

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 February 2010

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APPLICATION REF. NO:	09/00851/FUL
STATUTORY DECISION DATE:	4 February 2010
WARD/PARISH:	HEIGHINGTON AND CONISLCIFFE
LOCATION:	Field at OSGR E424824 N522619 Hall Lane, Heighington
DESCRIPTION:	Erection of a Sports Changing Facility and Multi Use Games Area (MUGA) (Revised Application)
APPLICANT:	Heighington Parish Council

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 3.4 hectares on the northern edge of Heighington Village. It is bounded to the north by open countryside and the Heighington By Pass; by the Cumby Arms Public House and Cricket to the east, dwellings on Hall Lane to the south and Heighington CE Primary School to the west. The land is currently used as playing fields and it contains a play area; three playing pitches and a car parking area for 40 vehicles. The site is predominately flat apart from raised areas on the south and west peripheries. Access to the site is from an existing entrance off Redworth Road.

The proposal involves the erection of a single storey changing room building and the erection of a Multi Use Games Area (MUGA) within the curtilage of the application site. The changing room would measure 10.9 metres wide; 16.7 metres long with an overall height of 5.2 metres under a ridged roof. It would be located on raised land on the south boundary.

The MUGA would measure 38metres long and 18 metres wide and it would be used for a number of sports including tennis; netball; basketball and 5 A side football. It would be enclosed by fencing measuring approximately 3m high and there would be four lighting columns, one on each corner of the court. The MUGA would be sited on the western boundary of the site.

The proposal is to be funded by grants from the Football Foundation; Heighington Parish Council and other Partners.

The Heighington Conservation Area covers the southern section of the site and the whole of the site falls within an Area of High Landscape Value.

The applicant has resubmitted the results of a survey carried out in 2001 which concluded that there was local support to provide a facility which allows tennis, basketball and other activities.

PLANNING HISTORY

The relevant previous planning entries are:

03/01303/FUL In April 2004, planning permission was GRANTED for the erection of new changing facility and associated car parking to serve sports pitches

05/01190/FUL In January 2006 planning permission was GRANTED for the temporary siting of container for use as changing facilities and storage by football club

PLANNING POLICY BACKGROUND

National Policy

PPS1 – Delivering Sustainable Development

PPG15 – Planning and the Historic Environment

PPG17 – Planning For Open Space, Sport and Recreation

North East of England Plan Regional Spatial Strategy to 2021

Policy 31 – Landscape Character

Policy 32 – Historic Environment

Borough of Darlington Local Plan 1997:

E2 – Development Limits

E4 – New Buildings In the Countryside

E8 – The Area of High Landscape Value

R1 – Designing For All

R2 – Access for People with Disabilities

R13 – Recreation Routes and New Development

R14 – Recreation Development in the Countryside

R25 – Provision of Community Facilities and Services

E29 – The Setting of New Development

T24 – Parking and Servicing Requirements for New Development

The Supplementary Planning Document “Design of New Development” is relevant

RESULTS OF CONSULTATION AND PUBLICITY

Six letters of objection have been received raising the following concerns:

- *The changing room and MUGA lies within a conservation area;*
- *It is an Area of High Landscape Value*
- *A more suitable position for the changing room would be beside the red buildings which make up the Cumby Arms*

- *The MUGA includes the erection of floodlights, which the residents of Hall Lane were told would not be erected*
- *The Questionnaire submitted with the application was carried out in 2001 and is not up to date.*
- *The playing field was originally to be enjoyed by the residents of Heighington for various leisure pursuits but now it appears that as far as football is concerned it is being run as almost a commercial enterprise with teams outside of Heighington being charged for playing on the village amenity*
- *The proposed site is the most elevated piece of land that ensures that the building will be even more of an eyesore. There is sufficient room next to the car parking area for a changing room;*
- *The ridge height of over 5 metres would certainly impact on the residents on Hall Lane. The ground level of the site is above the road level by approximately 1 metre, so the height of the ridge will in fact be over 6 metres. I appreciate that the building is to be sited 15 metres from the boundary but that will only reduce the impact slightly;*

One of the objection letters is a detailed response stating that the proposed development would be contrary to national, regional and local planning policies and Guidance Notes. The objector considers the proposal “would neither preserve or enhance the appearance of the Heighington Conservation Area”; it would have “an adverse impact upon neighbours living conditions” and the other material considerations “would not overcome” the harm on the neighbouring properties and the conservation area.

Consultee Responses

The Council’s **Highways Engineer** has raised no highway objections to the proposed development provided that planning conditions are imposed to secure overflow car parking and pedestrian links between the proposed buildings and the entrance and car parking areas

The Council’s **Environmental Health Officer** has raised no objections to the proposed development

The Council’s **Conservation Officer** has raised no objections to the proposed changing room subject to imposing a condition securing appropriate materials. The officer has also raised no objections to the MUGA subject to imposing a condition securing appropriate means of enclosure for the court

Heighington Parish Council has recommended approval for the proposed development

Northumbrian Water has raised no objections to the proposed development

The **Environment Agency** has raised no objections to the proposed development

Sport England has not objected to the proposed changing room building, as it would not affect the playing field’s layout. The Parish Council have submitted a local survey which shows local support for a facility which allows tennis, basketball, recreational football etc that would all be provided by a MUGA. There have been some changes to the design of the MUGA, which largely accord with Sport England’s design guidance. Sport England would not object to the MUGA provided that it is floodlit.

The **Durham Constabulary Architectural Liaison Officer** has offered general advice on site security

PLANNING ISSUES

Planning permission was granted in 2004, for the erection of new changing facility and associated car parking to serve sports pitches. Due to the economic downturn the amount of funding made available to the Parish Council at that time only allowed them to create the car parking area and there was insufficient funding left to erect the changing facility. The previously approved brick built building was located in the south west corner of the site on the raised land outside of the operational area of the playing fields. The proposed changing facility, in terms of materials, scale and design, is exactly the same as the previously approved building and it is also located on the raised land but it has been repositioned onto the southern boundary. The MUGA is a new proposal.

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

- Planning Policy
- Visual Appearance and Character of the Conservation Area and the Area of High Landscape Value
- Residential Amenity
- Highway Matters

Planning Policy

Section 38 of the Planning and Compulsory Purchase Act 2004 states that *“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

National and Regional policies generally seek to secure developments of high quality design and to ensure that the impact upon the amenities of residents, amongst other issues, is given full consideration.

The application site lies outside of the development limits for Heighington as defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan. Policy E2 states that most new development will be inside the development limits. However, development for small-scale development beneficial to the rural economy and development for countryside related sports or recreation activities would be permitted outside the development limits provided that there is no unacceptable harm to the character and appearance of the rural area.

Policy E4 (New Buildings in the Countryside) seeks to secure that new buildings should wherever possible be located and be visually related to existing buildings.

The whole of the site is within the Area of High Landscape Value. Policy E38 states that the conservation of the landscape character and quality of the Area must be given special attention. Development in the edges of built up areas within and adjacent to the Area will be permitted if it is of a high standard of design reflecting the scale and traditional character of buildings in the Area and does not detract from the landscape quality.

Policy R14 (Recreation Development in the Countryside) states that development for recreation purposes will be permitted provided that there would be no significant harm to the character or appearance of the countryside.

Policy R25 (Provision of Community Facilities and Services) states that proposals for new buildings for community purposes will be encouraged having regard to the need to safeguard residential amenity, the character and appearance of the surroundings and highway safety.

Policy E29 (The Setting of New Development) is a general policy to ensure that new development respects its setting.

The Supplementary Planning Document “Design of New Development” states that design is a material consideration and should be given considerable weight in considering development proposals.

It is considered that the survey, whilst somewhat dated shows support for a MUGA together with the development of changing rooms in order to improve the functionality of the playing field area material planning considerations, along with their impact on the Heighington Conservation Area, the Area of High Landscape Value and residential amenity. The remainder of the report will assess the proposals on this basis.

Visual Appearance

The whole of the site is within the Area of High Landscape Value and the southern section is within the Heighington Conservation Area. The changing room building would be within the conservation area but the MUGA would be located outside of the conservation area. Section 72 of the Listed Buildings and Conservation Areas Act 1990 imposes a duty on local planning authorities to give special attention to the desirability of preserving or enhancing the character of conservation areas. Preserving the character or appearance of an area can be achieved either by the development making a positive contribution to preservation or by simply leaving the character or appearance of the area unharmed.

The proposed changing room building, as shown on the submitted drawings, would be brick built with a pitched tiled roof. It is sited on a raised area of ground on the southern boundary of the site and not visually related to any other existing buildings. There are no other buildings on the site and the closest building would be the Cumby Arms Public House in the adjacent plot. The changing room has been sited in this position so that is in close proximity to the site entrance and car parking area and also this section of the site is not constrained by the location of sewers or pressurised drains, unlike the western boundary of the site. Also, it cannot be sited on the lower ground where the pitches are as they must be protected and remain operational. It is important for Members to be aware that planning permission was previously granted for changing room on elevated ground albeit further to the south west.

It is accepted that by the nature of its use, the design of the building is functional but through a careful choice of materials, its impact on the conservation area and the Area of High Landscape Value can be minimised. The applicant has confirmed that once the funding has been secured, there will be an opportunity to consider the materials further and they have confirmed that timber doors and window frames would be utilised at the very least. The Council’s Conservation Officer is satisfied that the concerns over the materials for the building can be overcome by the imposition of a planning condition and the final form of the building may well be improved as a result of the funding being received.

The MUGA is not located within the conservation area but on the edge of it and the Conservation Officer has no objections to this part of the development, subject to a condition being imposed to agree its means of enclosure. The MUGA will have four lighting columns, of which the design needs to be agreed by planning condition, but it is considered that they would not have a detrimental impact on the visual appearance of the surrounding area.

As part of the previous planning permission for the changing room, planning conditions were attached to secure further screen planting along the western and southern boundaries and for the erection of satisfactory means of enclosure. It is considered appropriate to attach these conditions again, if planning permission is granted.

It is considered that buildings and structures such as changing rooms and MUGAs are now common features within playing fields to ensure that such areas are fully functioning and utilised. The single storey building has been designed to fulfil its function as a changing room and its scale and location are considered acceptable but there is an opportunity, via planning conditions, to finalise the materials of the building in the future. In view of this, it is considered that the proposed development complies with national, regional and local planning policies.

Residential Amenity

The changing room building has its main frontage facing north towards the playing pitches. The south facing elevation fronting onto Hall Lane contains a wc window opening and changing room window for officials. The overall height of the building would be approximately 5.2 metres under a pitched roof. The land upon which the building would be sited is approximately 1 metre higher than the ground level of Hall Lane. The existing southern boundary of the site consists of hedging and mature trees.

The properties on Hall Lane fronting onto the application site consist predominately of bungalows with front gardens with their own hedged boundaries alongside the highway. The proposed building would be sited approximately 45 metres from the principle front elevations of the dwellings and despite the 1 metre difference in ground levels, the proposed building would not be a dominant or overbearing structure. Indeed, with the additional tree planting secured by a planning condition, the impact of the building would be minimised further. The proposed building would maintain adequate levels of privacy.

The MUGA would be located approximately 135 metres from the nearest dwellings to the south of the site. The Council's Environmental Health Officer considers that this is sufficient distance to ensure that the floodlighting will not have an impact on the amenities of the dwellings. Nevertheless, the Council would seek to secure appropriate hours of operation for the Area and methods for vacating the Area and turning off the floodlights. The Environmental Health Officer also considers that there would not be a need to sound attenuation measures to be put in place (e.g. acoustic fencing) due to the distance between the MUGA and the nearest dwellings.

It is considered that with the imposition of appropriate planning conditions, the amenities of the nearby residential properties will not be significantly harmed and the development would accord with national, regional and local planning policies.

Highway Matters

There are 40 parking spaces currently on the site. There are concerns that the existing number of spaces will be insufficient at peak times and the Council's Highways Engineer considers that

areas should be laid out on site to provide for overflow parking. This could be provided at either side of the existing parking area and can be secured by a planning condition.

There is also a need for footpath links between the car parking area and entrance and the proposed buildings, which can also be secured by a planning condition.

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 proposal involves the erection of a single storey changing room building and the erection of a Multi Use Games Area (MUGA) within the curtilage of the application site. The Heighington Conservation Area covers the southern section of the site and the whole of the site falls within an Area of High Landscape Value. The applicant has resubmitted the results of a survey carried out in 2001, which concluded that there was local support to provide a facility, which allows tennis, basketball and other activities. Buildings and structures such as changing rooms and MUGAs are now common features within playing fields to ensure that such areas are fully functioning and utilised. In this case officers consider there is a need to balance the positive impact of the MUGA and changing facilities on the overall functioning of the playing field with their impact in visual and residential amenity terms.

It is accepted that by the nature of its use, the design of the building is functional but through a careful choice of materials, its impact on the conservation area and the Area of High Landscape Value can be minimised. The MUGA is located within the AHLV but not within the conservation area and it is considered to be acceptable in visual terms subject to the imposition of suitable planning conditions. It is considered that the buildings will not be dominant or overbearing structures and with the imposition of appropriate planning conditions, the amenities of the nearby residential properties will not be significantly harmed. The proposal does not raise any highway issues. Officers consider that on balance and taking into account all material considerations the proposed development is acceptable. The following national, regional and local planning policies were taken into consideration:

National Policy

PPS1 – Delivering Sustainable Development

PPG15 – Planning and the Historic Environment

PPG17 – Planning For Open Space, Sport and Recreation

North East of England Plan Regional Spatial Strategy to 2021

Policy 31 – Landscape Character

Policy 32 – Historic Environment

Borough of Darlington Local Plan 1997:

E2 – Development Limits
E4 – New Buildings In the Countryside
E8 – The Area of High Landscape Value
R1 – Designing For All
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R13 – Recreation Routes and New Development
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R25 – Provision of Community Facilities and Services
E29 – The Setting of New Development
T24 – Parking and Servicing Requirements for New Development

The Supplementary Planning Document “Design of New Development” is relevant

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Period (Three Years)
2. E2 – Landscaping Submission
3. E5 – Boundary Treatment Submission
4. Notwithstanding the details shown on the approved plans, details of over flow car parking areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and implemented within a timescale agreed with the Local Planning Authority.
REASON: In the interests of highway safety
5. Notwithstanding the details shown on the approved plans, details of footpath links to the approved developments within the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and implemented within a timescale agreed with the Local Planning Authority.
REASON: In the interests of highway and pedestrian safety
6. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including details of the windows, doors and rainwater goods) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.
REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the Heighington Conservation Area and the Area of High Landscape Value
7. Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of the means of enclosure for the Multi Use Games Area shall be submitted to, and approved by, the Local Planning Authority. The

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

REASON - In the interests of visual and residential amenity.

8. Notwithstanding the details included in the planning application, details shall be submitted of the scheme of lighting for the Multi Use Games Area including details of the lighting columns, any measures designed to minimise light spillage from the edge of the boundary of the Area and the development shall be completed in accordance with the approved scheme and maintained in the approved manner.

REASON - To protect the amenities of the adjoining residential properties.

9. A Management Plan for the Multi Use Games Area shall be submitted to and approved by the Local Planning Authority. The content of the Plan shall include details of site supervision arrangements; the methods and mechanisms to be used to vacate the pitches; the use of the changing rooms and the turning off of floodlights. The development shall not be carried out otherwise than in complete accordance with the details of the Plan.

REASON: In order to achieve and satisfactory form of development and in the interests of residential amenity.

10. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposal involves the erection of a single storey changing room building and the erection of a Multi Use Games Area (MUGA) within the curtilage of the application site. The Heighington Conservation Area covers the southern section of the site and the whole of the site falls within an Area of High Landscape Value. The applicant has resubmitted the results of a survey carried out in 2001, which concluded that there was local support to provide a facility, which allows tennis, basketball and other activities. Buildings and structures such as changing rooms and MUGAs are now common features within playing fields to ensure that such areas are fully functioning and utilised. In this case officers consider there is a need to balance the positive impact of the MUGA and changing facilities on the overall functioning of the playing field with their impact in visual and residential amenity terms.

It is accepted that by the nature of its use, the design of the building is functional but through a careful choice of materials, its impact on the conservation area and the Area of High Landscape Value can be minimised. The MUGA is located within the AHLV but not within the conservation area and it is considered to be acceptable in visual terms subject to the imposition of suitable planning conditions. It is considered that the buildings will not be dominant or overbearing structures and with the imposition of appropriate planning conditions, the amenities of the nearby residential properties will not be significantly harmed. The proposal does not raise any highway issues. Officers consider that on balance and taking into account all material considerations the proposed development is acceptable. The following national, regional and local planning policies were taken into consideration:

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**Environment Agency**

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal, which encourages a SUDs approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.