



**AREA PLANNING COMMITTEE**  
**(CENTRAL AND EAST DURHAM)**

**REPORT OF HEAD OF PLANNING SERVICES**

**2 February 2010**

**3. APPLICATIONS TO BE DETERMINED**

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/126/COL + 4/09/127/COL	Finchale Abbey Caravan Park Finchale Abbey Brasside Durham DH3 4EW	Applications for Certificates of Lawfulness in respect of use of land for the siting of 67 permanent residential purposes, and use of land for the siting of 41 touring caravans	<b>APPROVE</b> Page No. 1 - 10
PL/5/2009/0457  Mr R Ayre	Pony World Crimdon Park Blackhall	Demolition and Replacement of Holiday Accommodation, Children's Club and Equine Stables, including Erection of Holiday Chalets	<b>APPROVE</b> Page No. 11 - 21
PL/5/2009/0505  North Blunts Ltd	Eden Lane, Peterlee	New Football Pitch, Kickabout Pitch and Extension to Changing Rooms	<b>APPROVE</b> Page No. 22 - 28





## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NOS:</b>	4/09/00126/COL and 4/09/00127/COL
<b>FULL APPLICATION DESCRIPTION:</b>	Applications for Certificates of Lawfulness in respect of use of land for the siting of 67 permanent residential purposes, and use of land for the siting of 41 touring caravans
<b>NAME OF APPLICANT:</b>	Mrs A G H M Watson
<b>ADDRESS:</b>	Finchale Abbey Caravan Park, Finchale Abbey, Brasside, Durham, DH1 5SH
<b>ELECTORAL DIVISION:</b>	Framwellgate Moor
<b>CASE OFFICER:</b>	Peter Herbert, Principal planner 0191 3018723 <a href="mailto:peter.herbert@durham.gov.uk">peter.herbert@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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Finchale Abbey Caravan Park lies at the northern edge of Durham City adjoining the Finchale Abbey Scheduled Ancient Monument. To the north and east, the site is bounded by the meandering River Wear, with open countryside and woodland beyond. Further open countryside lies to the west and south. The site lies within an area designated as Green Belt within the City of Durham Local Plan 2004 (Policy E1), while parts are identified as being of historical and archaeological interest (Policy E24).

The applicant wishes to regularise activities claimed to be longstanding on the parcels of land in question. These comprise the occupation of 67 residential caravans/park homes for permanent residential use within an identified area of rising land to the south of Finchale Abbey, and the use of lower land immediately adjoining Finchale Abbey, and lying between the abbey and the aforementioned residential site, for up to 41 touring caravans.

A separate Certificate of Lawfulness is being sought for each of these two distinct land uses on the basis that they have taken place continuously for at least 10 years up to and including the present day.

In support of these applications, evidence in the form of sworn witness statements; photographs, including some taken from the air; occupancy records; rental records; correspondence and historic site license documentation have been submitted.

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## **PLANNING HISTORY**

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There is anecdotal evidence to suggest that, in some form, camping and caravanning has taken place at Finchale Abbey since shortly after the second world war. There is also reason to believe that a number of caravans sited at Finchale Abbey became used for residential purposes on either a permanent or semi permanent basis. However, at no time has planning permission for any of these activities been sought.

In 2003, as a result of concerns expressed by the then Durham City Council's Environmental Health Officer and the local Fire Officer, a decision was taken by the site owners to modernise and upgrade the Finchale Abbey site. The main issues leading to this action were the deteriorating condition of a number of caravans located permanently on the site, inadequate spacing between them that constituted a fire risk, and the unauthorized discharge of raw sewage into a nearby stream.

The first stage of this modernisation was the recontouring of the site to provide level pitches, and engineering works to include road and pitch surfacing and drainage works. Existing caravans and chalets were removed to allow these works, and then replaced by "park homes", which in law are viewed as being the same as caravans provided that they meet certain constructional and mobility criteria. This replacement process remains ongoing.

Such constructional work in sensitive open countryside came to the attention of two local Members of Parliament, partly through personal observation whilst walking in the area, and partly through representations from the Ramblers Association, the suggestion being that a "new village" was being created. At this point discussions opened between planning officers and the site's owners with a view to activities being brought within planning control.

Subsequently, in May 2008, a Certificate of Lawfulness was issued in respect of three bungalows and three residential caravans positioned on land lying between the two sites currently under consideration. Later, in July 2009, planning permission was granted for the retention of improved access roads, concrete pads and drainage facilities in respect of both the touring and residential caravan parts of the Finchale Abbey site.

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## **PLANNING POLICY**

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Planning Policies are not relevant in the assessment of the lawfulness. Such applications are determined purely upon factual information, and the burden of proof falls to an applicant to demonstrate that an activity for which a certificate is sought, has continuously taken place up to the current date in the same form.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

N/A

### **INTERNAL CONSULTEE RESPONSES:**

The County Council Legal Services Manager (Property, Planning and Projects) has examined the submitted evidence, and has concluded that there is sufficient to warrant the issue of a Certificate of Lawfulness.

The County Council Environmental Health Officer who has been most closely involved with the Finchale Abbey Site over a number of years, and was instrumental in bringing about its refurbishment, has confirmed that the numbers of both touring and residential caravans cited by the applicant are consistent with his

experience of regularly visiting the site since 1990 . He has added that the 1979 Site License also refers to comparable unit numbers, stating that no more than 40 touring, and no more than 105 residential and holiday statics be located at Finchale Abbey.

The County Footpaths Officer has confirmed that there are no recorded public rights of way through the Finchale Caravan Site. Evidence so far submitted in support of such a footpath is weak, in terms of both a consistent route and the necessary weight of usage, and as a result such a route is not currently under investigation by his office. Furthermore, any new path through any residential setting would not be encouraged, as it would be unpopular with both walkers and residents. He has concluded by stating that there is a long term aspiration to develop a circular route south from Finchale using paths on both banks of the river. However, this would not necessitate any route through the caravan site.

