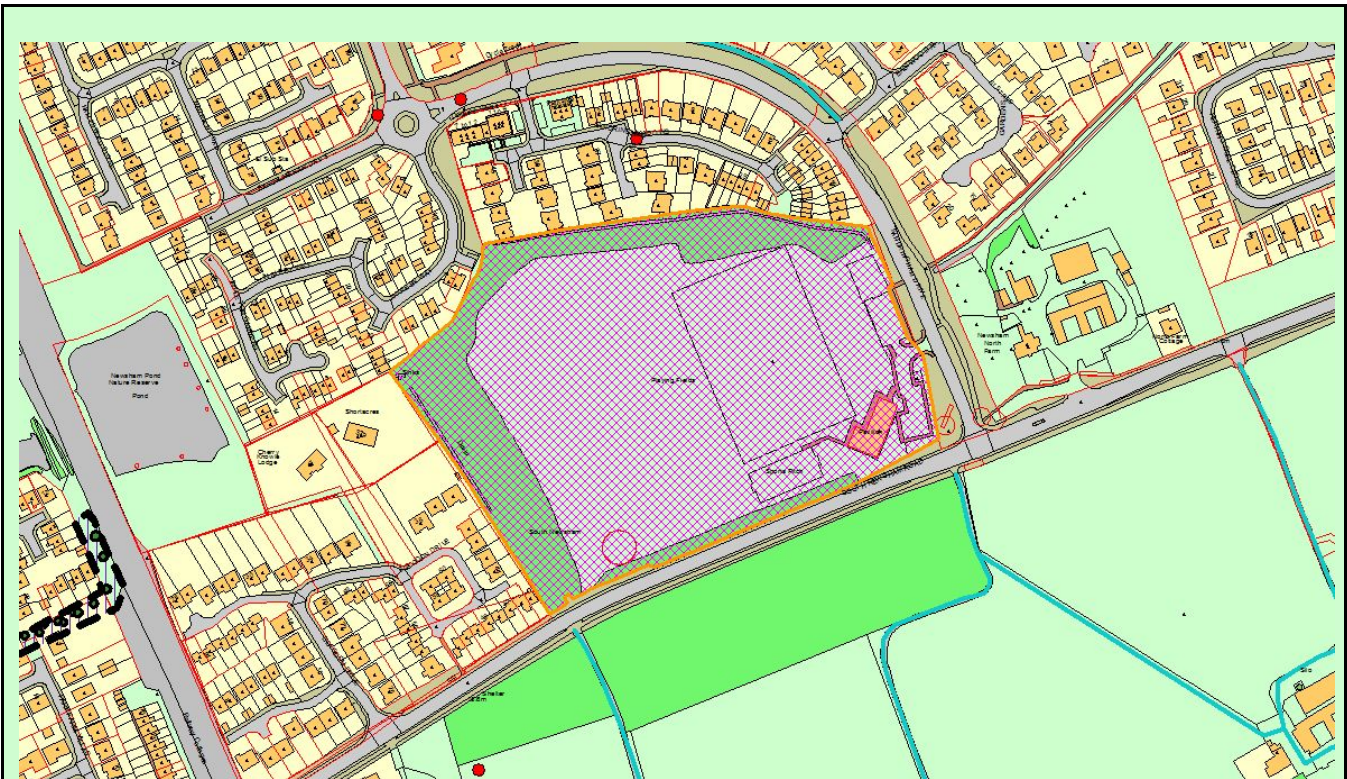




Northumberland County Council

Ashington & Blyth Local Area Planning Committee 11 July 2018

Application No:	17/04336/VARYCO		
Proposal:	Variation of condition 1 (approved plans) of application 17/00889/VARYCO: Approval for as-built ticket kiosk, lighting box, dugout, stands and pitch perimeter fence. Approval for 101 car parking spaces (Retrospective).		
Site Address	South Newsham Recreation Ground, South Newsham Road, Blyth, Northumberland		
Applicant:	Mrs Sandra Orr Blyth Town FC, South Newsham Recreation Ground, South Newsham Road, Blyth NE24 3PP	Agent:	Mr Paul Draper Old Station Masters House, East Cowton, Northallerton, DL7 0DS
Ward	South Blyth	Parish	Blyth
Valid Date:	20 December 2017	Expiry Date:	29 March 2018
Case Officer Details:	Name: Mrs Judith Murphy Job Title: Principal Planning Officer Tel No: 01670 622640 Email: judith.murphy@northumberland.gov.uk		



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1. Introduction

1.1 This application is being referred to the Ashington Blyth Local Area Council because the site has proved controversial locally and attracted significant opposition. The proposal was considered by the Head of Planning Services who resolved that the application should be decided by the Local Area Council.

2. Description of the Site and Proposals

2.1 Blyth Town Football Club is located off South Newsham Road. The access to the site is from Sandringham Drive. The club house and car park are located in the south eastern part of the site. The existing residential development to the north and west is screened by existing planting. The site itself has a broadly square shape and covers approximately 5 hectares.

2.2 The application seeks to vary the originally approved plans under application 17/00889/VARYCO. The revised site plan shows the following:

- the 'as built' existing admission kiosk at dimensions of 6.1m x 2.1m x 2.65m from 6m x 2m x 2.65
- the 'as built' lighting control box at dimensions of 1.25m x 0.475m x 1.75m from 2m x 0.6m x 1.5m
- the correct number of parking bays at 101no. as opposed to the 99no. previously shown
- the 'as built' perimeter fence surrounding the pitch with open boarded fencing at 1.1m to 1.35m in height, as opposed to the 1.2m previously shown
- the 'as built' dug out areas at a varying height due to ground level from 1.1m to 1.350m high from 1.1m
- metal balustrading has also been added to the sides of the seating area

2.3 This is a retrospective planning application. As the description states, all of the changes are 'built out', as such, this application has been submitted to regularise those alterations.

3. Planning History

Reference Number: C/80/C/297

Description: Reclamation of 5 ha for amenity open space

Status: Approved

Reference Number: C/04/00158/DCD

Description: Extension and upgrade of existing pavilion, installation of a floodlit multi use games area, provision of 60 car parking spaces and pitch drainage

Status: No objection

Reference Number: B/04/00431/REG3

Description: Extension and upgrade of the existing pavilion. Installation of a floodlit multi use games area (18.5 m x 40m). Provision of 60 car parking spaces. Pitch drainage.

Status: Approved

Reference Number: B/80/C/297

Description: Reclamation of land adjacent to south Newsham

Status: Approved

Reference Number: 13/03924/FUL

Description: Provision of 150 seater spectator stand, reconfiguration of football pitches, new flood lighting, fence around part of site and extension to car park (as amended).

Status: Refused

Reference Number: 14/01635/FUL

Description: Re-surfacing and extension of existing Multi Use Games Area (including installation of floodlighting and provision of boundary fence) and construction of single storey extension to existing clubhouse to provide function room (description amended, 29 August 2014 and plans received 12th November 2014 to provide additional off street parking)

Status: Approved

Reference Number: 15/03816/DISCON

Description: Discharge of conditions 4 (noise) and 7 (lighting) from application 14/01635/FUL (Re-surfacing and extension of existing Multi Use Games Area (including installation of floodlighting and provision of boundary fence) and construction of single storey extension to existing clubhouse to provide function room (description amended, 29 August 2014 and plans received 12th November 2014 to provide additional off street parking)).

Status: Partial consent/partial refusal

Reference Number: 15/03822/DISCON

Description: Discharge of condition 3, (floodlighting) 5 (landscaping) and 10 (car parking) (as amended) of approved planning application 13/03924/FUL - Provision of 150-seater spectator stadium, reconfiguration of football pitches, new floodlighting, fence around part of the site and extension to car park

Status: Approved

Reference Number: 16/00441/DISCON

Description: Discharge of condition 9 of appeal reference APP/P2935/W/14/3001929 (Planning ref 13/03924/FUL - provision of 150-seater spectator stadium, reconfiguration of football pitches, new floodlighting, fence around part of the site and extension to car park)

Status: Refused

Reference Number: 16/01632/VARYCO

Description: Variation of condition 2 (approved plans), condition 6 (extended phase 1 survey), condition 10 (provision of car park) to planning appeal

APP/P2393/W/14/3001929 - in order to allow amendments (comprising the provision of larger car park, installation of six flood lights, provision of hard standing around pitch, re-siting of boundary fence, provision of mound and subsequent backfilling around site and provision of admission kiosk and lighting control box), felling of trees and use of development before bringing car park fully into use

Status: Refused

Reference Number: 16/03937/VARYCO

Description: Variation of condition 2 (approved plans) pursuant to planning permission 14/01635/FUL new plans and elevations.

Status: Approved

Reference Number: 17/00889/VARYCO

Description: Variation of condition 2 (approved plans), condition 6 (extended phase 1 survey), condition 10 (provision of car park) to planning appeal

APP/P2393/W/14/3001929 - in order to allow amendments (comprising the provision of larger car park, installation of six flood lights, provision of hard standing around pitch, re-siting of boundary fence, provision of admission kiosk and lighting control box), felling of trees and use of development before bringing car park fully into use

Status: Approved

Reference Number: 17/02943/DISCON

Description: Discharge condition 4 (lighting) and 5 (drainage) of approved planning application 17/00889/VARYCO.

Status: Withdrawn

Reference Number: 17/03358/DISCON

Description: Discharge of condition (7 tree/landscape planting) of approved planning application 17/00889/VARYCO

Status: Approved

Reference Number: 17/03898/DISCON

Description: Discharge of condition 4 (amended plans showing flood lighting levels) on approved planning application 17/00889/VARYCO

Status: Approved

Reference Number: 18/01137/NONMAT

Description: Non material amendment (brick up 2 x window openings to rear elevation and install 1 floodlight to rear of centre pillar on south side of main pitch) on approved planning application 17/00889/VARYCO.

Status: Invalid

Reference Number: 18/02003/DISCON

Description: Discharge of condition 5 (Groundwork water) relating to application 17/00889/VARYCO.

Status: PCO

Appeals

Reference Number: 15/00006/REFUSE

Description: Provision of 150 seater spectator stand, reconfiguration of football pitches, new flood lighting, fence around part of site and extension to car park (as amended).

Status: Refused

Appeals

Reference Number: 16/00058/REFUSE

Description: Variation of condition 2 (approved plans), condition 6 (extended phase 1 survey), condition 10 (provision of car park) to planning appeal

APP/P2393/W/14/3001929 - in order to allow amendments (comprising the provision of larger car park, installation of six flood lights, provision of hard standing around pitch, re-siting of boundary fence, provision of mound and subsequent backfilling around site and provision of admission kiosk and lighting control box), felling of trees and use of development before bringing car park fully into use

Status: Dismissed

4. Consultee Responses

Blyth Town Council	No response received
Highways	No objections
County Ecologist	No objections
Public Protection	No objections

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	341
Number of Objections	4
Number of Support	0
Number of General Comments	0

Notices

General site notice, 21st December 2017

News Post Leader 11th January 2018

Summary of Responses:

- Overspill of light pollution from the floodlights therefore lighting box is needed
- Floodlights are left on longer than the permitted time of 22:00

- The flood lights are not needed by BTFC but by the second club called BAFC Ltd.
- The site drawing submitted by PD design is out of date, 31st July 2013
- The position of the soil mound is not true to its actual location on the field
- The perimeter fence around the field is restricting my access to the field and the access gate is always closed, thus access is very difficult
- Object to removal of trees
- Unacceptable impact on the amenity open space

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P06HLWQSKV400>

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley Core Strategy, July 2007

SS1 Regeneration and Renaissance of Blyth Valley
 SS3 Sustainability Criteria
 C2 Open Space – Strategic priorities
 ENV1 Natural Environment & Resources
 ENV2 Historic and Built Environment

Blyth Valley Development Control Policies, 2007

DC1 General Development
 DC11 Planning for Sustainable Travel
 DC12 Provision of Community Facilities
 DC16 Biodiversity
 DC19 Drainage and Flood Risk
 DC20 Utilities and Infrastructure
 DC21 Pollution Control
 DC22 Noise Pollution
 DC27 Design of New Developments

Blyth Valley District Local Plan, May 1999

E5 The Protection of Tree and Shrub Cover
 E18 Visual Aspects of Open Spaces in Built Environment

6.2 National Planning Policy

National Planning Policy Framework (2012)
 National Planning Practice Guidance (2014)

7. Appraisal

7.1 Having regard to the requirements of Section 38(06) of the Planning & Compulsory Purchase Act 2004, the relevant development plan policies, relevant

guidance and all other material considerations (including representations received), the main planning considerations are:

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the “saved” policies of the Blyth Valley Core Strategy and the Blyth Valley Local Plan. The saved policies of the Local Plan continue to constitute the development plan and therefore remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF.

7.3 The NPPF, at Paragraph 12, advises that the development plan remains the starting point for decision making. The Framework does, however, continue by advising that due weight should only be given to relevant policies within existing plans according to their degree of consistency with the Framework; the closer the policies in the plan align with the Framework, the greater the weight they can be given (paragraph 215). The Blyth Core Strategy (2007), Blyth Development Control Policies (2007) and the Blyth Local Plan (1999) form the relevant development plans and considerations needs to be given to their consistency with the Framework.

7.4 Policy SS1 of the Blyth Core Strategy advises that the majority of development should be directed towards the main town of Blyth. The proposed development can therefore be given consideration as being in accordance with Policy SS1.

7.5 Policy SS3 of the Blyth Core Strategy advises that development should be accessible and then moves onto a range of detailed criteria that will be given consideration below (such as drainage). The site lies within an accessible location to the south of Blyth and can therefore be given consideration as being in accordance with Policy SS3; in terms of the principle of the development.

7.6 Blyth Development Control Policies DC1 advises that development should be located within settlement boundaries and then moves onto a range of detailed criteria that will be given consideration below. The site lies within the settlement boundary for Blyth and can therefore be given consideration as being in accordance with Policy DC1; in terms of the principle of the development.

