

# Public Document Pack

20 March 2009

Dear Councillor

A special meeting of the Planning Committee will be held in the **Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 30th March, 2009 at 6.00 pm**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', written over a light grey rectangular background.

**R TEMPLEMAN**

**Chief Executive**

## **AGENDA:**

1. Apologies for Absence
2. To Receive Declarations of Interest from Members
3. Confirmation of Speakers
4. Planning Matters  
Report Of Development and Building Control Manager

(Pages 1 - 72)

(Please note that the meeting may be recorded for clerical purposes only)

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# Agenda Item 4

**PLANNING COMMITTEE     30 March 2009**

**REPORT OF THE DEVELOPMENT AND BUILDING CONTROL MANAGER**

**ITEM1**                      District Matters Recommended Refusal

**ITEM2**                      District Matters Recommended Approval

**COPIES OF ALL PLANS, ELEVATIONS AND SUPPORTING  
DOCUMENTATION CAN BE VIEWED IN THE PLANNING SERVICES  
DIVISION PRIOR TO THE COMMITTEE MEETING**

**COPIES OF PLANS AND ELEVATIONS FOR APPLICATIONS WHERE THE  
APPLICANT / OBJECTORS / SUPPORTERS WISH TO SPEAK OR FOR  
OTHER MAJOR APPLICATIONS WILL BE DISPLAYED IN THE COUNCIL  
CHAMBER PRIOR TO AND DURING THE COMMITTEE**

**ITEM1**

District Matters Recommended Refusal

1.

**Reference: 2/09/00019/FUL**

**Proposal**     Erection of 1 no. residential dwelling. (Use Class C3).  
**Location**     Woodside Waldrige Chester-le-Street Durham DH2 3SL  
**Applicant**     Mr Robert Howey

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**Application Summary**

**Ward:**                     Edmondsley and Waldrige  
**Case Officer:**         Steven Pilkington, Planning Officer  
**Contact Details:**     0191 387 2145  
  
   stevenpilkington@chester-le-street.gov.uk

**Summary of recommendation:** It is considered that the erection of the proposed dwelling constitutes inappropriate development in the Green Belt, which would result in an incremental encroachment of the Green Belt adversely affecting its intrinsic openness and visual amenity. The development is also considered to affect the visual amenity of a Site of Nature Conservation Importance while also creating conditions prejudicial to highway safety

Accordingly it is recommended that the application be refused.

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**The Proposal**

Planning permission is sought for the erection of a large detached dwelling in the garden of 'Woodside'. The proposed dwelling will measure 16.2m in width by 13m in length, with a ridge height of 9.2m. Access to the property will be taken from the existing access track serving Woodside, leading to Walkworth Drive. To accommodate a driveway for the proposal, an existing detached garage will be demolished.

The application site is located to the south east of Waldrige Village and set within the residential curtilage of 'Woodside'. The site comprises a residential garden and mature trees protected by a tree preservation order. To the north and east of the property are the residential areas of Chester West, while to the south and west is an area of dense woodland designated in the Local plan as a Site of Nature Conservation Importance.

#### Planning History

00/00219/FUL - Demolition of existing detached house and construction of 6 no. bedroom house and associated car parking/turning area – Approved 16.10.2000

#### **Consultation Responses**

Durham County Council Highways Authority have raised objections to the scheme, regarding the adequacy of vehicular access arrangements along the bridleway and the potential for increased vehicular movements. Concerns have also been raised regarding the potential for any approval to act as a precedent for nearby property owners to make applications for dwellings in their gardens.

Durham County Council Rights of Way Officer has offered no objections but recommends that the applicant should seek legal advice to ensure that the new dwelling will benefit from private vehicular rights.

The Council's Environmental Services Manager have offered no objections to the scheme.

The Councils Arboricultural Officer has commented that subject to appropriate protection measures being implemented, no objections are raised.

Neighbouring residents have been notified of the development by individual notification letters and by site notice; two letters of objection have been received from a neighbouring resident, as summarised below:

- The new dwelling would overlook our property (14 Lilburn Close)
- There would be a significant increase in traffic using the back lane
- The site is within the green belt and should not be available for further development
- Loss of woodland

## **Relevant Planning Policies and Considerations**

### **National Planning Policies**

Planning Policy Statement 1 (PPS1) – Sustainable Development, which sets out the Government's overarching planning policies on the delivery sustainable development through the planning system.

Planning Policy Guidance Note 2 (PPG2) - Green Belts, sets out that there is a general presumption against inappropriate development. New dwellings in the Greenbelt are by definition inappropriate unless with special justification to indicate otherwise.