#### **PUBLIC RESPONSES:**

Concerns have been expressed by both the Member of Parliament for Durham and by the City of Durham Trust, whose representative in this matter also acts for the local Ramblers Association as Local Group Footpaths Officer, concerning the strength of the submitted evidence.

Reference has been made to the complete change of character of the site following its refurbishment and the replacement of caravans/park homes; to an application by the applicant for a reduction in Council Tax eligibility that is said to confirm the site's change in character; inconsistencies in the records relating to rents, caravan owner names and home post codes; and differences between the most recent site license and what is now being applied for.

Attention has also been drawn to a period of time within the last ten years when a large number of units were removed from the site to allow the retrospectively approved engineering works, leading to doubt as to unbroken land usage continuity; and to uncertainty as to the number of units used for holiday lets and second homes rather than permanent residences.

Finally, there has been the suggestion that the granting of the certificates applied for would prejudice public access to the river banks as a result of inevitable pressure from site residents for privacy, and that the earlier granting of retrospective planning permission for the engineering works already carried out is prejudicial to an objective assessment of the applications currently under consideration.

The Member of Parliament for Sunderland South has written to express concern that what he regards to be a haven of tranquility may be threatened by expanding development. He draws particular attention to the Trust's view that it would be harmful to the setting of the Finchale Abbey Ancient Monument to endorse the presence of caravan pitches on directly neighboring land, and asks that due regard be given to all of the issues raised by the Trust. The MP concludes by requesting a Section 106 Agreement as part of any certificate granted to secure some public benefit from the development in question.

#### **APPLICANTS STATEMENT:**

The applicant's position is that her family has farmed the land of which the application sites form a part since 1951, and that even before this time there was a history of camping there. Subsequently, both camping and caravanning have taken place on the sites in question, and this became formalized through the erection of a toilet and shower block in 1981, with electrical hook up points for touring caravan use being installed in approximately 1996. Touring caravan hard standings are said to have been installed in 1998. Comprehensive touring caravan records were not kept by the applicant as it was her practice to issue such documentation to customers rather than receive it. However, it is stated that at least 41 touring caravans have occupied the lower site, on a seasonal basis, for at least the last ten years.

In 2005 it was decided to cease allowing camping to take place, this being a result of an increasing number of incidents of unruly behavior.

In regard to residential caravan use on the upper part of the site, it is stated that static caravans with their own dedicated gardens were allowed to be located in this area, with in some cases, porches and verandas being added. Over time many such caravans were replaced by bigger and better versions. In approximately 1994 -1995 an on-site septic tank was installed for the benefit of residents. Rent books were kept in respect of the occupation of this part of the site, but the applicant has chosen to blank out information identifying the occupants.

The redevelopment of the site is said to have resulted from hygiene and safety concerns expressed by the then City Council and the Fire Service, and it is stated that at least 67 residential caravans have occupied the upper site for at least the last ten years.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durham.gov.uk](http://www.durham.gov.uk) .*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### **PRINCIPLE**

Any decision as to whether a Certificate of Lawfulness should be issued must be based upon the following judgment, as defined within section 191(2) of the Town and Country Planning Act 1990: This is whether enforcement action can be taken against the operation in question, taking into account the period of time within which such action is possible. If the length of time that operation has taken place precludes enforcement action being taken, the operation is deemed to be lawful for planning purposes. In the case of the use of land, the period in question is ten years, up to and including the present day.

The Lawful Development Certificates sought in this case relate to the use of land, in one case for the siting of touring caravans, and in the other for the siting of residential caravans or park homes. So the judgment must be whether, on the balance of probability, these uses have taken place in the form stated by the applicant for at least ten years. Such a consideration must be based purely upon the submitted historical evidence. The merits of the land use, and planning policy as it relates to the site, have no relevance.

### **COMMON GROUND**

It appears to be accepted, even by those who question other evidence, that caravan usage, in one form or another, has taken place on the sites in question at Finchale Abbey for a considerable number of years. Similarly, the site boundaries appear to be agreed. There is also an acceptance that both touring and residential caravan usage has taken place. The points at issue are caravan numbers and exact uses.

### **THE EVIDENCE**

Initially, submitted evidence was weak and inconclusive as to caravan numbers and uses. This was further confused by park homes replacing caravans, and residential caravan evidence pointing towards both primary and second home status.

For the purposes of these applications, a park home is considered to be the same as a caravan, in planning terms, if it meets the criteria defined in Article 1 (2) of the General Planning Development Order (GPDO) 1995, most recently clarified by the Caravan Sites (Definition of Caravan) (Amendment) (England) Order

2006. Briefly, this a structure composed of not more than two sections, assembled on site, and not exceeding the dimensions stated in the 2006 Order.

Also for the purpose of these applications, a residential caravan or park home will fall within Use Class C3 (Dwelling), as defined by the Town and Country Planning (Use Classes Order) 1987 as amended, irrespective of whether it is a primary residence or second home.

However, additional evidence in the form of an occupancy schedule and plan relating to the residential caravan site, supported by further sworn statements and independent written corroboration relating to both touring and residential sites, has been submitted more recently, allowing informed conclusions to be drawn.

### **TOURING CARAVAN SITING**

Referring first to the lower site, a plan showing 41 touring caravan pitches, supported by sworn statements and photographs, has been submitted. This is backed further by a power point inspection certificate dated 2003, but making reference to the fact that the points were some years old. This evidence is further corroborated by the police officer responsible for patrolling the area since 1990, and the County Council Environmental Health Officer most familiar with the site, whose department drafted in 1979 the most recent Site License to specify unit numbers, that cited no more than 40 touring caravans to be sited on the land in question. A later 2000 license only required compliance with caravan park standards rather than numbers due to the anticipated site changes.

As the issue in question is essentially one of land use, a reasonable conclusion must be that, on the balance of probability, touring caravans have occupied the site in question for at least ten years, up to and including the present day.

The number of caravans referred to in the 1979 license reflects what was taking place at the time The number now applied for varies from this number by only one, and is supported by evidence relating to pitch power point numbers and statements. Therefore once again, on the balance of probability, it must be reasonable to conclude that such a number of touring caravans has occupied the site in question for at least ten years.

