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## Appeal Decision

Site visit made on 28 May 2019

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2019

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### Appeal Ref: APP/D1780/W/18/3219336

### Itchen Sixth Form College, Middle Road, Southampton SO19 7TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Itchen College against the decision of Southampton City Council.
  - The application Ref 18/00520/FUL, dated 19 February 2018, was approved on 14 September 2018 and planning permission was granted subject to conditions.
  - The development permitted is proposed installation of a 3G football turf pitch with associated fencing, 6 x flood lights and 2 x storage containers (Additional information received regarding hours, parking, litter, drainage and noise).
  - The condition in dispute is No.3 which states that: The sport pitch and flood lighting approved shall not operate outside the following hours:  
Monday to Thursday - 9am to 6pm  
Friday to Sunday - 10am to 6pm  
Recognised public holidays - Closed  
The sports pitch shall not be used for community use during daytime College hours within term times. The flood lighting shall be switched off when there are no evening bookings during the above operating hours.
  - The reasons given for the condition are: To protect the amenities of the occupiers of existing nearby residential properties. Hours of use beyond 6pm in the evening would result in noise disturbance to neighbouring residential properties, contrary to policies SDP1(i) and SDP16(i) of the City of Southampton Local Plan Review (2015). The submitted Transport Assessment has failed to properly assess the parking impact when the sports pitch is operating at capacity for community use during the evening (after 6pm) and therefore the application has failed to demonstrate that there will not be harmful parking overspill into surrounding residential streets outside of recognised daytime College hours as required by the provisions of Policies SDP1 and SDP4 of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).
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### Decision

1. The appeal is dismissed.

### Background

2. Permission has been granted for a 3G football turf pitch with associated fencing, 6 floodlights and 2 storage containers. The pitch could be used for football, either as a full-sized pitch or four 5-a-side pitches, or rugby. No spectator seating would be provided. The Council's planning officer had negotiated an earlier closing time of 9pm from the appellant's preferred time of 10pm. The planning officer's report concluded that with a closing time of 9pm, there would be no adverse impact on living conditions from noise or lighting with no objection raised by the Council's Environmental Health Officer.

3. Despite a recommendation for activity to cease at 9pm, which the appellant suggests would effectively require a cessation of sporting activities by 8.45pm, the Council's Planning and Rights of Way committee imposed an earlier closing time of 6pm, with no opening on public holidays. The appellant requests that the condition is varied to allow the later opening times originally suggested.

### **Main Issues**

4. The main issue is whether the condition is reasonable and necessary to protect the living conditions of neighbouring residents in terms of noise from the pitch, and inconvenience and disturbance caused by overspill car parking.

### **Reasons**

#### *Noise*

5. The site is an existing playing field for the college. The field contains an existing sports pitch that slopes too steeply to comply with FA guidelines and is prone to waterlogging. The college site is surrounded by residential properties. A neighbouring school provides a buffer to residential properties on Heath Road and the college buildings lie between the playing field and dwellings on Deacon Road. However, a number of dwellings on the opposite side of Middle Road face the field and those on Spring Road back onto the site.
6. The appellant engaged the Council and others in extensive pre-application discussions, including scoping the methodology for a Noise Impact Assessment (NIA)<sup>1</sup> that accompanied the application. The NIA follows guidance by Sport England<sup>2</sup> (SE) and the Institute of Acoustics<sup>3</sup>, and concludes that average noise levels at noise sensitive residential properties, measured over 1 hour periods, would not exceed thresholds considered unacceptable by the World Health Organisation<sup>4</sup> (WHO). It also indicates that in a worst case scenario, maximum noise levels experienced in the same locations would be below those maximum levels present in the existing ambient noise environment.
7. However, whilst the Council does not dispute the methodology used, I also have a critique<sup>5</sup> of the NIA that suggests the assessment method may not give a true representation of noise disturbance. Having regard to this evidence, I find that the distinctive characteristics of the likely noise emitting from a sports pitch through intermittent short-term events including shouting, balls hitting perimeter fences and the like would likely be easily discernible against the ambient noise.
8. Whilst the maximum noise levels from these events are predicted to remain below those in the existing noise environment, there is no substantive evidence regarding the sources of those existing maxima. It is likely that the existing noise would be of a different character to the particular sounds associated with sporting activities. I, therefore find that they would be intrusive to neighbouring residents.

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<sup>1</sup> MLM Group (April 2018) Noise Impact Assessment.

<sup>2</sup> Sport England (2015) Design Guidance Note "Artificial Grass Pitch (AGP) Acoustics – Planning Implications"

<sup>3</sup> Institute of Acoustics Bulletin Article (Vol 43 No. 1 January/February 2018) "The Assessment of noise from all-weather sports pitches".

<sup>4</sup> World Health Organisation (1999) "Guidelines for Community Noise".

