

PLANNING COMMITTEE

7th NOVEMBER 2023

APPLICATION FOR CONSIDERATION

REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION

Application Reference	0278/2023
Proposal	Installation of a 3G synthetic pitch with sports lighting, perimeter fencing, storage container and access path
Site Address	Anker Valley Recreation Grounds, Moor Lane, Amington, Tamworth Staffordshire B77 3AX
Case Officer	Glen Baker-Adams
Recommendation	Planning Committee <ul style="list-style-type: none"> 1. Agree the reasons for approval set out in this report; and 2. Resolve to grant planning permission and delegate authority to the assistant director for growth and regeneration to finalise the wording of the conditions as set out in section 8 of this report.

1. Introduction

1.1 This application is for the installation of a 3G (3rd generation surface material) playing pitch, sports lighting at its perimeter, fencing and storage container with pathed access.

The application is reported to committee at the request of the Assistant Director for Growth and Regeneration as the applicant is Tamworth Borough Council.

1.2 Since the original submission, additional information was submitted to provide noise analysis from the access road with more robust measures in a management report. The applicant has also confirmed the relocation of the two playing pitches that will need to be moved to accommodate the new 3G pitch.

1.3 SITE AND DEVLEOPMENT PROPOSALS

1.3.1 The current site is a 12.7 acre sports complex with playing pitches, hard surface car park and changing block. The playing pitches themselves are all open grass with mature trees and hedges along the boundary.

Location Plan



- 1.3.2 The proposal will see two of the playing pitches removed to accommodate an artificial grass pitch with access link to the existing provision as per the above image. The pitch will be enclosed in 4.5m high twin bar fencing with rubber washers affixed to reduce vibration. There will also be a separate 1.2m high fence at the spectator area. A 2.44x6.10x2.59m high storage container will be positioned at the end of the spectator area for storage of equipment.
- 1.3.3 Lighting will be in the form of 6 x 14m high galvanised columns, each controlling their spill accordingly towards the pitch.

2. **Policies**

2.1 Local Plan Policies

SS1 The Spatial Strategy for Tamworth
 SS2 Presumption in Favour of Sustainable Development
 EN1 Landscape Character
 EN4 Protecting and Enhancing Biodiversity
 EN5 Design and New Development
 SU2 Delivering Sustainable Transport
 SU7 Sport and Recreation

2.2 Supplementary Planning Documents

[Design SPD](#)
[Planning for Sport Guidance – Sports England, 2019](#)

2.3 National Planning Policy

[National Planning Policy Framework 2021](#)
[National Planning Practice Guidance 2014-](#)

3. **Relevant Site History**

Reference	Description	Decision	Date
0679/2002	Formation of overflow car park for occasions when demand requires it. Position for 100 cars	Approval with conditions	28/11/2002

3. **Consultation Responses**

- 3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

The consultation responses comments are précised if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

Tamworth Borough Council Consultees

- 3.1.1 *Tamworth Borough Council Development Plans*
 Consider the proposals comply with Tamworth Local Plan Policy SU7 and not be considered contrary to Policy SU6. No strategic objection to the principle of the proposed development. Notwithstanding, the proposal must also demonstrate compliancy with the wider policies of the Local Plan in order to be deemed acceptable.
- 3.1.2 *Tamworth Borough Council Environmental Protection*
 Following amended details submitted; no objections provided Noise Management Plan is implemented in accordance with the details submitted and other relevant conditions attached.

Staffordshire County Council Consultees

3.1.3 *Staffordshire County Council Highways*

The site is surrounded by a perimeter fence. This application would change the surface of one of the grass pitches which would allow the pitch to be used all year round. The route along Moor Lane is poor in terms of quality so not entirely suitable however, the site as existing is already for a Sports Complex, the only difference would be the introduction of floodlights. Given the above information there is **no objection** on Highway grounds for the proposed development.

3.1.4 *Landscape Officer*

Development site falls within an area where the landscape character type is identified at Lowland Village Farmlands in the Mease Lowlands and proposals will generally be in keeping with the existing use and will be seen in association with the existing changing block building, car park and pitches. Use of synthetic grass is not generally encouraged, but it is recognised that provision of a synthetic pitch can be beneficial in some circumstances.

The proposed development will result in a loss of natural green space; compensatory planting is therefore recommended. A small scale landscape scheme which could include hedgerow maintenance, habitat creation or tree/woodland planting would be required to contribute towards landscape enhancement in accordance with Policy EN1.

Tree protection measures, in accordance with BS5837:2012, should be in place prior to commencing installation of the development.

3.1.5 *Staffordshire County Council Ecology*

No objection subject to net gain being provided either on site or elsewhere to compensate for loss created by the installation of the 3G pitch.

Statutory Consultees

3.1.6 *National Rail*

General comments or considerations given but **no objections** given to the proposal.

3.1.7 *Environment Agency*

No objection to the proposed development

3.1.8 *Sports England*

The proposal would meet Sport England Exception E5 (the proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field), subject to conditions securing a community use agreement and testing of pitch to ensure that it would be suitable for match play.

4. Additional Representations

4.1 As part of the consultation process adjacent residents were notified. Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>.

4.2 Two letters of objection have been received from two different households. The objections both surrounded the highway issues of the development, using the road to a degree it would create local issues.

The non-planning related issue of the use of foul language of the users of the playing pitch was also given.

5. Equality and Human Rights Implications

- 5.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

6. Planning Considerations

The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Highway Safety
- Amenity
- Flood Risk
- Ecology
- Railway Considerations

6.1 Principle

- 6.1.1 The Tamworth Local Plan 2006-2031 (LP) was adopted in February 2016. In addition to the local plan there is guidance within the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG). The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are considered consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay.
- 6.1.2 Additionally, policy SU7 Sport and Recreation states that the Council will support a network of good quality sport and recreation facilities that meet the needs of Tamworth's current and future population. This will be achieved by a range of things including delivering public funding new and enhanced facilities identified in the Sports Strategy Update, in particular a new multi-purpose community sports centre in an accessible location, with appropriate facilities and 3G pitches, to meet identified need. Facilities should be designed to enable convenient public access and extended hours of use.
- 6.1.3 As a result, the proposal for a 3G pitch alongside the existing provision at Anker Valley Sports Complex will provide such a new facility for its population meeting this new and existing need.
- 6.1.4 The proposed development is therefore considered to be in compliance with relevant policies of the Tamworth Local Plan 2006-2031 and in principle an acceptable form of development for the location subject to meeting other requirements of the Local Plan.

6.2 Character and Appearance

- 6.2.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene.

- 6.2.2 Policy EN5 Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development. Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.
- 6.2.3 The appreciation of character and appearance is a significant part of recent planning reform and, with the introduction of the National Design Guide, remains a very important consideration of planning applications.
- 6.2.4 The site is currently in use for outdoor sports, specifically football with nine 11x11 pitches and four smaller pitches. There is also a changing block and car park for this purpose. As a result, the installation of a new purpose build 3G surfaced pitch will be appropriately located. It would sit adjacent to and within the existing location of pitches and therefore not out of place with the existing use. It's orientation too is also similar to the existing pitches and therefore again be well located within the existing site and therefore conserve the context of the development.
- 6.2.5 Materials have been carefully selected to attempt to blend in the facility into the landscape including green fencing, storage containers, green mitigation boards and slim inward facing lighting columns.
- 6.2.6 In addition, development should be informed by, and sympathetic to landscape character and quality, and should contribute to landscape enhancement in order to conform to Tamworth Local Plan Policy EN1. It is recognised as being located in a semi-rural setting, and the proposals will generally be in keeping with the existing use.
- 6.2.7 The proposed development will result in a loss of natural green space and a result compensatory planting is therefore recommended along with hedgerow maintenance, habitat creation or tree/woodland planting to contribute towards landscape enhancement. Tree protection measures, in accordance with BS5837:2012, will be requested prior to commencement.
- 6.2.8 Finally, some concern has been given over the proposed 14m high lighting columns but owing to the requirements of the 3G pitch to have sufficient lighting, this is held as acceptable in this instance.
- 6.2.9 The character and appearance of the proposed development would therefore sit well within the local area and with a series of other measures secured by condition, the development is considered to be in compliance with Policy EN5 Design of New Development of the Tamworth Local Plan 2006-2031 and the NPPF.

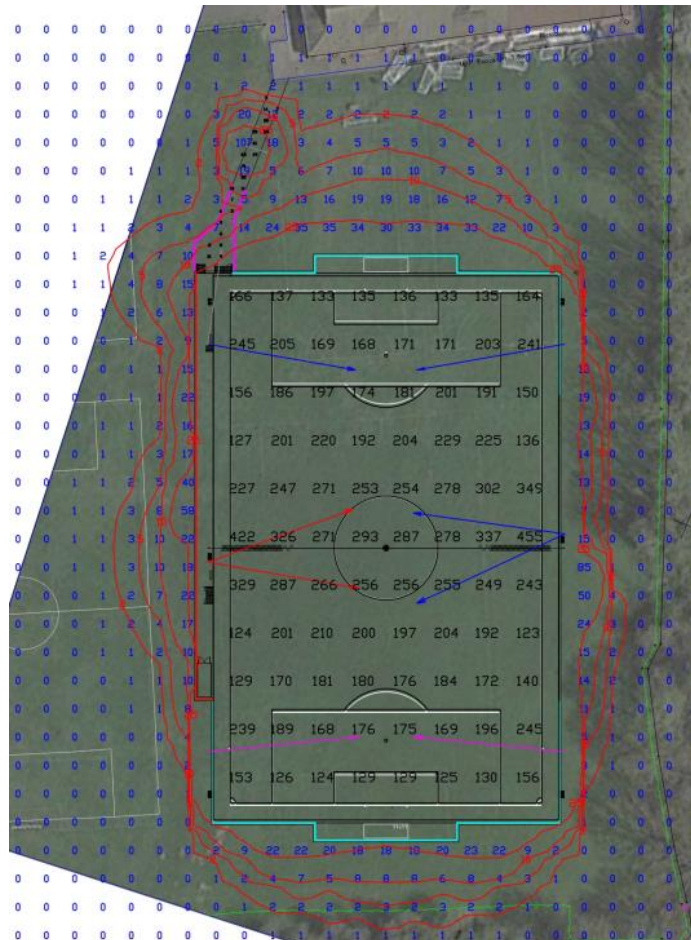
6.3 Highway Safety

- 6.3.1 Tamworth Local Plan policy EN5 (h) states that new developments will be expected to pay particular regard to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards set out in Appendix C. In addition, policy SU2 also states planning permission should only be granted where development would ensure adequate highway safety, suitable access for all people and where feasible reduce the impact of travel up on the environment. Planning permission will be refused where travel to and from the development would be likely to cause harmful levels of pollution, highway safety or capacity impacts.
- 6.3.2 Reverting to the analysis of Staffordshire County Council, vehicular access would be from the exiting Moor Lane which is an unclassified 3.4m wide 30mph road benefiting from street lighting and has speed humps in place for traffic calming purposes. There is no footway provision on either side of the road.
- 6.3.3 It is the view of the local highway authority that despite Moor Lane being poor in terms of road quality, the site as existing is already for a Sports Complex use and therefore the only recognised difference in highway terms would be the introduction of floodlights. The traffic generation to use the 3G pitch would not create a severe impact.
- 6.3.4 As a result therefore the development is considered in accordance with Policy SU2 Sustainable Transport of the Tamworth local Plan 2006-2031 and the National Planning Policy Framework.

6.5 Amenity

- 6.5.1 Policy EN5 – Design and New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure. NPPF paragraph 130 (f) also states that planning decisions should ensure that developments create places... with a high standard of amenity for existing and future users.
- 6.5.2 Of additional relevance is NPPF paragraph 185 which states planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
 - b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 6.5.3 The proposal is located approximately 90m to the nearest home in the Amington Park estate. This distance is considered far enough away that there would not be a significant impact in terms of the physical development of the pitch and its associated fencing and lighting.
- 6.5.4 However, given that the use is a purpose built pitch for a noisy activity, a Noise Impact Assessment and Management Plan have been submitted. The noise report has located the nearest noise sensitive receivers and what the likely impacts would be from activity on the site. When considering the noise levels and guidance, it is concluded that noise would be noticeable but not intrusive. This is held as acceptable when considering the existing uses on site. In order to further monitor the site and ensure there are no continuing issues, a noise management plan has also been produced including measures such as:
- Continued monitoring
 - Ensure there is an awareness of the noise management plan by the senior management team
 - Confirmation that all bookings will be informed of the opening hours, as well as a rule board fixed to the fence adjacent to the players will state the opening hours, as well as the site being closed and locked at the end of each day.
 - Hours of the pitch limited to the existing school grounds
 - Pre-booking only where individuals sign up to code of conduct
 - Provide a clear mechanism for complaint logging which has been updated to include a time frame for responding.
 - Respond to complaints in a reasonable timescale
 - Neoprene washers will be attached to the fence panel
- 6.5.5 This information has been scrutinised by the council's environmental protection team who have concluded that provided relevant plans and the updated Noise Management Plan is adhered to and conditions on the hours of use, restrictions on audible devices are imposed there are no objections of the proposed development.

6.5.6 With regards to lighting, the assessment provided in the submission shows the light spill contained to the pitch with small areas outside of the pitch having some light present. None of this however will be located within close proximity of residential properties as they are at their nearest 90m from the application site. The hours of operation condition for the whole site will also apply to the lighting.



6.5.7 The council environmental health department raise no further objection and concerns relating to noise and lighting. As a result the proposal is therefore considered to be in accordance with the relevant parts of Policy EN5 Design and New Development of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.6 Flood Risk

6.6.1 Policy SU4 – All new development, including re generation proposals, will need to demonstrate that there is no increased risk of flooding to existing properties and shall seek to improve existing flood risk management. All proposals for development in Flood Zone 2 or 3, or greater than 1 hectare in Flood Zone 1 or where otherwise required by national planning guidance must be accompanied by a Flood Risk Assessment that sets out the mitigation measures for the site and agreed with the relevant authority. Where necessary, proposals will be expected to contribute towards building and maintaining any necessary defences and maintaining existing defences that are necessary or new development. Developers should consult the Environment Agency's flood maps to ascertain the effects of surface water flooding on potential development sites.

6.6.2 A Flood Risk Assessment (FRA) has been produced which has correctly identified most of the site in flood zone 3 for fluvial/tidal flooding. For surface water flooding, the risk is in a 'low' risk area. The use of the site is one in which could be considered as 'water compatible', being: 'outdoor sports and recreation and essential facilities such as changing rooms'¹.

¹ Annex 3 (Flood risk vulnerability classification) of the NPPF

- 6.6.3 The FRA has confirmed (section 2.9.1) that 'levels are to remain at or lower than existing and, therefore, no flood compensation is required'. This will ensure no net loss of floodplain storage. Based on the scale and nature of the proposed development it is considered by the local planning authority and the EA, the perimeter fencing is unlikely to obstruct, divert or provide an impediment to water flows in a flood event.
- 6.6.4 The proposal will be use permeable materials to allow any rainfall water to percolate into the ground naturally.
- 6.6.5 The EA have been consulted on the application who have not objected to the development.
- 6.6.6 As a result the proposal, is therefore considered to be in accordance with Policy EN4 Protecting and Enhancing Biodiversity of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework.

6.7 **Ecology**

- 6.7.1 NPPF paragraph 174(d) states planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 6.7.2 The proposal is considered by Staffordshire County Council ecology as amenity grassland habitat. Should this grassland be developed for the proposed 3G pitch, it would therefore create a net loss to biodiversity. However as this is also sports turf, the actual potential for having a biodiversity value is low. Furthermore, there is a portion of the playing pitch facility in the north west corner that is intentionally uncut (including hedgerow) and unmarked to provide a safe/quiet space for the wildlife onsite.
- 6.7.3 As a result, the application therefore conforms to policy EN4 of the Tamworth Local Plan and the NPPF.

7 **Conclusion**

- 7.1 The proposal is for the installation of a 3G synthetic pitch with sports lighting, perimeter fencing, storage container and access path.
- 7.2 Balancing the considerations of the proposal, the application represents a new sports facility for Tamworth that would conform squarely with Tamworth Borough Council Local Plan policy SU7 by providing new facilities including 3G pitches.
- 7.3 The use would invariably increase the use of Moor Lane to access the pitches but not to a degree above and beyond the current use which is considered a severe highway issue. The additional noise, light and disturbance created would also not be substantial and with the presence of a management plan the amenity of those living nearby is considered to not be substantially affected more than what is already present by the uses of the existing pitches.

8 **Recommendation**

Approval subject to the below conditions

Conditions / Reasons

- 1. The development shall commence within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall only be carried out in accordance with the application form, drawings MCA-MUK-3013-09, MCA-MUK-3013-10 Rev B; MCA-MUK3013-02 Rev E and MCA-MUK3013-11 and the 'Proposed Materials' report by McArdle unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

3. The development hereby permitted shall be operated only in accordance with the approved Noise Management Plan Rev A – 11/10/2023.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

4. The use of the 3G pitch and the lighting hereby permitted must only be used between 0800 and 2200 Monday to Friday and 0900 to 2200 Saturday, Sunday and Bank holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

5. No whistle or other such audible device shall be used on or in association with the use of the Artificial Grass Pitch hereby approved outside the hours 0900 and 2100 hours Monday to Friday, 0900 and 1730 Saturdays and 0900 and 1600 Sundays and Bank Holidays.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

6. The proposed fencing is to be maintained to the specifications detailed in document 'DUO 8 SPORTS Double Wire Mesh Fencing System' for the lifetime of the development. This includes the use of Neoprene washers that must also be utilised in all bolt hole locations for panels. Any faults or maintenance issues are to be reported to the Local Planning Authority within 14 days of the faults being identified.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise from new development to conform to policy EN5 Design of New Development of the Tamworth Borough Council Local Plan 2006-2031 and paragraphs 183-188 of the National Planning Policy Framework 2021.

7. All on site trees shall be suitably protected with fencing in full accordance with BS 5837:2012 with no works within the root protection area.

Reason: To conform to policy EN4 of the Tamworth Local Plan 2006-31.

Notes to Applicant

Environment Agency

The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.