### **RESIDENTIAL CARAVAN AND PARK HOME SITING**

Turning to the upper site and its use for residential caravans and park homes, it is the applicant's contention that at least 67 units have occupied the land for at least ten years, and that more than a hundred caravans were permanently located there prior to the site's redevelopment. This has been supported by sworn statements and photographs, rent book copies, and a list of those either living permanently on the site, or maintaining second homes there, before and after redevelopment, including those awaiting delivery of their new homes.

As key information has been obscured in the rent books, they are of little value. Similarly, aerial photographs are of limited value as merely a snap shot in time. However, they do show a number of caravans occupying the upper site, far in excess of the number now applied for, over a period of more than ten years and in similar positions. Therefore, on the balance of probability, it is unlikely that they would have been removed from the site and then reinstated between shots. This, together with the identification of unit owners, offered under oath, and referenced to a site plan, must lead to the conclusion that residential occupation on some scale has taken place for the required number of years. This conclusion is accepted by the Environmental Health Officer for the Area, based upon his familiarity with the site.

As is the case with the touring caravan part of the Finchale site, the issue in question regarding residential caravan or park home occupation is also one of land use, and the conclusion reached is that the test necessary for a Certificate of Lawful Use to be issued has been passed. However, it is desirable also to determine numbers. In reality this would be governed by site license health and safety standards, but the evidence provided goes some way towards supporting the 67 units applied for when account is taken of the 1979 site license which cites 25 residential caravans and 90 holiday homes as being permissible, and the fact that holiday homes may well have been second homes and therefore falling within the same land use as primary homes.

It is therefore considered reasonable to conclude, taking into account the personal observations of the Environmental Health Officer most familiar with Finchale, that on the balance of probability 67 residential caravans and park homes have occupied the site in question for at least ten years.

In reaching these conclusions, full account has been taken of views expressed by third parties, and each is now addressed in turn:

### **INADEQUATE EVIDENCE**

It is readily accepted that the initially submitted evidence was inadequate, but through discussions with the applicant further material information has come forward to support the submitted applications.

Whilst not a material consideration, it is relevant to clarify the benefits of bringing the Finchale site within planning control. This would offer certainty to those living there, and eliminate doubt for the wider public, some of whom fear that “a new village” has been created within the open countryside, such had been the site’s change in appearance through the introduction of park homes. Planning control would also clearly define the caravan park’s boundaries, beyond which further development would be prohibited without a planning application being submitted and approved. Accordingly, there are sound reasons why time has been allowed for the applicant to secure further evidence when that originally submitted was found to be weak.

The evidence now presented demonstrates to the satisfaction of the Local Planning Authority (LPA) that, based upon the test of “on the balance of probability,” touring caravan and residential caravan use has taken place for at least ten years on the sites in question, taking into account the fact that park homes enjoy the same planning status as residential caravans.

While use of land is the main issue, unit numbers are also relevant, and based upon the evidence presented the LPA is willing to accept, once again on the “balance of probability,” that 41 touring and 67 residential units have occupied the sites for at least ten years.

### **CHANGE IN SITE CHARACTER AND COUNCIL TAX STATUS**

That the residential site’s character has changed as a result of recent engineering works and residential caravan replacement is not in dispute. Some might take the view that this change has been visually for the better, with poorly maintained units having been replaced by a lesser number of new caravans and park homes on recontoured and properly serviced ground. However, this is not a material consideration in a Certificate of Lawful Use application.

The applicant acknowledges that a reduction in Council Tax was negotiated for the transitional period during which condemned caravans were to be removed and replacements put in place, due to the inevitable temporary loss of site rent income. This does not appear to be an unreasonable request, and not one that demonstrates an abandonment of land use.



There has also been the suggestion that the granting of retrospective planning approval for engineering works already carried out, including the leveling and surfacing of hard standings was prejudicial to the objective consideration of the Certificates of Lawfulness applications. This is not the case. The material considerations applicable to engineering works are essentially ones of visual impact. Accordingly, it would have been unreasonable to withhold planning permission on the basis of land use, particularly given the site's history.

## **ABANDONMENT**

The break in residential site occupation, during which units were removed, the site levelled, drained, and service roads surfaced, with then new units installed, is said to have prejudiced continuity of use.

For this to be the case, abandonment would have had to have taken place, for which there are recognised tests. These are:

- 1 The physical condition of the property.
- 2 The period of non-use.
- 3 Whether there has been another use.
- 4 Evidence concerning the owner's intention.

In respect of condition, the ability of the site to accommodate the land use under consideration has not changed, while the period of non-use was short. No other intervening land use has taken place between caravan removal and replacement, and it is clear from the submitted evidence, in particular the applicant's sworn statement, that it was always her intention to resume the land use as soon as practicably possible.

It is therefore the opinion of the LPA that abandonment did not take place. Therefore, in respect of the issue of a Certificate of Lawful Use, uninterrupted use of the site by residential caravans has not been prejudiced.

## **RENT RECORDS, POST CODES, MULTIPLE NAME OWNERSHIPS AND SITE LICENSE TERMS**

The submitted ground rent records are inconclusive as names and addresses have been obscured. However, the fact that the post codes of caravan owners are for locations other than Finchale does not discount occupation of the application site, as it could indicate second home ownership; and as discussed earlier, this falls within the same C3 land use class as a primary residence.

There are cases of the same family name appearing against a number of units, but the applicant has clarified the relationship between those in question, some being members of an extended family, each with their own caravan, others being unrelated.

The 1979 site license is a reflection of what was either present on the land at the time, or the site operator's aspiration. Whilst an historic guide to the site's occupation, it does not exclude the possibility of numbers and uses subsequently varying.

## **IMPOSITION OF PLANNING CONDITIONS**

Although it is necessary to be precise when drafting a Certificate of Lawful Use, it is not appropriate to impose conditions. Such a certificate is the acknowledgement of an uninterrupted land use that exempts it from enforcement action, not a planning application for that land use.

The concern that has led to such a request by third parties is, at least in part, the desirability of access to this area for walkers. However, a public riverside footpath exists for such a purpose which would be unaffected by any Certificate of Lawful Use being issued.

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## **CONCLUSION**

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Based upon the evidence now submitted, corroborated by County Council staff familiar with the site, and examined by The County Council's Legal Services Manager, the LPA is satisfied that the fundamental test of "on the balance of probability" has been passed in respect of land at Finchale Abbey Caravan Park having been used continuously for at least ten years in respect of occupation by 41 touring caravans, and 67 residential caravans/park homes. This land use is therefore considered to be lawful, as enforcement action cannot be taken against it.

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## **RECOMMENDATION**

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That the applications be **APPROVED**.

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## **REASONS FOR THE RECOMMENDATION**

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Based upon the submitted evidence, which includes sworn statements, photographs, supporting documentation and letters, and the absence of compelling evidence to the contrary, the land uses cited by the applicant as having taken place on the site in question for at least ten years are, on the balance of probability, accepted. This development is therefore exempt from enforcement action, and thus lawful.

Particular weight has been attached to records of residential unit ownership, demonstrating continuity of use, associated photographs and sworn statements, and corroboration and assessment by appropriate County Council officers.

Full account has been taken of those questioning the strength of the submitted evidence. However, it is considered to have passed the required test of "upon the balance of probability".

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## **BACKGROUND PAPERS**

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Submitted application forms and plans, sworn witness statements, photographs, and other supporting evidence

Third party comments from City of Durham Trust and Local MPs

Environmental Health Officer comment

Legal Services Manager opinion



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Planning Services

4/09/126/COL - Finchale Abbey Caravan Park,  
Finchale Abbey, Brasside

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Comments

Date

20 January 2010

Scale

1:1667

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**Planning Services**

4/09/127/COL - Finchale Abbey Caravan Park,  
Finchale Abbey, Brasside

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**Comments**

**Date**

20 January 2010

**Scale**

1:1250

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0457</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>DEMOLITION AND REPLACEMENT OF HOLIDAY ACCOMMODATION, CHILDREN'S CLUB AND EQUINE STABLES, INCLUDING ERECTION OF HOLIDAY CHALETs</b>
<b>NAME OF APPLICANT</b>	<b>MR R AYRE</b>
<b>SITE ADDRESS</b>	<b>PONY WORLD, CRIMDON PARK, BLACKHALL</b>
<b>ELECTORAL DIVISION</b>	<b>BLACKHALLS</b>
<b>CASE OFFICER</b>	<b>Philip Johnson 0191 5274332 philip.johnson@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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The application site is located on the southern boundary of Crimdon Park, a short distance from the park centre, on the northern edge of Crimdon Dene and with sand dunes and the sea to the immediate east. To the west are areas of woodland and open countryside and the A1086 Coast Road beyond.

The site extends to some 0.64 hectares and is currently occupied by a former fairground building, which is now in use as the Pony World stable block, 'Kids Club' and overnight dormitory accommodation, the applicant's bungalow, a stable yard and an area of open grassland.

The site also includes a small area of land which is registered as being in Council ownership and, if this application is successful, that aspect of the development will have to be pursued separately.

The existing Pony World operation caters for children over four years old and adults from novice to experienced riders in group or private lessons and welcomes disabled riders of all ages over four years old.

The centre, which is used by over sixty schools and community groups, has two dormitory areas with bathroom facilities in the present building, wherein it provides overnight and holiday accommodation. The building also has a club-room (the 'kids club') with a dance floor and a kitchen, where the centre can cater for birthday parties and other functions.

The proposal is to demolish the existing flat-roofed, brick and block-built, multi-use building and to replace it with a similarly sized building of brick, timber and steel cladding with a tiles

and cladding roof. This would accommodate the children's club facility and fourteen stables. It is proposed to replace the dormitory element of the existing building by the erection of ten individual, timber-built chalets.

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## PLANNING HISTORY

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75/51:	Screen wall and extension to amusement centre – Approved 02/75.
84/399:	Change of use from amusement centre to riding school – Approved 10/84.
84/475:	Residential caravan – Approved 10/84 (for two years).
86/533:	Proposed dwelling at Crimdon Park Equestrian centre (outline) – Refused 02/87 – Appeal allowed 02/88.
89/758:	Proposed dwelling at Crimdon Park Equestrian Centre (reserved matters) – Withdrawn 01/90.
90/39:	Proposed bungalow at Crimdon Park Equestrian Centre – Approved 02/90.
00/59:	Change of use of part of stables to office, kitchen and toilets – Approved 03/00
02/245:	Part change of use from stables to dormitory – Approved 05/02.
04/762:	Bungalow and detached garage – Approved 10/04.
05/419:	Indoor rigging school (outline) – Approved 07/05.

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## PLANNING POLICY

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### NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Guidance 16 (PPG16) sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

Planning Policy Guidance 20 (PPG20) provides a comprehensive statement of policy in relation to coastal planning, including coastal zone planning through development plans, and policies for particular coast-specific types of development.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

## **LOCAL PLAN POLICY:**

### District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 9 - Development within the defined coastal zone will only be allowed if the requirement for the project cannot be met outside of it and the need for or benefit from the scheme outweighs any adverse impact.

Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

Policy 19 - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 85 - The development of land at Crimdon for recreation, sport or tourism uses will be approved where it does not conflict with policies 7, 14 and 15.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

Parish council:	No response.
Northumbria Water:	No objections.
Natural England:	No likely significant effects on Durham Coast Special Area Of Conservation, Northumbria Coast Special Protection Area or Durham Coast Site Of Special Scientific Interest; recommend condition relating to protected species.
Ramblers Association:	Development should not interfere with Durham Coastal Path.

Sport England: Support proposal; consistent with policy objectives.  
Durham Bat Group: No response.  
Durham Heritage Coast: objection to intrusive development within landscape; suggest reduction in height of building and that roof should be non-reflective and a colour that mutes visual impact; also concerns about cumulative impact of increased usage of area.

