



Appeal Decision

Site visit made on 6 January 2015

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2015

Appeal Ref: APP/G5750/A/14/2227110

St Andrews Centre, St Andrews Road, Plaistow, London, E13 8QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by UCKG against the decision of the Council of the London Borough of Newham.
 - The application Ref 14/01709/FUL dated 28 July 2014 was refused by notice dated 24 September 2014.
 - The development is the erection of a football pitch, floodlights and associated facilities for informal recreational use by Pastors visiting the St Andrews Centre.
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Decision

1. The appeal is dismissed.

Background

2. The development was completed in October 2012 prior to the application to the Council. It consists of a small pitch surfaced with artificial grass. There is a low screen around the four sides of the pitch. The pitch is enclosed in netting to prevent footballs from being kicked out of the area. There are six large rectangular floodlights spaced around the pitch and mounted on tall metal supports.

Main issues

3. St Andrews Church is a grade II listed ecclesiastical building, built between 1868 and 1870. The main issues are:
 - the effect of the development on the setting of the listed building of St Andrews Church, and
 - the effect on the living conditions of the occupiers of neighbouring buildings in respect of light pollution, noise and disturbance.

Reasons

Effect on the setting of the listed building

4. The football pitch, netting and floodlight columns have a cluttered appearance when seen through the boundary trees from the public footpath at an adjacent section of the Greenway. The development detracts from the character and appearance of the church buildings because of the appearance of the floodlights and netting and is harmful to the setting of the listed building.

5. Nevertheless, the proposal would cause less than substantial harm to the significance of the listed building as a heritage asset, given the location of the football pitch to the rear of the church buildings. The trees next to the Greenway will also provide a greater degree of screening in the summer period.
6. The National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, because the pitch is for private use and, even taking into account any secondary benefits to the community from the recreation of the Pastors, there would be no significant public benefits from the development to outweigh the harm that has been identified.
7. The development has a harmful effect on the setting of the listed building of St Andrews Church. It conflicts with policies SP1, SP3 and SP5 of the London Borough of Newham Core Strategy regarding place making, quality of design and conservation of heritage assets. It also conflicts with policies 7.1, 7.4, 7.6 and 7.8 of the London Plan and the conservation objectives of the Framework.

Effect on living conditions of neighbours

8. The football pitch is located between the church buildings and the small rear garden of No.36 St Andrews Road. St Andrews Road mainly has two storey terraced houses at either side. One goal end of the pitch is very near to the close boarded boundary fence of No.36. Consequently, during matches a lot of the shots at goal at that end will hit the boundary fencing with some force and noise. There was evidence at the site visit that the top part of the fencing may have been damaged as a result of this activity.
9. The rear garden and rear first floor bedroom window of No.36 will also be affected by the floodlighting, in view of the proximity, height and likely intensity of the lighting when the pitch is used in the evenings. The noise from the shouts of players and from footballs hitting the fencing would be disruptive for the occupants of No.36, combined with unacceptable levels of lighting affecting their property.
10. The netting and some of the floodlights may be seen from St Andrews Road above an entrance to the pitch area. Residents living opposite the entrance, including Nos.19 and 20 St Andrews Road, will also experience significant levels of noise and disturbance from the use of the pitch, combined with light pollution in the evenings. It may be possible to reduce the spillage of light from the pitch by using cowls or more directional light units to protect the amenity of neighbours. However, there would still be a significant glare from the lit pitch area when seen from the rear garden and rear first floor bedroom window of No.36 St Andrews Road.
11. It is found that the development and its use has a significant harmful effect on the living conditions of the occupiers of neighbouring dwellings in respect of light pollution, noise and disturbance. In this respect it conflicts with policies SP1, SP2 and SP3 of the Newham Core Strategy regarding place making and minimising environmental impact. It also conflicts with policy EQ45 of the Newham Unitary Development Plan regarding noise and light spillage, policies 7.1, 7.4 and 7.15 of the London Plan and the objective of the Framework of protecting residential amenity.

Other Matters

12. The appellants have suggested a number of measures to mitigate the harm from the development and its use. These include:
- reducing the hours of use to no play after 7 pm or before 10 am Monday to Saturday and no play on Sundays and Bank Holidays;
 - restricted use of the floodlights as a consequence of the restricted hours of use and according to the time of year. Provision of downlighters to avoid glare;
 - use of acoustic protection on the side panels to provide effective sound attenuation;
 - additional measures secured by condition, including a further reduction in hours, in order to ensure a mutually acceptable development;
 - removal of the netting between playing times and removal of the lighting columns if they are considered to be harmful in their own right, and
 - restricting use for other ancillary activities.
13. Reducing the hours of use would lead to less disturbance to neighbours in the evenings and on Sundays. Complete removal of the floodlights would also remove light pollution and decrease clutter. However, the measures to control noise from the impact of footballs would be unlikely to be effective, given the proximity of the pitch to the boundary fence of No.36. It also would not be possible to control the noise from the shouts of players.
14. Whilst conditions to mitigate the harm are suggested, they involve a range of alternative measures in an attempt to 'ensure a mutually acceptable development is achieved which responds to the personal requirements of the Pastors as well as protecting residential amenities and the setting of the St Andrews Centre'. The appellants advise that the site will be used by the appellants for football purposes whether the nets and panelling exist or not. They consider that it would be better to control the use of the land through the imposition of conditions. However, given the proximity of the football pitch to the listed building and neighbouring residents the suggested conditions would be unlikely to be completely effective in mitigating the harm that has been identified.

Conclusion

15. The appellants have referred to a football pitch at Dover College. However, the particular site circumstances of that development differ from those at the appeal site. They also draw attention to the fact that floodlights are commonly used to light up listed buildings. Nevertheless, the floodlights that have been installed at the pitch do not have that function. All other matters raised have been taken into account, including the letters of support for the development and lack of complaints until relatively recently. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR