

Planning Committee

06 March 2024



Application No.	24/00046/FUL
Site Address	Ashford Town Football Club, Sports Ground, Short Lane, Stanwell, Staines-upon-Thames, TW19 7BH
Applicant	Ashford Town Football Club
Proposal	Provision of an artificial grass pitch (AGP), floodlighting and ancillary works
Case Officer	Matthew Churchill
Ward	Ashford North & Stanwell South
Called-in	<p>The application has been called in by Councillor Beatty. This is for the following reasons:</p> <ul style="list-style-type: none">• The proposal for an artificial pitch is part of Spelthorne's Playing Pitch Strategy 2019.• The scheme will improve the local community and increase opportunities for individuals from deprived backgrounds.• The works will increase participation in women and girls' football, disability football, small size teams, youth clubs and over 50s.• Paragraph 97 of the NPPF and Sport England guidance supports the replacement of current facilities with equivalent or better provision.• The proposals are consistent with the NPPF and Saved Policy GB1.• Policy EN14, and policy SP7 of the draft local plan state permission will be refused for any proposals likely to increase risks associated with hazardous development. The increased risk, should it exist, is minimal and cannot be considered significant.• Ashford Town Football Club is a community asset. The application merely upgrades the current facilities, and under the current usage the club can host gatherings with no limits.• Safety concerns of the HSE could be mitigated by a condition restricting the maximum number of people at the site.• The operators of the neighbouring site have put a significant amount of work into reducing the probability of an event taking place.• A similar application, with the potential for an increase of people was approved by the Secretary of State (ref.07/04598).

Application Dates	Valid:12.01.2024	Expiry:12.04.2024	Target: Within 13 weeks
Executive Summary	<p>This application seeks the provision of an artificial grass football pitch together with floodlighting and ancillary works including new fences around the pitch, surfacing and a storage container, at Ashford Town Football Club.</p> <p>The applicant's planning statement indicates that currently, the grass pitch is only used for a limited time during the week due to its quality and condition. The replacement pitch will allow the football club to improve its offering, as well as provide the community with a facility that can be used all year round. The applicant further states that in winter months the grass pitch is unable to be used, and the football club hires another artificial grass facility for its 35 teams. The applicant further advises that there is a need for a 3G/artificial grass pitch in order to allow increased use of the site for games and training.</p> <p>The site adjoins the Esso West London Oil Terminal. As a result, the Council has consulted the Health and Safety Executive (HSE), which has confirmed that the pitch is located within the development proximity zone and the inner consultation zone of the neighbouring oil terminal facility. The HSE has noted that the artificial grass pitch would allow the club to improve its offering and provide the local community with a facility that can be used all-year round including during times of bad weather. The HSE consider that the proposed development represents and intensification of the use of the site within the development proximity zone of a large-scale petrol storage site. As such the HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission.</p> <p>The site is located within the Green Belt. The NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. At paragraph 154, the NPPF lists a number of exceptions to inappropriate development, including part b) the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it.</p> <p>The works constitute an exception to inappropriate development under paragraph 154 part b) insofar as they would represent appropriate facilities for outdoor sport and recreation. However, as a result of the cumulative impacts with the ball-stop netting, that would measure 15 metres in height and 60 metres in width, the proposed bund/mound at the north of the site, and the proposed siting of a shipping container, it is considered that the proposals would, to an extent, impact openness in both spatial and visual terms. The works as a whole would, therefore, constitute inappropriate development in the Green Belt. In the event that there was no other harm associated with the development, it is considered that the benefits of improving this community facility would</p>		

	<p>have outweighed the harm to the Green Belt by reason of inappropriate development and the harm to openness and would therefore have constituted 'very special circumstances'.</p> <p>However, the NPPF states at para. 153 that 'very special circumstances' will only exist if the harm to the Green Belt and <u>any other harm</u> {officer emphasis} is clearly outweighed by other considerations'. In this instance, given the objection by the Health and Safety Executive (HSE), officers do not consider that the benefits of the proposals outweigh the harm of introducing additional visitors into the development proximity zone of the adjoining hazardous installation and the consequential public safety concerns, which would be contrary to the objectives of policy EN14 and the section 8 of the NPPF on '<i>promoting healthy and safe communities</i>'.</p> <p>The Spelthorne Borough Council <i>Playing Pitch Strategy</i> (November 2019) identifies that the geographic spread of '3G' pitches in the borough is even. There is one full-sized and one small-sided facility in the east and one small-sided pitch in the west of the borough. The key provision gap is in the centre of the borough. Potential sites to meet the shortfall identified in the playing pitch strategy include Ashford Town FC, Thomas Knyvett College and the new Spelthorne Leisure Centre demonstrating that there is a need for a '3G' pitch.</p> <p>The proposals are also considered to have an acceptable impact upon the character of the area, the amenity of neighbouring and adjoining occupiers, parking provision and the highways, minerals, the high-pressure pipelines within the site, biodiversity and nearby trees.</p> <p>Nevertheless, the benefits are not considered to outweigh the harm of the scheme as a result of the introduction of additional visitors into the development proximity zone of the neighbouring oil terminal facility and the increased risk to public safety, which would be contrary to the objectives of policy EN14 and the NPPF.</p>
<p>Recommended Decision</p>	<p>Refuse the application for the reasons set out at Paragraph 8 of the Report.</p>

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 (Design of New Development)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN7 (Tree Protection)
- EN8 (Protecting and improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- EN14 (Hazardous Development)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- LO1 (Flooding)
- SP5 (Meeting Community Needs)

1.2 It is also considered that the following Saved Local Plan policies are relevant to this proposal:

- GB1 (Green Belt)

1.3 The policies contained within the National Planning Policy Framework (NPPF) (December 2023) are also relevant.

1.4 The local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.* At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. The revised NPPF was published on 19 December 2023 and the Council will be considering its next steps at a meeting of the E&S Committee on 29/02/2024 and whether Members wish to propose modifications as a result. This approach will need to be formally agreed by Committee before the Inspector is invited to resume the examination hearings.

1.5 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough.
- SP4: Green Belt
- E2: Biodiversity
- E5: Open Space and Recreation
- EC4: Leisure and Culture

1.6 The NPPF policy states at para 48 that: Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

1.7 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.

1.8 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD and Saved Policies in the Local Plan 2001 carry substantial weight in the determination of this planning application.

2. Relevant Planning History

2.1 The site has the following planning history:

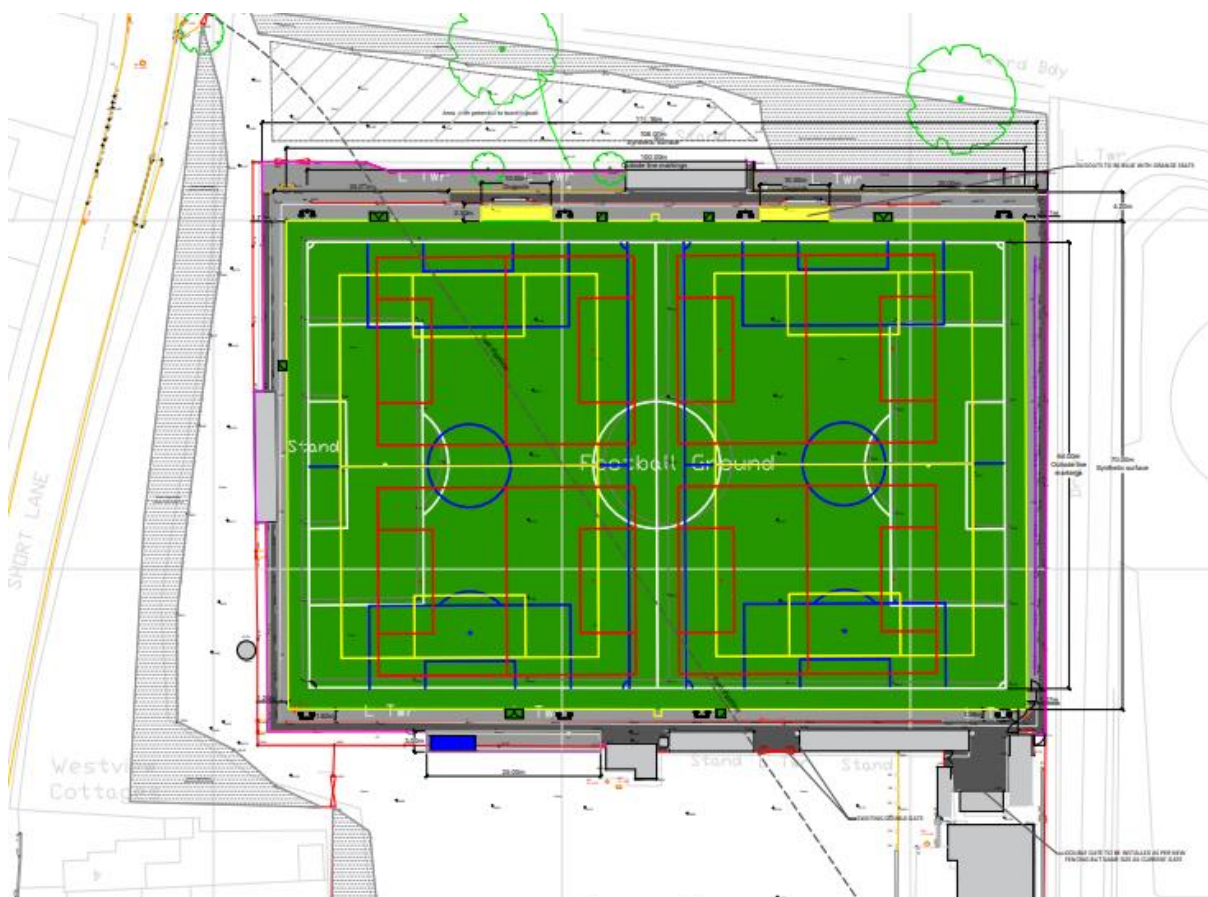
23/00856/FUL	Provision of an artificial grass pitch (AGP), floodlighting and ancillary works including fencing	Withdrawn 04.01.2024
01/00539/FUL	Erection of an extension to existing grandstand and replacement of existing covered standing area with enlarged covered stands.	Granted 07.12.2001
00/00462/FUL	Retention and continued use of wooden cricket pavilion for a temporary period of 5 years	Granted 21.09.2000
97/00691/FUL	Erection of a 100 seat capacity spectator stand.	Granted 04.03.1998

93/00625/FUL	Erection of 8 12 metre (39ft 5ins) high floodlight columns.	Granted 05.01.1994
91/00599/FUL	Erection of four 16m floodlight columns.	Refused 24.10.1991

