

Agenda Item	A12
Application Number	22/00998/FUL
Proposal	Erection of two dugouts/outbuildings
Application site	Westgate Wanderers Football Club Maple Avenue Heysham Lancashire
Applicant	Westgate Wanderers Football Club
Agent	Mr Miles Manley
Case Officer	Ms Charlotte Greenhow
Departure	No
Summary of Recommendation	Refusal

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as Lancaster City Council own the land and lease it to Westgate Wanderers Football Club, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The application site relates to Westgate Wanderers Football Club, a local football club located on the south side of Maple Avenue, Morecambe. The club comprises of several non-enclosed football pitches, a changing room block, and large car park adjacent to the road. It is sandwiched between King Georges Field to the west and the Bay Leadership Academy to the east. It is designated as 'Open Space, Recreation and Leisure' within the Councils Local Plan and is located within Flood Zone 2.

2.0 Proposal

2.1 Planning permission is sought for the erection of two dugouts/outbuildings. The proposed dugouts will be sited along the western boundary of the site at the side-line of an existing football pitch. They will measure approximately 4.9m in width, 1.75m in depth and 1.75m in height. They will be constructed from concrete blocks and will feature roller shutters to prevent damage.

3.0 Site History

3.1 The following planning applications for the site have been received by the Local Planning Authority:

Application Number	Proposal	Decision
08/00329/FUL	Provision of Sports Changing facilities with Storage facilities and associated Car Parking Spaces	Permitted May 2008
07/01800/FUL	Erection of single storey changing facilities with CCTV security, siting of 2 no storage containers and car parking with perimeter fencing and playing field drainage	Withdrawn March 2008

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Parish Council	No response
Public Realm	No response
Property Services	No response
Sport England	No objection , satisfied that the proposed development meets exception 2 of our playing fields policy.

4.2 Public representations – Six letters of objection have been received. These are summarised as follows:

- The current building does not meet the needs of the football club
- The site is unsightly and not in keeping with the natural surroundings
- The site attracts anti-social behaviour
- The dyke is home to protected newts and should not be disturbed
- The land is poorly maintained
- Temporary containers have become permanent on the site

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on amenity
- Design
- Flood risk
- Ecology

5.2 **Principle of development** (NPPF Section 2 (Achieving sustainable development); Policy DM27 (Open space, sports and recreational facilities) of the Development Management DPD, Policy SC3 (Open space, recreation and leisure) of the Strategic Policies and Land Allocations DPD)

5.2.1 The application site is allocated as ‘open space, recreation and leisure’ within the Lancaster Adopted Policies Map 2020. Policy DM27 states “*proposals that seek to protect and enhance existing designated open spaces, sports and recreational facilities shall be supported by the Council*”.

5.2.2 The proposed dugouts/outbuildings will be located along the western boundary of the site at the side-line of an existing football pitch. The aim is to improve facilities and amenities at the club by providing dug out areas for home and away sides. In terms of this, given that the proposed dug outs will benefit the ongoing football activities and would have no impact on the playing fields or result in the loss of a playing pitch area, the principle of the development can be supported. This is also echoed by Sport England who raise no objections, citing that the development meets exception 2 of their playing fields policy:

'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.'

5.3 **Impact on amenity** (NPPF Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving well-designed places), Policy DM29 (Key design principles) of the Development Management DPD).

5.3.1 The proposed dug outs will support the existing football club activities on the site and will be used during match days to house home and away team players during games. While comments on anti-social behaviour have been noted, the proposed roller shutters are considered to prevent people from loitering around away from match days. Consequently, given the nature of the buildings, existing use of the site, and use of security measures, the proposed developments are not considered to result in any further adverse impacts on residential amenity.

5.4 **Design** (NPPF Section 12 (Achieving well-designed places); Policy DM29 (Key design principles) of the Development Management DPD)

5.4.1 The proposed dug outs are of a simple construction and will cover a relatively small ground area along the western boundary of the site. Given the size, scale, and low-key nature of the proposed developments, the proposed dug outs are not considered to appear out of place or result in any significant harm to the character of the area. However, it is noted that the design of the buildings could be improved to further enhance the appearance of the site (e.g., use of render, timber cladding, type of shutters etc). This was relayed to the agent but no amended plans were forthcoming. In any case, it is considered that external materials could be conditioned should planning permission be granted. Also whilst the LPA would not usually advocate roller shutters within the district, some form of security is considered necessary to prevent damage and anti-social behaviour.

5.5 **Flood Risk** (NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change), Policy DM33 (Development affecting flood risk) of the Development Management DPD)

5.5.1 The application site is located within Flood Zone 2 which is considered to have a medium probability of flooding. National Guidance states that all new development should be steered to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should be applied to compare other reasonably available sites.

5.5.2 In terms of the above, it was not considered reasonable to request a sequential test given that the proposed two dug outs are central to the on-going football club activities on site and therefore cannot be re-sited. Instead, the application has been accompanied by a flood risk assessment stating the developments will purely consist of concrete bases with block walls and will not include any electrics. The soakaway that currently drains the field will not be affected.

5.5.3 In addition to this, the development is considered to fall under the 'Water-compatible development' category within the Flood Risk Vulnerability Classification, which states that development for outdoor sports and recreation and essential facilities such as changing rooms would be acceptable. This is where temporary disruption is considered acceptable, and the development remains safe.

5.6 **Ecology** (NPPF Section 15 (Conserving and enhancing the natural environment), Policy DM44 (The protection and enhancement of biodiversity)).

5.6.1 Policy DM44 states that the development proposals should protect and enhance biodiversity and/or geodiversity, to minimise both direct and indirect impacts. There should, as a principle, be a net gain of biodiversity assets wherever possible. Where harm from development cannot be avoided, a developer must clearly demonstrate that the negatives effects of a proposal can be mitigated, or as a last resort, compensated for. Where a proposal leads to significant harm planning permission should be refused.

5.6.2 The proposed two dug outs will be sited along the western boundary of the site and directly adjacent to a dyke which lies approximately 0.8m away. Several comments have been received in regard to

this dyke and the presence of protected newts. Further information was therefore requested by the case officer to determine whether protected species are present (e.g. an ecology report or habitat suitability assessment), but no such information has been received. As such, it is not possible to effectively assess the implications of the two dug-out buildings, both during construction and operational phases, in relation to any potential protected species within the adjacent dyke. For this reason, the LPA is unable to ascertain whether protected species are present on site, or whether mitigation measures will be necessary. The application is therefore recommended for refusal based on insufficient information as it is impossible to say with certainty that the scheme will not be detrimental to the ecological value of the area.

6.0 Conclusion and Planning Balance

- 6.1 In conclusion, whilst the principle of the development is considered acceptable, the application has failed to demonstrate the ecological value of the area namely with regards to protected species adjacent to the beck and/or whether the development would result in any direct or indirect harm to habitats and species. The application is therefore contrary to Section 15 of the National Planning Policy Framework, Policy DM44 of the Development Management DPD, the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981.

Recommendation

That Planning Permission be REFUSED for the following reason:

1. Insufficient information has been provided to determine the impact of the development upon any potential protected species within the adjacent dyke. As a consequence, it is not possible to conclude that the development proposed will not result in harm to protected species. The development is therefore contrary to Section 15 of the National Planning Policy Framework, Policy DM44 of the Development Management DPD, the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None.