

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 27<sup>th</sup> June 2018

Page

---

<b>APPLICATION REF. NO:</b>	18/00232/FUL
<b>STATUTORY DECISION DATE:</b>	13 July 2018
<b>WARD/PARISH:</b>	HUMMERSKNOTT
<b>LOCATION:</b>	Carmel College, The Headlands
<b>DESCRIPTION:</b>	Variation of Condition 14 (Construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches) attached to planning permission 16/00597/FUL dated 8 September 2016 to ensure padding on perimeter backboards and goal backboards meet requirements of Condition 13 (amended Noise Assessment received 8 May 2018)
<b>APPLICANT:</b>	Mrs Jennifer Moorhouse

---

**APPLICATION AND SITE DESCRIPTION**

Planning permission (reference number 16/00597/FUL) was granted by Members of the Planning Applications Committee in August 2016 for the construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches. The approval was granted subject to a number of planning conditions, including Nos 13 and 14 which state:

**Condition 13**

*The noise from the use of the synthetic sand dressed turf pitch shall meet the Local Authority noise assessment criteria contained within SSDTP Sound Impact Assessment reference 4879.3 dated 28 April 2016 at all noise sensitive locations.*

*REASON - In the interests of residential amenity.*

And;

**Condition 14**

*The perimeter backboards and goal backboards surrounding the entire pitch shall be designed and lined with a suitable padding material so as to reduce the impact noise on the boards so that the L<sub>Amax</sub>(fast) does not exceed 65 dB(A) when measured at 5 metres. The perimeter backboards and goal backboards shall be maintained throughout the life of the development and to the satisfaction of the Local Planning Authority.*

*REASON - In the interests of residential amenity.*

The pitch has been constructed and is fully operational. In July 2017, the local planning authority received a complaint from local residents about the noise levels that were being generated by the playing pitch, especially during hockey practice sessions and also the extent of light spill and glare from the columns associated with the pitch.

These complaints resulted in an investigation involving site visits by the Council's Environmental Health Officer, the implementation of a further noise and lighting survey by the appropriate consultants in consultation with Environmental Health and the submission of their findings.

The findings of the noise investigation confirmed that the noise measurements contained within the condition 13) had been achieved but padding that was installed on the perimeter back boards and goal boards had not achieved compliance with the noise criteria expressed in condition 14).

This planning application has been submitted by the College in order to reword the condition 14) to read that the padding of the back boards and goal boards shall be maintained throughout the lifetime of the development and to accord with the noise criteria of condition 13).

With regard to the external lighting, the College fitted external shields/cowls to each lighting column and following the submission of an updated lighting assessment, the Council's Environmental Health Officer has advised that the lighting columns are operating in accordance with the relevant conditions (Nos 17 and 18) attached to planning permission reference number 16/00597/FUL). This part of the investigation has been satisfactorily resolved.

**Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.**

### **PLANNING HISTORY**

16/00597/FUL – In August 2016 planning permission was GRANTED for the construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches

### **PLANNING POLICY BACKGROUND**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document is relevant along with the National Planning Policy Framework 2012.

### **RESULTS OF CONSULTATION AND PUBLICITY**

The Local Planning Authority issued a consultation letter to all the residents that submitted comments on the original scheme (a total of 127 letters) and a Site Notice was erected at the entrance to the College on The Headlands. A total of nine letters of objection have been received from eight households and the comments can be summarised as follows;

- *We believe there is still an issue, with potential breaches of the sound limits caused by the small white goals which have no padding on them. When the hockey teams are practising and during the match warm ups individual players often use these smaller goals to practice shooting which leads to an intense period of noise generation. As the back bars of these goals are not padded we believe they are generating excessive noise and that at the times when these are used, this can lead to the measurement for the average 10 loudest events in a 15 minute period exceeding 60 dB(A). Some form of*

*padding needs to be applied to the back and the internal side bars of these small goals to provide noise protection and the wording of condition 14 needs to be extended to include requirement that all equipment used on the facility needs to be adequately padded to avoid excessive noise generation*

- *It is disappointing that at the first sight of difficulty, the proposal is to change the planning condition rather than address the noise issue. I believe the original condition should be upheld and further actions are taken to encourage the noise reduction to become complaint*
- *The most annoying noise generated is the gunshot retort of the ball hitting the backboards when scoring a goal. As far as I can see the goals do not have any sound deadening material in them meaning that every time a goal is scored the annoying noise is generated*
- *The current situation is that there is excessive and intrusive noise from a hockey ball hitting the goal backboards which is like a gunshot and is worse during practice sessions. If indeed it is caused by a lack of padding or suchlike behind the goals it does not seem to be such a problem to overcome*
- *It rather feels like promises to control noise within acceptable limits have been made to secure a successful application and nice built, it is those could be cast aside by changing the conditions*
- *We are supportive of Carmel School providing high quality sports facilities for its students. However we believe that the School should do so whilst making suitable accommodation for the comfort of its neighbours. The conditions were imposed on the development after due consideration of all the evidence in this case. At the time noise and nuisance was a specific concern raised by many local objections and the School went to great lengths to assure objectors that these concerns were being taken seriously and would be addressed. It was these assurances that persuaded the Planning Committee to grant permission in its current form and subject to condition 14. There does not appear to be any evidence of efforts made to secure compliance with this condition. Measure should include fitting adequate padding to all back boards and posts, including practice goals, thereby ensuring that the noise to nearby residents arising from the facility would be maintained at the agreed level*
- *It seems unreasonable subsequently to petition for a provision which was proposed and agreed in the interests of residential amenity to be withdrawn or amended because it has proved to be inconvenient or unachievable. The noise during practice sessions seems to exceed the agreed levels and additional padding could help to the reduce the impact on neighbours*
- *The failure to provide adequate padding to backboards and goal back boards has resulted in a noise similar to that of the crack from a high powered rifle must be rectified by the College and the Council*
- *After the deluge of objections against the original application for this development, it is difficult to believe that recent testing for noise issues has not been implemented thoroughly and exhaustively. The overriding noise problem occurs mainly during pre-training matches when balls are continuously fired at the goal over an exhaustive period of time. The surface on which they ricochet is clearly not adequately insulated. Testing needs to be repeated at appropriate times to achieve an accurate picture.*
- *Given the original cost of the development, providing adequate insulation must surely be relatively cost effective*
- *The practising and shooting sessions can last continuously between 10 and 45 minutes which can mean that for up to 45 minutes (per session) the two highest sources of noise occur once every 15 – 20 seconds*

- *We do not agree that adequate testing has been carried out to conclude that condition 13 is complied with*
- *There are noise events which should have been anticipated in the original submission which have not been included, specifically the use of small white practice goals which have no padding on them but are used in both warm ups and training*
- *The noise assessment does not seem to include any assessment of two loud noise events occurring simultaneously. When a high number of people are carrying out multiple activities the likelihood of simultaneous noise events is increased which will cause an increased number of loud noise events. This facility can be used for other sports and there needs to be an evaluation of these to determine if noise assessments need to be made on their activities to ensure that none of them will generate higher noise levels*
- *The letter from Apex Acoustics does not states the condition 14 cannot be met and they have misinterpreted the purpose and scope of condition 14 which is to ensure the perimeter boards and goals are sets and sets a measure for the effectiveness of that padding. The purpose of the condition is to reduce the noise generated from the perimeter boards and goal back boards to a level where a ball striking then does not represent one of the 10 loudest events in a 15 minute period, this reducing the overall noise levels. The purposes of the 65dB measure is to ensure that eh materials used to line the boards is effective enough.*
- *We believe only a second layer of material has been applied as the padding to the perimeter boards and that this is not thick enough to achieve the required outcome. The padding needs to be improved in line with eh Sport England guidance so that the noise generated from hitting the ball is no more than 65dB when measured from 5 metres*
- *Condition 14 needs to be retained and the applicant needs to comply with it by improving the padding on the perimeter boards*
- *The second part of the condition is not being complied with as the small white practice goals do not have padding on their back boards*
- *If the goal back boards cannot comply with the condition following discussions will experts (Sport England) it may then be necessary to reword condition 14 to split the noise requirement of the perimeter back boards from that of the goal padding so that each has a separate criteria*
- *It is worrying that the same company that claimed that this facility would be complaint with the noise limits is not telling us it is not complainant*

A letter of objection has been received asking about the extent of the consultation exercise on the planning application; traffic generation and air pollution which are not material planning considerations in the determination of this planning application.

One letter of support has been received and the comments can be summarised as follows:

- *As a member of the public who frequently visits the site I am in support of the College and the amendments. I regularly watch both practice and hockey matches and have never found the sound to be offensive. I appreciate I am not living next to the site but I experience the noise at the pitch side which is surely louder*
- *The College have added additional provision for sound reduction including wooden boarding. When outside these sound is significantly reduced*
- *I would like to add that I still feel the addition of sporting facilities is extremely positive and it is lovely to see children and students exercising in the fresh air*

## Consultee Responses

The Council's Environmental Health Officer has raised no objections to the variation of the planning condition.

## PLANNING ISSUES

The main issue to be considered here is whether the rewording of condition 13) will result in the playing pitch having an adverse impact on the amenities of the neighbouring residential dwellings. Having considered the planning application, the supporting information, the letters of objection and the requirements of condition 13), the Council's Environmental Health Officer has advised as follows:

*The application seeks to vary Condition 14 of planning permission 16/00597/FUL which specifically covers the padding of the perimeter backboards and goal backboards on the new pitch at Carmel College. Conditions 13 and 14 attached to the permission both aim to protect residential amenity in relation to noise, with Condition 13 being the main condition which sets noise assessment criteria to be met from the use of the pitch in general (including noise from impacts on the backboards).*

*An argument has been put forward in the application that Condition 14 can be varied to be less prescriptive (i.e. remove reference to exact noise level to be achieved), as while it has been established that this condition is not being complied with (in relation to hockey ball impact noise – worst case with no padding in original assessment) the purpose of this was to ultimately ensure appropriate padding was put in place when the exact details were unknown/not forthcoming at the time of the determination of the original application, and to ensure compliance with Condition 13 which covers specific noise levels to be met from the use of the synthetic sand dressed turf pitch (SSDTP) as a whole. This has been expanded upon in the documentation accompanying the application, as commented on below.*

*The application has been submitted with a letter style report prepared by Apex Acoustics dated 16 November 2017. This includes results from a monitoring exercise which took place during a typical senior/adult hockey training session (understood to be worst case from comments of residents) on the evening of Tuesday 31 October 2017.*

*Measurements were taken at two positions on the college site boundary, to the north and south of the SSDTP. At each of the two locations noise was assessed for three 15 minute periods. The report details that subjectively the two highest noise sources were ball impacts on metal goal posts and stick strikes on the ball during a penalty shoot. This is in keeping with comments in the letters of objection, and are two of the noise sources also included in Tables 4 and 5 (Appendix 1) of the noise measurement results which show the 10 highest measured levels over the 15 minute periods assessed. These sources are not relevant to Condition 14.*

*Comparing the results of the monitoring with the noise assessment criteria set by Condition 13 of the planning permission it has been highlighted that (in relation to the assessment of hockey training) the first two criteria (LAeq, 15 min should not exceed the LA90, 5 min by more than 3dB and the LAeq, 15 min should not exceed 50dB at all noise sensitive locations) are being complied with. The background (LA90) noise level established in the report submitted with the original application was 44dB. This means to ensure compliance with the first criteria the noise level must be no more than 47dB. Table 2 of the report show levels between 42-44dB LAeq, 15 min at both positions. By default this ensures compliance with the second part of this condition which states the LAeq, 15 min should not exceed 50dB at all noise sensitive locations.*

*In relation to the third (last) criteria of Condition 13 (the average LAFmax should not exceed 60dB (mean logarithmic average of the 10 loudest events from at least three separate 15 minute measurement periods)) the results of the monitoring exercise included in Appendix 1 (Tables 4 and 5) of the report shows the noises which accounted for the 10 loudest events for the periods monitored and shows that the mean logarithmic average is less than 60dB L<sub>Amax</sub>. This again is in accordance with the noise assessment criteria.*

*I acknowledge the points made in the letters of objection and would respond to the main points as follows:*

- *Objections highlight uncertainty as to whether practice shooting was included in the assessment. Apex have confirmed that the monitoring exercise did include shooting practice.*
- *Objections mention that levels above 60dB were measured which depending on intensity of activity could lead to third criteria being breached. This assessment shows that the third criteria wasn't breached during what I understand was representative of a typical senior/adult hockey training session which has been described as worse case as opposed to a match. As this covered worse case I am confident that any further noise monitoring would come to the same conclusion that the noise assessment criteria is being met.*
- *Objections refer to the use of the pitch for other sports not having been considered by the noise assessment for the purpose of this variation of condition application. Complaints which lead to it being established the backboard padding criteria was not being complied with were initially about hockey (said to be worse case and main use of pitch currently). I am confident that due to the hardness of a hockey ball compared to balls used for other sports this will result in the highest noise levels.*
- *As Condition 13 remains this can be relied upon if complaints are received in the future (including about other sports).*

*I am satisfied with the information that has been submitted and Environmental Health would have no issues with Condition 14 attached to planning permission 16/00597/FUL being varied.*

The Environmental Health Officer has recommended that wording within Condition 14) should be revised to state:

***“The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be maintained throughout the life of the development to the satisfaction of the Local Planning Authority.”***

The comments from the Environmental Health Officer continues:

*Since additional work was carried out by the College to pad the goal backboards used for hockey I am satisfied that the padding material is satisfactory in relation to the above proposed condition and compliance with the noise assessment criteria.*

*I would reiterate and can confirm the earlier point about Condition 14 being recommended when details of the padding was not forthcoming/unknown is correct. This was to ensure some padding was fitted to the backboards in looking to ensure compliance with the overarching noise level condition (Condition 13).*

*As Condition 13, which remains, sets noise assessment criteria to be met from use of the pitch as a whole, this could be relied upon if complaints were received about noise from the use of the pitch in the future (even regarding other sports), and therefore by allowing Condition 14 to be varied as proposed will in no way be to the detriment of residential amenity. Ultimately any complaints would look to be assessed in relation to the criteria set by Condition 13 anyway (as has been done in this instance).*

Objections have referred to the use of small white goals for hockey practice which appear to have no padding. Officers have contacted Carmel College and they have confirmed that the white goals are meant for football and they have assured the local planning authority that the goals will not be used in the future when the facility is being used for hockey. This is an issue for the College to monitor and manage appropriately.

Having considered the advice from the Environmental Health Officer, it is considered appropriate to revise the wording of condition 14) which would still ensure that the goals and fencing are padded throughout the lifetime of the development and the overall noise generated from the usage of the pitch still has to comply with the overarching noise requirements set out in condition 13).

### **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**

A thorough investigation has been carried out following complaints from local residents about noise generated by the playing pitch. This investigations revealed that the overarching noise criteria set out by the Noise Assessment that accompanied the original planning application and secured by condition 13) are being complied with.

However, the noise criteria contained within condition 14) (*The perimeter backboards and goal backboards surrounding the entire pitch shall be designed and lined with a suitable padding material so as to reduce the impact noise on the boards so that the LA<sub>max</sub>(fast) does not exceed 65 dB(A) when measured at 5 metres*) was not being complied with.

Having considered the advice from the Council's Environmental Health Officer, it is considered that rewording condition 14) as set out below will not harm the amenities of the neighbouring dwellings as the overarching noise criteria set out in condition 13) continues to be complied with, and can be used to investigate any other future noise complaints.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be

maintained throughout the life of the development to the satisfaction of the Local Planning Authority.

REASON: In the interests of residential amenity

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

**Darlington Core Strategy Development Plan Document 2011**

CS16 Protecting Environmental Resources, Human Health and Safety

**National Planning Policy Framework 2012**