

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**5<sup>th</sup> September 2018**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT**

**18/0380/VARY**

**Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees  
Section 73 application to vary condition no4 (Hours of Use) of planning approval  
15/1268/FUL- Development of an artificial turf pitch with floodlighting and the inclusion of  
prefabricated stands, prefabricated changing room block with toilet facilities and  
refreshment area, technical areas with dugouts, turnstile and associated fencing and  
pathways.**

**Expiry Date 18 April 2018**

**SUMMARY**

The application site is located at the junction of Oxbridge Avenue and Bishopton Road West and forms part of wider Stockton Sixth Form college site. Surrounding the wider college site are Sainsbury's and the associated petrol station (north); Our Lady and St Bede's school (west); and, a series of residential properties.

Permission was originally granted for the artificial turf pitch, floodlighting, stands, changing room and associated facilities in July 2015 subject to planning conditions (ref; 15/1268/FUL). This application seeks to vary condition 4 (the hours of use) of the artificial turf pitch and associated floodlighting to allow for extended use of the pitch until 9pm in the evening Monday - Friday.

A total of nine letters of objection and 1 letter of general representation have been received. The main objections to the proposal are due to increased noise and disturbance; parking issues; existing breaches of conditions; and, that the facility is no longer for community use but is a commercial venture. The letter of representation offers general support for the football club and states that noise is not excessive having attended games

The only considerations of this application relate to condition 4 (hours of use) and its associated impacts from both the use of the pitch and the associated floodlighting. All other matters remain to be controlled via the terms of the planning conditions which were imposed on the original approval (appendix 1). The main planning consideration of this application include the principle of the change; the associated impacts on residential amenity; and, highway safety.

The Environmental Health department have considered the impacts of noise disturbance and light pollution on the neighbouring residents. However, as a result of the existing use and associated mitigation measure which were put in place to limit the impacts on surrounding residents, both levels of noise and light pollution meet the required guidance levels on noise and statutory levels on light intrusion. Consequently it is considered that an additional hour of use will not significantly alter the existing situation to such an extent that it would result in such significant harm to residents amenity that it would justify a refusal of the application.

Adequate access and parking has previously been demonstrated and these remain unchanged, therefore there are no highway safety impacts as a result of the proposals.

## **RECOMMENDATION**

That planning application 18/0380/VARY be approved subject to the following conditions and informative;

### **Hours of Use;**

- 01 ***The Hours of use of the Artificial Turf Pitch and its associated floodlighting shall be restricted as follows;***

***Use of the pitch and operation of the floodlighting shall be limited to 9am to 9pm Monday to Friday and 9am to 5pm on Saturday and Sunday.***

***The pitch and floodlighting may be used no more than twice a week until 10pm in the case of a fixture being played by Stockton Town Football clubs first team and 10.20pm in the case of the match being played being a cup tie.***

***Reasons: In order to limit the use of the pitch and floodlighting and their associated impacts of noise and light disturbance on the residential amenity associated with nearby properties in accordance with the guidance within the National Planning Policy Framework.***

### **Variation of approved hours of use only;**

- 02 ***Nothing in this permission other than the variation of condition No.4 (Hours of use) to allow for extended opening and use of the facility shall be construed as discharging the conditions attached to the previous permission 15/1268/FUL.***

***Reason: To reserve the rights of the Local Planning Authority with regards to these matters.***

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

## **BACKGROUND**

1. Numerous applications which relate to the existing college have been received over the years and include alterations to classrooms and other associated facilities (ref; 00/1847/P, 02/2281/P, 02/2282/P, 05/3305/FUL, 07/1964/FUL, 10/1809/FUL, 11/1492/FUL, 13/1714/CPE). The wider college site is also subject to two tree preservation orders (re; 00.8.5.365 & 00.8.5.730) and there have also been applications for works to those protected trees (ref; 07/1419/X & 09/1857/X)
2. The permission which was granted for the artificial turf pitch, floodlighting, stands, changing room and associated facilities in July 2015 subject to planning conditions (ref; 15/1268/FUL). Other applications which directly relate to Stockton Town Football Club and an artificial turf pitch (including its relocation include applications 14/0105/FUL (approved June 2014); 15/0533/FUL (withdrawn March 2015); 15/0534/FUL (withdrawn March 2015).
3. Since that approval advertisement consent for 1no hoarding sign was also granted (ref; 17/1666/ADV)

## **SITE AND SURROUNDINGS**

4. The application site is located within the urban area of Stockton, located at the junction of Oxbridge Avenue and Bishopton Road West. The site is part of the wider college site which consists of college buildings, car park, formal playing pitch's and informal landscaping.
5. Surrounding the wider college site are Sainsbury's and the associated petrol station (north); Our Lady and St Bede's school (west); and, a series of residential properties (on the opposing area of Bishopton Road West, the opposing side of Oxbridge Avenue and to the south of the site).

## **PROPOSAL**

6. Planning permission is sought under section 73 of the Town and Country Planning Act (1990) to vary condition 4, the hours of use of the artificial turf pitch and associated floodlighting to allow for extended use of the pitch for one extra hour in the evening Monday to Friday. This will allow both increased access to the facility and have the potential to increase the associated returns through hiring the facility out. The original wording of the condition is detailed within the decision notice contained in appendix 1.
7. Under the revised proposal, the times of use sought are therefore;
  - *9am to 9pm Monday to Friday and 9am to 5pm on Saturday and Sunday.*
  - *No more than twice a week until 10pm in the case of a fixture being played by Stockton Town Football clubs first team and 10.20pm in the case of the match being played being a cup tie.*

## **CONSULTATIONS**

8. The following Consultations were notified and any comments received are set out below:-

### **Highways Transport & Design Manager – no objections**

**Sport England** – Artificial Grass Pitches (AGPs) offer the potential to accommodate a significant amount of formal and recreational play without the decline in quality associated with grass pitches. Sport England considers that AGPs offer the opportunity to increase participation in sport in a way that is also efficient in terms of land use. Dependant on the location of the AGP it may sometimes be necessary to impose restrictions on the hours of operation due to disturbance caused by light-spill or noise from the pitch users. As a rule of thumb, where Local Authorities have concerns that there may be some impact from AGPs on neighbouring residential properties, 9pm is often used as the curfew for pitch use. The application seeks to extend the AGP's permitted evening hours of operation from 8pm until 9pm. As the weekday evenings are the periods when (along with weekends) most community use takes place, Sport England wishes to support this amendment.

There is a further aspect regarding the sustainability of the AGP which we would wish you to have regard to in determining this application. Whilst artificial grass pitches are significantly more durable than grass pitches, they have notable short, medium and most significantly long term maintenance costs which need to be met. The link below takes you to Sport England's lifecycle cost guidance on AGPs;

<https://www.sportengland.org/media/4469/life-cycle-costs-artificial-surfaces-april-2012.pdf>

It can be seen that for an adult 3G football pitch annual costs of 3.2% of the original capital cost will need to be set aside for a sinking fund, whilst routine maintenance costs will be in the region of 0.5% of the original cost. The sinking fund is needed to cover the cost of the replacing the pitch's surface and shockpad once they are worn out (after between 10 and 15 years of use). It is imperative that AGPs are allowed to generate sufficient revenue through community use for these life cycle costs to be covered. We would therefore welcome the potential for the

pitch to have additional revenue-generating community use through the extension of its permitted hours.

**Environmental Health** - I have considered the impact on residents of this additional hour with respect to potential noise and use of the flood lights in the winter period. The previously approved Noise Report dated January 2016 (Ref: 5714/DO/pw) approved the development on the basis that noise levels were not likely to adversely affect nearby residents, as predicted noise levels were in accordance with accepted guidance levels on noise. The Report was based on prediction levels of the mitigation measures, which include earth bunding, a 2.5 m closed boundary fence to the northern boundary of the site, and a 3.5 m barrier along the north/south site boundary.

On balance, I do not consider that an additional hour will significantly alter the outcome of the Noise Report. I have also considered the previously submitted light survey, which again meets the relevant statutory levels on light intrusion. As such, I have no objection to this application to vary the hours of use.

**Councillor Paul Baker** - I would like to object to the variation in original planning application of the extended hours, I feel that this not considering residents privacy and is becoming very intrusive and is causing personal and emotional upset.

### **PUBLICITY**

9. Neighbours were notified and 9 letters of objections and 1 general comments have been received, these are set out below:-

#### **Objections:**

- Increased noise and disturbance and associated impacts of residents
- Light disturbance already experienced will be extended
- Residents need respite from the activities and original conditions should remain
- Matches go well past 8pm and have regularly continued until 9pm, increasing hours will simply result in matches overrunning to 10pm
- Parking problems when bigger games take place
- Signage has been added and more is expected in the future
- What evidence is there of the extra revenue to be generated
- Attendance levels set by condition 9 are being breached
- Tannoy is being used on match days for variety of purposes
- Facility was for the community and not a commercial venture for the club.
- Conditions 4, 9 and 12 are not being enforced

1. Mr Neil Innes -18 Coniston Road Stockton-on-Tees
2. Mr Graham Irish – 4 Chivers Court Stockton-on-Tees
3. Mr Jeffrey Bell - 30 Meridian Way Stockton-on-Tees
4. Mr Alistair McIntyre - 102 Oxbridge Avenue Stockton-on-Tees
5. Mr Keith Craggs - 88 Oxbridge Avenue Stockton-on-Tees
6. Mr Mark Hall - 11 Chivers Court Stockton-on-Tees
7. Mr Peter Turner - 100 Oxbridge Avenue Stockton-on-Tees
8. Mrs Samantha Granger - 90 Oxbridge Avenue Stockton-on-Tees
9. Mrs Jo Calvert - 32 Meridian Way Stockton-on-Tees

#### **General representation:**

- The football club provides a valuable facility.
- Extent of noise is not considered excessive have attended games.

1. Mr Mike English - 5 Loweswater Crescent Stockton-on-Tees

## **PLANNING POLICY**

10. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

### **National Planning Policy Framework**

11. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

12. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Local Planning Policy**

13. The following planning policies are considered to be relevant to the consideration of this application.

#### ***Saved Policy REC1 of the adopted Stockton on Tees Local Plan***

Development which would result in the permanent loss of playing space will not be permitted unless:

- (i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii) Alternative provision of equivalent community benefit is made available, or
- (iii) The land is not required to satisfy known local needs.

#### ***Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel***

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

#### ***Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change***

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### **Core Strategy Policy 6 (CS6) - Community Facilities**

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

### **MATERIAL PLANNING CONSIDERATIONS**

14. Given that this application seeks to vary a previously imposed condition which controls the hours of use and floodlighting, the main planning consideration of this application include the principle of the change; the associated impacts on residential amenity; and, highway safety.

#### **Principle of development;**

15. As part of the consideration of the original planning application the artificial turf pitch and associated facilities were considered to be in accordance with the relevant policies of the development plan and national planning guidance. That permission has been implemented and the merits of it cannot be revisited.

16. The only considerations of this application relate to condition 4 (hours of use) and its associated impacts from both the use of the pitch and the associated floodlighting. All other matters remain to be controlled via the terms of the planning conditions which were imposed on the original approval.

17. It is noted that Sport England have commented that they support the proposed application on the basis that Artificial Grass Pitches (AGPs) offer the potential to accommodate a significant amount of formal and recreational play without the decline in quality associated with grass pitches and thereby increase the opportunity to increase participation in sport. They consider that the additional hour of use and income generation will support the longer term sustainability of the facility by generating capital. This will help to support ongoing maintenance costs and the longer term replacement of the pitch which has a 10-15yr lifespan.

18. The extra hour of use will therefore have some economic and social benefits under the definition of sustainable development and terms of the NPPF, albeit they need to be weighed against the associated impacts as set out below;

**Amenity of neighbouring occupiers;**

19. The majority of objections received raise concerns about the implications of the proposal on increased noise and disturbance; additional light pollution; and, further breaches of any future permitted hours.

20. Whilst such concerns are noted, the existing use of the pitch has been accepted and has also been subject to noise mitigation measures as well as control over floodlighting as part of the original approval. The proposed variation to the planning condition will not affect these previously agreed mitigation measures and therefore the main consideration is whether the additional hour (Monday-Friday) will have such a significant impact it would demonstrably harm the living conditions of the neighbouring properties.

21. In considering the associated impacts the Environmental Health department have considered the previously approved Noise Report dated January 2016 (Ref: 5714/DO/pw); the mitigation measures imposed (which included earth bunding, a 2.5m closed boarded fence to the northern boundary of the site, and a 3.5 m barrier along the north/south site boundary); and the previously submitted light survey. The use of the facility as it is, therefore meets the required guidance levels and statutory levels on light intrusion. Despite residents' and the local ward councilors concerns, the Environmental Health department are satisfied that, on balance, the additional hour will not significantly alter the current situation and offer no objections to the proposal.

22. It is also noted that Sport England support the additional hour of use, commenting that *"As a rule of thumb, where Local Authorities have concerns that there may be some impact from AGPs on neighbouring residential properties, 9pm is often used as the curfew for pitch use."*

23. Whilst the concerns of residents are noted, in view of the comments from the Council's Environment Health department and the in absence of any firm evidence to suggest otherwise, it is considered that the use of the playing pitch for an additional hour on Monday to Friday is considered not to significantly worsen the existing situation and is therefore deemed to be acceptable as it will not significantly and adversely affect levels of residential amenity.

**Highway safety;**

24. The purpose of this application is to consider the associated impact of only the additional hour of use which is being sought under the variation of condition 4. Whilst it is noted that objectors raise concerns in relation to parking problems which have been experienced during large attendances on match days, this is not for consideration as part of this application.

25. The Highway, Transport and Design Manager has considered those associated impacts on access and parking provision resulting from the additional hours use and raise no objections to the scheme. In the absence of any evidence to the contrary the proposal for the additional hour is not considered to pose any highway safety dangers.

**Residual Issues;**

26. A number of objectors comment that conditions 4 (hours of use), 9 (Noise modelling and mitigation) and 12 (amplified music and public address) are regularly breached by the football club and are not being enforced by the planning department. To clarify the position on these matters all the enforcement complaints received have been assessed. This application is in part a response to the breach of condition 4, while matters relating to conditions 9 and 12 require further investigation and analysis of the associated noise impacts. At the time the complaints were received the football club had a number of away fixtures at the end of the last season meaning measurement could not be taken. Now the new football season is underway

monitoring of noise from the football clubs matches has begun and the analysis will take place in due course. As detailed elsewhere in this report any potential breaches of conditions 9 and 12 matters are not for consideration under this application

27. Comments in relation to signage at the facility are noted. However, advertisement consent was sought and approved for the existing sign, should any additional signs be required an assessment will be made as to whether they need advertisement consent or not. If consent is required then this is covered under separate legislation and will fall outside of the remit of this application.
28. To clarify some concerns of objectors regarding the use of the facility and commercial aspects, the facility remains for use by both the football club and the community, with the facility being available for hire for use by others. Revenue generated is to support the ongoing maintenance of the facility and ensure a sinking fund is developed. This will ensure the facility is sustainable and help cover the cost of the replacing the pitch's surface and 'shockpad' which typically have a lifespan of 10-15 years.

### **CONCLUSION**

29. The use of the facility has already been established and cannot be revisited. The considerations of the impact of the additional hour of use on weekdays has been fully considered.
30. In particular the Environmental Health department have considered the impacts of noise disturbance and light pollution on the neighbouring residents. However, as a result of the existing use and associated mitigation measure which were put in place to limit the impacts on surrounding residents, it is considered that an additional hour of use will not significantly alter the existing situation to such an extent that it would result in such significant harm to residents amenity that it would justify a refusal of the application.
31. Adequate access and parking has previously been demonstrated and these remain unchanged, therefore there are no highway safety impacts as a result of the proposals. In view of the above consideration the application is recommended for approval subject to those conditions set out within this report.

**Director of Economic Growth and Development**  
**Contact Officer Jade Harbottle Telephone No 01642 528716**

### **WARD AND WARD COUNCILLORS**

**Ward Grangefield**  
**Ward Councillor(s) Councillor Carol Clark**  
**Ward Councillor(s) Councillor Stephen Richardson**

### **IMPLICATIONS**

#### **Financial Implications:**

There are no known financial implications in determining this application.

#### **Environmental Implications:**

The proposal for the additional hour of use is considered to have very limited impacts in respect noise and additional light and subject to controlling conditions are considered to be acceptable as detailed in the report.

#### **Human Rights Implications:**



The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. Such considerations have included the rights to enjoy their properties and generally being protected from nuisance. As detailed within the report the impacts on surrounding residents has been considered and controls imposed as necessary.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report which has considered the impacts of the additional hour of use.

Background Papers:

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Supplementary Planning Documents

SPD3 – Parking Provision for Developments