3. Description of Current Proposal

- 3.1 The application site is accessed from Short Lane and is occupied by Ashford Town Football Club. The property contains a football stadium with associated spectator areas and stands at the north of the site, as well as a number of further grass football pitches to the south (although these fall outside of the red line application site boundary for the current application). The site also contains ancillary facilities including a club house.
- 3.2 The applicant also states that there is a grassed car park for 200 off-street car parking spaces. However, the most recent planning permission at the site showed spaces for 44 cars in the approved plans with an overflow area on the training pitch for 66 additional cars (01/00539/FUL). As such, it does not appear that the site benefits from planning permission for 200 spaces.
- 3.3 It should also be noted that the site is a Spelthorne Borough Council Asset owned by the Council. However, the Council has not submitted the application and is not the applicant.
- 3.4 The eastern site boundary adjoins the London Borough of Hounslow. The Esso West London Oil Terminal is also situated immediately to the east of the site. As a result of the proximity to the oil terminal, the site is located within a hazardous substances area. The Health and Safety Executive (HSE) has confirmed that the site lies within the 'inner consultation zone' and the 'development proximity zone' for the oil terminal.
- 3.5 The site is also situated within a high-pressure pipeline consultation zone, for both the British Pipeline Association (BPA) and Fisher German/Esso. Additionally, the site is located within the Green Belt, and a small area of the property located in close proximity to Short Lane, is located within a 20-metre buffer zone around a main river. The site is also situated within a minerals consultation area and a mains water supply consultation area.
- 3.6 The application seeks to replace the existing grass football pitch within the stadium area with an artificial grass pitch. The applicant's planning statement advises that the facility can accommodate 1 x full size 11-a-side match and can also be laid out to accommodate 2 x 9-a-side matches, 2 x 7-a-side matches, and 4 x 5-a-side games. A plan has been submitted that demonstrates the various layouts.
- 3.7 The applicant's planning statement advises that the aspirations are to use the pitch from Monday to Sunday between the hours of 9am-10pm. The pitch would also be used all year round.

- 3.8 In addition to the replacement of the pitch, the application also proposes the replacement of the existing flood lights. The fencing around the outside of the stadium area would also be replaced with taller fencing, as would ball-stop netting situated at the eastern site boundary adjoining the neighbouring oil terminal. The plans further show that a storage container would be situated to the south of the pitch, dugouts would be situated to the north of the pitch, and macadam and concrete areas would also surround the pitch. Additionally, a bund/mound of approximately 0.5 metres in height and some 12.5 metres in width would be situated to the north of the site.
- 3.9 The proposed site layout is shown in the image below:



4. Consultations

4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
British Pipeline Association (BPA)	No objections.
Health and Safety Executive (HSE)	Advises against the granting of planning permission.
Surrey Wildlife Trust	Requests further lighting details.
Thames Water	No comments received
Environment Agency	No comments.
Sustainable Urban Drainage Systems (SUDS)	Requests conditions.
Natural England	No comments received.

Sport England	No objections.
Environmental Health (contamination)	Requests conditions.
Environmental Health (Noise & Lighting)	Requests a condition relating to floodlighting.
County Archaeology Officer	Requests conditions.
Esso (Pipelines)	No objections.
London Borough Of Hounslow	No objections.
County Highway Authority	Requests conditions.
Heathrow Safeguarding	Requests informatives relating to cranes.
Tree Officer	Requests a condition.

5. Public Consultation

5.1 The Council has received 5 letters of representation, which object the proposals on the following grounds:

- The site is not well-served by buses.
- Concerns over cars parking on the grass surface within the site, which is not a car park and could become waterlogged at times of bad weather.
- There would be no disability parking available.
- There is only one entrance to the site for vehicles, cyclists and pedestrians, which has the potential to be dangerous.
- There are visibility issues at the entrance/exit to the site.
- It is difficult to park on Short Lane during events at the Football Club.
- Objections on car parking grounds.
- Noise from events at the site currently create unacceptable noise and disturbance late at night.
- Currently visitors to the site park in Short Lane, which will increase with more individuals using the site.
- Concerns above visibility at the access to the site, which could cause an accident.
- The infrastructure within the site should be improved.
- Coaches cannot currently enter the site.

5.2 The Council has also received 24 letters of representation, which support the proposals on the following grounds:

- The proposals are a good opportunity for the local community.
- There will be good opportunities for young people.
- The scheme will benefit all age groups.
- The proposal will help grassroots football.
- The scheme will benefit men's and women's football as well as children and those with disabilities.
- The club is currently the highest placed in the borough.
- The proposals will enhance a deprived area.
- The works will benefit many groups of the community.
- The scheme will improve mental and physical health.
- The facilities could be used all year round.
- The proposals will enable individuals to take the 'right path' in life.

6. Planning Issues

- Hazardous Substances Area.
- The Green Belt.
- Community Facilities.
- The Character of the Area.
- Residential Amenity.
- Parking & Highways.
- Flooding.
- Archaeology.
- Minerals.

7. Planning Considerations

Hazardous Substance Area

- 7.1 Policy EN14 of the Core Strategy and Policy Document (CS&P DPD) states that the Council will refuse permission for any proposal likely to significantly increase the risks associated with any particular hazardous installation or impose conditions where necessary to avoid increased risk.
- 7.2 At paragraph 101, the NPPF states that planning decisions should promote public safety including taking appropriate and proportionate steps to reduce vulnerability and increase resilience to ensure public safety and security. At paragraph 45, the NPPF further states that Local Planning Authorities should “consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for the development around them”.
- 7.3 The application site adjoins the Esso Petroleum West London Oil Terminal. *The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) at Schedule 4 (e)* requires the Local Planning Authority (LPA) to consult the Health and Safety Executive (HSE) where amongst other things, the proposal would “likely result in a material increase in the number of persons working within or visiting the notified area”.
- 7.4 The LPA has consulted the Health and Safety Executive (HSE), which has confirmed that the pitch is situated within the ‘inner consultation zone’ and the ‘development proximity zone’ of the neighbouring Oil Terminal.
- 7.5 The HSE website states that “*The Development Proximity Zone (DPZ) is a new land use planning zone, being the zone closest to the boundary of the Hazardous Installation – i.e., it lies within the Inner Zone. Within the DPZ, only developments which are not normally occupied will attract Does not Advise Against (DAA) advice from HSE*”.
- 7.6 It is acknowledged that the proposals do not seek to increase the size of the stands or spectator areas around the existing grass pitch. Instead, the proposals would replace the existing grass pitch with an artificial grass pitch,

which in the opinion in of the LPA & HSE is likely to increase the overall number of visits to the site across any given week as a result of increase durability of the playing surface.

- 7.7 The applicant's planning statement advises the pitch could be laid out in different configurations, including 2 x 9-a-sidematches, 2 x 7 vs 7-a-side, or 4 x 5-a-side matches. This could result in a greater number of users of the pitch at any one time, in comparison to a more traditional 11 vs 11 football match, although it is recognised that there are currently no planning restrictions in place that would prevent the existing grass pitch from being laid out in this manner.
- 7.8 However, by its very nature, an artificial pitch is likely to attract a greater number of users to the site, as the increased durability, particularly in times of bad weather, means that it would have a much greater use over a prolonged period, than a traditional grass pitch that would be subject greater wear and tear. Indeed, at paragraph 3.5 of their Planning Statement, the applicant states that the aspirations are to use the pitch between Monday to Sunday during the hours of 9am – 10pm.
- 7.9 Whilst there is not a planning condition restricting the use of the existing grass pitch, officers note that there is currently a planning condition, which restricts the use of the flood lighting to between the hours of 4pm and 5.30pm on Saturdays and between the hours of 7pm and 9.30pm on Tuesdays, unless 7-days notice is given to the Local Planning Authority for use on an alternate evening (Condition 4 imposed upon planning permission SP/93/0625). It is noted that the description for that permission stated that the floodlights measured 12 metres in height, and the current existing plans show that the floodlights measure 15 metres. However, there appears to be no further planning permission for floodlights at the site following the granting of planning permission SP/93/0625.
- 7.10 In any event, if the LPA was to re-impose the flood lighting hours condition, by its very nature, the artificial pitch would likely be used to a greater extent than would otherwise be the case with a grass pitch, as it would not be subject to the same durability issues, particularly at times of bad weather. Moreover, at paragraph 6.9 of their statement, the applicant states that currently the pitch is only used for a limited amount of time during the week due to its quality and condition. The replacement with an AGP pitch will allow the club to improve its offering, as well as to provide the local community with a facility that can be used all year round in times of bad weather, including providing a host of local clubs a place to train and play matches, when required. At paragraph 6.10, the applicant further states that the pitch will be of much higher quality in terms of its ability to be played on again and again without being damaged, meaning it can be played all year round. The applicant further states that *“with respect to quantitative improvements, the proposals will clearly allow a significant increase in the number of games that can be played throughout the year, up to 10pm daily”*.
- 7.11 On the basis of the information contained within the applicant's Planning Statement, whilst the overall capacity of the site at any one time would remain largely unchanged, by its very nature, the proposals would increase the

number of visitors into 'inner consultation zone' and the 'development proximity zone' of the Esso West London Oil Terminal in any one week as result of the artificial pitches increased durability.

- 7.12 The HSE employs a land use planning methodology, which categorises developments into one 0-4 sensitivity levels with 4 being the highest sensitivity level. The HSE considers that the proposal falls within sensitively level 3, as the scheme would be an outdoor development for use by the general public where more than 100 people may gather at any one time. The HSE decision matrix shows that the HSE will advise against sensitivity level 3 development in the inner consultation zone and the development proximity zone.
- 7.13 In its consultation response, the HSE notes that the provision of an artificial grass pitch would likely result in a material increase in the number of persons within the development, stating that it is HSE policy to advise against sensitivity level 3 developments in the development proximity zone of a large-scale petrol storage site. The HSE has further indicated that it would also advise against a facility for outdoor use by the public in the inner consultation zone and development proximity zone, even if it were a sensitivity 2 level development, where between 10 and 100 people would gather at any one time.
- 7.14 The HSE therefore considers that there are sufficient reasons on safety grounds, for advising against the granting of planning permission for planning application 24/00046/FUL. This is because the proposals would result in an intensification of the number of individuals using the site as the artificial pitch would allow much greater use than the current grass pitch.
- 7.15 The Planning Practice Guidance (PPG) states that the lessons from explosions such as at the Flixborough chemical works in Humberside in 1974, Seveso in Italy in 1976 and Buncefield in 2005, underline the importance of controlling sites where hazardous substances could be present and where development is proposed near them. The PPG further states that when considering development proposals around hazardous installations, the Local Planning Authority is expected to seek technical advice on the risks presented by major accident hazards affecting people in the surrounding area and the environment. This advice should be sought from the Control of Major Accidents Competent Authority (in this instance the HSE).
- 7.16 The PPG further advises that Local Planning Authorities are well placed to judge the extent of development around major hazard establishments and major accident hazard pipelines so, when considering public safety, they should take account of the total number of people that are present in the consultation zones around these sites, and the implications of any increase as a result of a planning decision or policy. The PPG also states that the competent authority's role (in this case the HSE) is an advisory one, and it has no power to direct the refusal of planning permission or hazardous substance consent. Where the competent authority advises that there are health and safety or environmental grounds for refusing or imposing conditions on an application, it will, on request explain to the local planning authority the reasons for its advice.

- 7.17 The PPG further states “*The decision on whether to grant permission rests with the local planning authority. In view of its acknowledged expertise presented by the use of hazardous substances, any advice from the Health and Safety Executive that planning permission should be refused for development, for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration*”.
- 7.18 The proposed artificial pitch by its very nature, would increase use in comparison to the existing grass pitch. It is nevertheless acknowledged that there are significant public benefits to the proposals, including supporting the promotion of healthy and safe communities, as encouraged by part 8 of the NPPF on ‘*Promoting Healthy and Safe Communities*’, which weighs in the development favour. The scheme would also support improvements to an existing community facility as encouraged by policy CO1 of the local plan.
- 7.19 However, by its very nature as a result of increased use and durability, the proposal would result in a greater use of the pitch in any given week than the current grass pitch and a greater number of users would attend a site that is situated adjacent to a hazardous substances installation, namely the West London Oil Terminal. The proposal would increase the number of visitors into the ‘inner consultation zone’ and ‘development proximity zone’ therefore significantly increasing the risks associated with a nearby hazardous installation, which would have an adverse impact upon public safety. Officers therefore consider that the proposals are contrary to objectives of policy EN14 and the NPPF in this regard.
- 7.20 The applicant has drawn the LPA’s attention to planning application 07/04598 at the Oval Cricket Ground where planning permission was granted, notwithstanding an objection from the HSE. Nevertheless, the current proposals would increase the number of visitors in any given week to a site situated adjacent to a hazardous installation, and whilst this decision, which was some time ago, is acknowledged, each planning application must be determined on its own particular merits, and officers do not consider that this in itself would overcome the harm associated with the scheme when assessed against policy EN14 and the NPPF.
- 7.21 The applicant also considers that the HSE’s objection fails to consider the existing unrestricted use of the site, also noting that it is not proposed to increase the potential number of spectators. Notwithstanding the floodlighting condition imposed upon planning permission SP/93/0625, there is no planning condition or obligation restricting the use of the existing pitch. However, by its very nature, an artificial pitch will benefit from much greater use on any given week and on any given day, as a result of its increased durability, particularly during times of bad weather and as demonstrated by the applicant’s aspiration to utilise the site between 9am-10pm between Monday to Sunday. Whilst the LPA cannot reasonably currently control the number of visitors to the site at any given moment, as a result of this proposal, there is likely to be an intensification of the use of the site, meaning there would be more visitors to the development proximity zone of a hazardous installation during any given week. Indeed this is demonstrated by the applicant’s stated aspiration to utilise the pitch between 9am – 10pm between Monday-Sunday.

- 7.22 The applicant has also suggested a condition restricting the overall number of visitors to the site at any one time to 250 people. At paragraph 56, the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects. Officers consider that it would be difficult to ensure that no more than 250 individuals would be present on the site at any one time and whether this could be reasonably enforced. Moreover, this would not prevent an increase in the number of visitors to the site across any given week, where the increased durability of the pitch would result in greater numbers of individuals visiting the site and therefore the development proximity zone of the adjoining hazardous installation. The HSE has also confirmed that such a condition would not alter its advice against the proposals.
- 7.23 Therefore, whilst it is acknowledged that there are significant community benefits resulting from the proposals, officers do not consider, given HSE's advice against the proposals, that this would overcome public safety concerns by reason of a conditions restricting the number of individuals at the site at any given time.
- 7.24 However, were members minded to approve the application, the Local Planning Authority is required to give the HSE **21 days** advance notice, to consider whether to request that the Secretary of State calls in the application for their own determination.

Green Belt

- 7.25 The application site is located in the Green Belt. Saved Policy GB1 of the Local Plan 2001 states that development will not be permitted that would conflict with the purposes of the Green Belt and maintaining its openness.
- 7.26 Although there is a degree of consistency with the NPPF, Saved Policy GB1 also states that development will not be permitted except for five appropriate uses. The works proposed in the current application do not comprise any of the appropriate uses set out in Saved Policy GB1.
- 7.27 This differs from the more recent and more up to date NPPF which allows inappropriate development when the identified harm to the Green Belt is clearly outweighed by other considerations that constitute 'very special circumstances'. Because of the inconsistency between Saved Policy GB1 and the NPPF, the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF.
- 7.28 At section 13 on '*Protecting Green Belt land*' the NPPF states that the Government attaches great importance to Green Belts. It further states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Additionally, the NPPF states that the Green Belt serves the five purposes of:

a) *To check the unrestricted sprawl of large built-up areas;*

- b) To prevent neighbouring towns merging into one another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 7.29 The NPPF also advises that Local Planning Authorities should regard the construction of new buildings as being inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. These will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.30 At paragraph 154, the NPPF lists a number of exceptions to inappropriate development, including relevant to the current application, part b) relating to the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it.
- 7.31 The Planning Practice Guidance (PPG) on the Green Belt, advises that openness is capable of having both spatial and visual aspects, in other words the visual impact of the proposal may be relevant as may its volume.
- 7.32 The proposal is considered to constitute an appropriate facility for outdoor recreation. The replacement of the existing grass pitch with an artificial pitch, whilst likely to result in greater number of users across any given week as a result of increased durability of the playing surface, is not considered to have an adverse impact upon openness in comparison to the existing pitch.
- 7.33 There are 8 floodlights currently surrounding the pitch, which when measured from the existing plans are some 15 metres in height. It is proposed that 8 new floodlights would replace the existing. As the flood lights would be a similar height to the existing, this element of the proposals is also considered to preserve openness.
- 7.34 The plans also show that notwithstanding the stand and spectator areas, a 4.5-metre-high fence would enclose the pitch. It was observed during the site visit that a mixture of close-board and chain link fencing currently encloses to pitch. Whilst the proposed fence would be higher than the existing, given that the pitch is currently enclosed, on balance, the increased height is not considered to have a significant adverse impact upon openness.
- 7.35 The proposed artificial pitch, floodlighting and associated fencing, are therefore considered to constitute an appropriate facility for outdoor recreation that would preserve the openness of the site and would represent an exception to inappropriate development in the Green Belt as listed at paragraph 154 of the NPPF.
- 7.36 However, the plans also show that 'ball-stop' netting would be installed between the pitch and the adjoining oil terminal that would measure some 15

metres in height and 60 metres in width. Existing netting of a similar height situated behind the goal nearest the oil terminal was observed during the site visit and is considered to partially mitigate any adverse impacts. However, the plans show that the proposed netting would be some 20 metres greater in width than the existing netting, and given the 15-metre height, the increased width is considered to have a visual impact upon openness, albeit that views would only be restricted partially through the netting.

- 7.37 The plans also show that the bund/mound would be located to the north of the site would measure approximately 0.5 metres in height and 12.5 metres in width. This would also have a visual and spatial impact upon openness to an extent. The application also proposes the siting of a storage container which would also impact openness.
- 7.38 As such, some of the proposals, namely the ball-stop netting, the proposed bund/mound and storage container, would not therefore preserve openness and are not considered to constitute an exception to inappropriate development in the Green Belt. The NPPF states that substantial weight must be given to the harm to the Green Belt by reason of constituting inappropriate development. Substantial weight must also be given to the adverse impact upon openness.
- 7.39 Had the proposal been acceptable in all other regards, namely had officers considered the proposals to be acceptable in terms of the proximity of the site to the adjoining hazardous installation, it would have been considered that the benefits of the proposals, including the benefits of improving this community facility, would have outweighed the harm to the Green Belt and openness.
- 7.40 However, when a proposal constitutes inappropriate development in the Green Belt in order for 'very special circumstances' to exist, the benefits of the proposals must outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. In this instance, any other harm would be an increase in the risks associated with hazardous development, namely as a result of the location of the Esso West London Oil Terminal site which officers consider would be contrary to the objectives of policy EN14 and the NPPF. The proposal would therefore also constitute inappropriate development in the Green Belt, where no 'very special circumstances' exist to outweigh the harm to the Green Belt and any other harm.

Community Facilities

- 7.41 Policy CO1 of the CS&P DPD states that the Council will seek to ensure that community facilities are provided to meet local needs by supporting the provision of new facilities for which a need is identified in locations accessible to the community served and supporting improvements to existing facilities to enable them to adapt to changing needs.
- 7.42 At paragraph 96, the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and

accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- 7.43 The Spelthorne *Playing Pitch Strategy* (November 2019) indicates there is one full sized and one small-sized '3G' pitch facility in the east of the borough and one small-sided pitch in the west. The pitch strategy identifies that there is a key provision gap in the centre of the authority, identifying Ashford Town FC, Thomas Knyvett College and the new Spelthorne Leisure Centre as potential sites to meet the shortfall. The strategy further identifies that there is a 1.92 shortfall in full-sized 3G football pitches in the borough.
- 7.44 The proposed artificial pitch would ensure that a community facility would be provided in an area where there is a clear and identified local need as outlined in the Spelthorne Playing Pitch Strategy. The proposal would therefore be in accordance with the objectives of policy CO1.
- 7.45 Whilst there is an existing grass pitch within the stadium area, the proposed artificial pitch would enable greater use of the facility throughout the year and at times of bad weather. Moreover, the facilities would support health lifestyles, and the scheme is also considered to be in accordance with the objectives of section 8 of the NPPF relating to '*Promoting healthy and safe communities*'.
- 7.46 The LPA has also consulted Sport England, which in turn has consulted the Football Foundation and Middlesex FA. Sport England notes that there is a shortfall of 2 full-sized 3G adult pitches in Spelthorne, with the key provision gap being in the centre of the borough. Sport England is therefore supportive of the application and raises no objections subject to a condition.
- 7.47 It is noted that the removal of the existing grass pitch would result in the loss of a sports playing field. However, any loss is considered to be mitigated by its replacement with an artificial pitch that would enable greater use. Notwithstanding concerns over the proximity of the site to the Esso West London Oil Terminal the proposal is therefore considered to be in accordance with the objectives of policy CO1. However, officers do not consider that this would outweigh the harm associated with introducing additional visitors in close proximity to a hazardous installation.

Character and Appearance

- 7.48 The NPPF places a strong emphasis on design and at section 12 on '*Achieving well-designed and beautiful places*' states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The framework further states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.49 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of new development. The policy further states that proposals for new development should demonstrate that they will

respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

- 7.50 It is considered that the proposals have an acceptable impact upon the character of the area. The pitch/stadium is partially screened from the public highway by fencing, trees, nearby dwellings and shrubbery. The proposed artificial grass pitch would replace the existing grass pitch, and the proposed fences, whilst taller than the existing are not considered to have an adverse impact upon visual amenity in the context of the existing sports stadium.
- 7.51 The proposed flood lighting would be similar in appearance, height and design to the existing flood lights and are therefore considered to have a satisfactory impact upon the surrounding character. Officers also consider that the proposed netting and bund/mound and the siting of the proposed shipping container would have a satisfactory visual impact. Officers also consider that the proposals are would maintain the relatively open character of the site, notwithstanding the impact upon the openness of the Green Belt identified in this report. The proposals would therefore have an acceptable impact upon the character and appearance of the area and would be in accordance with the objectives of policy EN1 and the NPPF.

Amenity

- 7.52 Policy EN1 of the CS&P DPD states proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss or privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.53 At paragraph 135, the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.54 Policy EN11 of the CS&P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level.
- 7.55 Policy EN13 of the CS&P DPD states that the Council will seek to reduce light pollution by only permitting light proposals which would not adversely affect amenity or public safety.
- 7.56 At paragraph 191, the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site and wider area impacts that could arise from the development. In doing so decisions should mitigate and reduce impacts resulting from noise from new development and should limit the impact of light pollution from artificial light on local amenity.

- 7.57 When measured from the plan, the proposed fencing would be situated approximately 14 metres from the boundary with the rear garden of the nearest residential dwelling, namely no.4 Westview Cottages. The nearest flood lighting column would also be situated approximately 15.9 metres from the boundary with this dwelling and some 20.5 metres from the rear elevation. At such a distance, it is not considered that the proposal would have an overbearing impact, or a detrimental impact upon light and privacy.
- 7.58 The fencing would also be situated approximately 28 metres from the nearest dwelling in Short Lane, namely no.18, and at such a distance, officers do not consider that the proposals would have an adverse impact upon light, would result in an overbearing impact, or that the scheme would have an adverse impact upon privacy. The proposal is also considered to have an acceptable impact upon the light and privacy of all further dwellings in the surrounding locality.
- 7.59 In regards to noise, it is noted that the increased use of the site as a result of greater durability of the pitch, may lead to some increase in general noise and disturbance. However, the Council's Environmental Health Department has been consulted in relation to noise and raised no objections. Moreover, the environmental health department has also raised no objections on lighting grounds as a result of the proposed floodlighting subject to a condition.
- 7.60 The proposal is therefore considered to be in accordance with Policy EN1, EN11, and EN13 and would have a satisfactory impact upon the amenity of the occupiers of neighbouring and adjoining dwellings.

Parking & Highways

- 7.61 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Policy CC3 states that the Council will require appropriate provision to be made for off street parking in development proposals in accordance with its parking standards.
- 7.62 At paragraph 115, the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.63 It is noted that the LPA has received letters of representation which object to the proposals on the grounds of the impact upon parking upon Short Lane, particularly during tournaments.
- 7.64 The Council's Parking Standards SPG does not state a minimum parking requirement for sports pitches. However, for a stadium, there is a minimum requirement for 1 parking space per 15 seats. The applicant's Transport Technical Note indicates that the stand at the site can accommodate 150

spectators, which the Council's Parking Standards would require a minimum of 10 spaces. Whilst the Technical Note further states that the site contains 200 car-parking spaces, it is noted from the most recent planning application at the site (01/00539/FUL) that 44 parking spaces, and 66 spaces in an overflow area on the training pitch were in place at the time that permission was granted and no further planning applications for parking have been granted since that permission. In any event this would be sufficient when assessed against the Council's Parking Standards.

- 7.65 The LPA has consulted the County Highway Authority (CHA) which has raised no objections subject to conditions.
- 7.66 It is understood from the applicants Technical Note that the access to the site from Short Lane would remain unchanged as a result of the proposals. The applicant has stated that an entrance at the north of the site would be used for construction purposes. In the event that planning permission is granted, the County Highway Authority has recommended a condition that this access is permanently closed following construction.

Flooding & Drainage

- 7.67 The application site is located in Flood Zone 1. It is therefore considered that the proposals would have an acceptable impact upon flood flows and flood storage capacity. A small section at the front of the site is located within a 20-metre buffer zone around a main river, although none of the proposed works would take place in this area.
- 7.62 The LPA has consulted the Environment Agency, who has raised no objections.
- 7.68 The applicant has also submitted drainage details and a flood risk assessment, which has been reviewed by the County SUDS department that has raised no objections subject to conditions.

Archaeology

- 7.69 The applicant has submitted a desk-based archaeological assessment, which has been reviewed by the County Archaeology Officer. The Officer has raised no objections subject to a condition. Had the proposal been acceptable in all other regards, it would have been recommended that this was attached to the decision notice.

Biodiversity

- 7.70 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity in the borough by ensuring that new development, where possible contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance and landscape or nature conservation interest.

- 7.71 In its formal response to the recently withdrawn application (23/00856/FUL) the Surrey Wildlife Trust (SWT) advised that a sensitive lighting plan and mitigation strategy should be secured by condition, although the SWT also advised that there was a lack of evidence that the proposals would not have an adverse impact upon nocturnal wildlife, notably bats. Following receipt of photographs of the floodlighting, SWT indicated that further information should be provided.
- 7.72 In its consultation response to the current application, the SWT advised that in relation to the impact of the proposed floodlighting there would be value in requesting additional lighting information prior to determination, as recommendations in the Preliminary Ecological Appraisal and Habitat Condition may not be achievable. The SWT also noted that the applicant's lighting recommendations were generic and had not been specifically designed for this proposal. However, the SWT also commented that the LPA may consider the applicant's statement provides sufficient grounds to secure a sensitive lighting plan through condition.
- 7.73 The comments of the SWT are noted and attributed appropriate weight. In this instance, the proposed floodlighting would be broadly the same height to the existing floodlights, albeit that the hours of use are currently restricted by planning permission 93/00625/FUL.
- 7.74 On balance, given that the proposed floodlighting would replace the existing and would be of a similar height and in a broadly similar location, had the proposals been acceptable in all other regards, it would have been recommended that a Sensitive Lighting and Mitigation Plan was secured by condition.

Minerals

- 7.75 The site is located in a minerals consultation area. As such the Surrey County Council Minerals and Waste Policy Team was consulted, which has raised no objections subject to conditions.

Trees

- 7.76 The applicant's submission planning statement indicates that a small amount of foliage may be removed for the temporary construction access. However, the applicant has since confirmed that no vegetation would be removed. The Council's Tree Officer has been consulted and has raised no objections subject to conditions.

Contamination

- 7.77 Policy EN15 of the CS&P DPD states that the Council will ensure that where development is proposed on land that may be affected by contamination, action will be taken to ensure that the site is safe or will be made safe for its intended use.

The Council's Environmental Health Department has been consulted and noted that there are some discrepancies in the applicant's information. However, it was further advised that a pre-commencement condition should be imposed upon the decision notice in relation to contamination. Had the proposal been considered as acceptable in all other regards it would have been recommended that such a condition was imposed upon the decision notice.

Other Matters

- 7.78 The application site is located within a high-pressure pipeline consultation zone, and as such both Esso/Fisher German and the BPA were consulted during the construction process. The BPA has confirmed that there are no objections to the works, although has provided bullet point guidance and indicated that supervision would be required during the construction process. Esso/Fisher German has also confirmed that there are no objections, although has provided a special requirements brochure. Had the proposal been considered acceptable in all other regards, an informative would have been attached to the decision notice advising the applicant to contact Esso and the BPA prior to undertaking any works and drawing attention to the BPA's bullet points and Esso/Fisher German's brochure.
- 7.79 The LPA has consulted Heathrow Safeguarding, which has raised no objections subject to an informative.
- 7.80 The LPA has also consulted Natural England, which has not provided any comments on the current application, or indeed the previous similar application at the site (23/00856/FUL). However, given the nature of the proposals and the location of the site, the scheme is unlikely to impact a SSSI or London Waterbodies site.
- 7.81 Additionally, the LPA has consulted Thames Water, which has not commented on the current application. However, Thames Water raised no objections to the previous scheme, which was broadly similar to the current proposals (23/00856/FUL). The 21-day statutory deadline for a response has also now expired (07.02.2024).

Equality Act 2010

- 7.82 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.83 The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.84 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.85 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.86 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

Financial Considerations

- 7.87 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. It is relevant to note that the proposal is not a CIL chargeable development.

Conclusion

- 7.88 The application proposes improvements to a community facility where there is a demonstrable need for such a facility within the Borough as demonstrated through the Spelthorne Pitch Strategy (November 2019). This is attributed significant weight and weighs in the development's favour. For the reasons outlined in this report, the proposal is also considered to have an acceptable impact upon the character and appearance of the area, residential amenity, parking & highways, archaeology and minerals. Had the proposals been acceptable in all other regards, it is considered that 'very special circumstances' would have also existed to outweigh the harm to the Green Belt.
- 7.89 It is acknowledged that there would be significant public benefits by improving this community facility. The proposal would also achieve the aims of promoting healthy and safe communities as encouraged by part 8 of the NPPF on '*Promoting healthy and safe communities*'.
- 7.90 However, the proposals would result in an intensification of the use of the pitch and a greater number of visitors to a site situated in close proximity to a hazardous installation, namely the Esso West London Oil Terminal. Given the objection of the HSE, and the likely greater number of visitors to the site,

the proposal would significantly increase the likely harm to individuals in the event that a major incident was to occur at the oil terminal.

7.91 As such, officer's consider that the proposal would be contrary to the objectives of policy EN14 and the NPPF. Whilst the benefits of the proposals are acknowledged and are attributed significant weight, this is not considered to outweigh the public safety harm of the proposals to which the LPA attaches substantial weight. It would also not overcome any other harm associated with the development, and the proposal to represent inappropriate development in the Green Belt, where there are no 'very special circumstances' to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. It is therefore recommended that the application is refused for the following reason:

7.85 It should be noted that the PPG on Hazardous Substances advises that that where a local planning authority is minded to grant planning permission against the Control of Major Accident Hazards (COMAH) [competent authority's](#) advice, "it should give the Health and Safety Executive, Environment Agency or Office for Nuclear Regulation advance notice of that intention, and allow 21 days from that notice for the COMAH competent authority to give further consideration to the matter. This will enable the COMAH competent authority to consider whether to request the Secretary of State for Communities and Local Government to call-in the application. The Health and Safety Executive will normally consider its role to be discharged when it is satisfied that the local authority is acting in full understanding of the advice received and the consequences that could follow". Consequently, if the Committee is minded to approve this application, it would first have to be referred to the HSE in accordance with the PPG.

8. Recommendation

8.1 REFUSE for the following reason:

1. The proposed development by reason of intensification of the use of the site across any given week, would introduce additional visitors into the development proximity zone of the adjoining hazardous installation, namely the Esso West London Oil Terminal. The proposals also represent inappropriate development in the Green Belt, and 'very special circumstances' do not exist to outweigh the harm to the Green Belt and any other harm. The proposal is therefore contrary to the objectives of policy EN14 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) Saved Local Plan Policy GB1 and the National Planning Policy Framework (December 2023).

Appendices: