

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 29 July 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00411/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>13 August 2009</b>
<b>WARD/PARISH:</b>	<b>HUMMERSKNOTT</b>
<b>LOCATION:</b>	<b>Hummersknott School, Edinburgh Drive</b>
<b>DESCRIPTION:</b>	<b>Installation of Synthetic Pitch, perimeter fencing and floodlighting (Retrospective)</b>
<b>APPLICANT:</b>	<b>Hummersknott School &amp; Language College</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site contains the school buildings and associated car parking areas and playing fields. The site is surrounded by residential properties to the north, east, and south and partly to the west.

Planning permission was granted (See Planning History) for the construction of changing accommodation, fenced and floodlit synthetic pitch, grass playing fields, grading and drainage. However, it has not been carried out in accordance with the approved plans.

This is the retrospective planning application for the erection of a synthetic pitch, perimeter fencing and floodlighting. The pitch is located to the north western edge of the site and it is flood lit by eight lighting columns. The welded mesh perimeter fence around the pitch is 3.6m high extending to 4.5m high to goal recesses and bays. An acoustic fence has been erected to partially cover the west and south boundaries of the pitch.

**PLANNING HISTORY**

The most recent and relevant planning entries are:

06/00765/FUL - In November 2006 planning permission was GRANTED for the construction of changing accommodation, fenced and floodlit synthetic pitch, grass playing fields, grading and drainage

06/01018/DC - In January 2007 planning permission was GRANTED for the refurbishment of comprehensive school including demolition of teaching blocks and erection of replacements plus new entrance/office area, all with associated hard and soft landscaping

## PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan 1997 are considered relevant

R25 – Provision of Community Facilities

E46 – Safety and Security

H15 – The Amenity of Residential Areas

R1 – Designing for All

R2 – Access for People with Disabilities

R11 – Artificial Turf Playing Pitches

R20 – New Sports and Recreational Facilities

E48 – Noise Generating Development

T24 – Parking and Servicing Requirements for New Development

## RESULTS OF CONSULTATION AND PUBLICITY

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

- *We did not object to the original application on the grounds that this was a good use of the field and provide a local sporting facility for the residents of Darlington. However, we have become increasingly distressed with the finished product. Our kitchen, dining room, sitting room and patio all look over what can only be described as an eyesore. It looks like and sounds like a prison exercise yard*
- *The floodlights are particularly high and intrusive*
- *The metal fencing would look better if the entire perimeter was surrounded by the wooden (Acoustic) fence*
- *The noise can be disturbing when used by adult football teams. Grown men shouting at each other using offensive language is not a pleasant noise*
- *The pitch has, it appears, been built with quite a blatant disregard to the plans approved by the Council Development Control Committee which has necessitated the present retrospective application to “mop up” the various elements of the “as built” scheme*
- *Given the disregard to the actual dimensions of the pitch, no one can be certain that the floodlights aren't in excess of the permitted height*
- *Having now been built, it is clear that the measures proposed by the applicant (relating to noise and lighting) and accepted by the Council in theory have not been sufficient as the floodlights are excessively bright when used in the autumn and winter when there is no foliage on the screening trees*
- *The acoustic fence does little to attenuate the noise of players, especially at peak times of say 8:30 to 9:30 on a weekday evening when the pitch is very noisy and affects the use and enjoyment of our garden. There is continuous shouting of players as well as the ball crashing against the fencing presumably when goals are scored*
- *The twenty one car parking spaces approved under the original permission have not been implemented;*
- *The development is totally different to the approved scheme with no changing rooms and nobody looking after the facility*
- *We have been told by the school that they are not building the changing rooms and the 21 parking spaces, which was part of the conditions for passing the plans for the facility. I have since been told that you are not allowed to use school changing rooms when using*

*the facilities and there is only use of one disabled toilet. I am sure the Football Foundation did not give all their money for a facility with no changing room, toilets, showers etc and adjacent car parking facilities.*

- *It was stated in the business plan that a member of staff would look after the facility from the changing rooms/office. We were worried if nobody is there to police the facility, noise bad language, litter, and people hanging around. Up to now three times the school has broken its conditions on finishing at 9:30 and we have experienced some noisy teams on an night*
- *It was stated that there would be 4x 15m high floodlights and we actually have 12 floodlights with 8 columns causing extra light pollution.*
- *We were told that this was going to be a MUGA pitch which is smaller than the 3G pitch now on site*
- *The language used by the teams is intolerable*
- *The floodlights are not switched off at the correct times;*
- *There is inadequate parking*
- *The pitch is not being supervised as being promised*
- *You should insist that the development is changed to confirm to the plan as already approved, including the provision of changing rooms and increased spaces*
- *Is there any point in having a planning system and Department if its rules are so blatantly ignored, and how is it that the work done has not been monitored and made to conform to the approved condition*
- *The pitch is an overall increase of 40%*
- *If the Council do not enforce the previous approval and conditions, the Council can be held responsible for maladministration*

Two of the letters received stated:

- *The rear of our bungalows (West View) face onto Hummersknott School field. We feel that the turf pitch is an excellent idea and it has been put to full use already by the pupils, in addition to the general public using it "out of hours". It is good to see facilities being used very regularly by the school children and by adult teams and we have not been conscious of any adverse noise. The floodlights shine directly onto the pitch and have not affected us in any way. However, there is a wooden fence that has been erected half way round the green perimeter fence. We understand that the purpose of this is to prevent leaves blowing onto the pitch as a result of a prevailing southwesterly wind but it does not seem to be very effective. We think that this fence spoils the aesthetic nature of the pitch and if it is not fulfilling the purpose for which it was installed, the turf pitch would look so much better without it*

### **Sport England**

Sport England have not raised any objections to the retrospective application.

### **PLANNING ISSUES**

The plans submitted with planning application ref no: 06/00765/FUL (See Planning History) indicated that the playing pitch would measure 100m x 60m and the supporting documents stated there would be an additional perimeter fence around the pitch making the total area of land used for development 108m x 68m. Twenty one car parking spaces would be provided alongside a detached changing room building. The supporting documentation stated that there would be eight

lighting columns, each 15m to 16m high. The Members of the Planning Committee heard the application in November 2006 and planning permission was granted, subject to conditions, including:

- Prior to the commencement of the development hereby approved final details shall be submitted of the proposed scheme of lighting for the synthetic play area including details of the any measures designed to minimise light spillage from the edge of the sports pitch boundary and the development completed in accordance with the approved scheme and maintained in the approved manner.
- The floodlighting hereby approved shall not be illuminated outside the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.
- The development hereby approved, shall not be used outside of the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.
- Notwithstanding the details shown on the approved plans, details of an acoustic fence adjacent to the MUGA shall be submitted to and approved by the Local Planning Authority and thereafter fully implemented.

A further planning application was submitted (ref no: 06/01018/DC) for the refurbishment of the comprehensive school including demolition of teaching blocks and erection of replacements plus new entrance/office area, all with associated hard and soft landscaping. The plans submitted with this application showed an area of 108m x 68m being allocated for a floodlit playing pitch although the plan clearly indicates that this does not form part of the actual submission. The proposed ground floor plans for refurbishment works show the provision of male and female changing rooms and a separate changing room for referees. The Members of the Planning Committee heard this application in January 2007 and planning permission was granted.

The Planning Services Section were made aware by a local resident that the pitches and floodlighting etc had not been carried out in accordance with the plans approved under planning permission 06/00675/DC. Following investigations by officers, the following differences were highlighted:

- The synthetic pitch measured 100m x 65m;
- The perimeter fence area measured 110m x 76m;
- The four central lighting columns each had two light fittings which was contrary to the approved details;
- The acoustic fencing and the perimeter fencing had been constructed in accordance with the approved details.

It was also noted that the twenty one car parking spaces and the detached changing room building also approved under the above planning permission had not been implemented.

Following investigations by officers, it was confirmed that after the grant of the two permissions, the applicant submitted a funding proposal to the Football Foundation for the synthetic pitch, changing rooms etc. At the same time Darlington Borough Council's Children's Services Section worked alongside the applicant to try and secure funding for the major refurbishment works for the site including the alternative provision of changing rooms and car parking spaces.

Funding was secured for both schemes and therefore the pitches were delivered as part of the 06/00765/DC approval and the changing rooms and parking arrangements were delivered as per the 06/01018/FUL approval. However, the plans submitted to the Football Foundation were different to those approved by the Planning Committee and consequently the development has not been carried out in accordance with the planning permission. As a result, the applicant was advised to submit this retrospective planning application.

The main issues to be considered here is whether or not the development which has been implemented on site, and which has not been built in accordance with the planning approval is acceptable in the following terms:

- Planning Policy
- Residential Amenity
- Visual Amenity
- Highway Issues
- Other Matters

### **Planning Policy**

Policy R11 (Artificial Turf Playing Pitches) 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.

National Guidance contained within PPG17: Planning for Open Space, Sport and Recreation (2002) is a material consideration in the determination of planning applications. The guidance stresses that sport and recreation underpin people's quality of life, and that planning policies on these issues are fundamental to delivering various broad objectives, such as urban renaissance, social inclusion, and health and well being.

The existing planning permission reference number 06/00765/DC has already established the erection of a synthetic pitch in this location and the other matters to be considered in the determination of this revised application are all detailed matters of development control and are considered in the following sections of this report.

### **Residential Amenity**

Policy H15 (The Amenity of Residential Areas) of the Local Plan states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses, which would unacceptably conflict with the amenities of surrounding residential areas. The application site is situated within a residential area. The approximate distances from the surrounding housing is 93m to West View (to the north); 69m to Tees Grange Farm (to the west); 90m to Coniscliffe Mews (to the west) and 211m to Coniscliffe Road to the south.

A number of the concerns raised by the objectors relate to the management of the pitches especially lack of supervision on the site and the pitches and floodlights being in operation outside the terms of the planning conditions.

The applicant has stated "*The management of lettings on an evening is run in accordance with Darlington Borough Council policy for 'Caretakers & Lettings' which stipulates that Caretakers are paid to open and close facilities only. This policy is changing in September and we will be employing staff to manage the lettings. We have only received a complaint about noise from one*

*resident and no complaints about foul language. From September we will have staff on site to manage such issues.”*

*And on the second issue, “We have received 2 complaints since opening the facility last November that the lights were left on slightly past the 21.30 which was due to the caretaker being delayed not switching them off on time, to avoid this happening again we had a time clock installed which automatically switches the lights off at 21.30, since then we have not received any complaints. One group started their letting late and thought they could overrun, all hirers have been advised that they must finish at 21.25 so that they can vacate the pitch by 21.30. From September we will have staff on site to ensure this happens and if not the hirer will not be permitted to continue using the facility.”*

With regard to noise, the original 2006 submission was accompanied by an Environmental Noise Assessment, which concluded that a barrier would be needed to limit noise levels at the nearest noise sensitive locations on Coniscliffe Mews and Tees Grange Farm. No barrier would be required along the northern edge of the pitch. A 3m high barrier has been erected partially along the south and west edges of the pitch, which is in accordance with the details of the submission.

Following the submission of the retrospective application and in view of the concerns raised by the residents, the Council’s Environmental Health Officer has visited the site and commented as follows:

*“I have undertaken a noise assessment at the site in accordance with BS 4142 in order to verify whether the assessment undertaken by Apex Acoustics as part of the original planning application is an accurate reflection of the actual noise levels at the site. Apex looked at what they termed ‘worst case’ noise levels and ‘typical’ noise levels, based on their observations and measurements at Eastbourne Sports Complex, where there is a football pitch very similar to the one at this site. The noise readings and subsequent BS4141 assessment which I undertook showed that the rating levels equivalent to the nearest residential receptors were approximately equivalent to the ‘worst case’ conditions predicted by Apex Acoustics. The rating levels produced from my assessment were +3 dB, which is slightly less than marginal significance. I have no reason to believe that the noise levels encountered as part of my assessment were not typical of conditions when the 3 pitches are in use. Therefore, in order to reduce noise levels to values nearer the ‘typical’ levels contained in the Apex Acoustics report, it would appear to be justifiable to consider installing additional noise mitigation measures at the site. The should include the following:*

- 1. Extend the acoustic fence further along the southern boundary of the pitch to provide additional screening to properties to the south and south west.*
- 2. Provide an acoustic fence along the northern boundary of the pitch in order to provide screening to the properties to the north.*

There are eight lighting columns on the perimeter of the pitch. The applicant has confirmed via the lighting company used to erect the structures, that each column is 14.5m high with the light fitting on top being an additional 300mm in size. The overall height of the columns is 14.8m. A Lighting Assessment based on the development as built accompanies the application. The application also includes information on the lighting system, including lux contour plans. However, the Environmental Health Officer has requested further confirmation that the lights

conform with *Table 1* of the Institution of Lighting Engineers document; Guidance Notes for the Reduction of Light Pollution.

In view of this, it is appropriate to attach a planning condition relating to the lighting columns as per the original planning permission

### **Visual Amenity**

The acoustic fence is 3m high and partially screens the south and western perimeters of the pitch. The perimeter fencing is constructed from welded mesh bolted to angle rails and posts. The fencing height is 3.6m extending to 4.5m high in the goal recesses and adjacent bays. The artificial turf has been tested and attained approval to FA Standards. The maintenance strip surrounding the pitch is constructed from a macadam base and wearing course laid over.

The size of the pitch as constructed on site is 5m wider than shown on the approved plans and the overall length and width (including maintenance strips etc) of the whole area is 2m longer and 8m wider than shown on the approved plans. The distance between the perimeter fence and the western boundary of the site is approximately 8m, which appears to be an increase from the approved plans.

The northern boundary with West View consists of a hedgerow and a number of trees. A more dense area of trees line the western boundary with Coniscliffe Mews and the southern boundary with the dwellings on Coniscliffe Road is a mix of fencing and trees. These landscaped boundaries will help to screen the development from the dwellings albeit some of objectors state that the trees have less foliage in winter months and therefore provide less of a visual barrier.

If the Members grant this permission and a condition is imposed to erect a further acoustic fence, as per the advice from the Environmental Health Officer, this would help screen the pitches and the perimeter fencing from the properties on West View.

It is considered that the development as built on site does not have a detrimental impact on the visual appearance or amenity of the surrounding area.

### **Highway Matters**

The plans approved under 06/00765/DC included the provision of 21 car parking spaces, which have not been implemented and the applicant has confirmed that there are now no plans to implement them. The Council's Highways Engineer has considered this and he has stated, "*A Transport Statement submitted with the planning application (ref no: 06/01018/FUL) for the refurbishment for the remainder of the site indicated that a total of 134 parking spaces are to be provided on site. Standards in the Tees Valley Design Guide recommend a maximum provision of 0.8 spaces per full time staff, 5 visitor spaces and an additional provision for part time staff. There are 125 full time staff equating to 100 spaces, the recommendation for parking provision for full time staff and visitors would be 105 spaces, therefore even allowing for a provision for part time staff there is an element of overprovision on the site. Given the proposed multiplicity of uses on the site it is considered that this overprovision is acceptable. It is therefore considered that loss of a parking provision associated with loss of the changing rooms would not have a significant impact. Also, the out of hours use of the pitch would be at times when the majority of school staff would not be at the site and there would be sufficient provision within the car park to provide for all regular community uses.*

*“It is accepted that events take place at the school when there may be some overflow parking, however these events should be registered with the Public Events Safety Advisory Group (PESAG) and appropriate action taken to mitigate the impact of parking on-street adjacent to the school.”*

### **Other Matters**

On inspection of the site, it was noted that the changing room building had not been implemented and again the applicant has confirmed that there are now no plans to build the structure. However, as mentioned previously, alternative changing rooms have been included within the refurbishment works for the school building and they are available for use on an evening and a weekend. The changing rooms are in operation and they have been upgraded to Football Foundation standards.

### **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 existing planning permission reference number 06/00765/DC has already established the erection of a synthetic pitch in this location which is accessible by a range of modes of transport and one that is closely linked to an existing informal facility at the adjacent school site. Unfortunately, the development has not been carried out in accordance with the approved plans and as a result this retrospective planning application had to be submitted.

It is considered that, along with replicating the existing planning conditions relating to hours of operation etc, further conditions must be imposed, in the interests of residential amenity to secure additional noise attenuation measures and the submission of a Management Plan for the development.

The development would not have an adverse impact on the visual amenity or character of the locality.

The loss of the twenty-one car parking spaces will not have an adverse impact on car parking provision within the site or raise any highway safety issues and the creation of changing facilities within the school will compensate for the fact that the changing room building will no longer be implemented.

The proposal is considered to comply with the relevant policies in the development plan as set out below.

R25 – Provision of Community Facilities  
E46 – Safety and Security  
H15 – The Amenity of Residential Areas  
R1 – Designing for All  
R2 – Access for People with Disabilities



R11 – Artificial Turf Playing Pitches  
R20 – New Sports and Recreational Facilities  
E48 – Noise Generating Development  
T24 – Parking and Servicing Requirements for New Development

## **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. The floodlighting hereby approved shall not be illuminated outside the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.  
REASON - To protect the amenities of nearby residential properties.
3. The development hereby approved, shall not be used outside of the hours of 08:00 and 21:30 Monday to Friday and 09:00 and 20:00 Saturday to Sunday.  
REASON - To protect the amenities of the adjoining residential properties.
4. No means of amplification of sound shall occur within the synthetic playing pitch area.  
REASON - To protect the residential amenities of the adjoining properties
5. Notwithstanding the details shown on the approved plans, details of further acoustic fencing on the southern boundary of the pitch and new acoustic fencing on the northern boundary of the pitch shall be submitted to and approved by the Local Planning Authority and thereafter fully implemented.  
REASON – To reduce noise emanating from the synthetic pitch and to protect the residential amenity of nearby residents.
6. A Management Plan for the synthetic playing pitch 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.
7. Notwithstanding the details included in the planning application, details shall be submitted of the scheme of lighting for the synthetic play area including details of the any measures designed to minimise light spillage from the edge of the sports pitch boundary and the development completed in accordance with the approved scheme and maintained in the approved manner.  
REASON - To protect the amenities of the adjoining residential properties.
8. B5

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The existing planning permission reference number 06/00765/DC has already established the erection of a synthetic pitch in this location which is accessible by a range of modes of transport and one that is closely linked to an existing informal facility at the adjacent school site. Unfortunately, the development has not been carried out in accordance with the approved plans and as a result this retrospective planning application had to be submitted.

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secure additional noise attenuation measures and the submission of a Management Plan for the development.

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