



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/02109/FPA
Full Application Description:	Erection of a 4.5m high FA standard football pitch boundary fence
Name of Applicant:	Mr David Norton
Address:	New College Durham, Framwellgate Moor, Durham, DH1 5ES
Electoral Division:	Framwellgate and Newton Hall
Case Officer:	Leigh Dalby (Senior Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises part of an existing and well established college facility at New College Durham, Framwellgate Moor, Durham. The school offers a wide variety of educational courses and higher education qualifications ranging from construction and engineering workshops, health and beauty salons, sports and performing arts and general teaching and it is understood that the facility is used by both students and the local community.
2. The site is located to the north west of Durham City Centre and is bounded by the A167 and open space to the west and housing to the north, south and east, the latter being separated from the existing buildings by several sports pitches.
3. In terms of existing buildings, the site comprises a large main building of notable footprint which is set to the north of 2 smaller buildings of three storey height set parallel to the A167 to the west. In addition, the site also includes a large college car park between the main entrance to the south and the buildings to the north.

4. With regards to access the site is served by a vehicular access taken from Dryburn Road and it is also noted that a public right of way bisects the site north–south between the buildings and sports pitches.
5. This application relates to the sports pitch to the north east of the main college building which is surrounded by grassed land to the north, east and south, with residential properties beyond this to the north at the end of the cul-de-sac Bridgemere Drive and to the east at Alexandria Close.

The Proposal

6. The application seeks planning permission for the erection of a 4.5m double mesh powder coated metal fence around the perimeter of the existing sports pitch to the north east of the main college building. The fence is proposed to be dark green in colour.
7. The application is reported to the Planning Committee at the request Cllr Wilkes who raised concerns regarding impact of the proposal upon residential amenity and the openness of green spaces.

PLANNING HISTORY

8. There is no planning history relevant to the current application.

PLANNING POLICY

National Policy

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 4 - Decision-making*. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

Local Plan Policy:

17. The following policies of the County Durham Plan are considered relevant to the determination of this planning application:
18. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

19. *Policy 26 Green Infrastructure*: Development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.
20. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
21. *Policy 31 Amenity and Pollution* states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.

Neighbourhood Plan

22. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

23. The Coal Authority: considers that the content and conclusions of the Phase I Geo-Environmental Site Assessment are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development, and as such offers no objection.
24. The Framwellgate Moor Parish Council object to the application on the grounds that the height of the fencing would adversely affect the amenity of neighbouring residents and have an overbearing impact on public space.

Internal Consultee Responses:

25. Public Rights of Way: advise that public footpath no. 4 and bridleway no. 3 Framwellgate Moor Parish pass in close proximity to the playing field, to the west and north respectively and that the application documentation suggests that neither of the above public rights of way will be directly affected by the proposed fencing. Comments that there may be some adverse impact with regard to the current open aspect of footpath no. 4, given that the height of the fencing.

26. Archaeology: raise no objections.

Public Responses:

27. The application has been publicised by way notification letters sent out to neighbouring land owners. 9 objections have been received, raising the following concerns:

- The fencing would have an adverse visual impact to the detriment of the amenity open space, the character of the area and the wider open space setting,
- The proposal would see development to the east of the PROW, contrary to the design principles of the development of the wider New College site,
- The fencing would have a strong urban appearance in an area that is characterised by its openness, appearing as a visually intrusive barrier to the residents of North Terrace and Alexandria Close,
- The sports pitch was raised by approximately 1.5m as part of the original College redevelopment so the fencing would appear as 6m tall from the gardens of Alexandria Close,
- There are no benefits of or justification for the fencing,
- The sports pitch was built on top of rubble and topsoil and surface water runoff from the sports pitch floods some of the adjoining garden areas in the winter and further development could exacerbate this,
- Questions whether this is the first stage of a wider proposal to come forward in the future involving an artificial pitch and floodlighting,
- New College have justified the lack of maintenance of its boundaries with Alexandria Close by claiming that the area created a natural wildlife corridor linking the college's open space with the surrounding countryside, the fencing would lead to further neglect of this open land.
- Users of the sports pitch have been observed urinating on the side of the pitch and any development that would increase the use of the field is unacceptable.

Applicants Statement:

28. With reference to the above application this statement sets out the applicant's responses to the objections and questions set out. The College is investing significant amounts of money into the maintenance and treatment of the football pitch in question as the surface has been raised as a concern by students. The erection of a fence will prevent unauthorised use and eliminate the nuisance of dog owners allowing their animals to defecate on the field and not clean up afterwards, which is both unpleasant and potentially unsafe, and again this has been a complaint received by the College from its students.

29. The National Youth League and the Community Education Football Alliance (EFL) require teams to have a pitch that is enclosed so having this facility supports our students in competing at a national and regionally high level without having to play at an alternative venue 23 miles from the College.

30. Enclosing the pitch will ensure that the surface is used in a controlled way that supports its ongoing maintenance as a high quality playing surface, which has not been possible in the past. The erection of a fence also stops the pitch; and goals, being used outside of College hours without due supervision which can and has led to anti-social practices (quad bikes for example) that has damaged the pitch or goals, which can make them unsafe or unsuitable for future use and/or has had a negative impact on our neighbours. Over the years the College has received complaints from residents on Newcastle Terrace, for example, regarding footballs landing in and damaging their gardens from unauthorised and unsupervised, as well as authorised use of the pitch.
31. The college currently hire our sports hall to support the development of youth and grass route football i.e. Little Kickers, who support active participation from 18 months to 7 years, and Durham City Juniors, who have teams from under 7 to under 17. Both of whom have requested and would benefit from a safe and suitable outdoor facility. As well as this, the curriculum work closely with the County Durham Schools Sports Partnership to host a number of activities to encourage physical activity through games, sports, play and movement facilitated by our staff and led by our students.
32. The capacity of the sports hall is often the limiting factor in our ability to support this and again, a safe and high quality outdoor playing surface would allow us further scope to further enhance these opportunities for both our students and young people in the local area. The fence will be designed and constructed in line with Sports and Play Construction Association (SAPCA) and Football Association (FA) guidelines. The rationale for a 4.5m fence is in line with the only available guidance from the FA which the College accepts is mentioned for 3G Football Turf Pitch (FTP) but given the size and scale of the playing surface is identical to this and in the absence of any further guidance 4.5m is what was submitted. The fencing will be constructed from twin bar super-rebound panels or rolls that are supported by box section posts. Twin bar supe-rebound panels are used, as it is better suited to the repeated impact of footballs hitting the fence. The steelwork will be galvanised to minimise corrosion and the College will plastic coat to improve the appearance. The colour of the fence was initially expected to be green however during the application period the College have been informed that black makes the fence less visible to the eye. Soft planting will also be installed to the east side of the fence so as to allay concerns from the residents of Alexandra Terrace as to the view from their rear windows.

PLANNING CONSIDERATION AND ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making.

Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, the impact on , character and appearance of the surrounding area, residential amenity and highway safety.

Principle of Development

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
34. The application site comprises an established sports pitch that is designated as open space within the Council's Open Space Needs Assessment 2018 under the education typology. In relation to the education typology, the document advises that:
35. *'Many schools and colleges have open space and sports facilities within their grounds. This may range from a small playground to large playing fields with several sports pitches. More often than not, public access to these spaces is restricted and in many cases forbidden. Nevertheless, many of the sports facilities are used by local people on both an informal and formal basis. Sports clubs may have local informal arrangements with a school to use their pitches, and in some cases more formal 'dual-use' agreements may be in place. School grounds can also contribute towards the green infrastructure and biodiversity of an area.'*
36. *'Quantity and access standards have not been proposed for education sites. This is because they are not openly accessible to the public and whilst important to the local community, there is less opportunity for the Council to influence their provision and management. However, their existence is still an important factor of local provision, and as such they will be subject to the same policy considerations as publicly accessible space.'*
37. Therefore, Policy 26 of the County Durham Plan (CDP) is relevant which relates to Green Infrastructure. The glossary defines green infrastructure as 'A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.' Policy 26 sets out that development proposals which would result in the loss of open space or harm to green infrastructure assets will not be permitted unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.

38. The intention of this policy is supported by the NPPF in which Paragraph 91 identifies safe and accessible green infrastructure as a means to support its aim of enabling and supporting healthy lifestyles. Policy 26 refers to open space as an asset that can contribute to the green infrastructure of an area.
39. The application seeks planning permission for the erection of fencing around the perimeter of an existing sports pitch. Therefore, whilst the proposal would separate the sports pitch from the grassed land to the east, it would not result in the loss of open space. The fence would not prevent the use of the sports pitch and would see the grassed land to the east retained, so neither would the proposal be considered to harm the open space.
40. Therefore, the proposal is considered to be acceptable in principle, according with CDP Policy 26 and NPPF Paragraph 91, subject to the considerations discussed below.

Impact on the Character and Appearance of the Surrounding Area

41. Paragraph 126 of the NPPF advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
42. CDP Policy 29 requires development to (in part): a) contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and b) create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
43. Concerns have been raised by various residents at Alexandria Close to the east of the site regarding the impact of the proposed fencing on the character and appearance of the area. In particular, concerns were raised regarding the development being to the east of the PROW, introducing a strong urban appearance in an area that is characterised by its openness.
44. The fencing is proposed to be erected around the entire perimeter of the sports field, at a height of 4.5m and finished in metal mesh coloured dark green. This style of fencing is not an unusual means of enclosure around sports pitches, with its mesh style allowing views through it and its dark green finish helping it to appear as visually recessive as possible. A condition (number 4) is recommended to secure details of a planting scheme along the boundaries of the sports pitch to help soften the appearance of the fencing and further assimilate it with its surroundings.

45. It is accepted that the sports field lies to the east of the PROW outside of the main developed part of the New College site, and that the fencing would represent a change to the boundary of the sports pitch that would be visible from the gardens of the residential dwellings at Alexandria Close and Bridgemere Drive. However, a large area of open space would remain as a buffer between the sports pitch and the residential dwellings, retaining the open character of the area; with the style, colour and recommended condition regarding a planting scheme considered to minimise the impact of the fencing to a level that, whilst visible, would not cause harm to visual amenity or the character of the area.
46. As such, the proposal is considered to accord with CDP Policy 29 and Part 12 of the NPPF.

Residential Amenity

47. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
48. In line with this, CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
49. In addition, criterion e) of Policy 29 requires all development proposals to provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
50. Concerns have been raised by various residents at Alexandria Close to the east of the site regarding the proposed fencing appearing as a visually dominant feature that would adversely affect their amenity in terms of loss of outlook and an overbearing impact. This is by virtue of the proposed height of the fencing at 4.5m, the lower ground level of the properties at Alexandria Close (stated by objectors to be approximately 1.5m), and the proximity of the fencing to the boundaries with these dwellings.
51. It is noted that the south east corner of the sports pitch is approximately 23m away from the rear boundary of 20 and 21 Alexandria Close, with the north east corner of the sports field being approximately 56m away from the rear boundary of 28 and 29 Alexandria Close. The middle of the eastern length of the sports pitch is approximately 38m away from the rear boundary of 24 Alexandria Close. The north east corner of the sports pitch is approximately 27.5m away from the boundaries of the properties at Bridgemere Drive. The southern boundary of the sports pitch is approximately 15m away from the boundary of 26 North Terrace.

52. Whilst it is acknowledged that a height of 4.5m is considerable for boundary fencing, given the distance away from the boundaries of the dwellings at Alexandria Close, Bridgemere Drive and North Terrace it would not be considered to diminish the outlook from these rear gardens or to have an overbearing impact that would adversely affect the amenity of the occupants. In addition, the recommended condition to secure details of a planting scheme along the boundary of the sports pitch would help to soften the appearance of the fencing from these rear gardens.
53. Therefore, the proposals are considered to accord with CDP Policy 29(e) and 31 and Part 12 of the NPPF.

Highway Issues

54. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
55. CDP Policy 21 relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network. This displays a broad level of accord with the aims of Paragraph 110 of the NPPF which states that planning decisions should ensure development provides safe and suitable access to the site can be achieved for all users.
56. The application relates solely to the erection of perimeter fencing to the existing sports pitch of an established education site. Therefore, given the nature of the proposals they are not considered to have any highway or transport related adverse impacts. Therefore, the proposals accord with CDP Policy 21.

In Response to Objectors Concerns

57. Concerns have been raised regarding the discharge of surface water from the sports pitch to the adjoining garden areas which are situated on a lower level. However, the erection of fencing is not considered to have any impact on surface water run-off and so this is not considered a material consideration to which weight could be attached in the determination of this planning application.
58. Concerns have been raised over a lack of maintenance over the boundaries of the site. The proposal consists of the erection of fencing around the perimeter of the existing sports pitch and so the maintenance of the grassed land beyond this is not relevant to this planning application.

59. Concerns have been raised over the poor behaviour of some of the users of the sports pitch. However, the sports pitch is already established and this application is for the erection of perimeter fencing which in itself would not affect the extent to which the pitch could be used. It is considered that the behaviour of the users of the sports pitch could be suitably addressed and managed by the applicant.
60. Concerns have been raised over this application being the first of a wider scheme of proposals for the site which could include the installation of floodlighting to allow the pitch to be used in the evenings during the winter months. This application does not propose any floodlighting, which would require planning permission in its own right should it be the applicant's intention to provide these in the future. The potential impacts of this if proposed at a later date would be considered under a separate planning application.

