South Tyneside Council

Reference:	ST/0313/24/FUL
Location:	The Shack Field North Road Boldon Colliery NE35 9AN
Ward:	Boldon Colliery
Description:	Installation of 50 seat covered spectator stand including concrete foundation.
Recommendation:	Grant Permission with Conditions
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

The application site is a rectangular piece of land within Boldon Colliery. The application site is located adjacent to a marked-out existing football pitch, within an area of land located at the side of the pitch and behind advertisement boards and the pitch run off area. There is a clubhouse to the east of the application site. Residential properties are located to the south with a public house (The Shack) located to the east.

Description of the Proposal

This application seeks full planning permission for a 50 seater spectator stand along the northeastern edge of the pitch totalling approximately 24.8m^2 at Boldon Community Association (known as The Villa FC). The stand would have a concrete base and be tiered with an eaves and ridge height of 2.9m and 3.2m respectively.

Relevant Planning History

No relevant planning history

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 31/07/2024.

Sport England
No objection as the proposal meets exception 2 of Sport England Playing Field Polices.

Transport Development Officer
No objections

Environmental Protection (Land Contamination)
No comments in relation to land contamination

Environmental Protection (LLFA)

We have no comments to make from a flood risk or drainage perspective.
We do not have any records or knowledge of a history of flooding at the proposed development site.

However, as identified during pre-application advice, can we please make the applicant aware that the surrounding area of the proposed development has been identified to be at low risk of flooding from surface water.

Summary of Representations

3no. representations have been received in support to the proposal. The points raised are summarised as follows

- This will be great for the local area. This will help ensure that children are getting exercise.
- At the level the club play at, this stand is required to meet ground grading.
- This will allow spectators to enjoy the ground without risk to British weather whilst having no negative impacts on those in close proximity.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011 and a Site Specific Allocations Development Plan Document DPD 2012.

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- DM1 - Management of Development
- DM7 - Biodiversity and Geodiversity Sites
- LDF CS EA1 - Local Character and Distinctiveness
- LDF CS SC6 - Providing for Recreational Open Space, Sport and Leisure
- LDF CS ST2 - Sustainable Urban Living
- SA6 - Social, Community and Leisure Facilities Opportunities

The following policies and guidance are also relevant to this planning application:

- SPD3 - Green Infrastructure Strategy
- SPD6 - Parking Standards

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- LP Policy SP1 - Presumption in favour of Sustainable Development
- LP Policy SP21 - Natural Environment
- LP Policy SP23 - Sports provision and playing pitches

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

The following paragraphs of the NPPF are relevant to this planning application:

- Paragraph 152
- Paragraph 154

The following national guidance is also relevant to this planning application:

- Sport England Playing Field Policy

Assessment

The key issues in the assessment of this planning application are as follows:

- Principle of the Development and Impact on Playing Field
- Visual Amenity
- Residential amenity
- Parking

Principle of the Development and impact Playing Field

The proposed stand would be positioned adjacent to an existing football pitch which is an area of designated open space within wider Boldon Community Association area site.

Core Strategy SC6 (Providing for Recreational Open Space, Sport and Leisure) makes clear that the council will promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities by implementing and supporting schemes that will protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough.

Furthermore, Policy SA6 (Social, Community and Leisure Facilities Opportunities) of the Site Specific Allocations Plan Document states that the Council will promote and encourage proposals that broaden the range of indoor sports and leisure facilities, and other social and community facilities, to serve local needs.

Supplementary Planning Document 3: Green infrastructure Strategy (SPD 3) identifies access to outdoor sports provision as an important factor in encouraging outdoor sports and

supporting local teams, with the aim to ensure the residents of the borough have good access to outdoor sporting provision within 1,000m from where they live.

The installation of the proposed spectator stand would support the existing sporting provision on the site in accordance with the objectives of the policies of the Local Development Framework and the NPPF which states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, for example through the provision of sports facilities. The proposals would also help to deliver Sport England's 'Enhance' planning objective to enhance opportunities through better use of existing provision, which is also a material planning consideration. Sport England were consulted on the application and have confirmed that the proposals would not impact on the playing field and that the proposals meet exception 2 of Sport England Playing Field Policies. Exception 2 states; '*The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use*.'

Taking this into account, it is considered that the installation of the proposed stand would be acceptable and the proposal would be in accordance with LDF Core Strategy Policy SC6, Policy SA6, and Supplementary Planning Document 3, as well as the requirements of the National Planning Policy Framework.

Visual Amenity

Policy DM1 (A) of the LDF requires development to be well designed. The maximum height of the proposed stand would be 3.2mm and would be viewed within the context of other building within the complex and would be visible from the public areas to the west of the application site, however this would be over a good distance. Given the scale of the proposed stand, it is considered that it would have no harmful impacts and would convey sensitive consideration to their surroundings having regard to their scale, proportion and use of materials. A condition is recommended to control that the stands be constructed in accordance with details specified in the application. It is considered that the proposal would be in accordance with LDF Policy DM1 (B).

Residential Amenity

Policy DM1 (B) of the LDF requires a development to be acceptable in relation to any impact on residential amenity. The proposal would be located over 70m from the neighbours to the south of the application site. The application does not include any lighting as part of the development and would only be used during matches. Given the existing use of the site, it is not considered that the proposal would create significant additional noise or disturbance to be considered harmful to neighbouring amenity in terms of noise and disturbance. It is considered that the proposal would accord with LDF development management Policy DM1(B)

Parking

The Council's Supplementary Planning Document (SPD) 6 'Parking Standards' provides maximum parking and minimum cycle standards for stadia development. However, it is considered that the proposed stands are not a new stadium, and instead are required to accommodate existing spectators that watch a local football team playing within the grounds of an existing Community Association on an existing football pitch.

The club benefits from access to off-street parking (of approximately 40 spaces) and there is also public parking to the west of the application site. The Council's Transport Development Officer was consulted on the application and has raised no objections to the application

based on estimated future attendances and car parking provision within the Community Association site. On this basis it is considered that the proposal would not generate car parking problems that would cause congestion on the highway to the detriment of highway safety.

Given that the proposal relates to stands within the grounds of an existing Community Association site, it is not considered necessary or reasonable to require cycle provision as part of this development.

Overall, it is considered that the proposal would be in accordance with LDF Policies DM1 (G) and A1 and the associated SPD6.

Other Matters

The proposed development is for a spectator stand within the grounds of the existing football club.

In terms of Biodiversity Net Gain, the proposed development would be below the threshold as it would impact an area of less than 25 square meters of on-site habitat. This would fall under de minimis exemption under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Therefore, on the basis of the above, the proposed development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with respect of ecology.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

The development would enhance an existing community facility, the physical form of the development, being modest in height and that it would be viewed in the context of the wider site, would ensure that there would be no harmful impact. The proposal would not cause neighbour amenity issues or highways safety concerns.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions/Reasons for Refusal

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed site Plan layout - drawing number: DPM_0001_0002_A1_0 (received 10/06/2024)
Proposed Foundation Detail - drawing number: DPM_0001_0003_A1_0 Rev 1 (received 13/06/2024)
Proposed elevations - drawing number: CIW-CTG-160-4-50-STR (received 10/06/2024)

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The materials for the stand hereby approved shall be as per the application form (received 14/05/2024) and the proposed elevations drawing number: CIW-CTG-160-4-50-STR (received 10/06/2024)

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

2 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 01/08/2024

Authorised Signatory: H. Lynch

Date: 01/08/2024