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

Highways Section: Proposal incorporates passing place on narrow track leading to main access for proposed chalets, so acceptable scheme.  
Landscape Section: Bat survey acceptable; new building too high.  
Environmental  
Health Section: Contaminated land methodology statement required.  
Asset & Property  
Management Section: Concern over increased usage of Council-owned track with regard to maintenance/provision of passing place; application site boundary includes piece of Council land.  
Planning Policy Team: No objections in principle; needs care over design and siting of structure.  
Archaeology Section: Area known to contain archaeological remains dating to Mesolithic Period (c10,000-4,000 B.C); recommend condition to allow archaeological monitoring to take place.

#### **PUBLIC RESPONSES:**

Neighbours: No response.  
Press/site notices: No response.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=106710>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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#### **PLANNING CONSIDERATION AND ASSESSMENT**

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The material considerations relating to this proposal are considered to be:

- policy;
- design;
- effects on amenity;
- heritage coast;
- protected species;
- highways matters.

#### Policy

This application site is so located that several items of national planning guidance and local policies are relevant to any development proposals, but 'saved' policy 85 of the former District of Easington Local Plan is of overriding importance. That policy supports the development of land for recreation, sport and tourism uses at Crimdon where it would not conflict with areas protected by local and national designations, which, in this case, include the Durham Heritage Coast and an Area of High Landscape Value.



It will be noted that there have been suggestions in consultation responses that the proposal would in some ways appear to be incompatible with these designations.

There is a separate section later in this report relating to the Heritage Coast designation but, as regards 'saved' policy 7 of the Local Plan, neither the generally improved quality of the new stables building over the appearance of the existing one nor the low key nature of the proposed chalets are considered to conflict with that policy.

The application site lies in an area known to contain archaeological remains dating back to the Mesolithic Period (c10,000-4,000 BC) and, therefore, it is appropriate to require an archaeological mitigation strategy to be put in place in accordance with advice contained in Planning Policy Guidance 16 "Archaeology And Planning".

### Design

The proposal can be separated into two distinct parts.

Firstly, it is proposed to replace the existing flat-roofed building of light brown brickwork and white-painted blockwork by a portal frame shed with its lower walls constructed of brickwork, the upper parts clad in metal sheeting and a concrete interlocking tile/metal sheeting dual-pitched roof.

The existing building is 60 metres long, 9 metres wide and 4 metres high and has a flat roof. The new building would be 40.5 metres long and 10 metres wide for the eastern two-thirds of its length and 13.5 metres wide for the western third. This latter part of the building would have an eaves height of 4.2 metres on its north side and 4.8 metres on the south side, with a ridge height of 6.7 metres. The main length of the building would continue the 4.2 metres eaves height along the north side and be the same on the south side (because that part of the building is not as wide), with a ridge height of 5.8 metres.

The new building would accommodate fourteen stables in the longer, lower part, while the higher, western part would have the 'kids club' facility on the ground floor and, above that, a general storage area for the site and its operations as a whole

Although the new building would be only some two-thirds of the length of the existing building, its increased height will make it somewhat more prominent. However, given its generally more attractive appearance, that is not considered to make it unacceptable in its context.

Secondly, the existing dormitory accommodation would be replaced by ten (six, three-bedroomed and four, two-bedroomed) individual timber clad chalets with associated parking and amenity space. These would be arranged around a U-shaped service road linking the main new building with the existing bungalow to form a single coherent grouping.

The design and appearance of both these aspects of the proposed development are considered to be acceptable.

### Effects On Amenity

The existing main Pony World building has a somewhat unattractive, utilitarian appearance. Its replacement will be more interesting visually by virtue of the use of different but complementary materials and the slight variation in its roofline.

While the new building would be higher than the existing building, it would also be considerably shorter, so, on balance, it is considered that the massing of the new building would have no significantly greater impact than the existing one and its superior appearance would have a positive effect on the visual amenity of the area.

In comparison to the nearby, large caravan park, it is considered that the new timber-clad chalet development proposed in this application will have a subdued appearance which will have no unduly intrusive effects on the local environment.

### Heritage Coast

The application site lies immediately adjacent to the Durham Coast Site of Special Scientific Interest (SSSI)/Special Area Of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA).

Natural England have confirmed that they do not feel that this proposal would have any significant effects on the Durham Coast SAC/Northumbria Coast SPA, nor would be likely to cause damage or disturbance to the SSSI.

The Ramblers Association and the Durham Coast Heritage Partnership have raised concerns relating to the site's coastal location and the need to protect this part of the environment in various respects and it is considered that their relevant concerns have been covered satisfactorily elsewhere in this report.

### Protected Species

A bat risk assessment has been provided as a supporting document with the application because the proposal involves the demolition of the main building on the site. Based on the information provided, Natural England are satisfied that the proposal is unlikely to have an adverse effect on that protected species, subject to the development taking place in accordance with the mitigation measures detailed in the assessment report.

It is considered that a condition should be attached to any permission granted for the development to ensure that the mitigation measures are respected.

The Durham Heritage Coast Partnership have raised concerns about the possible effects of increased usage of the public areas around the Pony World site on a breeding colony of little terns, a protected species, which is located on the seashore below the application site.

However, it is not considered that the proposed development is likely to result in increased usage of the Pony World premises to any appreciable extent or of the adjacent areas. Nevertheless, this would appear to be an appropriate time to formalise the code of conduct for horse-riders and other visitors which the management of Pony World are understood to operate by attaching a condition to any permission which may be granted on this application

### Highways Matters

The vehicular access to the Pony World premises is from the A1086, Coast Road, through the area of Crimdon Park lying to the south of the caravan park and leading to the north-eastern corner of the site. This would remain as the main access to the premises for most traffic generated by the premises, including servicing, refuse collection and emergency vehicles.

There is also a narrow track which links to this main access a little to the north of the premises and leads to an isolated bungalow, "Sandhurst", past the western side of the site and, thence, into Crimdon Dene. The proposal includes the formation of a passing-place on this track so that it can be used as an access to the chalets part of the development. (It should be noted that the proposed passing-place would be on Council-owned land and further discussions will have to take place between the applicants and relevant Council departments to enable this fundamental aspect of the scheme to be progressed if planning permission is granted for the development.)

The Highways Development Control Section are satisfied that this arrangement is acceptable and, on this basis, it is suggested that any permission should be conditioned to ensure that the use of this secondary access is restricted to chalet occupiers. As well as protecting the surface of this unadopted track, this would also help to protect the amenities of the occupiers of "Sandhurst". Accordingly, a condition relating to the provision of the passing-place and appropriate directional signage is included in the recommendation below.

### Consultation Replies

Several consultees have responded with observations reflecting their own particular interests and fields of expertise and, where appropriate, their concerns have been incorporated in the conditions which are suggested should be attached to the planning permission which it is recommended should be granted.

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## **CONCLUSION**

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This proposal would see the further development of the land for recreation, sport and tourism by replacing and improving the facilities already existing on the site, which would be in accordance with planning policies.

The development does involve the use of pieces of land currently owned by the Council, so this aspect of the proposal will need to be progressed through the appropriate channels before the development could proceed.

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## **RECOMMENDATION**

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

### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The roof of the portal shed shall have a non-reflective finish. The development shall be constructed in accordance with the approved details.
3. The development hereby permitted shall not be commenced until a contaminated land methodology statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include a summary of the intended uses of the land, details of intended ground works and landscaping, details of

previous land use (assessment), potential contamination and extent of groundworks in relation to that contamination (risk), public safety management and the intentions as to how to manage the problem in relation to contractors and managers (method of management).

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. (a) No development shall take place until the applicant, or his agents or successors in title, has secured an archaeological mitigation strategy, as defined in a brief prepared by the County Durham Archaeology Team, or a written scheme of investigation provided by the developer's archaeological consultant, which has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the following:
  - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
  - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
  - iii) Post-fieldwork methodologies for assessment and analysis;
  - iv) Report content and arrangements for dissemination and publication proposals;
  - v) Archive preparation and deposition with recognised repositories;
  - vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
  - vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
  - viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- (b) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the Local Planning Authority.
- (c) A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.

7. No development shall take place unless in accordance with the mitigation detailed within section E of the protected species report "Bat Reasoned Risk Assessment - Pony World, Crimdon" by Barrett Environmental Ltd., October 2009, including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.
8. Before the development is commenced, a scheme of measures for the protection of the ancient semi-natural woodland adjacent to the south side of the site from potential litter and garden waste generated by occupiers of the chalets hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. These measures should include signage along the perimeter fence and regular monitoring by the development operator's staff. Such measures as may be agreed shall be put in place before the chalets are first occupied and shall remain in force during the lifetime of the chalets.
9. Before the development is commenced, full details of the facilities to be provided for the storage of refuse generated by occupiers of the chalets hereby permitted and arrangements for its subsequent collection, which shall not involve the use of the track leading to the western entrance to the site, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be incorporated in the development and, thereafter, shall be maintained as long as the chalets remain on the site.
10. Before the development is commenced, a fully detailed scheme for the construction of the proposed passing-place on the secondary access to the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme of works as may be agreed shall be carried out and the passing-place made available for use before the chalets are first brought into use and the passing-place shall, thereafter, be maintained as such for the lifetime of the chalet development.
11. No construction traffic visiting the site in connection with the implementation of the development hereby permitted shall use the track leading to the western side of the site. A sign, full details of the location and content of which shall first be submitted to and agreed in writing by the Local Planning Authority, shall be erected before the development is commenced to prohibit such traffic from the use of that track.
12. Once the development hereby permitted has been brought into use, no vehicles visiting the site, including service and delivery vehicles, other than those used by occupiers of the chalets, shall use the track leading to the western part of the site. A sign, full details of the location and content of which shall first be submitted to and agreed in writing by the Local Planning Authority, shall be erected before the development is first occupied to direct such traffic to use the main vehicular access route to the site entrance at the north-east corner of the premises. Thereafter, the signage shall be maintained in good condition for the lifetime of the development.
13. The chalets hereby permitted shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of individual chalets and of their main home addresses, and shall make such information available at all reasonable times to the Local Planning Authority, upon request.

14. Before the development hereby permitted is brought into use, a code of conduct for horse-riders shall be submitted to and agreed in writing by the Local Planning Authority. The code shall include making riders aware of the sensitivity of the designated Site of Special Scientific Interest and Special Protection Area that apply to the sand dunes and sea shore adjacent to the site and the importance of not disturbing the little tern breeding colony located on the shore below the site. Thereafter, the code of conduct shall be made known to all horse-riders and other participating visitors to the premises on their arrival.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV07 - Protection of Areas of High Landscape Value (AHLV)
DISTRICT OF EASINGTON LOCAL PLAN	ENV09 - Protection of the Coastal Environment
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV19 - Management of Areas of Nature Conservation Interest
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development Coastal Planning
PLANNING POLICY STATEMENT/GUIDANCE	PPG16 - Archaeology and planning
PLANNING POLICY STATEMENT/GUIDANCE	PPG20 – Coastal Planning
DISTRICT OF EASINGTON LOCAL PLAN	REC85 - Crimdon

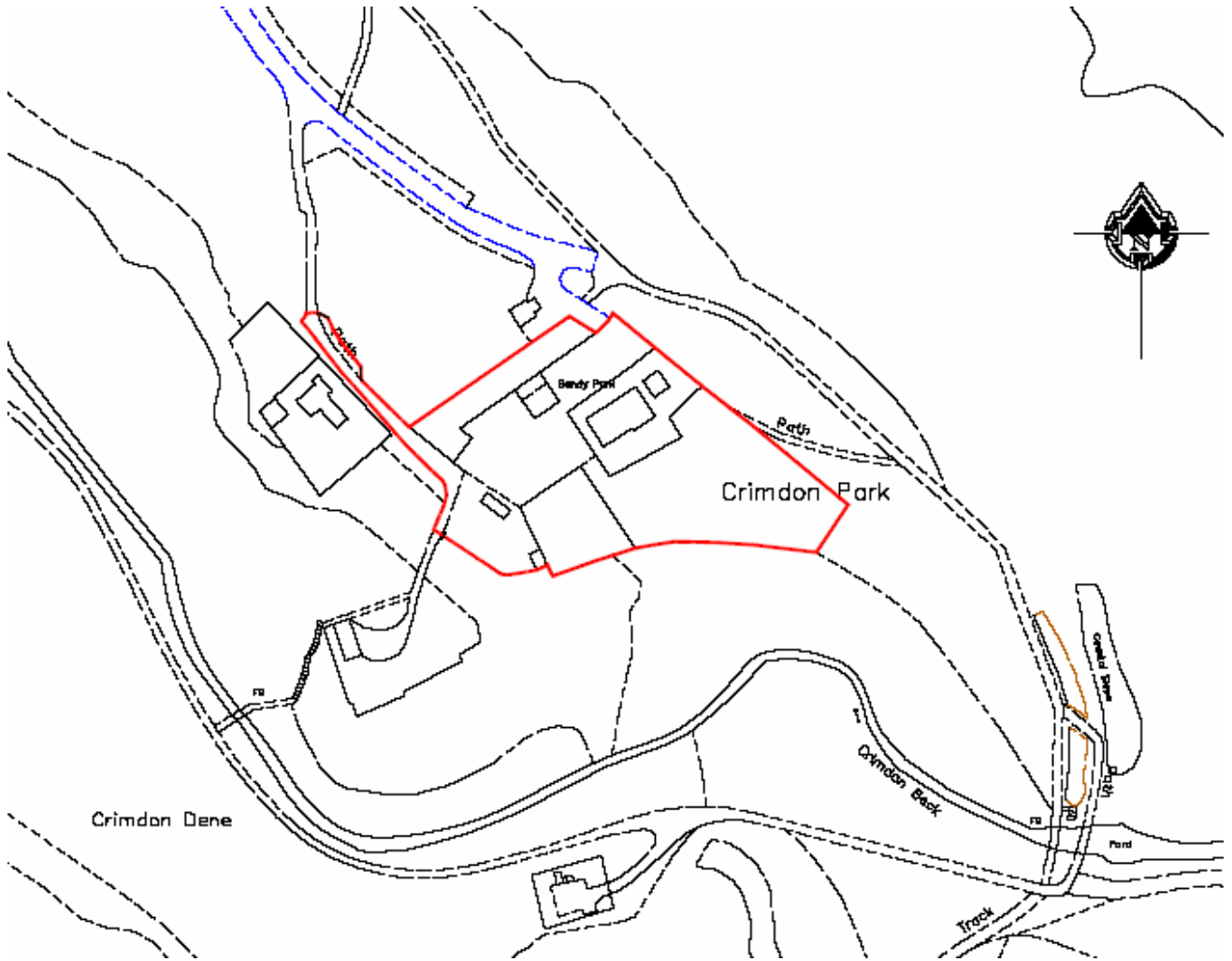
2. In particular the development was considered acceptable having regard to consideration of issues of site location, design, effects on amenity, heritage coast, protected species, and highways matters.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0505</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>NEW FOOTBALL PITCH, KICKABOUT PITCH AND EXTENSION TO CHANGING ROOMS</b>
<b>NAME OF APPLICANT</b>	<b>NORTH BLUNTS LTD</b>
<b>SITE ADDRESS</b>	<b>EDEN LANE, PETERLEE</b>
<b>ELECTORAL DIVISION</b>	<b>PETERLEE EAST</b>
<b>CASE OFFICER</b>	<b>Grant Folley 0191 5274322 grant.folley@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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**SITE:** The application relates to Eden Lane Sports and Recreation Ground in Peterlee. The site caters for a range of different sporting activities, including but not limited to football, bowls and tennis. Facilities on the site include a clubhouse and changing rooms.

To the north the site bounds onto an area of open space which includes the site of the Medieval Village of Yoden, to the west lies Eden Lane and Peterlee Town Council's ParkS Department, to the south is the Church of the Latter Day Saints and a Cemetery, and to the east is an area of open space and residential properties situated on Yoden Crescent and Nesbitt Avenue. The Sport and Recreation Ground is accessed from Eden Lane, with car parking provided adjacent to the clubhouse. Specifically the current application relates to an area of land to the south of the existing sports pitches and a separate area of land to the rear of the existing clubhouse.

**PROPOSAL:** Planning permission is sought for the creation of new sports pitches and an extension to existing changing rooms. The proposed development will include the creation of a new football pitch (adult size), the re-location of an existing 'kick about' pitch, the retention of the existing whippet racing track, and an extension of the existing changing room facilities to provide two additional team changing rooms with additional referee facilities. The proposed extension of the changing rooms is to be of traditional masonry construction with a pitched roof.

This application is linked to the proposed redevelopment of the former North Blunts School, Burnhope Way/Passfield Way in Peterlee for a food store, and the redevelopment of the former ITEC site at Burnhope Way/Neville Road, also in Peterlee for a residential development of 53. no. units. There is also another related planning application for the creation of a new sports pitch at Helford Road, also in Peterlee (see Planning History). The application subject of this report and the proposed development at Helford Road are



required to replace the sports pitches to be lost as a result of the proposed development of the North Blunts School and ITEC sites.

In support of the application the applicant has stated that the proposed new sports facilities have been developed in conjunction with the Local Town Council, County Council and local sports bodies and will provide much better facilities than those currently available. The proposed sports facilities will allow the redevelopment of two key sites situated adjacent to Peterlee town centre. The proposed redevelopment of these sites for a Food Store and Residential Properties will secure wide reaching economic and environmental benefits.

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## PLANNING HISTORY

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PL/5/2009/0504 – Rugby Pitch at Helford Road, Peterlee –Withdrawn (revised application to be submitted)

PL/5/2009/0506 – New Food Store with associated Service Area, Car Parking, Petrol Filling Station and associated Highway Works at the former North Blunts School Site, Peterlee – Pending

PL/5/2009/0510 – Residential Development comprising 53 no. Units at the former ITEC college site, Peterlee - Pending

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## PLANNING POLICY

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### NATIONAL POLICY:

**Planning Policy Statement 1:** Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

**Planning Policy Guidance 17 (PPG17)** sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

## LOCAL PLAN POLICY:

District of Easington Local Plan

**Policy 1-** Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

**Policy 35 -** The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

**Policy 90 -** Development resulting in the loss of outdoor sports facilities will not be approved unless it would enable enhancement of the remaining land, alternative provision of equal or enhanced benefit is provided, development involves provision of new related outdoor facilities and there is an excess of such facilities in the area.

