



COMMITTEE DATE 12/06/2024 **WARD** Sutton Central and
New Cross

APP REF V/2024/0155

APPLICANT Ashfield District Council

PROPOSAL Conversion of Derelict Shale Pitch into Football Grass
Pitch.

LOCATION Sutton Lawn, Lawn Lane, Sutton in Ashfield,
Nottinghamshire, NG17 5GP.

WEB-LINK [https://www.google.com/maps/@53.1270913,-
1.2542941,333m/data=!3m1!1e3?entry=ttu](https://www.google.com/maps/@53.1270913,-1.2542941,333m/data=!3m1!1e3?entry=ttu)

BACKGROUND PAPERS A, B, C, D, E, & K.

App Registered: 28/03/2024 Expiry Date: 22/05/2024

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.

The Application

This is a full planning application for the conversion of an existing derelict shale pitch in to a grass 11v11 football pitch at Sutton Lawn. The existing shale pitch is located in the north-west corner of the Lawn, and forms part of a wider Sports Hub Project at Sutton Lawn which has been awarded Government funding through the Towns Fund and Future High Streets Fund.

A demand for additional football facilities has been identified through consultation, as set out in the submitted 'Design & Access Statement' and it is stated that the grass football pitch will be managed by Sutton Academy in partnership with the council, as is the current arrangement.

Consultations

A site notice has been posted together with individual notifications to nearby properties, in addition to a notice being published in the local press.

The following responses have been received:

Ashfield District Council Ecology:

There are no protected species issues and it should result in a measurable biodiversity net gain.

Ashfield District Council Conservation Officer:

Proposal results in an enhancement to the character and appearance of the non-designated heritage asset (Sutton Lawn).

Ashfield District Council Environmental Health – Contaminated Land:

No adverse comments to make on the proposal.

Local Lead Flood Authority:

No bespoke comments to make. Advised of suggested Informatives.

Nottinghamshire County Council Highways:

It is considered that this is an additional facility and not a replacement therefore sufficient parking should be available and the expected usage of the pitch should be explained.

Sport England:

Do not objection and suggest conditions/informatives are added to any permission. It is considered the proposal involves the conversion of an existing derelict shale pitch into a grass football pitch which is part of a wider Sutton Lawn Sports Hub project. The Football Foundation are satisfied with the plans and the pitches should be constructed in accordance with the standards and methodologies set out in our guidance note 'Natural Turf for Sport'. The proposal provides an improvement on the derelict shale pitch with the same management arrangements as the existing playing field. Because the existing pitch is derelict there will not be any displacement of existing users while the works take place.

6 written representations have been received from residents, 2 supporting the proposal, 3 objecting, and 1 neither supporting nor objecting, making the following comments:

Support:

- Great idea turning shale pitch into a football pitch.
- Will keep motorbikes away.
- Will prevent fly tipping.

Object:

- Increase in litter.
- Damage to property from footballs.
- Noise.

- Lighting.
- Parking issues.
 - People will use Gresham Close and Penn Street to park instead of the new car park also proposed.
 - Damage to vehicles.
 - Block driveways.
- Antisocial behaviour.

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002) as amended by ‘saved policies’ 2007:

ST1 – Development.

ST2 – Main Urban Area.

RC3 – Formal Open Space.

National Planning Policy Framework (NPPF) (December 2023):

Part 2 – Achieving sustainable development.

Part 8 – Promoting healthy and safe communities.

Part 11 – Making effective use of land.

Part 12 – Achieving well designed and beautiful places.

Part 14 – Meeting the challenge of climate change, flooding and coastal change.

Part 15 – Conserving and enhancing the natural environment.

Part 16 – Conserving and enhancing the historic environment.

Relevant Planning History

Application Site:

V/1997/0475 - Site for Athletics Track; Cricket/Football/Rugby & Synthetic Pitches; Security/Bdry Fencing; F/Lights; Changing Fac; C/Parking & Minor Road - Outline Reg 3 Ashfield Conditional Consent.