<sup>5</sup> Robert Davis Associates Statement of Robert Davis on Noise, on behalf of the Itchen Local Residents' Association

9. I understand that the guidance relied upon in the NIA may be the only relevant advice available. I also note that the SE guidance does not recommend a detailed analysis of likely noise in this way and also indicates that noise above the WHO recommendations would not necessarily be disturbing. However, there is no particular evidence, either within the SE guidance or NIA, as to why the characteristics of short term noise events should be given limited weight, particularly as the WHO recommendations themselves indicate that the measurement of average noise is best suited to noise that is effectively continuous.
10. The existing sports field can accommodate similar activities to those that would be played on the 3G pitch. It is unregulated in terms of its hours of use, but the frequency by which it can be used is limited by its shortcomings. By contrast, the 3G pitch will allow more intensive activity throughout the year and as such is likely to generate noise more frequently than the existing pitch. Indeed, the ability for such activities to take place with greater frequency is part of the rationale of the project.
11. The Council has offered little reason as to why 6pm should be the time that noise from the pitch becomes harmful, in the face of evidence that ambient noise levels remain similar later into the evening. However, I can accept that during the early evening, many people desire a more tranquil environment at their homes. In the absence of substantive evidence to the contrary, 6pm would be a reasonable time from which this might be expected. Furthermore, given the prevalence of family-style housing in the locality there is a reasonable likelihood that a number of children may be sleeping before the appellant's requested cut-off time. The associated sports centre and bar may be open until 11pm, but this appears to be an indoor facility and there is no compelling evidence to suggest it would produce comparable noise to the proposed outdoor pitch.
12. With regard to the above, I find that noise disturbance from the proposed pitch would harm the living conditions of neighbouring residents. The hours of operation in the disputed condition are, therefore, reasonable and necessary to safeguard living conditions, and to bring the proposal into compliance with Policies SDP 1 and SDP 16 of the City of Southampton Local Plan Review 2<sup>nd</sup> Revision 2015 (LP) that seek to protect the amenity of citizens and prevent noise-generating development that would cause an unacceptable level of impact.

### **Parking**

13. The site is some distance from the city centre and other local centres. I understand that it is not particularly well-served by public transport, especially in the evenings. This may account for high levels of car ownership in the area and significant on-street parking pressure in the surrounding residential streets.
14. The parking arrangement at the college site is somewhat awkward with two separate access points from different roads serving two different, unconnected car parks. There is some dispute over the total number of parking spaces available at the college site. However, the appellant's appeal statement clarifies that a parking capacity survey indicated that outside college hours, when the facility would be in use by the general public or other organisations, there was spare parking capacity of at least 42 spaces at the site.

15. Whilst the appellant's traffic survey may not have taken account of the potential for other college-based activities being undertaken at the site, there is no substantive evidence that these would be regular. If the pitch were used to its maximum capacity as four 5-a-side pitches and therefore up to 40 players, it would appear that sufficient parking capacity would usually exist even if every one of those users travelled to the site individually by car. Moreover, regardless of its configuration, the Parking Standards Supplementary Planning Document (2011) (SPD) indicates that a maximum of only 7 parking spaces should be provided for a pitch of this size.
16. I can appreciate that the awkward parking layout means that if one car park is full, visitors would have to completely leave the site and re-enter at a different point. This could cause some congestion in the narrow accesses and surrounding streets but the Council has not suggested that this would be harmful to highway safety. Given the significant over-provision of parking against the SPD standards, even accounting for the slightly awkward arrangement of on-site parking, I find no compelling evidence that the proposal would significantly add to the parking pressures in the area.
17. Even if I am wrong, I note that the condition imposed by the Council allows the facility to operate at the weekends when residential parking pressure is also said to be significant. There is no substantive evidence to indicate that later evening opening times would have a significantly different effect on the surrounding area compared to that which has already been permitted.
18. I therefore, find that the disputed condition is not necessary to prevent inconvenience or disturbance from additional parking pressure on the surrounding residential streets. As such, it is not needed to bring the proposal into compliance with LP Policies SDP1 or SDP4; or Policy CS19 of the Southampton Core Strategy Development Plan Document Partial Review 2015, which seek to ensure priority is given to non-car transport modes, that regard is given to the SPD and other locational and design factors, and that development does not unacceptably harm the amenity of citizens.

### **Other matters**

19. The proposal would contribute to meeting a shortfall in playing pitch provision within Southampton. There is a significant amount of support, including from England Rugby and various local clubs. The restrictions would reduce this benefit and leave less opportunity for the college to recoup the cost of the development. This could affect the overall project viability, such that the benefits did not arise at all. I also note that SE may not be able to support such restricted community use.
20. Given the topography and incidences of surface-water run-off affecting the adjoining junior school, the proposal with an integrated drainage solution, could lead to an improvement in off-site flood risk.
21. However, none of these matters alone or in combination are sufficient to outweigh the harm to living conditions that would arise from the extended operating hours sought. I have given consideration as to whether some extension in hours could be allowed for a limited period of time in order to measure the effects on the area. However, the appellant has indicated that a minimum period to secure a viable development would be 3 years. Such would be a significant period of time in which to subject neighbouring residents to

adverse living conditions so I cannot allow such a situation to arise. In any case, it would not mitigate the harm that I have identified.

**Conclusion**

22. For the reasons given, balancing the enjoyment of the participants and benefits of providing sporting facilities against the impact on the neighbourhood, I find that the disputed condition is reasonable and necessary to protect living conditions. Accordingly, the appeal is dismissed.

*M Bale*

INSPECTOR