CONCLUSION

61. The proposed fencing would not result in the loss of or harm to, existing open space. Whilst of considerable height and with available views from residential gardens, given the mesh style and dark green finish, along with a condition recommended to secure details of a planting scheme, the fencing is not considered to harm visual amenity or adversely affect the character and appearance of the area. Given the distance from the residential dwellings, the fencing is not considered to have an overbearing impact on or reduce the outlook from the neighbouring rear gardens.
62. Therefore, the proposals are considered to accord with Policy 21, 26, 29, and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12, and 15 of the NPPF and as such the application is recommended for approval subject to conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 26, 29, 31, and Parts 2, 4, 8, 12, and 15 of the National Planning Policy Framework.

3. The fencing shall be finished entirely in the materials and colour specified on the Proposed Elevations North Pitch plan.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Prior to the commencement of the works hereby approved, a planting scheme for trees and hedging along the eastern, northern and southern boundary of the sports pitch shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be carried out within the first planting season following completion of the works hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

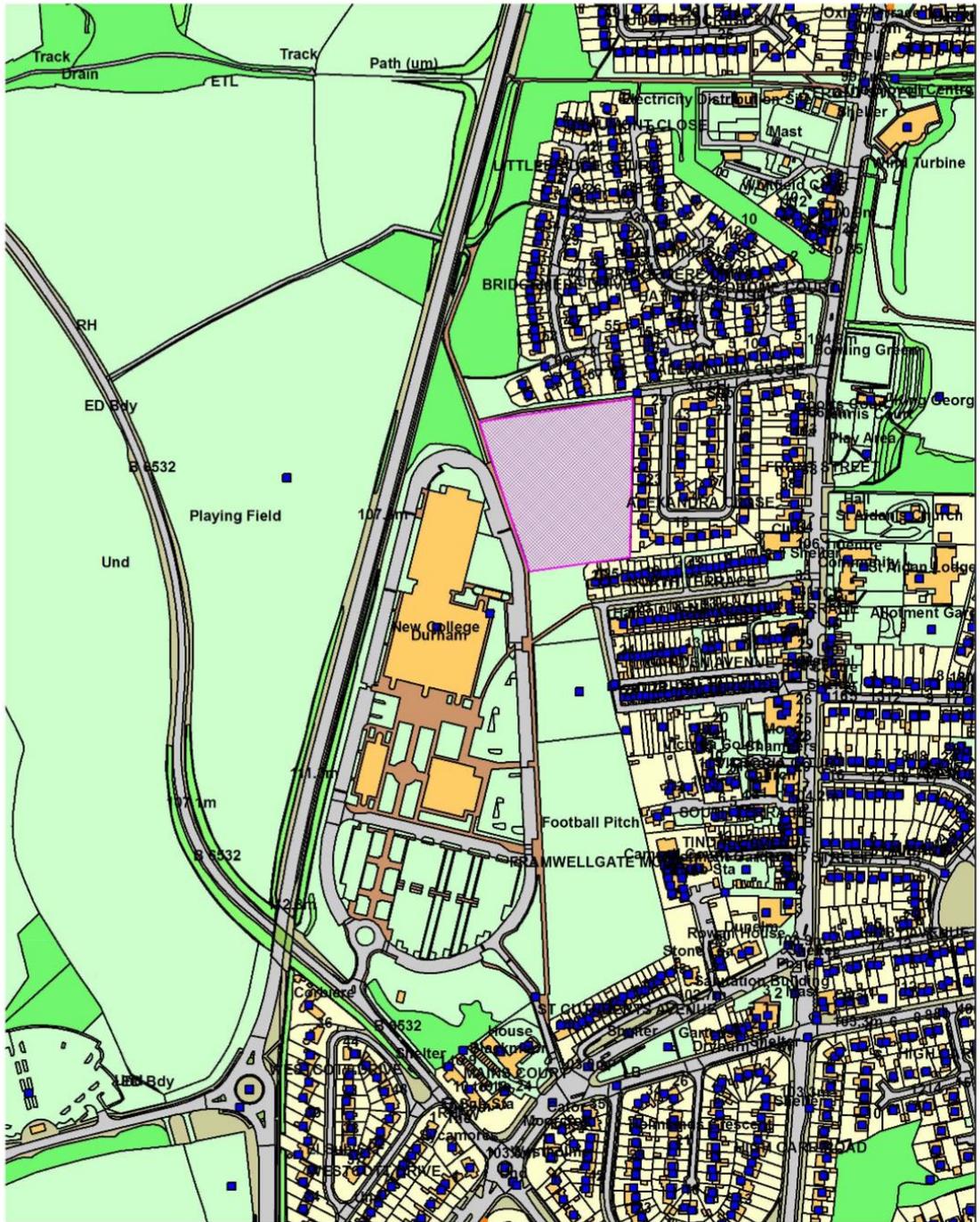
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



Planning Services

New Collge Durham

Not Set

Comments

Not Set

Date

05 November 2021

Scale

1:4298

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