V/2004/0350 - Conversion of an Existing Previously Floodlit Hard Porous Area to a Fenced Floodlit Synthetic Pitch - Reg 3 Notts CC Conditional Consent.

Wider Site:

V/2024/0156 - Improvements/Extension of Existing Changing Room Facility and Car Park and Access Road Resurfacing Works – PENDING.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Natural Environment.
- Highway Safety & Transport.
- Other.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 225). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

Principle of Development:

The application site is located within the main urban area where the principle of development is acceptable. Sutton Lawn is also the largest 'formal open space' in the vicinity and provides a central role in providing recreational facilities for the community.

The creation of a Sports Hub at Sutton Lawn is one of the projects awarded funding and to be delivered through the Towns Fund / Future High Streets Programmes. In addition to this application for a new grass football pitch, there are also aspirations to deliver enhancements to the existing sport facilities across the wider Sutton Lawn Site, which includes new parking, improvements to the existing sports pavilion (such as new/enhancements to changing rooms, welfare facilities etc), new 3G pitch, and general improvements to the drainage and access road. Some of these works (new car park, extension/alteration to the existing pavilion building, access road resurfacing etc) are captured by a currently pending planning application under reference V/2024/0156.

The projects' goal is to meet the demand for higher quality facilities and increase the usage. The project is being developed in partnership with Sutton Community Academy and the Football Foundation.

The application site is allocated as 'formal open space' under Policy RC3 within the ALPR (2002). Policy RC3 identifies that development which will lead to the loss of formal open space will only be permitted where:

- a) It is ancillary to the recreational use, or
- b) It would assist in the retention and enhancement of the recreational use of the site, or
- c) Adequate replacement provision is provided, or
- d) A significant improvement to the overall quality of recreational provision is proposed, or
- e) In the case of school playing fields, the development is required for educational purposes.

The proposed development is considered to be compliant with saved policy RC3 insofar as the development: would remain ancillary to the wider recreational use of Sutton Lawn, and it would retain and enhance an area for recreational use resulting in an improvement to the overall quality of recreational provision.

Some concerns which have been raised by residents during the consultation process relate to an increase in litter and antisocial behaviour, and damage to property from footballs. The application site is currently fully accessible to members of the public and previously used for sport and recreation. This is not altering the use or the siting of the pitch and there is nothing to suggest that changing it to a grass football pitch would create and/or exacerbate issues. Litter and anti-social behaviour would be controlled through the appropriate management of the site. The distance of the pitch to neighbouring properties is no closer than previously existed when the pitch was

used and had flood lighting. Other concerns raised by residents will be addressed throughout the report in the most appropriate sections.

Visual Amenity:

The surrounding location to the north and west comprises of residential dwellings with some commercial premises also visible. To the east and south is the remainder of the Sutton Lawn recreation ground, with additional residential dwellings to the east.

The form and function of the wider recreation ground can be easily understood, with existing grass football pitches, an enclosed 3G pitch, car parking, pavilion building, skate park, children's play park, cafe etc.

The application site is an existing hard-surfaced shale pitch, which could be regarded as an anomaly to the other facilities available at the site. The condition of the existing shale pitch has deteriorated due to it being generally unused. Grass now covers the shale pitch in parts, with a 'desire line' visible across the shale pitch connecting Sutton in Ashfield footpaths 130 and 131.

A visual change would be apparent for nearby residents and users of the recreation ground, in that the shale pitch will be converted to a grass pitch. No fencing or lighting is proposed as part of this application. It is considered that the proposed change would help to assimilate the site back into the wider recreation ground, and result in an overall enhancement to the character of the area.

Overall it is considered that the proposed would create an enhanced area of public open space, improving the overall quality of recreational facilities.

Historic Environment:

Sutton Lawn is identified as being a non-designated heritage asset (NDHA) (Ref: 874), listed as such for its historic and aesthetic significance.

Paragraph 209 of the NPPF (December 2023) identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Sutton Lawn is the original 18th century garden of the Unwin family, whose mansion once stood on Station Road. The Lawn Pleasure Grounds encompass the grounds of the former Sutton Hall, built as the residence of Samuel Unwin, a merchant hosier, and the land associated with his nearby Cotton Spinning Mill and Mill Lake. Sutton

Hall and most of the Mill complex no longer exist, but the Mill ruins and adjacent lake form the focal feature of the park today.

A number of elements from the original landscape remain, for example the dam and dam wall. The ruins of some of the original mill remain, which have been developed into residential properties and parts of the boundary wall still show the larger structures and the location of the mill.

Paragraph 203 of the NPPF (December 2023) requires Local Planning Authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed development is considered to represent an enhancement to the significance of Sutton Lawn as a NDHA, ensuring the application site remains in a use consistent with its conservation. The enhancement will also make a positive contribution to communities by providing improved facilities and make a positive contribution to the character of the area.

To the south-west of the application site, on the corner junction of High Pavement and Forest Street, is the Roman Catholic Church of St Joseph the Worker, which is also identified as a NDHA (Ref: 744). The church was designed in a Romanesque style with a bell tower 71 feet high. The church was completed in 1961. It was blessed and opened on 11th October 1961.

The setting of a heritage asset is accepted as the surroundings in which the heritage asset is experienced, bearing in mind that those surroundings may change over time.

There are limited views of the church tower from the application site, with views of the wider church building being unobtainable. Views towards the church are largely obscured by intervening development.

Overall, it is considered that the development would enhance Sutton Lawn as a NDHA, and would have a neutral effect on the significance of other nearby heritage assets through development within the wider setting.

Consultation comments received from the Council's Conservation Officer concur that the proposal would result in an enhancement to the character and appearance of Sutton Lawn as a NDHA.

Residential Amenity:

The proposed grass pitch will be managed by Sutton Community Academy and used for school PE activities during school hours. In the evenings and weekends, it would be available for use by community football organisations, with bookings and operations managed by the Academy. As the site is not proposed to be fenced, then some degree of casual use by members of the public may be experienced, but as no lighting is proposed the use of the pitch for all users would be governed to an extent by the level of daylight available.

The proposal generating an increase in noise has been raised as a concern by residents. Sutton Lawn is a recreation ground which is used by the community/organisations for a variety of uses, and it is not unreasonable to suggest that a degree of noise is to be expected when being within proximity to the recreation ground.

Sutton Lawn has existing football pitches/facilities on site. The existing shale pitch area could be used now which could generate a degree of noise. The areas of open space around the nearby/proposed pitch(es) could also be utilised on an informal basis by members of the community for a variety of reasons.

Whilst the new pitch may generate some noise by bringing a current 'vacant' area back in to use, it is considered that this would not detrimentally affect the living conditions of nearby residents when considering its scale and intended use within the context of the wider site.

Highway Safety:

A concern which has been raised by residents is that the proposal will result in further on-street parking on the nearby highway network, such as on Penn Street and Gresham Close, which are to the north-west of the application site.

A second application has been submitted to the Council (planning application reference V/2024/0156) which includes the creation of a new car park. The second application is still currently under consideration at this time. These applications have been submitted separately as further works are required under the second application (V/2024/0156) in respect of the presence of bats.

Under the second application (V/2024/0156) a 'Transport Assessment' (Dated 25/03/2024, Report Ref: GB01T24B31) has been submitted which identifies the level of need for parking within the wider Sutton Lawn site following surveys of parking demand. The surveys identified that the main car park adjacent to the pavilion building was in greatest demand, with demand being highest at weekends when sporting events are taking place.

A need for an additional 48 parking spaces has been identified, and 58 new parking spaces are proposed under the second application. The existing main car park,

adjacent to the pavilion building, currently has 46 spaces available. When combined with the proposed car park extension, this would provide a capacity of 104 spaces. It is also proposed as part of the second application to increase the number of accessible spaces in the main car park from 4 to 6. Overall, this level of parking is considered to be appropriate to help meet current and future demands associated with the conversion of the shale pitch, in addition to creating additional parking in the area where parking is in the greatest demand.

Car parking is currently restricted along the access to Sutton Lawn, along Lawn Lane, and is subject to parking restrictions in the form of double yellow lines and resident permit holder parking. Officers acknowledge that high levels of on-street parking on residential streets can be a cause of frustration for residents, and it is anticipated that the proposed car park extension under the second application can assist with alleviating some of this. However, should residents still feel as though more needs to be done about on-street parking within their area, they may wish to contact Nottinghamshire County Council as the Highway Authority to discuss possible options to address on-street visitor parking.

New cycle parking is also proposed under the second application within the main car park area. This new cycle parking is in addition to that already available at the café.

It is acknowledged that these two applications are linked, even though they have been submitted separately. It is therefore considered that the use of a 'grampian condition' could allow the Council to determine this application but prevent the new grass pitch from being brought in to use until parking has been made available within the wider locality to help with likely demand.

Two Public Rights of Way run near to the site. Based on the submitted details the development is unlikely to affect these, although an informative is advised to make the applicant/developer aware to ensure the footpaths remain unobstructed, or suitable diversions are in place following correspondence with Nottinghamshire County Council's Rights of Way Team.

Natural Environment:

A 'Preliminary Ecological Appraisal and Daytime Bat Walkover Report' (Dated March 2024, Report Ref: 1539a, prepared by 'EMEC Ecology') has been submitted with the application.

Areas of grassland and bare ground were identified within the report with limited plant species present.

The shale pitch site was assessed as being of Low suitability for foraging and commuting bats, and no features were identified on Site to support roosting bats. No trees, buildings, or structures were located on Site. Habitats on site, and their connectivity, were considered to be sub-optimal for other protected species.

The creation of the new pitch was considered to reduce foraging habitat for swifts. As such the creation of an area of wildflower planting is recommended to be implemented either around the perimeter of the new pitch or in an alternative location within the wider Sutton Lawn Park, to increase foraging opportunities for swift.

Part 5 of the submitted Ecological Appraisal sets out further enhancement measures, in addition to the wildflower planting, which could be implemented in suitable locations across the wider Sutton Lawn, which includes:

- The installation of bat and bird boxes, and 'invertebrate Hotels', on trees within the wider site.
- New native tree planting.

These enhancement measures would help to deliver a measurable gain for biodiversity, as advocated by the NPPF (December 2023), and as such are proposed to be secured by condition(s).

Other:

Ground Investigations:

Some ground investigations have taken place at the shale pitch, which identified some areas of made ground to depths of between 0.3m and 1.25m. The made ground has been tested and is uncontaminated. The Council's Environmental Health Team raise no concerns in regard to contaminated land.

Drainage:

A 'Drainage Statement' (Dated 02/05/2024, Report Ref: 23-0255, Prepared by BSP Consulting) has been submitted with the application, which identifies that the entire site is at a very low risk of surface water flooding.

At present surface water naturally drains into the ground at natural greenfield rates. However, a separate geotechnical report has been undertaken for the site which has ruled out the use of formal infiltration-based measures to deal with surface water due to poor on-site infiltration rates. As the proposed football pitch is required to be kept as dry as possible, and the indicated geology on-site would potentially result in large amounts of standing water, the discharge of surface water runoff by infiltration-based systems has been ruled out.

As such a series of land drains underneath the proposed football pitch will be utilised which will connect to a proposed filter strip to the south of the pitch. The filter strip will act as a source of a water quality treatment before unrestricted discharge, mimicking natural greenfield rates, to the 675mm diameter STW combined sewer located to the east of the site.

Conclusion:

The proposed development seeks to convert the existing derelict shale pitch into an 11v11 grass football pitch. The proposal forms part of a wider Sports Hub Project at Sutton Lawn which has been awarded Government funding through the Towns Fund and Future High Streets Fund.

The principle of development is considered to be acceptable, and compliant with ALPR (2002 saved policy RC3 (Formal Open Space)).

It is considered that the proposed change would help to assimilate the site back into the wider recreation ground, and result in an overall enhancement to the character of the area. The development is also considered to enhance the significance of Sutton Lawn as a non-designated heritage asset.

It is considered that the creation of a grass football pitch would not detrimentally affect the living conditions of nearby residents when considering its scale and intended use within the context of the wider recreation ground.

Residents are concerned about an increase in parking on nearby local streets, whilst this is acknowledged, an additional area of parking is currently being considered under a separate planning application (V/2024/0156). Condition(s) are proposed accordingly to address this.

Measures are to be implemented to achieve a measurable gain for biodiversity, as advocated by the NPPF (December 2023), and as such are proposed to be secured by condition(s).

No on-site contamination has been identified, and a proposed surface water drainage strategy has been developed.

Therefore based on the above, it is recommended that this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission, subject to the below conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - a. Site Location Plan, Drawing No.23015-00-003_P5, Received 04/04/2024.

- b. Proposed Layout Plans, Drawing No.23015-00-004_P5 (Received 04/04/2024), and (08)002 Rev.B (Received 05/04/2024).

The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to the commencement of development, an area to increase parking capacity within the wider Sutton Lawn site should be identified. Such additional parking provision should be implemented and made available for use prior to the hereby approved grass football pitch being brought in to use.
4. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to:
 - a. How construction traffic and deliveries will access the site (including routing).
 - b. Proposed hours and days of working at the site.
 - c. Proposed hours and days for receipt of deliveries at the site.
 - d. The parking of vehicles of site personnel, operatives and visitors.
 - e. Location of site storage areas and compounds.
 - f. Wheel washing facilities, including type and location.
 - g. A strategy for the minimisation of noise, vibration and dust.
 - h. Site contact detail in case of complaints.

Such agreed Construction Management Plan shall be adhered to throughout the construction period.

5. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - i. Where the results of the assessment to be carried out pursuant to (a) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints should also be submitted and approved in writing by the Local Planning Authority. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment along with a programme of implementation.
 - b. A schedule of playing field maintenance, including a programme for implementation, for a minimum period of five years following the commencement of use of the hereby permitted development. Following the commencement of use of the development the approved schedule shall be complied with in full.

The approved schemes pursuant to points (a), (a)(i), and (b) shall be carried out in full and in accordance with the approved details. The land shall thereafter be maintained in accordance with the schemes.

6. Prior to the hereby approved development being brought in to use, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes, and 'invertebrate Hotels' which are to be installed on trees within the wider Sutton Lawn site. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
7. Prior to the hereby approved development being brought in to use, details shall be submitted to the Local Planning Authority and approved in writing in relation to:
 - a. The type, number and standard of trees which are to be planted within the wider Sutton Lawn site.
 - b. The area and plant mix to be used for the creation of an area of wildflower planting within the wider Sutton Lawn site.

Once approved the trees and wildflowers shall be planted in the first available planting and seeding season following the pitch being brought in to use or the completion of the development, whichever is the sooner; and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

8. The surface water drainage for the development shall be carried out in accordance with the details contained within the submitted 'Drainage Statement' (Dated 02/05/2024, Report Ref: 23-0255, Prepared by BSP Consulting), including the 'Shale Pitch Drainage Strategy' Plan (Drawing No.SLAC-BSP-XX-XX-D-C-0240 P03) at Appendix C of the Drainage Statement. These details shall be implemented prior to the hereby approved grass football pitch being brought in to use.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interest of highway safety.

4. To reduce the impact on the amenity of neighbours from the construction of the development.
5. To ensure that the playing field is prepared to an adequate standard, is fit for purpose, and is established as a functional playing field.
6. To enhance local biodiversity.
7. To enhance local biodiversity.
8. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The development should not increase flood risk to existing properties or put the development at risk of flooding.
3. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
4. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
5. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England

and National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

7. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
8. Two Public Rights of Way run near to the application site, Sutton in Ashfield Footpaths 130 and 131. The applicant/developer should be aware of their responsibility to ensure these footpaths remain unobstructed during development, or to ensure that suitable diversions are in place following correspondence with Nottinghamshire County Council's Rights of Way Team.