

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/02199/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of sports hall including demolition of existing sports facility.</b>
<b>NAME OF APPLICANT:</b>	<b>Framwellgate School Durham</b>
<b>ADDRESS:</b>	<b>Framwellgate School, Finchale Road, Framwellgate Moor, Durham, DH1 5B</b>
<b>ELECTORAL DIVISION:</b>	<b>Framwellgate and Newton Hall</b>
<b>CASE OFFICER:</b>	<b>Lisa Morina Planning Officer 03000 264877 <a href="mailto:lisa.morina@durham.gov.uk">lisa.morina@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site forms part of the Framwellgate School campus site which is bordered to the north and east by the school playing fields, and to the south, east and west by residential properties along Newton Drive and Front Street.

### The Proposal

2. The application proposes the demolition of the existing sports hall and the erection of a new sports hall within the grounds of the school.
3. The area of land lies adjacent the main teaching buildings and does not form part of any existing sports/playing fields.
4. The application is being referred to the planning committee as it is a major development with the size of the proposal being over 1000sqm.

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## PLANNING HISTORY

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5. There have been various applications approved between 2003 and 2010 relating to alterations to the existing school and signage.

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# PLANNING POLICY

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## NATIONAL POLICY:

6. 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.
7. 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'.
8. The following elements are considered relevant to this proposal;
9. NPPF Part 7 – Requiring Good Design. 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.
10. NPPF Part 8 - Promoting Healthy 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.
11. NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## LOCAL PLAN POLICY:

### City of Durham Local Plan

12. Policy C8 (Provision of New Community Facilities) Planning permission will be granted for the provision of new community facilities (e.g. community centres, youth centres, village halls, libraries, post offices, public houses and places of worship) or for extensions to existing facilities provided that such a proposal:
  - Is located within an existing settlement boundary and is well related to residential area and local facilities: and
  - Is, wherever possible, of a flexible design which could serve more than one use; and
  - Would not adversely affect the amenity of occupiers of nearby or adjoining land or property: and
  - Allows access to people with disabilities in accordance with Policy Q1; and
  - Does not create or contribute to a traffic hazard; and

- Is accessible to users of all modes of travel including public transport, cycling and walking in accordance with Policy Q2

13. Policy T1 (General transport Policy) requires all development to protect highway safety and/or have no significant effect on the amenity of occupiers of neighbouring properties.

#### **RELEVANT EMERGING POLICY**

The County Durham Plan

14. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

15. Northumbrian Water provides advice on the surface water drainage solution.
16. Environment Agency – At the time of report preparation, comments are still awaited and the committee will be updated verbally.
17. County Highways Authority has not offered any objection to this proposal.

#### **INTERNAL CONSULTEE RESPONSES:**

18. The Ecology Team has confirmed there is no objection to the proposal subject to a natural England licence being sought.
19. The Tree Officer and landscape colleagues have offered no objections providing the tree protection measures and tree replacement planting are conditioned.
20. Contaminated Land Officers have confirmed that there is no requirement for a contaminated land condition.
21. The Councils Noise Action Team has raised no objection to the development following completion however have requested conditions to control potential noise implications during construction.

#### **PUBLIC RESPONSES:**

22. The application has been advertised with a press notice and on site by way of a site notice and neighbouring residents were also notified individually of the proposed development. At the time of report preparation, no letters of objection have been received.

## **APPLICANTS/AGENTS STATEMENT:**

23. The proposed project has been developed following assessment of the existing facility which is deemed to be in a poor state and which prevents the full delivery of PE. This reasoning was submitted to the Education Funding Agency (EFA) Condition Improvement Fund (CIF) and was considered to meet the requirements of the bid for monies to replace the facility.
24. As a replacement facility the school is not expanding its pupil or staff numbers. However, the enhanced facilities will be offered for Community Use in line with current agreements with local clubs and organisations. The small percentage increase in floor area above the existing facility delivers a compliant space for sport, and the opportunity for additional fitness and educational uses.
25. The original proposal was submitted for Pre-Application advice (PRE28/15/03308), and subsequent Full Application has been prepared in accordance with this advice. The scheme has been developed with the support and input of the senior leadership team and PE department to ensure that the facility meets their current and future needs.
26. The proposed building is located to the east of the main campus, and adjacent to the existing Sports Hall on a rectangular shaped area of tarmac hardstanding. This location retains the relationship with other facilities in the School, including ease of access to the pitches and running track, as well as providing a statement building visible and accessible from the main pedestrian and vehicle route.
27. The building is a two storey volume which seeks to make best use of the regular shaped site. This volume reflects the space standards required for the internal sports uses (notably badminton and trampolining). To best utilise this scale, the supporting accommodation is stacked against the eastern elevation and provides 2no 30-person changing rooms, plant and storage space at ground floor, and 2no classrooms, office and meeting space and an open plan viewing area which looks down into the Sports Hall which will be developed into a small Fitness Suite. Provision has also been made in the plan area of the main Hall to accommodate a replacement climbing wall.
28. The approach to the external appearance is to create a modern facility for the school that will promote its use to the pupils, staff and wider community. This is reflected in the proposed materials for the elevations which comprise of graphite grey cladding with feature colour trims above a plinth band of light colour render, and large areas of glazing to bring daylight into teaching spaces and to provide a natural ventilation solution.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on the residential amenity of the neighbouring properties, highway safety issues, impact on the amenity of the area, landscaping, ecology and contamination issues.

Principle of the Development

30. The proposal will result in the redevelopment of brownfield land being contained within the curtilage of the existing school site. The site also forms part of the built up area of the settlement of Durham which is considered to be in a sustainable location being within close walking distance of some shops and situated on a local bus route.
31. Given the above, it is considered that the principle of development is acceptable in this instance in accordance with policy C8 of the City of Durham Local Plan subject to other criteria being met.

#### Impact on residential amenity

32. The proposal is sited well in excess of 30m from the nearest residential property therefore, the proposal would not result in a significant detrimental impact on the residential amenity of the surrounding residents.

#### Highway Safety Issues

33. The Highways Officer has offered no objection to the scheme, as it is not considered to impact on highway operations.
34. The hard paved area is currently used for occasional overflow car parking for main events, however, the site is of such size that internal arrangements for overflow car parking can be made without displacing parking into the adjacent highway network and as such the proposal will not be detrimental to the highway network.

#### Impact on the visual amenity of the area

35. The proposed sports hall would be partially visible to the main public domain however, would be partially screened by the existing boundary treatment in place.
36. The materials and size and scale of the proposal are considered in keeping with the host property and the surrounding area therefore, it is not considered that the visual amenity of the streetscene would be adversely affected with the addition of this proposal.

#### Landscaping and Tree Issues

37. There is no objection to the submission and content of the Arboricultural report which is considered to meet current standards in respect of tree works. Conditions will be added to ensure the protection measures as detailed in the report will be carried out as well as controlling the replacements which are required.

#### Ecology Issues

38. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
39. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

40. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposed development would have some potential impacts on protected species and their habitats however the impacts can be minimised through mitigation. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey and a Natural England Licence would be required for the proposed development. An informative will be added in respect of the requirement for a Natural England Licence. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.

41. Overall it is considered that the proposed development would not have an adverse impact on protected species or their habitats. The proposal would be in accordance with part 11 of the NPPF.

#### Noise Issues

42. No issues are considered to occur following completion of the scheme however, conditions have been suggested by the environmental health team regarding issues that may occur during construction and the need for a condition for a Construction/Demolition Management Plan (CDMP) to be provided to allow the impact upon the amenity of the neighbouring residents to be protected during construction. It is considered however in this instance that given the nature of the proposal and the fact that the proposal is situated within the centre of the grounds away from the neighbouring properties and the main access roads, that the addition of standard informatives regarding operation hours would be sufficient.

#### Contaminated Land Issues

43. Given the reports which have been submitted, there is no need for a contaminated land condition to be added as the proposed sports hall is considered a suitable use. Informatives will be added regarding advice on the existing sports hall area.

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## **CONCLUSION**

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44. The proposed development for the demolition of an existing sports hall and the erection of a new hall within the grounds of Framwellgate School is considered acceptable in principle given its current use and brownfield nature of the site. The proposal is also considered to be in keeping within the existing area and is not considered to have a significant detrimental impact on the surrounding residents.

45. Highway Safety is not considered to be an issue given the size of the site and the current parking arrangements.

46. As such, it is considered that the proposed development would be in accordance with saved policy C8 of the City of Durham Local Plan and parts 7 and 8 of the NPPF.

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## RECOMMENDATION

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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 following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
None	Ground Investigation Report dated 24/6/16	26 July 2016
A(PL)01-103 Rev B	3D Views	8 July 2016
A(PL)01 200 Rev C	Proposed Elevations	16 August 2016
A(PL)00 100 Rev A	Proposed Site Plan	26 July 2016
A(PL)00 001	Location Plan	8 July 2016
B308-001	Topographic Survey	8 July 2016
U0000662	Underground Utilities Survey	8 July 2016
A(PL)01 101	First Floor Plan	8 July 2016
A(PL)01 100 Rev A	Ground Floor Plan	16 August 2016
A(PL)01 102	Roof Plan	8 July 2016
000-01Rev A	Drainage and Levels Strategy Layout	26 July 2016
None	Design and Access Statement	8 July 2016
None	Ecological Impact Assessment July 2016	26 July 2016
None	Pre-Development Tree Constraints Assessment July 2016	26 July 2016
50664 Issue 1	Energy Statement July 2016	26 July 2016
None	Tree Protection Plan and Arboricultural Method Statement July 2016	26 July 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy C8 of the City of Durham District Local Plan.

3. The development hereby approved shall be constructed in accordance with the material details as described on drawing number A(PL)01 200 Rev C – Proposed Elevations unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area and to comply with policy C8 of the City of Durham District Local Plan.

4. Notwithstanding the details shown on the submitted application the works shall be carried out in complete accordance with the requirements of the Flood Risk Assessment and Drainage Strategy as submitted by Portland Consulting Engineers Revision 0 2016040 – FRA.

Reason - To prevent pollution of the water environment in accordance with policy C8 of the City of Durham Local Plan and Part 10 of the NPPF.

5. Prior to the commencement of the development the tree protection measures as described within Appendix 3 of the Tree Protection Plan and Arboricultural Method Statement dated July 2016 shall be implemented and retained in place whilst the development is under construction.

Reason: In the interests of the appearance of the area and to protect trees on site, in accordance with policy E14 of the City of Durham District Local Plan.

6. Notwithstanding the details shown on the submitted application, tree replacement works shall be carried out in accordance with the details contained within Section D3 of the Tree Protection Plan and Arboricultural Method Statement dated July 2016. The replacement scheme shall be carried out within 12 months of the start of the tree felling 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 appearance of the area and to protect trees on site, in accordance with policy E14 of the City of Durham District Local Plan.

7. No development hereby approved shall take place unless in accordance with the mitigation and recommendations detailed within the Ecological impact Assessment by E3 Ecology Ltd dated July 2016.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

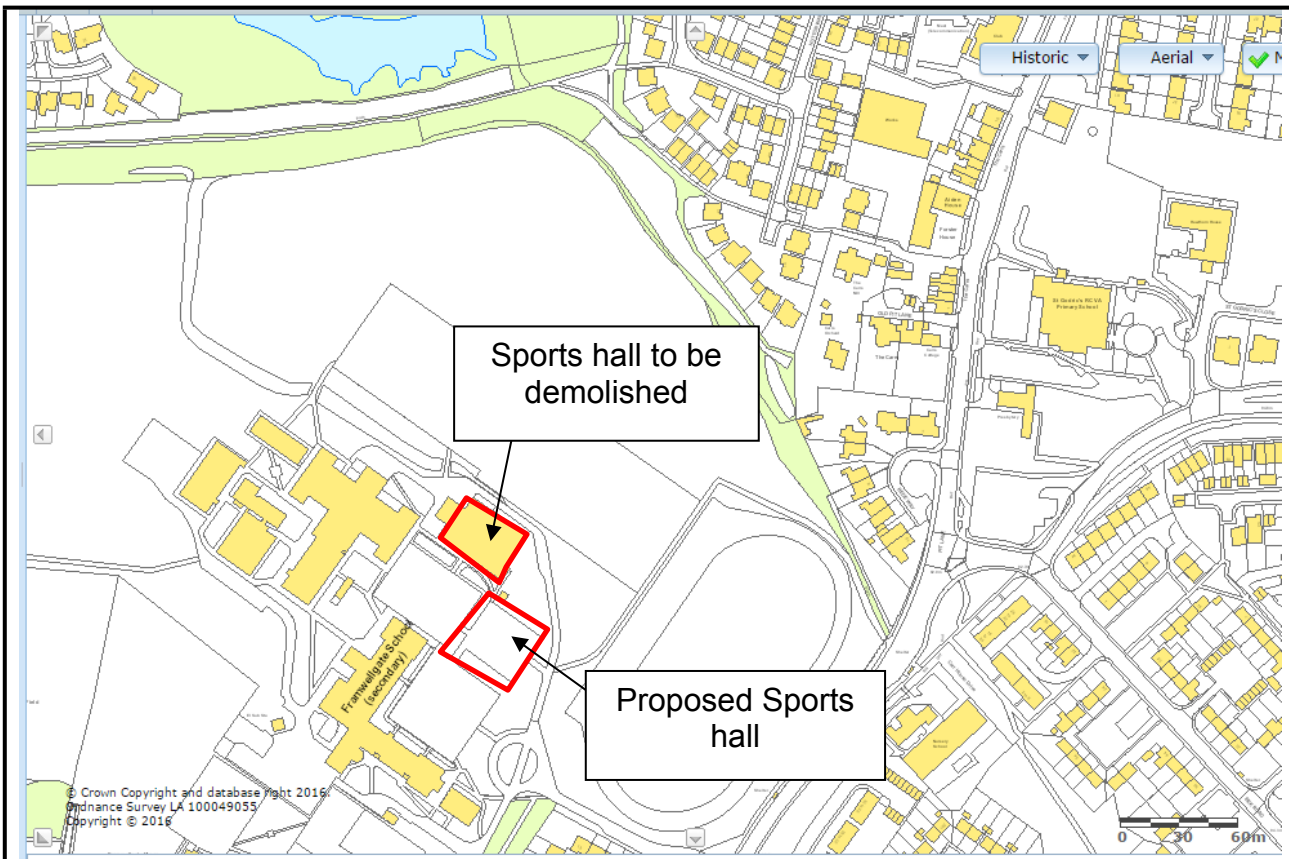
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance





**Planning Services**

Erection of sports hall including demolition of existing sports facility at Framwellgate School, Durham  
 Application Reference: DM/16/02199/FPA

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**Date**  
**September 2016**