**Policy 92 -** Amenity open space will be protected unless development would enable enhancement of the remaining play space or alternative provision of equal or enhanced benefit is provided.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

Sport England – Although not strictly relevant to this application, it is confirmed that the proposed new sports provision at Eden Lane and Helford Road are considered to offer an acceptable replacement to that provision to be lost through the development of the former North Blunts School and ITEC college sites. The proposed sports provision At Eden Lane will usefully expand the range of primary sports facilities (and ancillary facilities that support them) at this multi-sport site. Sport England raised no objection to the proposed scheme subject to a condition covering playing field construction being attached to any grant of planning permission.

### INTERNAL CONSULTEE RESPONSES:

Planning Policy – No policy objections raised, the comments of Sport England are considered particularly relevant in determining this application.

Highways Authority – The existing access and car parking arrangements would not appear to be affected by the creation of the new football pitch, kick about pitch and extension to the changing rooms and as such it is considered that the existing car parking and access will be adequate to serve these proposals. There is no suggestion in the documents submitted with the application to suggest that there will be any escalation in vehicular traffic associated with the proposed development, and as such no highway objection is raised.

Tree Officer – No objections to the proposed development.

### PUBLIC RESPONSES:

The application has been advertised by a notice in the local press, and by a notice displayed on site. Neighbour consultation letters have also been sent. No letters of representation have been received in relation to this application.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=107021>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## PLANNING CONSIDERATION AND ASSESSMENT

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Planning permission is sought for the creation of new sports pitches and the extension to existing changing facilities at the established sports and recreation ground. It is considered that the main considerations in determining this application are:

- Background and Planning History
- Planning Policy
- Sport England
- Other Considerations

### Background and Planning History

As stated previously in this report this planning application is linked to proposals for a new supermarket and residential development on the former North Blunts School and ITEC college sites respectively, situated adjacent to Peterlee town centre (see relevant Planning History). The sports facilities proposed as part of this planning application are required to replace those to be lost as a result of the potential development of these sites. Although the proposed development of other sites is dependent on former sports provision being replaced elsewhere, the approval of this application would not imply that the proposed residential development or supermarket were acceptable, or would be supported by the Local Planning Authority.

The linked applications will be assessed against the relevant development plan policies and on their individual merits and will be determined at a future Committee meeting. The current application has been reported to Members prior to the determination of the larger applications in order to meet performance targets in relation to determining planning applications.

### Planning Policy

The site subject to this application is situated within the defined settlement limits for Peterlee. The existing Eden Lane sports facilities including the Clubhouse, and the proposed extension to the changing room facilities, are situated in an area identified for development for recreational and children's play space. The area of land to be used for the provision of the additional sports pitch and kick-about area is not covered by any specific local plan policies or designations.

The proposed development is therefore considered to accord with the relevant development plan policies. The proposed works are considered to be in accordance with the existing use of the site. It is not considered that the proposed works will have any impact on the occupants of adjacent properties, nor impact on adjacent uses.

### Sport England

Sport England have confirmed that the proposed sports provision to be provided at Eden Lane is considered to be sufficient to replace that to be lost as a result of the potential development of the former North Blunts School and ITEC college sites. In relation to the proposal subject of this application Sport England have stated that: *"The proposed new football pitch, changing room accommodation and kick-about area usefully expand the range of primary sports facilities (and ancillary facilities that support them) at this multi-sport site"*. Sport England have raised no objection to the proposed works, subject to a condition being attached to any grant of planning permission covering sports pitch construction.

### Other Considerations

The Highways Authority has been consulted on the proposed application and no objections have been raised to the proposed scheme. Although a query was raised regarding the

potential impact of surface water run-off associated with the proposed sports pitch affecting an adjacent public right of way, it is suggested that if planning permission were to be granted a condition should be attached to any permission requesting a scheme for the provision of surface water drainage work to be agreed with Local Planning Authority. It is considered that the existing car parking and access arrangements are capable of serving the additional sports provision at Eden Lane, the proposed works are therefore considered to be acceptable from a highways perspective.

The Tree Officer has also been consulted on the application and has raised no objection to the proposed scheme as the proposed works will not involve the removal of any trees. It is suggested that a landscaping condition be attached to any grant of planning permission, which may allow new planting around the proposed sports provision.

No letters of representation have been received from the public in relation to the proposed scheme.

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## **CONCLUSION**

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The proposed development will improve existing facilities at Eden Lane Sports and Recreation ground. The proposed works accord with the relevant development plan policies and are considered to be in keeping with the use of the site and its surroundings. The proposed facilities are considered to adequately replace those to be lost as a result of the potential development of the former North Blunts School and ITEC College sites, and as such the approval of these sports facilities could have economic benefits by making way for the redevelopment of these edge of town centre sites. It is recommended that the application be approved subject to the suggested conditions.

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## **RECOMMENDATION**

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

### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

4. Prior to commencement of the development hereby permitted: i) A detailed assessment of ground conditions of the land proposed for the playing fields shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.  
The approved scheme shall be complied with in full prior to works commencing on site, unless otherwise agreed in writing with the Local Planning Authority.
5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN PLANNING POLICY STATEMENT/GUIDANCE PLANNING POLICY STATEMENT/GUIDANCE DISTRICT OF EASINGTON LOCAL PLAN DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development GEN01 - General Principles of Development PPG17 - Planning for Open Space, Sport and Recreation PPS1 - Delivering Sustainable Development REC90 - Protection and provision of outdoor sports facilities REC92 - Protection of amenity open space
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2. In particular the development was considered acceptable having regard to consideration of issues of scale, design, sports provision and residential amenity.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses

