



Committee and Date  
North Planning Committee  
18 November 2014

Item  
**11**  
Public

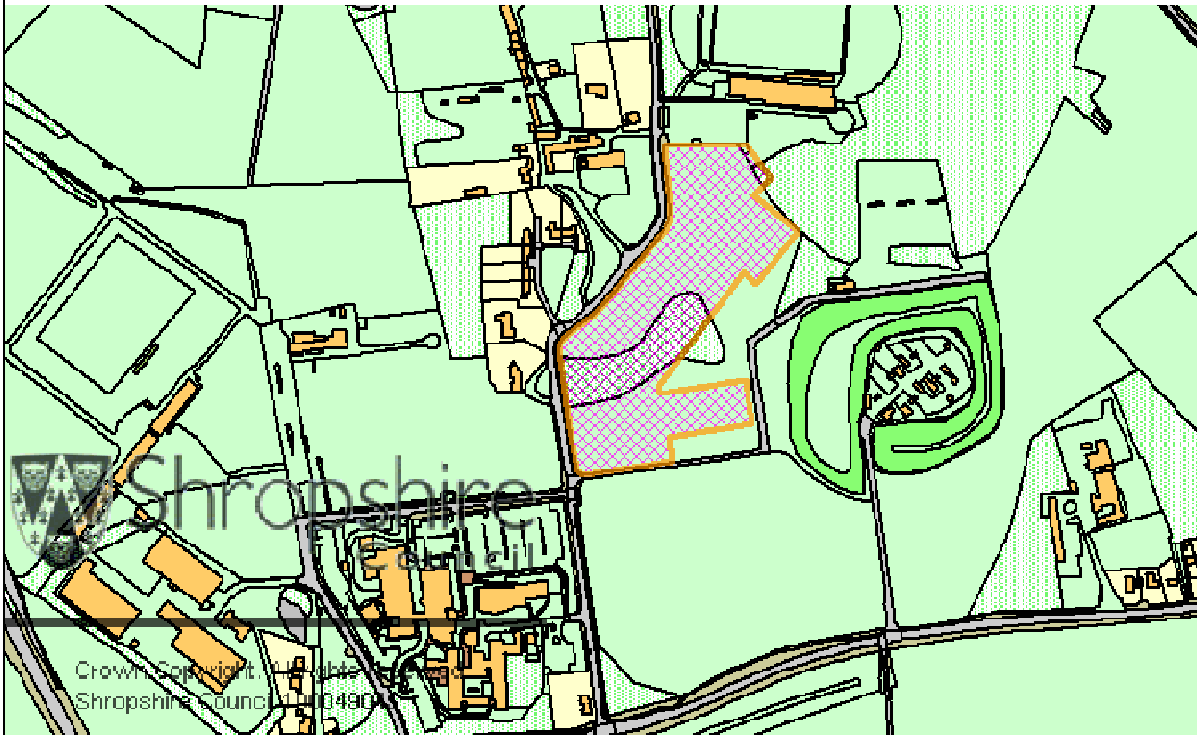
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 14/00517/FUL	<b><u>Parish:</u></b>	Whittington
<b><u>Proposal:</u></b> Extension of existing car park; formation of one full sized football pitch and 6 no. training pitches together with associated fencing and lighting		
<b><u>Site Address:</u></b> The Venue Burma Road Park Hall Oswestry SY11 4AS		
<b><u>Applicant:</u></b> The New Saints FC Ltd		
<b><u>Case Officer:</u></b> Matthew Farmer	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 330990 - 331374		



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the extension to the existing car park, the formation of one full sized football pitch and the creation of 6 training pitches. The application also includes associated fencing and lighting.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site comprises land off the Burma road near Oswestry adjacent to an existing sports and leisure complex known as the venue and is located on land that is designated open countryside. The application site comprises land that is currently set to grassland and located upon the site there is a mixture of mature trees located within the site and along the boundary of the Burma road. The land to the north comprises the existing sports and leisure complex, to the east is a woodland and close to the south east boundary of the site is the existing and extended travellers site operated by the council. The land to the south of the site comprises agricultural land currently set to pasture and used for grazing purposes. The application is bounded on the west by the Burma road and along the boundary is largely demarcated by a mixture of trees.
- 2.2 There is a mixture of land uses along the Burma Road comprising commercial, residential and other recreational / sporting uses. The nearest residential properties to the application site are located some 50 metres to the west of the Burma Road.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The application relates to land owned by the Council which are not in-line with statutory functions.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

**Drainage:** No objection however additional information is required to ensure that appropriate drainage systems are installed. These can be included as conditions on any planning permission that may be granted.

**Parish Council:** The Council is not against the application in principle, however, there are issues from the original planning application that require addressing (Section 106 agreement). There is a need for a footpath all along the Burma Road to make it safe for the pedestrians, this was promised when the original plan for the venue was approved.

The lighting at the car park should be low energy (LED) as lighting for those people that live near the Venue is an issue. The members wondered if the overspill car park will be made available for events such as Os Fest and the Oswestry Show?

## Highways

The Highway Authority raises no objection to the granting of consent subject to the imposition of conditions relating to parking, provision of the footway and access splays to the overflow car park.

## Ecology

Considered the application and the supporting documents, including the: Phase 1 Habitat Survey by ArbTech dated June 2014, Badger Survey Report and Mitigation Strategy by Pearce Environment dated October 2014 and Letter dated 6/11/14 by Pearce Environment

Recommendation of imposition conditions relating to species on the site.

- Bat mitigation scheme required (enhancement and lighting)
- A reptile survey or further information to confirm that one is not required should be submitted.
- Further information and any necessary mitigation for great crested newts are required.

## Trees

No objection is raised to this proposal, however it is recommended that planning permission is conditional to a landscaping scheme being provided that make provision for the planting of trees that are large canopy species. The tree planting element of the landscaping scheme must be prepared in accordance with BS 8545: 2014 recommendations. Also recommended tree protection condition is applied.

## 4.2 Public Comments

4.2.1 Letters of representation have been received. The areas of concern relate to:

- No details of lighting have been provided. Being closer to dwellings than the existing this could be a problem.
- Proper landscaping should be included
- Flooding is an issue at the moment from The Venue. Therefore additional drainage will exacerbate the existing issues.
- Loss of rural views
- The additional pitches and traffic will generate unacceptable levels of noise
- The erection of stands around the pitch in the future would be unacceptable in this rural location.
- Increased traffic will be a hazard to pedestrians
- A new main access to the site should be created off Whittington Road.
- Increased levels of noise particularly pre and post match music.

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity

- Highways
- Impact on Trees
- Ecology
- Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

- 6.1.1 The proposed development is to provide an extension to the existing sports and leisure facility known as the venue comprising one full size football pitch and six smaller all weather pitches together with associated parking.
- 6.1.2 The development plan the core strategy identifies a number of overriding objectives for the council which will delivered by said policies contained within. A key objective identified to be delivered by the core strategy is to improve the quantity, quality and accessibility of multifunctional open space, rights of way, and sport, recreation and cultural facilities to provide varied opportunities for people of all ages to enjoy physical activity, cultural activities and lifetime learning, helping to improve health and well-being.
- 6.1.3 CS16 of the core strategy 'Tourism, Culture and Leisure' strives to deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities. Emphasis will be placed on supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.
- 6.1.4 The application site is located in what is considered to be open countryside and policy CS5 'Countryside and Green Belt' aspires to support the expansion of existing established business, unless relocation to a suitable site within a settlement would be more appropriate and further supports economic development / employment generating uses and sustainable rural tourism and leisure and recreation. Cs5 is clear in so much that proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. In addition to the above requirements policy CS6 Sustainable Design and Development Principles expects in all new developments to ensure that the development is appropriate to its setting and surroundings and to ensure that local character is reflected. Appropriate landscaping and tree planting will form an integral part of any proposal to ensure that development is better assimilated into its surroundings. Developments should also include room for appropriate vehicular access suitable provision of car and cycle parking as well as footpaths and cyclepaths (where appropriate) and linked where possible, to the existing network.
- 6.1.5 In addition to the above policies proposals under policies CS17 'Environmental Networks' and CS18 'Sustainable Water Management' developments should

protect and enhance the natural environment and integrate measures for sustainable water management to reduce flood risk.

6.1.6 The application site whilst considered to be located in open countryside is one that cannot be considered to be an isolated form of development as the proposal forms an extension to an existing sport / leisure facility in amongst a diverse range of other land uses along the Burma Road. The proposal is closely linked to the market town of Oswestry which is the second largest town in Shropshire after Shrewsbury and Oswestry acts as the principal employment, commercial and administrative centre in the north west of the County. The application site is also close to the other larger settlements including Gobowen and Whittington and can.

6.1.7 The overriding principle of the development when considered against the Core Strategy as a whole is considered to be a form a development that is positively supported but will need to be considered further under against the identified policies and constraints contained within.

## 6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 The proposal will provide additional pitches on previously undeveloped land. Largely the development will result in works occurring at ground level and there is no stadium or seating area being provided thus there will be no harm to any residential amenity in the locality by means of overlooking, loss of privacy.

6.2.3 The proposal will result in some features that will be utilitarian in appearance namely the fencing enclosing the sports pitches and flood lights. The pitches will be flood lit however the harm to the visual amenity will be reduced owing to the lighting columns being retractable in design and will be lowered when not in use.

6.2.4 The additional car park to the site will be viewed as a natural extension and will cause any significant visual harm. The overspill car park will be constructed by means of grass crete - this will help to assimilate the proposal into this semi rural location. The proposal also provides a continuation of the footpath between the venue and Park Lane - currently the footpath provision along the Burma Road terminates opposite the entrance to Park Lane and this provision will address the concerns of the Parish Council. The provision of additional parking and footpath will not result in any significant harm the visual amenity of the area and appropriate conditions can be imposed relating to ensure their construction and finish.

6.2.5 Illustrative landscape plans have been submitted which demonstrate that there is

sufficient land to deliver an appropriate landscape plan. The illustrative plan also illustrates the raising of land levels around the pitches which will help to reduce some of noises and will further help reduce the visual impact of the fencing surrounding the pitches. Additional landscaping will help enhance the site setting of the site and it is considered that an appropriate condition can be imposed.

- 6.2.6 It is accepted that the offer of more sporting pitches will increase the number of persons attending the site. The site is considered to be in a semi rural location and therefore background noise levels will be low at off peak times of the day more so in the late evenings. Concern has been raised in relation to noise from cars leaving the site and music, the proposal does not contain any tannoy or speaker system for the new pitches and to avoid any harm arising appropriate conditions can be imposed restricting the imposition of such equipment. The movement of cars from the site could result in some noise however the level of noise is arising from the movement of cars would not result in any detrimental harm to the amenity of residential occupiers in the locality.

The proposed scale, design and character of the proposal is considered to be appropriate to the area and its surroundings and is not considered to be an isolated form of development .

### 6.3 **Impact on Residential Amenity**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.3.2 Concern has been raised in relation to the potential for residential properties to be affected from the illumination of pitches. As part of the application full details of the lighting together with a Lux levels plan has been submitted. The details have been considered by the Councils Public Protection Officer who considers that the light levels will not have a detrimental effect on dwellings within the locality.

It is accepted that the offer of more sporting pitches will inevitably increase in the number of persons attending the site as already mentioned the level of noise is arising from the movement of cars would not result in detrimental harm to the amenity of residential occupiers in the locality. Largely the development will result in works occurring at ground level and there is no stadium or seating area being provided thus there will be no harm to any residential amenity in the locality by means of overlooking or loss of privacy. Further a condition has been imposed to limit the hours of use of the pitches to protect the amenities of residential properties.

## 6.4 Highways

- 6.4.1 No objection has been raised from the councils highway officer and the scheme will secure highway enhancements by improving the current footpath link to the venue along the Burma Road. Highways further comment that access for the temporary overspill car park must be a minimum width, the development shall not be brought into use until the car parking areas have been satisfactorily laid out and constructed in accordance with the approved details

## 6.5 Impact on Trees

- 6.5.1 There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.
- 6.5.2 The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process and categories allocated to the trees are agreed to be appropriate.
- 6.5.3 The AIA identifies that in addition to the 4 category U trees identified for removal on arboricultural grounds, the proposed development will result in the loss of 17 trees, 7 cat. B and 10 cat. C. The AIA does not appear to have assessed the impact that the loss of the trees would have on the local landscape or proposed mitigation measure. Given the trees are situated towards the centre of the site and strong tree cover is retained around the outside edges, it is considered that the impacts will be mainly internal and that this could be offset by landscape planting that would seek to replace the lost amenity and introduce age and species diversity to the existing tree resource in the area. The AIA has demonstrated that the trees to be retained can be protected in accordance with BS 5837: 2012 recommendations.

## 6.6 Ecology

- 6.6.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist.
- 6.6.2 As part of the application ecological reports including a Phase 1 Habitat Survey by ArbTech dated June 2014, Badger Survey Report and Mitigation Strategy by Pearce Environment dated October 2014 and Letter dated 6/11/14 by Pearce Environment have been submitted. Having considered the information submitted the councils ecologist considers that it is appropriate that suitably worded conditions be imposed on any decision which relate to bats, badgers and reptiles.



## 6.7 **Drainage**

- 6.7.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.7.2 A concern has been raised relating to flooding that is caused from the venue however the councils drainage officer has considered the proposal and considered that drainage details, plan and calculations could be conditioned if planning permission will to be granted
- 6.7.3 In view of the full comments made by the councils drainage officer it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 7.0 **CONCLUSION**

- 7.1 The proposed layout, scale and design of the proposal is considered to be appropriate taking into account the existing character and appearance of the area and adjoining land uses. The proposal will not cause unacceptable harm to the amenities of the residential dwellings within the locality. The development can be provided appropriate vehicular accesses and pedestrian enhancements and furthermore, the site can be satisfactory drained, will not be harmful to local habitats or biodiversity and public open space will be provided.

Accordingly, it is considered that the proposal meets with the policies and general requirements of the NPPF and otherwise complies with Shropshire Core Strategies CS5, CS6, CS16, CS17 and CS18 of the Shropshire Core Strategy. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### 8.1 **Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly

and b) in any event not later than three months after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 **Human Rights**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 **Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

OS/05/13980/FUL Proposed replacement sports facility and new artificial pitch GRANT  
30th September 2005

OS/07/15167/ADV Illuminated entrance and door signs GRANT 17th October 2007

OS/07/15168/FUL Proposed extended patio area GRANT 25th September 2007

OS/08/15821/FUL Erection of 6 no. seating stands for supporters to include 3000 individual seats. Erection of refreshment shop and TV gantry. NPW 6th January 2009  
 09/70174/FUL Erection of 6 no seating stands, refreshment shop and TV gantry PDE  
 PREAPP/10/00862 Proposed self-catering holiday cabins in woodland adjacent to The Venue WDN 20th July 2012  
 11/02786/COU Change of use of agricultural land to overflow carpark PCO  
 14/00517/FUL Extension of existing car park; formation of one full sized football pitch and 6 no. training pitches together with associated fencing and lighting PDE  
 OS/77/7915/FUL Change of use of military building to storage of agricultural machinery GRANT 14th September 1977  
 OS/77/7561/FUL Change of use of building used for military purposes to storage in connection with green grocery trade GRANT 28th March 1977

#### 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr Steve Charmley
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Appendices
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APPENDIX 1 - Conditions
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger sets are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers

4. No development, demolition or site clearance procedures shall commence until Risk Avoidance Measures for great crested newts and reptiles have been submitted to and approved by the Local Planning Authority. Work shall be carried out strictly in accordance with the approved Risk Avoidance Measures.

Reason: To ensure the protection of great crested newts and reptiles, which are legally protected species

5. No development shall take place until full engineering details for the footway connection between the existing facility on Burma Road adjoining the site road frontage and the existing site entrance into 'The Venue' indicatively shown on proposed site plan drawing P02 REVA have been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall not be occupied until the works have been carried out strictly in accordance with the approved details.'

Reason: In the interests of highway safety.

6. a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan TPP.12198.01 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of completion of works.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. Prior to the commencement of any site clearance a bat mitigation scheme to include soft felling of trees, enhancement of landscape features to offset loss of trees and a bat lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To minimise disturbance to bats, a European Protected Species

8. No development shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

9. Prior to the commencement of the development construction details of the carpark and overspill carpark shall be submitted to and approved in writing by the Local Planning. The development hereby permitted shall not be brought into use until the car parking areas have been laid out and constructed in accordance with the approved details and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

10. The access for the temporary overspill car park shall be a minimum width of 5 metres for the first 25 metres and provided with 6 metre access junction radii.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
11. Work shall be carried out strictly in accordance with the Badger Survey Report and Mitigation Strategy by Pearce Environment dated October 2014  
Reason: To ensure the protection of badgers, a Protected Species
12. The football pitches hereby approved shall not be used for training or matches or any other purposes between 10pm and 7am on any day.  
Reason: To protect local and residential amenities.

**Informatives**

1. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice

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