7.7 NPPF Paragraph 70 advises that planning decisions should positively consider the provision of community facilities (such as sports venues) and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

7.8 The development in economic and social terms would provide an existing football club with improved facilities. These facilities would support the viability of the club and would more generally the economic and sporting activity of area. The proposal can therefore be given consideration as being in accordance with the economic dimension of sustainable development.

7.9 Planning permission was granted (17/00889/VARYCO) on 14 July 2017 for the variation of condition 2 (approved plans), condition 6 (extended phase 1 survey), condition 10 (provision of car park) to planning appeal APP/P2393/W/14/3001929 - in order to allow amendments (comprising the provision of larger car park, installation of six flood lights, provision of hard standing around pitch, re-siting of boundary fence, provision of admission kiosk and lighting control box), felling of trees and use of development before bringing car park fully into use. This was a variation of a previous application that was granted on appeal (listed above). The principle of the development is therefore acceptable and there is an extant planning permission in place.

7.10 A number of conditions on application 17/00889/VARYCO have been discharged. This application seeks minor alterations, which are listed within the 'Description' of paragraph 2 of this report. The only issues relevant for consideration in this application are the impact of those changes on the football ground and any impact on the neighbouring residents.

Impact on Football Ground

7.11 The development is sited within an area already in use for football purposes which has planning permission for associated development (such as a spectator stand and four flood lights). The smaller elements of the proposed development, comprising the re-siting of the boundary fence, the admission kiosk, the lighting control box, the two additional flood lights and the slightly enlarged car park would be viewed within the context of the existing development on the site, such as the club house. These elements are also screened by existing tree cover from the south (i.e. South Newsham Road) and to the north (residential development) and were considered in the previous planning application (17/00889/VARYCO)

7.12 The football ground has been established for a number of years. The minor alterations reflected in this application are simply to regularise slight inaccuracies in the dimensions recorded in application 17/00889/VARYCO that do not reflect elements of the 'as built' development. As is highlighted in the 'Description' section of this report, those variances are extremely minor to the point of being unnoticeable. Notwithstanding this, and given the sensitivities surrounding the operations of this club and their impacts locally, it is important to have the exact measurements recorded through this application and formally regularised.

7.13 The impact of these changes on the football ground itself are negligible. They will not impact of safety and amenity, highway safety or car parking. In that respect, the amendments accord with Policy DC1 of the Blyth Valley Development Control Policies.

Impact on neighbouring residents

7.14 All of the listed changes discussed within this report are within the grounds of the football club and have no impact at all on any neighbouring residents. Floodlights being left on longer than the permitted time of 22:00 has been passed to the enforcement team to monitor. On the odd occasion this has occurred, the club has been reminded of their permissions and are aware the enforcement team are monitoring the operations.

7.15 The issue of the soil mound is out with the remit of this application and is being addressed separately. The perimeter fence does not block any access and not trees are being removed as part of this application.

7.16 In terms of the impact of these minor alterations on the neighbouring residents, there are no concerns given the contained setting within which the alterations are focussed. None of the changes give rise to increased noise, lighting, traffic or parking matters. In this case, the alterations do not conflict with Policies DC1 and DC12 of the Blyth Valley Development Control Policies.

Other matters

Equality Duty

7.17 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.18 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.19 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.20 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.21 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.

Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The proposal would provide for improved facilities and would not deter access to public open space or have a significant adverse visual impact. The proposal is considered acceptable in relation to residential amenity and highway safety.

8.2 Subject to the recommended conditions, including those imposed on the original permission, the proposal is considered to be generally in compliance with the NPPF, Blyth Core Strategy Policies ENV1, SS1 and SS3, and Blyth Development Control Policies DC1 and DC16.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on the following plans:

1. 213117 201 P1 - Enhanced Parking Plan
2. 213117 200 P1 - Proposed Site Plan
3. 213117 202 P2 - Seating, Fencing, Ticket Kiosk, Lighting and Dugout details

Reason: To ensure the development is carried out in accordance with the approved plans

02. All external lighting shall be switched off outside the hours of 08.00hrs to 22.00hrs.

Reason: In the interests of residential amenity having regards to Part 11 of the NPPF.

03. 3. The sports pitches hereby approved shall only be used between 08.00hrs and 22.00hrs and not at any other time.

Reason: In the interests of residential amenity having regards to Part 11 of the NPPF.

04. Full details of the surface water drainage and management arrangements on the site shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The approved details shall be implemented in full and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: In order to ensure satisfactory drainage of the site and in order to minimise the risk of flooding as required by Part 10 of the NPPF.

05. No public address or tannoy system shall be used at any time within the playing pitch areas.

Reason: In the interests of residential amenity having regards to Part 11 of the NPPF.

Date of Report: 20.03.2018

Background Papers: Planning application file(s) 17/04336/VARYCO