

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

16 March 2022

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/3005/FUL

**Stockton Sixth Form College, Stockton Town Football Club, Bishopton Road West,
Stockton-On-Tees**

**Application for the installation of 2no prefabricated seating/standing stands, relocation of
existing prefabricated seating stand and relocation of existing shipping container.**

Expiry Date: 4 March 2022

SUMMARY

The application seeks planning consent for the installation of two prefabricated football stands, the relocation of an existing stand and relocation of an existing shipping container at the existing artificial playing pitch at Stockton Six Form College, in association with its use by Stockton Town FC.

The proposed increase in stand capacity is not a result of increased attendances, but a requirement to meet the minimum level of ground quality standard for step 4 of the football league pyramid. Failure to meet the required standards would result in the relegation of the club from the current division. A supporting letter from the football club is also included at appendix 1.

A total of 6 letters of objection have been received. The main focus of comments received relate to the potential for increased noise and disturbance as a result of an increased capacity and the positioning of stands in closer proximity to residential properties.

The application site already has an established use as an artificial turf football pitch and ancillary structures, include spectator stands. The only considerations of this application therefore relate to the acceptability and any associated impacts of the proposed new stands, the re-located stand and the relocated cabin.

The proposed development would be viewed in the context of the existing sports facility and against the backdrop of the Stockton Sixth Form College buildings and would not be highly visible within the street scene. The proposed stand structures are considered to be of a limited scale and are located well away from residential properties. In terms of noise and disturbance, the applicant has provided a noise survey and proposed additional mitigation in the form of acoustic fencing at the south-west of the site. This is considered to be acceptable and there is no firm evidence to suggest proposed stand structures would result in any significant increase in levels of noise to justify a refusal of the application.

The application is recommended for approval subject to conditions as set out below.

RECOMMENDATION

That planning application 21/3005/FUL be approved subject to the following conditions and informative:

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
SBC0001	7 December 2021
STFC/2021/001 REV 0	7 January 2022
[G] - 190	7 December 2021
[G] TF 01	7 December 2021
STFC/21/002	21 December 2021
10	21 December 2021

Reason: To define the consent.

02 Acoustic Fencing

Notwithstanding the development hereby approved, prior to the proposed new and relocated stands being brought into use, details of the proposed 3.5-metre-high acoustic fence shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the acoustic fencing shall be carried out in accordance with the approved details and in accordance with the approved proposed site plan STFC/2021/001 (submitted 7 January 2022) to extend the existing acoustic barrier at the south-west of the site. The acoustic fencing shall be retained and maintained for the lifetime of the development thereafter.

Reason: In the interests of providing suitable levels of mitigation for neighbouring residential occupiers from potential noise and disturbance from the application site.

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. In July 2015 planning consent was granted for an artificial playing pitch, floodlighting, stands, changing room and associated facilities, subject to planning conditions (15/1268/FUL).
2. As part of that approval a planning condition requiring noise modelling and mitigation was imposed (condition 9) which set a threshold for noise at no more than 50dB LAeq at 1 metre from the façade of the nearest adjacent residential properties. In discharging that condition the development was modelled at an 'inferred' capacity of 220 spectators (the total capacity of the two stands) which showed that the required noise level would not be

breached. For clarity the noise report did not set an upper limit on the capacity at the football ground and it is the 50dB limit which is the enforceable limitation.

3. Following the ongoing success of the football club, particularly around the time of the FA vase trophy run, the Council received many complaints over the overall attendances at the application site. As a result of planning enforcement investigations, the Environment Health Team undertook a series of noise recordings at times when home matches were taking place and times when no matches were taking place so a direct comparison could be achieved. This demonstrated that even with crowds of circa 350 spectators the noise levels were not significantly higher and, in all instances, recorded levels at the nearest properties were below the 50dB LAeq requirements of the condition.
4. As part of the current planning application, a statement from Stockton Town Football Club has detailed that the proposed increase in capacity is not a result of increased attendances, but a requirement to meet the minimum level of ground quality standard for step 4 of the football league system.
5. It is understood that should the upgrade in facilities not be implemented by the end of March, the club may face relegation from the league.
6. Other applications which directly relate to Stockton Town Football Club and an artificial turf pitch including its relocation include: 14/0105/FUL (approved June 2014); 15/0533/FUL (withdrawn March 2015); 15/0534/FUL (withdrawn March 2015). An application to vary the hours of use of the artificial turf pitch was also approved in September 2018 (Ref, 18/0380/VARY).
7. An application for the erection of modular building and relocation of existing prefabricated standing stand was approved on 21 May 2021 (20/1534/FUL).

SITE AND SURROUNDINGS

8. 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 pitches and informal landscaping. Surrounding the wider college site is the Sainsbury's supermarket and the associated petrol station (north); Our Lady and St Bede's school (west); residential properties of Chilvers Court and Meridian Way (south); and the residential properties located on Oxbridge Avenue (east).

PROPOSAL

9. The application seeks planning consent for the installation of two prefabricated football stands, the relocation of an existing stand and relocation of an existing shipping container.
10. A new 200-seater stand would be installed in the location of an existing 100-seater stand to the side of the playing pitch (west). The existing 100-seater stand would then be re-located further along the same side of the pitch (to the north). A shipping container would also be re-located behind the relocated stand. A 120-person standing stand is also proposed behind the goal (south).
11. The submitted site plan shows a new hospitality building and an existing 100 person standing stand being relocated behind the southern goal. However, both elements have been approved under a separate application (ref; 20/1534/FUL) and fall outside the scope of this application.

12. As part of the proposed works, additional 3.5 metre high acoustic fence would be installed behind the goal between the facility and the residential properties located on Chilvers Court and Meridian Way (south-west).

CONSULTATIONS

13. The following consultee responses have been received and any comments received are set out below (in summary):-
14. **Highways Transport & Design Manager** – no objections to the proposals but requests a condition be applied to secure details of the extended acoustic mound, fencing and planting.

Highways Comments

There are no highways objections to the proposals as it is not considered that the introduction of additional stands, in isolation to other factors such as how well the club is doing, will result in an increase in spectator attendance.

Landscape & Visual Comments

There are no landscape and visual objections to the proposals. No details have been provided regarding the proposed extension of the mound, acoustic fencing and associated additional planting. It is requested that a condition be applied to ensure the detail of this.

15. **Environmental Health Unit** – no grounds for objection to the development, subject to the recommended mitigation provided by the applicant within the acoustic report for the extension of the acoustic fencing. Subject to the recommended condition, the proposed development raises no issues in terms of noise and disturbance and the proposal is considered acceptable in this respect.
16. **Sport England** – It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

PUBLICITY

17. Publicity has been given to the planning application through neighbour notification letters.
18. A total of 6 letters of objections have been received. A summary of the comments received are identified below along with the names and addresses of those who have contributed.
 1. Mr Graham Irish - 4 Chilvers Court, Stockton-on-Tees
 2. Mr Paul White - 8 Chilvers Court, Stockton-on-Tees

3. Mrs Liz Needham - 10 Chivers Court, Stockton-on-Tees
4. Mr Mark Hall - 11 Chilvers Court, Stockton-on-Tees
5. Mr Jeffrey Bell - 30 Meridian Way, Stockton-on-Tees
6. Mr Alistair McIntyre - 102 Oxbridge Avenue, Stockton-on-Tees

Objections

- Stockton Town Football Club is outgrowing their existing facility and should re-locate to a less sensitive site away from residential properties.
- The facility has become over-developed, moving from a community facility to a commercial enterprise.
- Crowd capacities and noise levels have breached the conditions of the original planning approval and are impacting upon residential peace and enjoyment of their properties and garden areas.
- Decibel levels give no insight into the nuisance caused by crowds. Noise related ranging from the mis-use of the tannoy system, supporters drumming against the stands, noise from whistles and the use of offensive language.
- Concerns have been raised that the new stands would be located closer to surrounding residential properties.
- The existing acoustic fencing does not provide a sufficient level of noise mitigation and noise can still be heard from nearby residential properties. The additional stands and increased capacity would further exacerbate existing noise and disturbance related issues.
- Residents have requested that further noise surveys are carried out to ensure the proposed acoustic fencing is effective.
- Issues of light pollution have been raised from flood lights being switched on until very late hours, beyond those agreed through the original approval.
- Traffic and parking related issues have been raised as a result of larger attendances from an increased capacity. Concerns have been raised that such congestion could impact on emergency services using the road network.
- Drainage related issues have been raised from the artificial pitch, where garden areas located along Chilvers Court have experienced flooding and property damage. Residents are concerned that the additional stands may cause additional flooding issues.
- The original approval was subject to a planting scheme to help reduce noise that has never been implemented.
- Residents have requested that Members visit the site to understand the relationship between the club and neighbouring properties.

PLANNING POLICY

19. 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 Stockton on Tees Borough Council Local Plan 2019.

20. Section 143 of the Localism Act came into force on the 15 January 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 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

21. 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.
22. 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, 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; 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

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

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

Policy TI2 – Community Infrastructure

6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:
 - a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
 - b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
 - c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

24. The main planning consideration of this application include the principle of development and the associated impacts on the character of the area, residential amenity and highway safety.

Principle of development;

25. The application site already has an established use as an artificial turf football pitch and ancillary structures. The pitch is also used for training and is available to the community and sports clubs for use/hire. The original permission has been implemented and the merits of the approved planning application cannot be revisited. The only considerations of this application therefore relate to the acceptability and any associated impacts of the proposed new stands, the re-located stand and the relocated cabin.
26. Given the facility is a playing pitch, Sport England have been notified of the proposals and they comment that as the proposed development is for ancillary facilities which support the primary use as a playing pitch, they do not object to this application.
27. The principle of the development is therefore considered to be acceptable subject to the material planning considerations identified below.

Impact on the character of the area;

28. The application site is situated on the corner of Bishopston Road West and Oxbridge Avenue. The application site is an existing sports facility that features football stands and associated ancillary paraphernalia.
29. The proposed development would be largely screened by a large hedge along Oxbridge Avenue whilst it is well set back from the associated street scene of Bishopston Road. From the limited views of these areas, it would be viewed in the context of the existing sports facility and against the backdrop of the Stockton Sixth Form College buildings and would not be highly visible within the street scene. It is also noted that The Highways, Transport and Design Manager's Landscape officer has raised no objections to the proposal.
30. In view of the above considerations, particularly given the siting of the buildings and limited scale, it is considered that proposed development would not result in any significant impacts on the character of the area and the proposal is considered to be visually acceptable in this respect.

Impact on the Amenity Surrounding Neighbouring Properties;

31. In terms of the physical impact, the proposed stand structure is of a limited scale. The standing stands both new and existing to be relocated (previously approved under application 20/1534/FUL) would be behind the goal to the south of the site. The new stand would be approximately 3 metres in height and a width of approximately 10 metres with a mound and an acoustic fence between. With respect to the proposed acoustic fencing, this is to be located at the south-west of the site, maintaining the height of the combined bunding and fence height, which would be at a height of 3.5 metres. Whilst a notable height, it would be approximately 40 metres from the nearest residential occupiers at Chilvers Court (south) and would maintain the height of the existing bunding along this elevation and it is considered not to result in any significant loss of amenity in terms of outlook/overbearing considerations in this respect. Properties located on Oxbridge Avenue would be approximately 60 metres from the new proposed sanding stand and the distance and relationship raises no significant concerns in respect to residential amenity.
32. With respect to the re-located stand towards the north of the application site, it would also be of a limited scale of approximately 4.5 metres tall with the narrow side profile of the structure facing towards the properties at the north with a distance of approximately 70 metres from the nearest residential properties on Bishopton Road West. Again, given this degree of separation the relationship raises no significant concerns in respect to the physical impacts on residential amenity.
33. The proposed 200-seater stand, whilst larger is still considered to be of a limited scale with a height of approximately 5.5 metres that would be set against the backdrop of the existing college building, in the approximate location of the existing seated stand. Given the scale of the proposed structure, located away for any immediate residential properties, the proposals are not considered to have any significant impacts with regards to loss of light, privacy or appearing overbearing.
34. With respect to noise and disturbance related matters, it is noted that neighbouring residents have raised concerns that the proposed stands would have the potential to increase existing noise levels as a result of the increased capacity and through the structures being moved closer to nearby residential properties.
35. As part of the submission, the applicant has provided a noise survey and proposed additional mitigation in the form of acoustic fencing at the south-west of the site. The Council's Environmental Health Unit have considered the application and supporting information, including the noise survey and whilst concerns of residents are noted,

Environmental Health Unit have raised not objections to the proposed development, subject to the recommended mitigation measures.

36. Whilst comments in relation to a breach of capacity are noted. As set out earlier in the report, there was no imposed limit on the capacity at the football ground, instead with the limit being restricted to a 50dB limit. Noise recording surveys have been undertaken by the Environmental Health Unit during match days/evenings and that on each occasion, the noise levels never breached the upper limit of 50dB LAeq in accordance with condition 9 of the original planning approval.
37. 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 proposed stand structures would not result in any significant increase in levels of noise so as to justify a refusal of the application.
38. It is also noted that some objections relate to existing noise and disturbance. Whilst such concerns are noted, the existing use of the pitch has been accepted and has also been subject to noise mitigation measures. The lawful activities cannot be reconsidered as part of this proposal.
39. Overall, subject to the recommended condition in respect to extended acoustic fencing, it is considered that the proposed development would not result in any significant loss of privacy or amenity for the occupiers of the surrounding residential properties to warrant the refusal of the planning application and the proposals are therefore considered acceptable in this respect.

Highway Safety Related Matters

40. Objection comments have been received from surrounding neighbouring residents in relation to the lack of available parking to support the proposed additional stands. The Highways, Transport and Design Manager has commented that it is not anticipated that the proposals will significantly increase the demand for vehicular parking and raises no objections to the planning application.
41. In the absence of any evidence or an objection on highway safety grounds from the Highways, Transport and Design Manager, it is not considered that there are grounds to substantiate a reason for refusal on lack of parking or highway safety aspects.

Flood Risk & Drainage related Matters

42. Neighbouring residents have raised concerns that the proposed stands would increase drainage problems that are currently experienced within the area. The proposed prefabricated stands would be installed on existing areas of hard standing and as a result are unlikely to result in any significant changes to drainage or surface water flows. The proposed development is therefore not envisaged to create any significant drainage and flooding issues.

Residual Matters

43. Comments relating to breaches of planning condition in respect to use of flood lights and the indiscriminate use of the tannoy system are noted however they relate to the principle of the use and not the additional stands under consideration.
44. Such circumstances are considered to be management issues for the football club that can be investigated when reported, although they would not warrant the refusal of the planning application.

CONCLUSION

45. The application site already has an established use as an artificial turf football pitch and ancillary structures, include spectator stands. The only considerations of this application therefore relate to the acceptability and any associated impacts of the proposed new stands, the re-located stand and the relocated cabin.
46. The proposed development would be largely screened by a large hedge along Oxbridge Avenue and is well set back from the associated street scene of Bishopston Road. From the limited views of these areas, it would be viewed in the context of the existing sports facility and against the backdrop of the Stockton Sixth Form College buildings and would not be highly visible within the street scene.
47. In terms of the physical impact, the proposed stand structures are considered to be of a limited scale and are located well away from residential properties. They are therefore not considered to have any significant impacts with regards to loss of light, privacy or appearing overbearing.
48. With respect to noise and disturbance, the applicant has provided a noise survey and proposed additional mitigation in the form of acoustic fencing at the south-west of the site. This is considered to be acceptable and there is no firm evidence to suggest proposed stand structures would result in any significant increase in levels of noise to justify a refusal of the application.
49. In view of the above, it is therefore recommended that the application be approved subject to those conditions set out within this report.

Director of Finance, Development and Business Services
Contact Officer Kieran Campbell Telephone No. 01642 528551

WARD AND WARD COUNCILLORS

Ward	Grangefield
Ward Councillor	Councillor Carol Clark
Ward Councillor	Councillor Stephen Richardson

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: Matters relating to visual impacts and noise/disturbance have been considered in the report above, In this instance, there are not significant harmful implications.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers:

Stockton on Tees Local Plan Adopted 2019.