

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 October 2015

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APPLICATION REF. NO:	15/00715/FUL
STATUTORY DECISION DATE:	13 September 2015
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Carmel College, The Headlands
DESCRIPTION:	Construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures and acoustic fence (amended plans and additional information received 11 September 2015)
APPLICANT:	Carmel College

Members will recall that this planning application was deferred from the Planning Applications Committee dated 30 September 2015 to allow objectors further opportunity to assess the amended plans and additional information that was received 11 September 2015 following technical problems which prevented viewing the information on the Council's website.

APPLICATION AND SITE DESCRIPTION

The wider Carmel College site contains the main school buildings and associated car parking areas, playing fields, sports facilities and hard standing areas. There are residential dwellings to the north and south and St Clares Abbey is to the east beyond a woodland area. There are a number of trees within the site which are covered by a tree preservation order dated 2004.

The proposal involves the erection of a synthetic sand dressed turf pitch on an existing playing field to the east of the school buildings. The overall size of the proposal (including run offs around the edge of the pitch) measures approximately 101.4metres long by 63 metres wide. The pitch would be enclosed by welded mesh fencing (coloured green) predominately 3 metres in height but with two sections directly behind the goals increasing to 5 metres in height. There would be eight 15 metre high lighting columns around the edge of the pitch. It is proposed that an acoustic fence measuring 3 metres in height would be located around the southern boundary of the pitch.

The pitch would be used between the hours of 08:00 – 21:00 weekdays (Monday to Friday) and 10:00 – 16:00 Saturdays, Sundays and Bank Holidays.

The pitch would be mainly used for hockey, College curriculum sporting activities and recreational sports but the pitch would not be used for competitive Football Association matches or tournaments, or by adult football leagues and adult football clubs. The pitch surface is a sand

dressed surface to meet England Hockey Strategy Category 2 requirements and prevents usage for competitive football matches.

The applicant carried out a consultation exercise with local residents prior to the submission of the planning application. Members will see further in this Report that a number of residents have heavily criticised how this consultation exercise was carried out by the College. Officers can advise Members that carrying out such a consultation prior to submitting a planning application to the Council is encouraged by the Local Planning Authority but there is no statutory requirement for any applicant to do such an exercise. Furthermore, how successful the residents consider the consultation to have been is not a material planning consideration when determining the planning application.

PLANNING HISTORY

The most recent and relevant entries are:

04/01291/DC In December 2004 planning permission was GRANTED for the provision of a multi-use games area and associated fencing and floodlights

06/00454/FUL In June 2006 planning permission was GRANTED for the installation of ten temporary teaching accommodation cabins

06/00687/FUL In September 2006 planning permission was GRANTED for the demolition of buildings and the erection of three replacement school buildings

07/00035/FUL In April 2007 planning permission was GRANTED for the retention of temporary car park and access track

07/00934/FUL In November 2007 planning permission was GRANTED for the retention of temporary car park and extension of opening times to 0730 to 1800 hours

12/00491/FUL In September 2012 planning permission was GRANTED for the erection of first floor extension to incorporate three classrooms with associated storage, seminar room, accessible toilet, replacement roof over dining terrace, replacement staircases and provision of a platform lift and replacement of Main Visitor entrance doors

14/00080/FUL In April 2014 planning permission was GRANTED for the erection of a two storey extension to north west of the site to form the Music and Drama Department and associated additional car parking

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 – Development Limits

E3 – Protection Of Open Land

E12 – Trees and Development

R11 – Artificial Playing Turf

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington’s Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

CS18 – Promoting Quality, Accessible Sport and Recreation Facilities

RESULTS OF CONSULTATION AND PUBLICITY

A total of 161 consultation letters were issued and three Site Notices were erected in close proximity to the application site. Nineteen letters of objection were received following the consultation exercise on the original submission. The comments can be summarised follows:

- *Carmel College have sought to make significant changes to their site and facilities at the same time of year for many of the last 40 years. This means that for two periods each day residents of The Headlands are unable to access or leave their own driveways and they could be denied access to emergency services;*
- *The development would be a dominant feature in this residential area, made worse by the fact that the proposed site is at the top of an incline, making it more prominent in the area. Such masts (lighting columns) are more suitable for use in high level security for industrial buildings. I have also have concerns about noise at night if this pitch was to be hired out to local football teams;*
- *It is interesting to note the number of times the word “urban” is used and the obscure references to Benton Park School and brownfields. It is also interesting that the term hockey is used with only one hockey club in Darlington and a pitch at Eastbourne already. The Statement states the mesh fencing would enable views through the fencing but how does this relate to the 3metre high timber sound proof fencing and 15 metre high lighting columns projecting above? The lighting columns are higher than this at Frankland prison, Durham*
- *The development will destroy the character of this area. It is too close to residential housing. No account has been taken of the birds and bats, which feed on the existing grassland and the purposes of the MUGA is at best obscure. Carmel College already have rugby and soccer pitches to excess. The lighting is not of great benefit to a school and they are seeking commercial gain only.*
- *How can any assessment on noise and light be carried out when the project is at planning stage? No one will know the adverse impact on the neighbourhood by doing hypothetical assessments. Residents who live nearby other similar sites complain bitterly about both issues. That is real evidence.*
- *Over many years police, Councillors, school representatives and residents have tackled the already existing severe traffic congestion and parking difficulties at the start and end of the school day. The school has increased in size and so has the amount of traffic. Several building projects have taken place all of which entailed site traffic using The Headlands. We tolerated that because it was short term. Evenings and weekends should be relatively free from added traffic in that it ought to remain a peaceful residential area. Some nights the existing car park is already in use. Would the hockey pitch still be used on those occasions?*
- *Unhappy about the amount of fencing to be used and the size and number of floodlights. These will have a detrimental impact on the outlook over the school field. Our back gardens will be flood lit on an evening*

- *Strongly object to the number of hours the pitch will be available for use. No problem with activities on the pitch during school hours but the use during weekday evening and weekend use is unacceptable*
- *The proposed plan will mean increased traffic on an already over-used road. There has been considerable increase in traffic since the houses were built because the school has increased in size. There have been several occasions during the past few years when construction traffic has had to use the road. This disruption we have tolerated because it was not long term. Police, councillors and the school have been involved on several occasions to deal with traffic congestion, inconsiderate parking etc. The increase in traffic at weekends and in the evenings resulting from this proposal is totally unfair to residents who deserve some peace and quiet...and some respite from the parking problem.*
- *We have it on good authority that residents who live near similar pitches have been very bothered about noise anti-social behaviour from spectators. What is the guarantee that the pitch will just be used for hockey? Once it is established it could be used for football, which in turn could increase the noise nuisance.*
- *We are now aware that this will be located immediately behind our houses and are therefore concerned. We are concerned about the impact of increased noise levels from players and spectators, especially in the evenings and at weekends, and light spillage from the floodlights which are to be situated very close to neighbouring houses. In the winter months particularly there will be no protection from the lights provided by the trees. It seems likely that the consequences of locating a sports pitch so close to a residential area are likely to be detrimental, especially if it is designed for use during the hours of darkness and at weekends.*
- *It is difficult to understand how meaningful noise impact and light spillage assessments could be undertaken. Was temporary floodlighting erected to gauge its impact? Were spectators bussed in to create a suitable 'atmosphere'? How will noise (and bad language) be 'mitigated'? Will spectators be gagged or asked to communicate in whispers?*
- *There will be a lot of traffic. Why should an existing, quiet residential area be subject to this sort of disruption at weekends and in the evenings? This disruption will continue well after 9pm as people will not be leaving on the dot.*
- *The wildlife of the area is one of the great pleasures of living here. There will be an impact because many of the creatures are nocturnal- foxes, owls and of course bats, which, you will be aware, are active at twilight. Floodlighting will disrupt their feeding cycle.*
- *This site may well be within Flood Zone 1 but there are always problems with standing water on the field in heavy rain, and especially in winter. This also affects gardens backing onto the field due to the clay composition of the soil.*
- *Residents are opposed to this scheme now that they are in possession of the facts. We are very tolerant of Carmel College - the never-ending building work, inconsiderate (and sometimes illegal) parking and littering by pupils. But the school was here before the houses, so we live with it. To impose such a development as this pitch on an existing residential area is totally unacceptable. Anti-social behaviour at a similar pitch at Hummersknott School has severely blighted the quality of life of nearby residents, as you must surely be aware. Unlike them, we have been forewarned*
- *We do not feel there is a requirement for this proposal on this site. The applicants state the lack of hockey facilities at Carmel as the main reason for the development but that the site will then be made available for other organisations. However, it seems quite*

clear this is a commercial activity for the school to assist finances following its decision to become an Academy. The application is using arguments to dictate the Council policy on sport by identifying a need that does not appear to exist. If there is an issue to be addressed then the Council should be considering more suitable alternatives

- *The application notes that the noise will be unacceptable but will not provide adequate controls. This will not enable us to use our back gardens without these intolerable noise intrusions.*
- *There appears to have been little thought as to the impact of lighting on both neighbouring residents and adjoining bat roosts*
- *There has not been a proper flooding assessment of the impact of the site on flooding in this area*
- *Although the playing field is currently laid out for sports pitch use without any planning restrictions in terms of hours of use but the existing facility does not have lighting and therefore cannot be practically be used after the hours of dusk*
- *The application state there is high demand for this type of facility in Darlington and mentions a waiting list for its use. The current level of usage for the existing football pitch outside of school activities is low and the planned level of usage will significantly increase the potential impact on neighbouring residents*
- *We are concerned that the potential availability of this facility is beyond being usage regarded as for community use and tending towards a full blown commercial sports facility. The planning application needs to state the maximum likely use of this facility and needs to consider whether this is reasonable. The potential use is 5 days per week up to 21:00 plus weekends and Bank Holidays. We would have strong objections if usage after 1900 on weekdays is allowed on an unlimited basis. We would like a planning restriction that imposes a limit on the number of times that this facility can be used after 1900 over a 2 week period (for example, no more than 50% of the available sessions)*
- *We are also concerned about the usage on weekends (Sundays in particular) and Bank Holidays which could lead us to virtually no time periods when we are able to enjoy the amenity of our back garden without having noise intrusion from this facility*
- *There is no assessment of the noise levels that will be generated and it is not clear how the decision to only place acoustic fencing on the south side of the development was arrived at? The development has neighbours at both the south and north sides so why are the same level of protection not being offered to the north side?*
- *We are concerned that once the application has been approved there is no duty of care imposed on the school to ensure that the lights are operated in a responsible way. We would like a planning restriction put in place that mandates that the lights must be positioned to minimise the light spill. There needs to be a planning restriction that requires the impact of the lighting to be assessed on a regular basis by consultation with neighbouring residents. We have had reason to complain to the school in the past about the positioning of the car park lighting and the hours of operation for these lights. We continue to be concerned about the levels of light nuisance and seem to have no form of redress for this*
- *We need assurances that the lights on the new facility will not be positioned to cast strong light beyond the confines of the school grounds*
- *We are extremely concerned that if light and noised levels from the new facility cause us nuisance we will continue to have no effective avenue to have these either assessed or addressed*

- *We have strong concerns over the unsightliness of the lighting poles which seem extremely tall. This height of permanent structure will be obtrusive on the planned location*
- *The positioning of the pitch further away from our residence is welcomed. We have experienced significant issues with the football field located directly behind our house (Whitemeadows). There is considerable noise including foul language from both players and spectators. Although we have complained to the school about this we have not been able to get positive action to stop it. We don't go outside or open windows when this pitch is being used but this is far from satisfactory*
- *We are concerned about the range of activities that are proposed for this facility on the basis that this will increase usage and also on the basis that some of them appear unsuitable for the proposed height of mesh fencing*
- *We are concerned about how this land around the development will be used and the lack detail in the planning application about this. Will there continue to be any other sports pitches laid out outside of the boundaries of this development*
- *We attended the neighbourhood consultation meeting and were assured that the pitch was being tailored in length to exclusively meet the requirements of hockey by the collage and other local hockey clubs and therefore the pitch would not be excessively used out of college hours. On that basis we supported the college. However, the planning application no longer gives these assurances as the college plans to allow other sporting clubs to use the facilities out of college hours which could increase the impact of noise and light pollution levels experienced by residential properties which border the new pitch. If this rather surprising move to include sports other than hockey is what is intended, we would withdraw our support for this application.*
- *We are concerned that the floodlighting which will be taller than our house would be an unwanted invasion into the back of our property and subsequently into all of the rooms in this side of our house. This is where our living room and bedrooms are which we occupy every evening*
- *The sources of noise that result from shouting from players and spectators including obscene language as well as noise from balls impacting the playing surfaces and any catch fencing would be unacceptable*
- *Parking may overflow over the current car park and mean we have to endure people parking outside our house during the evening and weekends*
- *We have concerns regarding health and safety such as toilet facilities and rubbish being thrown over our fence. Also the increased activity at the rear may increase the risk to the security of our home.*
- *Whilst great emphasis is made of the benefit to the college and surrounding community, no mention is made of the increase in cars and coaches using The Headlands which at 17 feet wide is neither safe nor suitable for such use. The pitch and floodlighting that will operate for up to 13 hours per day is simply unacceptable both in terms of the environment and the quality of life of those living nearby*
- *This will lead to a great increase in traffic in The Headlands for longer hours than at the moment. I know from experience that pitches are often troubled by having obscene language from the players and they feel unable to sit in the gardens*
- *There are currently problems every school day with students parking their cars outside the school premises, but sometimes on a corner, or close to people's drives which causes potential issues. When parents drop off and collect children they block driveways, narrow the roads which stops buses gaining access. They also park on the footpaths stopping mums with prams or wheelchair users getting passed. It is often manic and very*

dangerous for the children walking home. At weekends we have parents of children driving too fast up The Headlands to drop children off to play football. As there are children living in The Headlands and this is a constant worry and concern. If the proposed plans go through, the amount of extra traffic will be intolerable. I assume the extra traffic will be on a night and at weekends and this will cause more potential road safety issues.

- The lighting will be a nuisance as we understand it will be high voltage flood lighting.*
- All our loungers are at the rear and face the playing field. If this goes ahead we would have no option but to suffer the impact of the noise and light spillage in the evenings. The quality of life for the residents, several of whom are elderly, could be seriously affected.*
- The proposed facility will generate intolerable levels of noise. This will be caused by the constant kicking of balls and the noise made from this and the impact of the ball on the surrounding structure. In addition the neighbours both adults and children will be subjected to unreasonable, indecent, in some cases illegal shouting and swearing from both players and spectators/parents/supporters. Despite the acoustic barrier anyone just has to visit the same facility at Hummersknott School to appreciate the high levels of noise, disturbance and disgusting behaviour by players who for some reason think it is alright to shout and swear whilst playing sport.*
- The school has already just about doubled its numbers over the years, increased its staff, car parking, banned students' cars from the car park as well as running night classes. The neighbours already tolerate high levels of inconvenience with the parking of students' cars in the street, the daily grid lock scenarios with coaches and parents collecting children. The proposed facility will add new levels of inconvenience and disturbance. Add to the parking problem and generate more noise and traffic.*
- Again despite the 'mickey mouse' light report included in the documents produced by persons with an obvious agenda for themselves, the installation of 15m high flood lights will generate light pollution and disturbance to the neighbours. Yet again, despite the report, visit Hummersknott facility who have the same lights and actually witness the reality of the light pollution (and while you are there listen to the swearing!)*
- This is a quiet residential area during evening and weekend times. I certainly don't have a problem with the present activities by school children on the field and the occasional event that is held at the school. Turning the field into a commercial venture is totally out of character with the area and draw in numerous people and cars for outside the local area and even beyond Darlington. It is an unnecessary facility bearing in mind there already such facilities in place at Eastbourne and Hummers Knott*
- There is an environmental report in the documents which gives no details whatsoever of what they have considered. Their remit is not really applicable to the concerns of the effect this facility will have on the various animals and birds that live in the woodland adjacent to the proposed facility. In fact, the application for planning states there are no trees adjacent to the proposal. Clearly this is a lie. Therefore the council have not conducted proper checks on the application and handled it correctly. A detailed assessment of the impact on the identified wildlife surely is a pre-requisite to such a proposal adjacent to an established woodland containing trees subject to a tree preservation order and animals such as Bats that may be subject to a protection order*
- The Headlands provides the only access to the school site. The access road is situated on a bend which is far from ideal.*
- There has been no study conducted on the effects of the increased traffic. Yet again I have observed the traffic at Hummersknott School travelling to that facility on an evening. It is very noticeable and constant all evening. The people heading for that facility could easily*

be spotted. They are ones who as well as think it is OK to shout and swear, think it is ok to race to the facility to get there on time. The Headlands is a smaller road with residential houses on it as you know and I am concerned about the safety and convenience not only of residents but other normal road users. This applicant falsely stated in their report that the residents had been consulted and was in favour. This is simply untrue and has enraged many residents who I hope will also object. It seems the application is not being questioned therefore I request it is referred to a committee so that it can be properly debated and NOT delegated to a planning officer.

- *We have suffered wave after wave of school expansion and resulting traffic/parking problems over the last 15 years. This proposal would rob us of our quiet times in the evenings and school holidays.*
- *The environment to the north side of The Headlands may not be officially recognised for its rich wildlife value but that is simply because no study has been made and yet the proposal makes assumptions and wrongly asserts that there are no protected species adjacent to the playing fields. Neighbours with gardens bordering the area have observed bats regularly feeding and many insect eating birds overfly the grass playing fields*
- *Surely there is scope to improve the drainage of the field which was no doubt damaged by construction traffic during previous works in 2006/07.*
- *The extended use into evenings, requiring very tall lighting towers and a plastic pitch, would bring noise and light pollution to what is a very quiet environment, an amenity which is valued by a number of residents who lived here for up to 40 years. Many are old and not well and this proposal will adversely affect their quality of life. They may also be exposed to an increased risk of crime*

Ward Councillor Johnson and Ward Councillor Coultas raised concerns over the original scheme confirming that they would not support the application unless particular items were addressed before the application was considered by the Council.

A further four letters of objection were received following the submission of the amended plans and additional information. The concerns that were raised can be summarised as follows:

- *We are unable to access the plans that are on the website. The public consultation on this planning application has been abysmal. The initial public meeting that was held in May was poorly attended because there was a failure to invite most of the interested parties. This was a crucial opportunity for us to gain a full understanding of the planning application and to get early comments against it. We were denied that opportunity. The 14 day response period is reduced by a failure to currently publish the documents although this is the last chance to comment on the changes before going to a Planning Committee*
- *I have not previously commented on the application 15/00715/FUL due to the misunderstanding that the sports facilities were for school use with the opportunity for revenue generation and thus probably infrequent use. Having now assessed the application and anecdotal comments, I feel I must strongly object and ask that the planning application be assessed by an independent body due to the vested interest of the council. It appears the intent is to replace a facility elsewhere in the town to generate cash for the council which removes its independence.*
- *The lighting assessment has been carried out by a company with a vested interest and cannot be considered as independent. The Zone has been wrongly classified as E3 and should be E2. In any case a procedure should be specified to default to the minimum lighting level if switched on, and only increase the intensity for designated competitive*

hockey matches with a timer switch off at the specified time if not manually switched off earlier.

- *Could the applicant provide evidence that justifies the low fence of 3m and the distance around the goal area which appears too small.*
- *Could the applicant provide information about the noise assessment that has led to only one side of the pitch having an acoustic screen. This appears completely inadequate.*
- *Consideration only appears to have been given to creating a new hockey pitch with removal of the existing football area. This is to the detriment of pupils and current users of the facilities. Could the applicant please explain why the hockey facility is so important when the whole idea of Sport England is to increase the facilities and participation in sport. This development appears to have a negative impact on Sport England goals.*
- *Planning procedures have not been followed and we would like to know why the planning department have allowed this application to proceed so far. The procedures for the DBC website has not been followed and it seems the application has already been passed and the emphasis is on getting the application through as soon as possible to obtain Sport England funding rather than ensuring that procedures are followed to ensure residents are protected.*
- *The consultation has been inadequate, incomplete and misleading both residents and Councillors. The applicants made great play of the fact they had pre-meetings and that people agreed with the proposals. However many of those affected were not invited to the meetings in May and those who were invited commented that they were misled. The proposal they understood was to be implemented was on the other side of the field – Mike Crawshaw states this was not the case but the residents have been supported by Councillor Charles Johnson who stated that he had the same understanding as them. There was no mention of floodlights and certainly no extension of use all day over weekends, school holidays and every evening. The first most of us knew about this was when planning permission was sought so in effect there was no public consultation. This really needs to start from scratch as this application is being rushed through before people have a real opportunity to comment.*
- *The application itself noted that the noise from the facility will be 'unacceptable' to residents and also recognises that football will always involve bad language. However despite the fact that the facility is supposed to be for hockey and, they claim, will not be used for competitive football they have still ensured that football will still be included in the usage. The school have shown previously that, despite being a Christian school, they have no regard for neighbours, for instance allowing football teams to swear unhindered despite numerous complaints. The behaviour of the school has led us to doubt whether or not they can be relied upon to keep their promises.*
- *We mentioned that there was little thought as to the impact of lighting on both neighbouring residents and wildlife, particularly bat roosts. The response from the applicants was that wildlife will not be affected by the flood lights as they will be hibernating! Animals are not hibernating currently and would certainly be affected by the proposals. This facetious comment is typical of the cavalier approach to this application with the seeming knowledge that is bound to be accepted. The fact is that a wildlife assessment should be carried out, and is another example of planning processes not being followed.*
- *The proposed development goes beyond the bounds of what is required for educational purposes, and is changing what should be an educational facility into a commercial facility. The school sits surrounded by prime residential properties which are attractive to incoming professionals the town is attempting to attract as part of One Darlington*

Perfectly Placed. The impact of the development on the neighbouring properties will cause increased and potentially excessive noise over 7 days a week and extended operating hours, light intrusion, unsightly high lighting, sound barrier and fencing. This affects both sides of the development but particularly the Headlands where house living rooms overlook the field. All properties have bedrooms overlooking with the consequent loss of privacy. The extended hours will mean our gardens could not be used without the excessive noise intrusion.

- *The proposal is for a MUGA on land owned by the Council and leased to the College at a peppercorn rent. The lease has restrictions on noise, noxious and offensive behaviour that is presently causing problems particularly for the residents of Broadmeadows. Why are the restrictions not being enforced? The lease is a peppercorn rent. If, as the proposal suggests, the MUGA is made available for rental up to 32 hours per week (67 hours during the school holidays) will a new agreement with a normal commercial rent replace the existing agreement forewith?*
- *In the applicants submission they state that the conclusion of the public consultation was that this is not contentious. The subsequent number of letters of objection and the passion that these display against this application show that the original conclusion is wrong. This is a highly contentious issue. The public consultation held in May 2015 was flawed. The distribution list for that exercise, showing who was contacted has not been published but we know that many of those now identified as “neighbours” were not invited to attend. In addition it is clear from some of the responses posted on the Planning Portal website that those who did attend that meeting were lied to and / or misled over the nature of this development. As a result we believe that consideration of this application should be delayed subject to a full public consultation.*

One of the objection letters which has been submitted is detailed and has been considered by the Local Planning Authority. The letter raises comments on the following issues:

- The Noise Impact Assessment
- The Lighting Report
- Lack of an Environmental Report
- Contents of a Community Use Agreement
- The need for the development

A further comment has been received stating:

- *I have just read this email and am deeply concerned by the statement: The noise assessment has not considered the effect on bedrooms due to the pitch not operating during night-time hours (23:00 – 07:00). This implies that the bedrooms would only be in use from 23:00. Ours is a 4-bedroomed house with 3 of those bedrooms (not including the master bedroom) facing out onto this development. Our youngest child is 16 now, but if we were to sell our property to a family with young children those bedrooms would be in use at a considerably earlier time than 23:00 (i.e. potentially from as early as 18:30 for young children). There are a number of other properties bordering this development that will be similarly affected. We believe it is not acceptable to disregard the potential noise levels that would be experienced in bedrooms of surrounding properties and feel that it is incorrect to use the “daytime” levels as the reference point when considering the impact on our properties. We feel that the proposed development will impact on our*

property prices and may even render them “unsellable” as family homes due to the potential for noise disturbance and light intrusion into the bedrooms that would be used by young children. We feel that it is essential that this is fully assessed for noise impact in respect of the current and future use of these rooms as bedrooms for children.

Any further comments that are received will be mentioned verbally at the Planning Applications Committee.

Consultee Responses

The Council’s Highways Engineer has raised no objections to the proposal subject to a condition being imposed requesting a Construction Management Plan

The Council’s Environmental Health Officers accept the principle of the development but have requested conditions relating to the lighting scheme and acoustic fence.

Sport England has no objections to the principle of the proposal following the submission of the amended plans and additional plans subject to the imposition of planning conditions relating to the submission of a Community Use Agreement and a plan to show how the remainder of the eastern playing field will be utilised for pitch sport

The Environment Agency has confirmed that as the site is within Flood Zone 1 the proposal falls outside the scope of matters on which they are a statutory consultee. They have no comments to make.

The Durham Constabulary Architectural Liaison Officer has raised no objections but would ask that due consideration is given to the concerns of the residential properties over the potential increased use of the site. Durham Constabulary is committed to helping build strong communities

PLANNING ISSUES

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Planning Policy

Sport England Comments

Impact upon the Character and Appearance of the Surrounding Area

Residential Amenity

Highway Safety and Parking

Impact upon Trees

Impact upon Ecology

Flood Risk

Planning Policy

The application site lies within the development limits for the urban area as defined by the Proposals Map of the Borough of Darlington Local Plan 1997.

The application site, along with the wider Carmel College site, is part of the Open Land Network and Saved Policy E3 of the Local Plan states that development must not have a material net harm on the usefulness, appearance and nature conservation interest of the Network and its

interconnectivity. Whilst the proposal will result in the loss of a section of the playing fields within the grounds of the College, the majority of the other playing fields and outdoor sports facilities will remain and will continue to provide visual relief across the wider school grounds. The overall openness of the playing field and the wider site will broadly remain intact. The playing fields are not currently available to members of the public for formal or informal recreation or leisure activities and the remaining extent of the wider school site will ensure that the continuity of the system remains. The site is not recognised for nature conservation or wildlife importance and will not result in the loss of any trees. It is considered that the proposal would accord Saved Policy E3 of the Local Plan.

Furthermore, the site is not considered to be an area of sufficient quality to be within the Darlington Open Space Strategy 2007 – 2017 aims to protect and enhance a variety of high quality, accessible, open and green spaces throughout the Borough.

Saved Policy R11 of the Local Plan permits the installation of artificial turf playing surfaces where they are accessible by a range of means of transport, they avoid the attraction of traffic through residential streets, are well related to other sports facilities and are designed as to protect the amenities of neighbouring occupiers.

Policy CS18 of the Core Strategy seeks to protect and where appropriate enhance sport and recreation facilities and to provide a wide range of quality, accessible and safe facilities to meet the needs of the community. Synthetic pitches of appropriate quality will be provided and maintained at “satellite sites” such as schools and colleges. The proposal would be constructed on land that has been used as a playing field but the condition of the field is not satisfactory for sporting purposes and is not marked out as a formal pitch. There is a presumption against the loss of playing fields unless a proposal meets one of the five exceptional circumstances set out in policy CS18 and one of those circumstances is where the existing sports and recreation facility would be replaced by a facility of an equivalent or better quality and quantity in a sustainable location, with equivalent or better management arrangements.

The proposal would be available for the students of the College for curriculum activities and predominately hockey together with other recreational sport for the community but not for competitive sport such as Football Association approved competitive matches or tournaments and this would be confirmed as part of a Community Use Agreement to be agreed with the College along with the Council and Sport England. The proposal would accord with Policy CS18.

The general principle of the proposal would accord with the relevant local development plan policies and the remainder of the Report will consider the general development management matters.

Sport England Comments

The application site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010. Sport England would object to a proposal that would lead to the loss of, prejudice the use of all or part of a playing field unless one of five exceptions apply. In this particular case, the proposal would be judged against the following exception (E5) to Sport England’s policy:

“The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field”

The application site has been previously used for temporary classrooms and car parking (see Planning History) and whilst there was remediation following the removal of the facilities, the drainage of the playing field has subsequently been poor. The application site cannot sustain competitive play and has limited value for pitch sports due to its current condition which places pressure on the remaining pitches.

Analysis undertaken by Sport England and the Football Association as part of a draft Playing Pitches Strategy 2015 identifies that Darlington needs and could sustain another synthetic pitch for football. The same work and consultation with England Hockey reveals that it is important that Darlington retains a hockey specific synthetic pitch.

It is likely that the current synthetic hockey pitch at the Eastbourne Sports Complex will be refurbished and resurfaced to become a 3G football specific facility and therefore whilst the proposed short pile sand based pitch at Carmel College can be used for other limited sport such as football training for junior football clubs, it has been designed specifically for competitive hockey and will be important to hockey provision in Darlington. The pitch would be used by hockey clubs in Darlington and also Bishop Auckland. The school itself will also benefit from the pitch in the delivery of curriculum sport.

Following the submission of the amended plans and additional information, Sport England has reaffirmed that the proposal meets the playing field policy and has no objection subject to conditions being imposed to secure the of a Community Use Agreement and a plan to show how the remainder of the eastern playing field will be utilised for pitch sport.

Community Use Agreements

Sport England has a crucial role in promoting greater opportunities for sport and active recreation for local communities. It is therefore keen to encourage the opening up of sports facilities to the wider community, when they are not required by the main user.

Many educational sites, including schools of all kinds, academies and sports colleges, have very good sports facilities which are often underused out of normal school hours.

When an educational establishment decides that its sports facilities will be available for community use it is valuable to agree in a Community Use Agreement (CUA) how it is intended to operate, covering such matters as hours of availability, management arrangements, pricing policy etc. The use of a CUA should help secure well managed and safe community access to sports facilities on educational sites.

An Agreement can be secured by a planning condition and the agreed document is signed by all the key parties. In this case, an Agreement would include the details of usage (including sports that will not take place on the pitch); pricing policies, hours of use for the pitch and floodlights, , management responsibilities for the College (including security measures, details of changing and toilet facilities) and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities.

Impact upon the Character and Appearance of the Surrounding Area

Whilst there are eight 15m high lighting columns being proposed, they are slim structures that would not be an overbearing addition to the appearance of the area. The perimeter fencing that

encloses the pitch would be coloured green and would have a similar design to the fencing that bounds the existing MUGA and tennis courts. The acoustic fence on the southern boundary would be the most dominant structure but not to such an extent that it would significantly harm the appearance of the site.

There is a slight embankment that runs east to west across the playing field and a section of the bank would be cut into by the northern boundary of the pitch in order to ensure that the pitch is level.

It is considered that the proposed development and its associated structures relates visually well with the existing school buildings and external sports facilities and they are features that can be found in other educational sites. The proposal would not have a significantly adverse impact upon the visual appearance or character of the wider Carmel College site or the street scene in general.

Residential Amenity

The applicant has advised that the playing pitch is currently used after school approximately 2 or 3 nights per week during the winter season for school football matches. Occasionally outside teams play matches on an evening when the nights are light but this is probably no more than 5 times per year. The pitch is used for three hours every Saturday morning from October to April by the Total Soccer Centre and for 10 to 15 days during the holidays for football holiday courses.

The proposed pitch would be used primarily by the College as part of their curriculum activities, and also for hockey, football training and other recreational sport. No competitive football matches or tournaments would take place at this facility.

As part of the management of the proposed development, the College's changing and toilet facilities would be available to use on an evening. Due to the number of organisations who already use the facilities at the College, they employ an Extended Services Maintenance Manager who works evenings during the week and all day Saturday managing community use. The existing Site Supervisor fulfils this role on a Sunday and this supervision would extend to the out of school activities carried out on the proposed pitch.

As previously mentioned the College would sign up to a Community Use Agreement, along with the Council and Sport England and this Agreement would include details on the pricing policy, hours of use, access arrangements for non-school users, management responsibilities and a mechanism for review and confirmation of the usage restrictions.

The playing field is bounded to the north and south by residential dwellings and the playing pitch would be located an equal distance of approximately 43 metres away from them. A row of mature trees and hedges form the common boundary with the dwellings to the south (The Headlands) and a hedge is the predominant boundary treatment to the north interspersed with mature trees.

Policy CS16 of the Core Strategy seeks to ensure that new development should protect and where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the local community. The

remainder of this section of the report will provide an assessment on the impacts of the development upon the neighbouring dwellings.

Saved Policy R11 of the Local Plan permits the installation of artificial turf playing surfaces provided they are designed as to protect the amenities of neighbouring occupiers.

Hours of Use and Lighting

Whilst sites below differ in terms of the distance between the synthetic pitches and existing neighbouring dwellings, it is worth noting the hours of use for the other pitches in the Borough. The proposed hours for the application site are not as extensive as those outlined below:

Longfield Academy

08:00 – 22:00 Monday to Friday

09:00 – 21:30 Saturday

10:00 – 20:00 Sunday

Hummersknott School

08:00 – 21:30 Monday to Friday

09:00 – 20:00 Saturday and Sunday

Eastbourne Sport Complex

There are no planning conditions attached to the original planning permission (dated 1996) for the complex but the pitch is operated as per the times below:

09:00 – 22:00 Monday to Friday

12:00 – 16:30 Saturday

09:30 – 16:00 Sunday

Members are being requested to consider the proposed hours of operation and should be aware that any reduction in the hours of operation will increase the likelihood of any funding application to Sport England being unsuccessful and the proposal may not then be implemented.

It would be appropriate to impose planning conditions on any grant of planning permission to secure the hours of operation of the pitch and also the lighting.

Visual Impact

The proposed development would be mainly visible from the upper floor windows of the dwellings to the north as that boundary with the playing field predominately consists of a maintained hedge

The majority of the properties to the south (The Headlands) are screened by mature trees but there are some breaks in the tree line to the rear of Nos 20 and 22 The Headlands.

The introduction of the proposed development would alter the existing outlook from the rear of the dwellings and their gardens which at the current time is a view of an open playing field. The planning system is not intended to protect the outlook that residents might enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity.

The dwellings to the north will be on a higher ground level than the pitch due to the pitch being predominately located beyond the existing embankment. The development would be

approximately 43metres from these rear gardens and view from the northern direction would consist of the weld mesh perimeter fence and the lighting columns with the acoustic fencing in the background. It is considered that the proposal would not be visually dominant or significantly harm the visual amenity of the dwellings to the north.

The view from the dwellings to the south would be screened by the row of mature trees although it is acknowledged that the level of screening could diminish in the winter months as the trees shed their foliage. There would be clear views across the application site from the rear of Nos 20 and 22 The Headlands due to a break in the tree line. The view from this direction would be dominated by the 3m high acoustic fence and the lighting columns. However, it is considered that the separation distance between these structures and dwellings would be acceptable so as not to adversely harm the visual amenities currently enjoyed by the occupiers.

Noise

A Noise Impact Assessment has been carried out to calculate and evaluate the potential sound impact from the proposed development on a number of noise sensitive receptors (the dwellings to the north and south) and the findings were submitted as part of the planning application.

Whilst there is no specific guidance that can be used to evaluate noise from sport pitches, the criteria upon which the Assessment was based upon was agreed with Environment Health.

The Assessment used noise measurements taken from the existing synthetic pitch at the Eastbourne Sports Complex including the maximum noise levels from ball impacting on the pitch fencing during a football match. Environmental Health has also been advised that noise levels from hockey balls will be less than football provided that the kickboards are padded. The Assessment demonstrates that an acoustic fence is required on the southern boundary to ensure that the agreed noise criteria will be met at the noise sensitive receptors (dwellings) to the south. The Assessment also demonstrates that an acoustic fence would not be required for the northern boundary as the development would comply with the noise criteria when measured from the north without a fence in place.

Notwithstanding that Environmental Health accept the findings of the Noise Impact Assessment, it is considered appropriate that a planning condition needs to be imposed to secure the submission of the precise details of the specification and position acoustic fence on the southern boundary.

The Assessment also highlights a number of other mitigation measures which can be implemented as part of the development such as padding of kickboards, avoiding the use of sheet metal advertising boards, carefully considering the entrance to the pitch to prevent patrons congregating close to any housing. It is considered appropriate to impose a planning condition to ensure these mitigation measures are considered and implemented.

A condition would be imposed to prevent the use of loudspeakers and public announcement systems.

It is acknowledged that noise will be noticeable to local residents, however the use of the acoustic fence and other mitigating measures will ensure that the development complies with the agreed noise criteria and therefore the proposal would not significant harm the amenities of the neighbouring dwellings.

Lighting

The number of lighting columns is required to meet the requirements for competitive hockey, which is the primary use for the pitch. Any reduction in the LUX level would result in a loss in performance and the pitch would not meet the necessary requirements to be used as a hockey pitch. The columns are 15metres high as it allows lamps to be directed down towards the pitch reducing the amount of spill outside of the playing area. If the height of the columns were to be reduced the light spill would increase as they would have to be tilted to cover the playing area.

A Lighting Impact Assessment has been submitted with the planning application and the findings state that the proposed lights have been designed using floodlights which feature flat style optics designed to reduce upward light and overspill. A lighting plan shows that extent to the light spill will not extend into the rear gardens of the neighbouring dwellings and the level of illumination at its closet point to any properties would be minimal. The Assessment shows that the lighting levels for its main purpose (hockey) comply with the Obtrusive Lighting Limits for Exterior Installations which are contained within the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light and the applicant has stated that there is an option which allows the LUX levels to be reduced for football training when required.

Environmental Health accepts the principle of the findings of the Lighting Assessment but has requested the imposition of a planning condition to secure the submission of precise details of the lighting for the pitch along with confirmation that the scheme would accord with the relevant guidelines on lighting in the interests of residential amenity.

Fear of Crime

It is clear from the application that the site would be supervised on an evening at weekends which is currently the case when the college is being used out of school hours. The security arrangements would be the responsibility of the College but they would be secured by the Community Use Agreement.

The Durham Constabulary Architectural Liaison Officer has highlighted that due consideration is given to the concerns of the residential properties over the potential increased use of the site but he has raised no objections to the proposal.

Highway Safety and Parking

It is considered that the new pitch would not generate an increase in traffic. The pitch would be used outside of school times but the existing parking facilities for the school could be utilised for public use therefore there should be no impact to the surrounding highway network.

It would be appropriate to impose a planning condition to seek the submission of a Construction Management Plan to submit details on construction traffic routes, signage, and any method for keeping the roads clear of any debris.

Flood Risk and Drainage

The application site is within Flood Zone 1 and a proposal of this type and size does not require the submission of a Flood Risk Assessment. Nevertheless, the proposal must not increase the risk off surface water runoff from the site or cause any increased flood risk to neighbouring sites. Whilst the planning application states that surface water will be disposed via soakaways and that soil conditions are suitable for this method of drainage, it is considered appropriate to impose a planning condition to secure the details of a scheme for the disposal of surface water drainage.

Impact upon Trees

The trees and hedges around the site would not be affected by the proposed development. Any cabling positions for the lighting columns will be located to prevent any damage to the existing tree roots and vegetation.

Impact upon Ecology

The Carmel College site and the application site have no formal ecological or wildlife designations. The application site has minimal ecological interest due to its close mown regime and whilst it is recognised that the area to the east of the site is more ecologically diverse, there is no requirement for the planning application to be supported by an Ecological Study.

The new floodlights would be used predominately during the winter months when much of the wildlife is in hibernation and a lighting plan shows that the light spill and level of illumination from the columns would have a limited impact upon the trees and hedges to the north and south and the woodland area to the east. The pitch and the lighting columns would not encroach upon any trees or the woodland area and no trees or hedges need to be removed to facilitate the development. It is considered that the proposed development would not adversely impact upon the ecology and wildlife that surrounds the application site but it is considered appropriate to ensure the planning condition which requests details of the lighting scheme takes the impact of wildlife into account.

Other Matters

One of the objections relates to the lease between the Council and the College and whether or not the lease would need to be revised as a result of the development. Members are advised that the contents of a covenant on a lease or a deed is not a material planning consideration.

Nevertheless, officers have been advised by colleagues in the Land and Property Team that the provision of a synthetic all weather pitch and the activities that are carried upon it would not be a breach of the existing lease and there would be no requirement for a renewal.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The usage of the proposed pitch would be for curriculum sport activities for the College, hockey and non-competitive sport. No competitive sport such as Football Association sponsored football tournaments would not be carried out on the pitch. However, the applicant would confirm this usage by entering into a Community Use Agreement in consultation with Sport England and the Local Planning Authority. The proposed hours of operation of the pitch and the floodlighting would be secured by planning conditions in the interest of the amenity of the area.

The findings of the lighting assessment and noise assessment are accepted in principle with the details of the mitigation measures to be formally agreed by the imposition of appropriate planning conditions. It is considered that the proposal is acceptable in highway safety and parking terms and it would not adversely affect the visual appearance of the locality or the general amenities of the neighbouring dwellings.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. The development hereby approved shall not be used outside the hours of 0800 - 2100 Mondays to Fridays; 10:00 – 16:00 on Saturdays, Sundays and Bank Holidays
REASON - In the interests of residential amenity
3. The floodlighting hereby approved shall not be used outside the hours of 0800 - 2100 Mondays to Fridays; 1000 – 1600 on Saturdays, Sundays and Bank Holidays
REASON - In the interests of residential amenity
4. Prior to the commencement of the development, details of a lighting scheme and lighting impact assessment undertaken by an independent qualified assessor shall be submitted and agreed in writing with the Local Planning Authority. The floodlighting shall operate in accordance with the approved details of the lighting scheme and impact assessment which shall include the following:
 - a. A description of the proposed lighting units including height, type, angling and power output for all lighting
 - b. Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls outside the curtilage of the premises.
 - c. The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority.
 - d. Details of the Sky Glow Upward Light Ratio, Light Intrusion and Luminaire Intensity.
 - e. Demonstration of compliance with the limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light.”
 - f. Details of the lighting levels, how these will be altered for the type of sport being played on the synthetic sand dressed turf pitch, the management of these levels and the tuning off of the lights when the pitch is not in use (irrespective of the permitted hours of use).
 - g. Details of lighting levels, light spill and timings to ensure the surrounding trees and woodlands and wildlife would not be adversely affected.

The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of residential amenity

5. No means of amplification of sound shall be permitted as part of the development including the use of loud speakers and public announcement systems without the prior written approval of the Local Planning Authority.
REASON: In the interests of residential amenity
6. Prior to the commencement of the development, details of the continuous acoustic barrier to be constructed shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the specification, location of the fence, its construction (density, height) and the length of the returns on the adjacent edges. The use of the synthetic sand dressed turf pitch shall not commence otherwise in complete accordance with the approved details and shall be retained thereafter throughout the life of the development
REASON: In the interests of residential amenity
7. Prior to the commencement of the development, details of the specific noise mitigation measures to be incorporated in the development shall be submitted and approved in writing by the Local Planning Authority, and the agreed measures shall be fully implemented and maintained thereafter in perpetuity
REASON: In the interests of residential amenity
8. Prior to the commencement of the use, a scheme for the disposal of surface water shall be submitted to and approved by the Local Planning Authority. The development shall be implemented prior to the commencement of the use and shall not be carried out otherwise than in complete accordance with the approved details
REASON: To prevent an increase in flood risk elsewhere
9. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and grass pitches and include details of the proposed usage of the pitches, the pricing policy, hours of use, access by non-school users, management responsibilities (including security measures, details of changing and toilet facilities) and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.
REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.
10. No development shall commence until a plan showing how the remainder of the eastern playing field will be utilised for pitch sport (upon completion of the development) has been submitted to and approved by the Local Planning Authority following consultation with Sport England. The approved layout should be implemented and brought into use prior to the commencement of use of the Artificial Grass Pitch
REASON: To ensure the remainder of the playing pitch can be used for sports.
11. A Construction Management Plan should be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The Plan shall include the following:

- a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. The Dust Assessment Report should follow the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- b. Methods for controlling noise and vibration during the construction phase and should follow guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c. Construction Traffic Routes.
- d. Details of wheel washing.
- e. Road Maintenance.
- f. Warning signage.
- g. Details of how the day to day operation of the school will be kept separate from the construction traffic with car parking numbers within the site maintained at all times to avoid overspill onto the adjacent highway

REASON: In the interests of highway safety and residential amenity

12. Construction work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: In the interests of residential amenity

13. B5 – Detailed Drawings (Accordance with Plans)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 – Development Limits
- E3 – Protection Of Open Land
- E12 – Trees and Development
- R11 – Artificial Playing Turf

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub Regional Role and Locational Strategy
- CS2 – Achieving High Quality Sustainable Design
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 –Protecting Environmental Resources, Human Health and Safety
- CS18 – Promoting Quality, Accessible Sport and Recreation Facilities