

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 18th October 2023

Subject: **DC/2023/01007**
Maghull Football Club Tommy Gent Way Maghull Liverpool L31 3DY

Proposal: Erection of 1 covered stand (seating); 1 covered stand (standing); 2 covered dugouts; 1 entrance booth with turnstile; pitch perimeter barrier (1.1m height); ground boundary fencing; siting of 6 x 15 metre high floodlighting columns and provision of hardstanding to a minimum width of 0.9 metres from pitch side perimeter on all four sides of the pitch.

Applicant: Mr Kevin Hazard **Agent:**
Maghull Football Club

Ward: Sudell Ward **Type:** Full application - major

Reason for Committee Determination: Called in by Councillor Hardman, petition endorsed by Councillor Hardman and major application with 5 or more representations on planning grounds.

Summary

This application seeks to provide additional facilities at an existing sports ground.

The main issues to consider include the principle of the development, its visual impact and its effects on living conditions, highway safety, drainage, nature conservation and the canal.

The report concludes that the proposal complies with relevant planning policy and the application is recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Case Officer Diane Humphreys

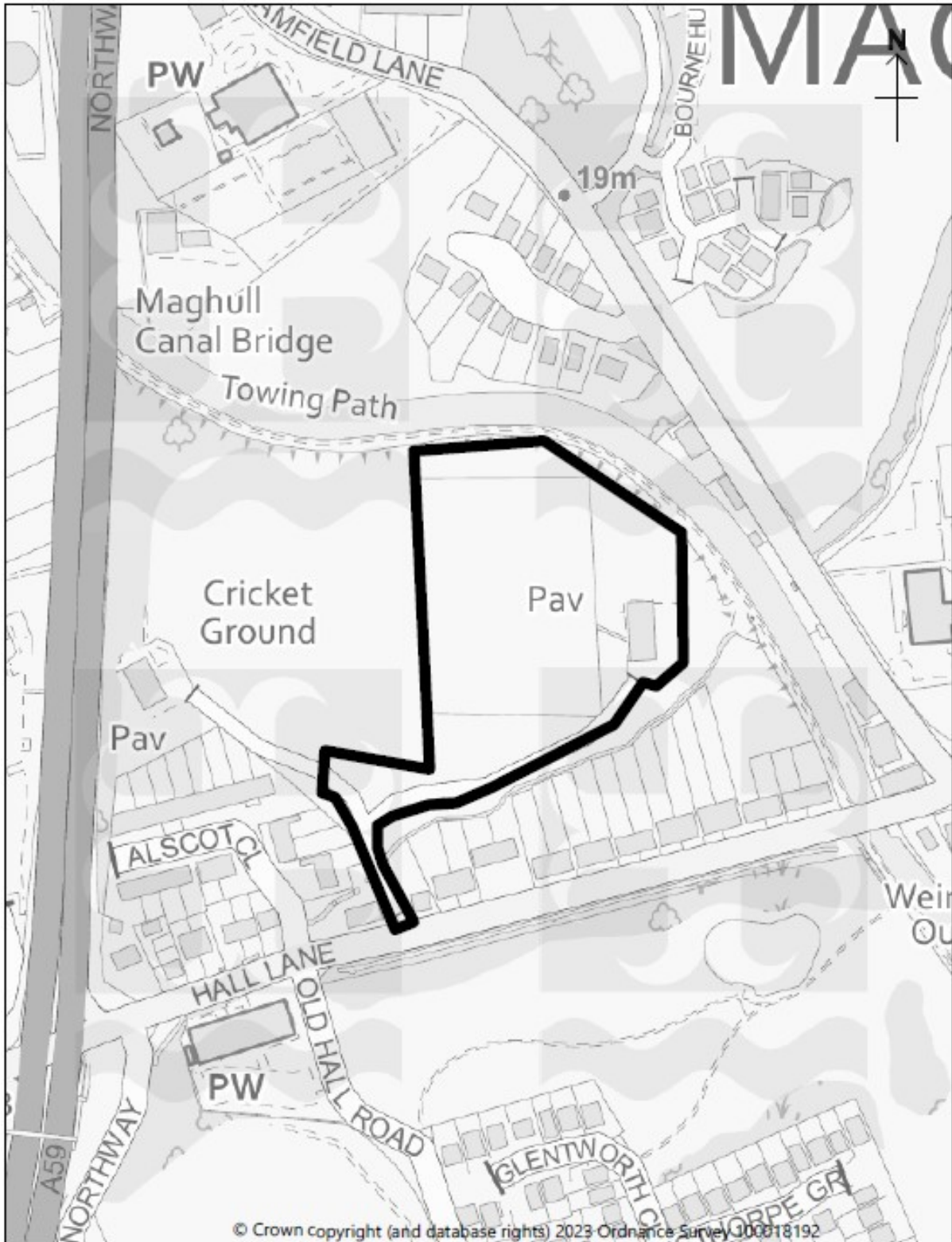
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVVYZPNWGQ600>

Site Location Plan



The Site

The application site is 1.9 hectares in area and is occupied by a football pitch, pavilion and ancillary facilities used by Maghull Football Club.

The land is accessed from Tommy Gent Way, located on the north side of Hall Lane, Maghull, and extends to the rear of houses numbered 21 to 57 (odds only) Hall Lane. It is bordered by the Leeds and Liverpool Canal to the north and east and by Maghull Cricket Club to the west.

History

There are a number of planning applications relating to the site but none are directly relevant to the current proposal.

Consultations

Local Plans Manager

No objection in principle

Conservation Manager

No comments

Environmental Health Manager

No objection subject to conditions

Highways Manager

No objection subject to a condition

Flooding and Drainage Manager

No objection

United Utilities

No objection subject to a condition

Environment Agency

No objection subject to informatives

Merseyside Environmental Advisory Service

No objection subject to conditions

Canal And River Trust

No objection in principle

Fire and Rescue Service

No objection

Neighbour Representations

Objections

A petition signed by over 140 residents and endorsed by Councillor Hardman has been submitted in opposition to the development. The petition objects on the following grounds:

- Appears to be a business venture which would exclude many people including women, young people, disabled people and those with limited mobility
- Noise and light pollution
- Disturbance to nocturnal wildlife
- Lack of archaeology consideration
- Lack of infrastructure to cope with the increased demand for the updated facility
- Requirements around anti-money laundering must be followed

In addition, individual written objections have been received from approximately 50 addresses with almost 40 of these lying within Maghull. These include representations from Sudell Ward Councillors Hart and Hardman. Councillor Hardman maintains a neutral stance but asks for residents' concerns to be addressed by conditions should planning permission be granted.

The grounds of objection are summarised below:

Principle

- Unsuitable location for expansion
- Facilities not needed
- Loss of public access
- Restrictive covenant on the land which belongs to the people of Maghull
- Development is unlawful as it breaches the covenant
- Significant importance to local community as a natural green space

Visual Impact

- Fencing and stands will spoil the aesthetics of the playing field
- Stand will spoil a view
- Loss of beauty

Living Conditions

- Noise pollution
- Light nuisance
- Loss of privacy and overlooking from stands
- Traffic pollution
- Attraction for crime and anti-social behaviour

Highways

- Increased traffic and parking problems
- Inadequate access including for emergency vehicles
- Traffic congestion on Hall Lane

Ecology

- No consideration for wildlife

Other Issues

- Detrimental impact on adjacent cricket club
- Litter
- Capacity and safety concerns
- Lack of consultation and proper community consultation required as information is too technical
- Impact on house prices
- Impacts on human rights
- Data protection concerns
- Conflicts with Maghull Neighbourhood Plan
- Application too vague and misleading as club will open for longer hours and usage will increase
- Archaeology concerns
- Club doesn't own the land
- Area prone to flooding

Support

Individual written comments in support of the application have been received from approximately 13 addresses with just over half of these situated within Maghull. They support the club's proposals for a much-needed facility and praise its work in the local community.

Policy Context

The application site lies within an area designated as Open Space in the Sefton Local Plan which was adopted by the Council in April 2017.

The Maghull Neighbourhood Plan was 'made' (i.e. adopted) on 24th January 2019 and carries full weight in decision making.

Assessment of the Proposal

1. Introduction

- 1.1 This application seeks to provide additional facilities at an existing sports ground. The submitted documents outline that the proposed works would enable Maghull Football Club to play in the next tier of local football if they were to qualify for promotion in the future. The proposed stands would accommodate spectators for all weather conditions, as the current facilities do not include any covered stands although viewing of matches is possible from the clubhouse veranda during bad weather.
- 1.2 The main issues to consider include the principle of the development, its visual impact and its effects on living conditions, highway safety, drainage, nature conservation and the canal.

2. Principle of Development

- 2.1 The application site is located in an area designated as Open Space in the Sefton Local Plan. Policy NH5 'protection of open space and countryside recreation areas' permits in principle 'environmental improvements which enhance the site's environmental quality or green infrastructure benefits, including built facilities necessary for the use of the site'. It is understood the proposed structures and dugouts are necessary for the club to play in the relevant league and the proposal satisfies this element of the policy and is therefore acceptable in principle.
- 2.2 The proposals involve retention of the senior playing pitch and whilst very minor adjustments to the run-off area may be required to satisfy FA guidelines, this would be a matter between the club and the FA.
- 2.3 Both the Sefton Local Plan and the Maghull Neighbourhood Plan make up the development plan for the area. The application site is identified as an area of existing open space in the Neighbourhood Plan and is within the Hall Lane Character Area. The proposals do not conflict with any of the policies in the Neighbourhood Plan.
- 2.4 The principle of the development therefore accords with the development plan for the area.

3. Visual Impact

- 3.1 Local Plan Policy EQ2 'Design' indicates that development will only be permitted where the proposal responds positively to the character, local distinctiveness, and form of its surroundings. The policy also requires in terms of site design, that the arrangement of buildings, structures and spaces within the site, including the density and layout, and the alignment and orientation of the buildings relate positively to the character and form of the surroundings and achieves a high quality of design.
- 3.2 The proposed standing and seating stands measure 15m by 2m by 3m (maximum height) and 13.2m by 3m by 3m (maximum height) respectively. The applicant has confirmed the stands will be a green colour which will complement the open character of the site and this can be controlled by condition. The stands will be constructed in corrugated iron cladding with a corrugated iron and steel canopy and will be located close to the existing clubhouse in an area which is less open than the rest of the site. This area is also well screened by existing mature trees and vegetation. In design terms, the stands are common elements found at many sports grounds and are considered acceptable and in keeping with the use of the site.
- 3.3 The two dug-outs will be positioned in a more exposed part of the site but are small in scale (4m by 1.2m by 2m high maximum) and fit in with the sports facility operating at the site. The proposed pay booth (2.7m by 2.7m by 2m high) is also small in scale and will be sited towards the south-west corner of the site in an unobtrusive location.
- 3.4 Proposed 1.1m high post and rail barriers with mesh infills around the pitch will replace existing post and rail barriers of a similar height so this element of the proposal's impact will be similar to the existing visual impact.
- 3.5 The proposed floodlighting, comprising six 15m high floodlights (three floodlights along each longer edge of the pitch), and fencing consisting of a 1.8m high green mesh fence separating the football ground from the cricket pitch, will be the most visible parts of the proposal. However, these elements are often found at sports locations and other open spaces and will not have any significant harmful visual impacts particularly when viewed outside the site due to the existing mature trees and vegetation around much of the site perimeter.
- 3.6 The proposed development will retain the overall character of the site which is identified in the Maghull Neighbourhood Plan as an open space and green corridor. The proposal complies with Neighbourhood Plan policy MAG 5 'Green Corridors'.
- 3.7 The site is adjacent to Damfield Lane Conservation Area and the Conservation Manager has not raised objections to the proposal which will not cause harm to the heritage assets. Merseyside Environmental Advisory Service (MEAS) has provided comments relating to archaeology as this has been raised as an issue by objectors. MEAS advise there are no heritage assets recorded in the Merseyside Historic Environment Record within the

application site. The site is considered to have negligible archaeological potential and there is no need for further consideration of archaeology for this application.

- 3.8 The visual impact of the proposals complies with Local Plan policy EQ2 'Design' and is therefore considered to be acceptable.

4. Living Conditions

- 4.1 Local residents have raised objections regarding impacts from noise, lighting and loss of privacy.

Noise

- 4.2 The proposals relate to an existing sports facility and are unlikely to create significantly greater impacts than the existing situation. This has been recognised by the Environmental Health Manager who raises no objections on the grounds of noise disturbance.

Lighting

- 4.3 The proposals include the installation of six 15 metre high floodlights, three to be erected on each side of the pitch. A lighting design report submitted with the application has been reviewed by the Environmental Health Manager with additional information and clarification sought in terms of lighting levels. The applicant has advised that the proposed hours of use for the floodlighting would be between 18:45 and 22:00 on no more than an estimated 4 or 5 occasions per season.
- 4.4 On the basis of the additional information provided by the applicant's lighting consultant and the limited use of the proposed floodlights, the Environmental Health Manager raises no objections to the proposal subject to a condition limiting the number of occasions the floodlights can be used within a defined time period. An example of 10 occasions of 4 hours per year or football season is suggested as being reasonable. This would safeguard nearby residents in terms of limiting potential glare and overspill lighting impacts and would cover eventualities such as unscheduled replays, postponements or a successful cup run.
- 4.5 The Environmental Health Manager also recommends that the floodlighting should be operated and installed in a manner which minimises light overspill and glare on neighbouring properties through suitable shielding and orientation for example. This could be covered by the use of an informative advising on best practice.

Loss of Privacy

- 4.6 There is a distance of more than 40 metres between the proposed stands and the nearest residential boundaries allowing sufficient distance not to result in significant loss of privacy for neighbouring residents. There is also good screening around the site in terms of mature

trees and vegetation. As a guideline and for context, a distance of 21 metres between first floor habitable room windows in residential properties is usually regarded as acceptable (see the 'New Build Homes' Supplementary Planning Document).

Public Use and Security

- 4.7 Local residents have raised concerns about a lack of access to the site once the proposals are implemented. The applicant has stated that the proposed 1.8 metre high mesh fence separating the football ground from the cricket club will have two large gates, one at each end, and that these will only be closed when the first team are playing at home. This would be every other Saturday during the football season between the hours of 14:00 and 16:15 (approximately). At all other times, including when the reserves or youth teams play, full access would be available to everyone. Amended plans have been provided showing the location of the gates.
- 4.8 The applicant has also clarified that access from Tommy Gent Way will remain unchanged with the vehicular access gate being locked in the evening by whoever from the cricket or football club leaves the site last. The gate only restricts access to cars and there is no restriction to access by pedestrians and cyclists. It has also been confirmed that the proposals will have no impact on access to the cricket field.
- 4.9 With regards to safety and security, the applicant has confirmed that the proposed stands will be fully enclosed so that access will not be possible when games are not being played. Details of the means of enclosure have not yet been finalised although a note has been added to the Proposed Site Plan drawing confirming the stands will be enclosed when not in use. It is considered that a condition could be imposed to secure suitable details of the stands' means of enclosure prior to installation.
- 4.10 The applicant has also confirmed that they plan to extend coverage of their current CCTV system, which is linked to the Police, to include the new stands. This measure, and the enclosed stands, are supported by Merseyside Police's Designing Out Crime Officer.
- 4.11 The proposal satisfies Local Plan policies EQ2 'Design' and EQ4 'Pollution and Hazards'. In view of this and the other reasons outlined above the impact of the proposal on the living conditions of local residents is considered acceptable.

5. Access, Parking and Highway Safety

- 5.1 A Transport Statement (TS) has been submitted with the application and this has been reviewed by the Highways Manager. The TS clarifies that the works are required so the club could advance to the next tier of local football should they be promoted in the future and the proposal involves formalising existing arrangements or upgrading facilities for existing match attendees. It also states that car parking levels would remain unchanged as the number of attendees is not considered likely to increase.

- 5.2 Access to the site will continue to be provided from Tommy Gent Way which is only wide enough for one-way traffic. The access is considered acceptable for the site's particular use as the majority of vehicles will arrive at the site before the match and leave afterwards as two-way movements are unlikely to occur during match times. There is scope for vehicles to pass each other using the existing grass verges should the need arise.
- 5.3 The TS estimates that between 100 and 200 spectators will attend for the most popular matches with some arriving in advance and some staying later for a drink. These figures are similar to those given in the TS for last season's fixtures and the proposed covered stands would accommodate this level of spectators.
- 5.4 Upcoming fixtures for the men's first team, stated in the TS as the busiest for attendance, show that these will take place on Saturdays at 3pm or evenings after 6.30pm which is outside the weekday AM and PM peak periods for traffic on the adjacent highway network. The number of traffic movements from the expected maximum number of spectators (200) would be sufficiently small not to have a significant impact on the local network. There is no evidence to disagree with this information which is accepted by the Highways Manager who advises that the maximum number of anticipated spectators (200) would not be sufficient to justify carrying out traffic modelling for games held at any time.
- 5.5 The TS has reviewed accident data and demonstrates that the proposals are not considered to have an adverse impact on highway safety. It also demonstrates that the site is fairly accessible to sustainable modes of travel including by train, bus, cycling and walking.
- 5.6 Whilst the TS estimates that approximately 40 cars can be accommodated in the existing car park, the red line application site excludes the adjacent cricket club and would only accommodate approximately half that number. The TS points out that the proposals are not likely to increase the number of spectators and the amount of parking is therefore considered acceptable. The Highways Manager agrees with this approach and recommends that a condition is imposed so that the car parking spaces are marked out to maximise the parking provision but leaving adequate room to manoeuvre.
- 5.7 The proposal is considered to comply with Local Plan policy EQ3 'Accessibility'. The access and parking facilities are considered acceptable and the proposal is not considered to give rise to significant highway safety impacts.

6. Drainage

- 6.1 Concerns have been raised by local residents about the possibility of flooding on the site. A Flood Risk Assessment (FRA) has been provided with the application and the Council's Flooding and Drainage Manager, United Utilities and the Environment Agency have provided comments.
- 6.2 The Flooding and Drainage manager raises no objections to the proposal. The Environment Agency (EA) refers to the FRA and acknowledges that the site is located in Flood Zone 1 the lowest risk for fluvial and tidal flooding, is water-compatible as the site consists of amenity open space, and no works are proposed within 8 metres of Whinny Brook meaning that any impact on flood risk or drainage is acceptable. The EA considers the FRA to be appropriate to the nature and scale of the development and is satisfied that the proposal would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.3 The EA requests that informatives are attached to any planning permission giving advice on works near to Whinny Brook which is designated as a 'main river'.
- 6.4 United Utilities recommend the imposition of a condition to secure a foul and surface water drainage scheme but this is not considered reasonable or necessary given the comments made by the other statutory consultees.
- 6.5 For the reasons outlined above, the proposal complies with Local Plan policy EQ8 'Flood Risk and Surface Water'.

7. Nature Conservation

- 7.1 A preliminary ecological appraisal has been submitted with the planning application and reviewed by Merseyside Environmental Advisory Service (MEAS).

Designated Sites

- 7.2 The application site is adjacent to Whinny Brook local wildlife site which extends along its southern boundary and comprises a mix of wetland, woodland, scrub and grassland habitats as well as breeding water vole. MEAS concludes that the proposal is unlikely to harm the features for which the site has been designated but as a precautionary measure recommends a condition to protect Whinny Brook should the plans change to include alterations to Tommy Gent Way. The application does not propose any changes to Tommy Gent Way so the condition is not considered reasonable or necessary. However, an informative could be added to any approval notice to ensure the brook is protected from the works and one of the informatives recommended by the Environment Agency would cover this issue.

Bats

- 7.3 Records show that the canal and Whinny Brook are wildlife corridors for several bat species. MEAS advises that impacts from lighting along watercourses can have significant impacts on bat feeding behaviours and has reviewed the applicant's Lighting Design document. Clarification was sought from the applicant on whether the luminescence figures could be lowered or a condition accepted restricting the lights' usage to October to March inclusive. The applicant is happy to accept a condition restricting the lights' usage to between 1 October and 31 March inclusive to ensure bats are protected.

Terrestrial Mammals

- 7.4 The habitats on site are suitable for hedgehog which are a Priority Species. If the application is approved, MEAS recommends a condition to put reasonable avoidance measures in place during construction.
- 7.5 The proposal complies with Local Plan policy NH2 'Nature' and is therefore considered to be acceptable in relation to its impact on nature conservation.

8. The Canal

- 8.1 The Leeds and Liverpool Canal extends to the north and east of the site and is identified as a 'strategic path' in the Sefton Local Plan and Maghull Neighbourhood Plan. The proposal does not conflict with Local Plan policy EQ9 'Provision of public open space, strategic paths and trees' or the policies in the Neighbourhood Plan in terms of safeguarding Sefton's network of strategic paths.
- 8.2 The Canal and River Trust has been consulted on the application and raises no objections to the proposal subject to the works not having an impact on the structural integrity of the canal embankment. This could be covered by an informative. The Trust also asks that the Council considers how best to limit the impact of the floodlights on protected species which has been taken account of in paragraph 7.3 of this report.

9. Other Matters

- 9.1 The petitioners refer to the proposal being a business venture which would exclude certain members of the community. The supporting documents describe how Maghull Football Club has men's and ladies' senior teams and youth teams for boys and girls from under 7s to under 18s. There is also a men's veteran team for over 45s and opportunity for 3 to 6 year olds to learn early skills.
- 9.2 Some objections from local residents refer to a restrictive covenant on the land. However, this does not affect the assessment of the planning application as compliance with a

covenant is a separate legal matter. Similarly, the existence of a planning permission does not override the requirements of a covenant.

- 9.3 In terms of land ownership, the application form acknowledges that the club doesn't own the land and the applicant has stated on the form that the owner of the land has been informed of the application.
- 9.4 Issues raised around house prices, litter, money laundering and data protection are not material planning considerations.
- 9.5 Consultation on this planning application has been carried out in accordance with the Council's Statement of Community Involvement with 48 letters sent to properties adjacent to the site, a site notice posted on Hall Lane close to the site entrance and a notice published in the press.

10. Equality Act Consideration

- 10.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 10.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Planning Balance and Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Sefton comprises the Sefton Local Plan, Neighbourhood Plans and the Minerals and Waste Local Plan.

11.2 The above assessment sets out how the scheme complies with the Sefton Local Plan and the Maghull Neighbourhood Plan. The principle of the development and its visual impact are considered acceptable.

11.3 Conditions can be used, as recommended below, to control matters such as car parking, floodlighting and construction activities so that these impacts are minimised. As a result, the proposal's impact on living conditions, highway safety, drainage, nature conservation and the canal would be acceptable.

11.4 The proposal satisfies Local Plan policy SD1 'Presumption in Favour of Sustainable Development'. The scheme complies with adopted development plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation - Approve with Conditions

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2) The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. 211207-01 Location Plan

Drawing No. 211207-02 rev C Existing and Proposed Site Plans

Drawing No. 125-02 Proposed Standing Stand Elevations

Drawing No. 125-03 Proposed Seated Stand

Drawing No. 125-05 Proposed Site Elevations

Reason: For the avoidance of doubt.

During Building Works

3) Before the stands hereby approved are installed, full details of how they will be enclosed and secured when not in use shall be submitted to and approved in writing by the local planning

authority. The stands shall then be enclosed and secured when not in use in accordance with the approved details for the duration of the development.

Reason: To ensure an acceptable visual appearance to the development and in the interests of security/public safety.

4) The following reasonable avoidance measures shall be put in place during construction to ensure no adverse effects on hedgehog which is a priority species:

- All trenches and excavations shall have a means of escape such as a ramp;
- Any exposed open pipe systems shall be capped to prevent mammals gaining access; and
- All materials shall be appropriately stored so that mammals do not use them.

Reason: To safeguard conservation of species/habitats.

Before the Development is Occupied

5) The development hereby approved shall not be brought into use until car parking spaces have been marked out on the site in accordance with details to be submitted to and approved in writing by the local planning authority. The car parking spaces shall be kept available for the parking of vehicles in perpetuity thereafter.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

Ongoing Conditions

6) The floodlighting hereby approved shall not be switched on outside the period 1 October to 31 March inclusive and outside the hours of 18:30 and 22:30 and shall be operational on no more than 10 occasions in each football season.

Reason: To safeguard conservation of species/habitats and the living conditions of neighbouring occupiers and land users.

7) The stands hereby approved shall be coloured green for the duration of the development.

Reason: To ensure an acceptable visual appearance to the development.

Informatives

1) Whinny Brook is a designated 'Main River'.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a Main River (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any Main River, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal Main River) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

2) The Whinny Brook, adjacent to the proposed development, is designated as a Site of Local Biological Interest for its priority Biodiversity Action Plan habitats, rare floral communities, and breeding water voles. Although the submitted Preliminary Ecological Assessment concludes water voles are likely to be absent from the brook, connective habitat in the vicinity may be suitable, and historic records show that they have previously inhabited this reach of watercourse.

Water voles and their habitat are afforded full protection under the Schedule 5 of the Wildlife and Countryside Act 81. It is an offence to disturb them in a place used for shelter or protection.

Although works are not planned within 8m of Whinny Brook, disturbance associated with development may affect water voles. The precautionary reasonable avoidance measures (RAMS) should therefore provide appropriate mitigation measures to avoid disturbance to water voles. Recommendations set out in the Preliminary Ecological Assessment should be followed by the applicant.

3) The proposed 1.83 metre high fence post nearest to the canal should be hand dug to limit any impact on the structural integrity of the canal embankment and any plant and machinery should not track too close to the embankment.

4) The floodlighting should be operated and installed in such a manner as to provide the required level of illumination of the playing surface whilst minimising light overspill and glare by using suitable floodlight shielding and orientation, for example.