Planning Policy Statement 3 (PPS3) – Housing, sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and preferably make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement 7 (PPS7) - Sustainable Development in rural areas - aims to raise the quality of life and the environment in rural areas, promote sustainable patterns of development, and support economic development and diversification of agriculture in rural areas. In regard to housing it should be related within close proximity to existing settlements and the re-use of existing buildings is encouraged for economic and housing purposes where it can support local facilities. Conversions of agricultural buildings to residential use should only be considered as a last resort following attempted economic re-use.

Planning Policy Statement 9: PPS9 – Biodiversity and Geological Conservation - Seeks to deliver the Government's Biodiversity and Geological Conservation policy. This is achieved through promoting, conserving, enhancing and restoring the diversity of England's wildlife and ecology.

### **Regional Spatial Strategy**

The regional spatial Strategy (RSS) sets out the long term planning strategy for the spatial development of the North East of England. The RSS for the North East of England was formally adopted in July 2008.

Policy 2 – Sustainable Development – Planning proposals should seek to promote sustainable development through social, economic and environmental objectives

Policy 8 – Protecting and Enhancing the Environment – Seeks to protect and enhance the environment through promoting high quality design while ensuring that proposals remain sympathetic to the surrounding area.

Policy 9.5 – Tyne and Wear City Region (Green Belts) – Identifies the need to ensure the safeguard of the Green Belt between Durham and Chester-le-Street.

Policy 24 – Delivering Sustainable Communities – Planning proposals should seek, through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives including the impact of design of the regions landscapes and biodiversity.

Policy 33- Biodiversity and Geodiversity - Promotes the protection and enhancement of protected species and the creation of habitats in the interests of biodiversity and geodiversity.

#### Local Plan

NE2 – Development beyond settlement boundaries – has regard to development beyond settlement boundaries, outlining that development should be strictly controlled and new dwellings granted only where there is a need to support existing agriculture or forestry activities.

NE4 – Appropriate development in the Green Belt - Sets out the criteria for what developments are acceptable within the Green Belt including making provision for the erection of sport and recreation facilities.

NE6- Development Affecting the Visual Amenity of the Green Belt – Identifies that only development that protects the character and visual amenity of the Green Belt will be permitted.

NE8 – Sites of nature conservation importance and local nature reserves - Requires that planning permission will only be permitted for development that enhances and does not harm the conservation interest of designated sites.

HP9 – Residential Design – Considers the design and layout of residential development, although it refers only to development within settlement boundaries the design principles still outline the approach taken with all residential development.

T15 – Access and Safety Considerations in Design, seeks to ensure a safe access is created in all new developments for all users and does not generate a hazard to road users.

T17 – General Policy, Seeks to encourage a non-reliance on private vehicular transport through encouraging cycling, public transport and walking.

In assessing the proposals against the requirements of the relevant policies and having regard to all material considerations, including representations received, it

is considered that the following represent the principle material planning considerations raised.

Principle of Development

As identified on the 2006 Chester-le-Street Local Plan Proposals Map, the majority of the site is located outside of the border of the defined development limits of Chester-le-Street and within the Green Belt. The applicant has raised concerns regarding the accuracy of the boundary of the Settlement Limits and the Green Belt on the Proposals Map.

The site is classified as previously developed land, as defined in national Planning Policy Statement 3 (PPS3) as the application site forms part of the curtilage of Woodside house. PPS 3 promotes the reuse of previously developed land, to reduce the amount of green field land required for housing developments. However, despite the previously developed status of the site this on its own is not special justification to allow the development in the Green Belt.

Policies NE4 and NE6 of the Chester-le-street Local Plan imposes strict controls on the nature and form of development within the Green Belt in order to protect its intrinsic purpose, character and openness. This approach is also replicated in PPG2, which identifies that there is a presumption against inappropriate development in the Green Belt, unless special justification indicates otherwise. Paragraph 3.4 of PPG2 clarifies that the construction of a new building inside a Green Belt is inappropriate unless for, agricultural purposes, essential facilities for outdoor sport and recreation, limited householder developments and limited infilling of existing villages (for sites which are allocated in the local plan).

Planning Policy Statement Seven (PPS7) requires Local Planning Authorities to promote sustainable patterns of development by focusing development on previously developed land and close to existing towns and service centres. Again the policy identifies that new dwellings outside of existing settlement limits should only be provided where there is an essential need for a worker to live permanently at or near their place of work.

In support of the application the applicant makes the following points:

- The boundary of the Green Belt should have been drawn around the edge of the curtilage of the property to reflect the existing woodland.
- The proposal would not increase urban sprawl and would maintain the separation of Walldridge and Chester Moor
- The proposal would not impact on the visual amenity of the Green Belt due to the presence of surrounding mature woodland.



Green Belt Boundary

PPG2 requires that when Green Belt boundaries are being developed, they should be clearly defined, using readily recognisable features such as belts of trees or woodland edges. This clearly was a consideration for the Authority in 2002 when the Local Plan went out for consultation and then later adopted in October 2003. However as demonstrated on aerial photographs from 2001 when the Green Belt designations were being developed the site was largely covered in semi mature trees. As such it was deemed that there was a distinction between the existing residential development and the adjoining garden. It is accepted that the nature of the site has slightly changed with the increase in garden area now apparent on site.

However, it still remains that despite these changes the application site remains within the Green Belt as defined in the Local Plan. Changes to the Green Belt were undertaken during the 2006 Local Plan consultation process and will be reviewed during the forthcoming Local Development Framework for the new County Durham Authority.

One of the objectives of Green Belt Policy other than the overriding purpose to check urban sprawl and maintain openness is to focus development within urban areas. The Housing Land Supply for the District for deliverable sites is in excess of the RSS requirement to provide a five-year supply at 7.2 years. Therefore, despite being the application site being previously developed, there is no current requirement to provide additional housing land supply.

Overall it is considered that as set out in Policies in the RSS and the Local Plan, and having regard to National Planning Policy Documents. The principle of the erection of an additional dwelling in the Green Belt is considered inappropriate development without special justification, which would result in an incremental encroachment of the Green Belt adversely affecting its purpose to check urban sprawl and safeguard land from incremental encroachment to maintain the open appearance of land between settlements.

Visual Amenity

As identified above the site is within the Green Belt and also located adjacent a mature woodland. This woodland has been designated as a Site of Nature Conservation Importance (SNCI) in Policy NE8 in terms of its geological and wildlife features.

It is considered that the setting of this SNCI in terms of its visual amenity is of particular importance; this area is well used by members of the public by informal pathways. As such it is considered that the erection of the proposed large dwelling will adversely impact on the setting of the SNCI due to its scale, mass

and visibility from the adjoining woodland, contrary to Policies NE8, NE2 and HP9 of the Chester-le-Street Local Plan.

#### Amenity of Neighbouring Residents

Objections have been received from the residents of no.14 Lilburn regarding a loss of privacy and amenity. The orientation of the dwelling in relation to surrounding properties means that windows of habitable rooms will face away from other residential dwellings. A minimum separation distance of approximately 22m is also achievable between the side elevation of the proposed dwelling and the rear of properties lining Lilburn Close. Further to this, mature trees and vegetation will screen views of adjacent properties.

Overall it is considered that the privacy and amenity of neighbouring residents will be unaffected.

#### Highway Safety

It is proposed that access to the site will be taken off an existing single track, which serves the current dwelling from Warkworth Drive. The access track is 270m in length, 150m of this route also forms a public bridleway, at present three dwellings currently take their vehicular access along the bridleway, Walldridge Hall Farm, Woodside (application site) and Woodside Cottage. There are two other possible vehicular access routes from the application site to the wider highway network, however given the indicated layout to use the bridleway and the existing usage patterns of vehicles entering and leaving the site, the Warkworth Drive access is the most frequently used.

Durham County Council Highways Officers have raised objections regarding the adequacy of these vehicular access arrangements along the bridleway and the potential for the increased vehicular movements, which may create conditions prejudicial to highway safety. This is due to the forward visibility of drivers using the access being restricted in places, such that drivers of opposing vehicles could have to reverse for a considerable distance, possibly back out onto the public highway.

This issue could partially be addressed through the imposition of a Grampian style condition to provide a passing place on the access lane. However, as identified on the location plan and the land ownership certificates the applicant has no legal control or ownership of the land. No information in the form of deeds or legal agreements has been submitted to demonstrate otherwise.

Overall, it is considered that the proposed scheme would unsatisfactorily impact on highway safety, contrary to policy T15 of the Chester-le-Street District Local Plan.

**Conclusion**

The proposed development is on previously developed land outside the settlement boundary of Chester-le-Street within the Green Belt. It is considered that the principle of a residential dwelling in this location represents inappropriate development in the Green Belt. The site status of previously developed land is not considered special justification to override the inappropriateness. Neither is the land required to meet the housing land supply over the next five years.

The development by virtue of its position in the Green Belt is harmful to the purpose of the Green Belt to check urban sprawl, prevent the countryside from encroachment and maintain the intrinsic openness. The proposal is therefore contrary to Planning Policy Guidance Two, Policy 9 of the RSS and policies NE4 and NE6 of the Local Plan.

The location of the proposed dwelling on the edge of a defined SNCI will appear obtrusive and harmful to the setting of this area contrary to Policy NE2, NE8 and HP9 of the Local Plan.

By virtue of the access track serving the development the use of the track by an increase in vehicular traffic will be prejudicial to highway safety contrary to the aims of Policy T15 of the Local Plan.

**RECOMMENDATION      Refuse      FOR THE FOLLOWING REASONS:-**

Extra 1.

The proposed development constitutes inappropriate development in the Green Belt without special justification, contrary to the aims of the Green Belt, to check urban sprawl and safeguard the countryside from encroachment - maintaining its openness contrary to Policies NE4 and NE6 of the Chester-le-Street District Local Plan, Policy 9 of the Regional Spatial Strategy and National Planning Policy Guidance 2.

Extra 2.

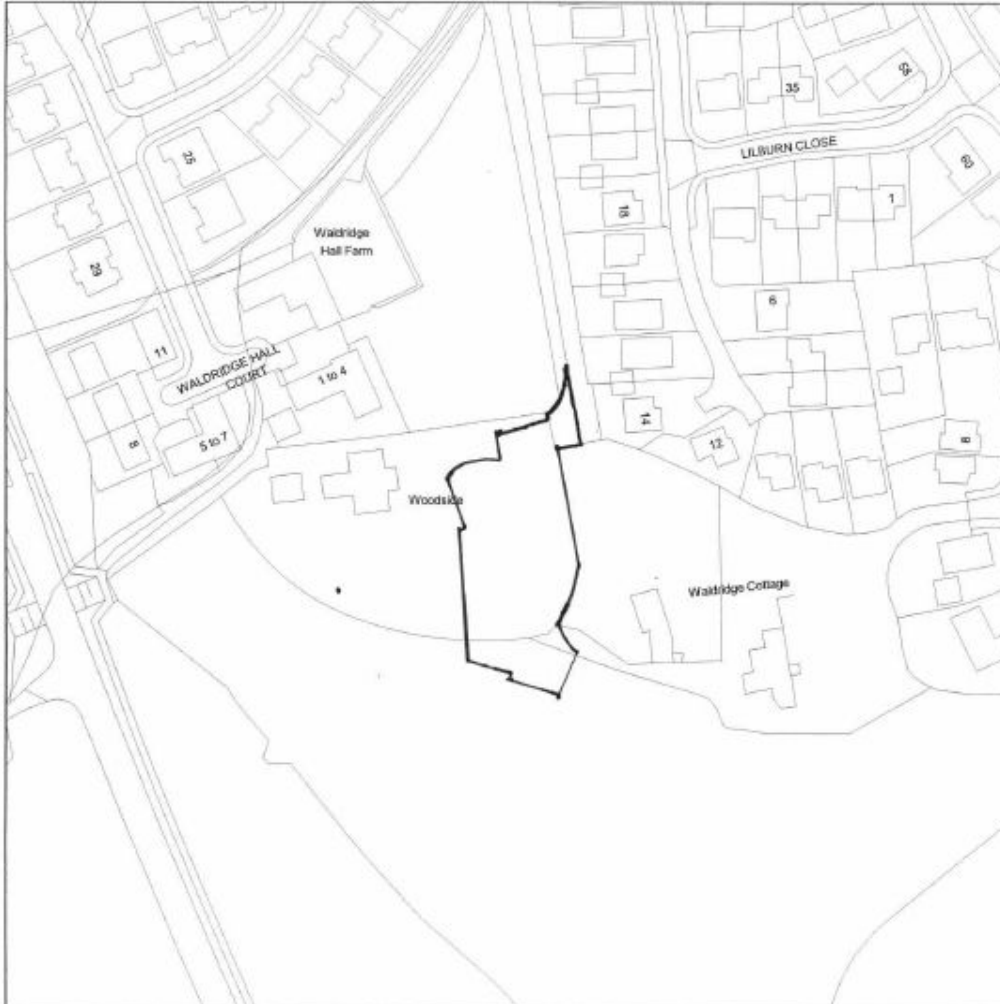
The proposed development, will create conditions prejudicial to highway safety, due to increased vehicular movements and the lack of passing places along the private access way. Contrary to policy T15 and T17 of the Chester-le-Street District Local Plan.

Extra 3.

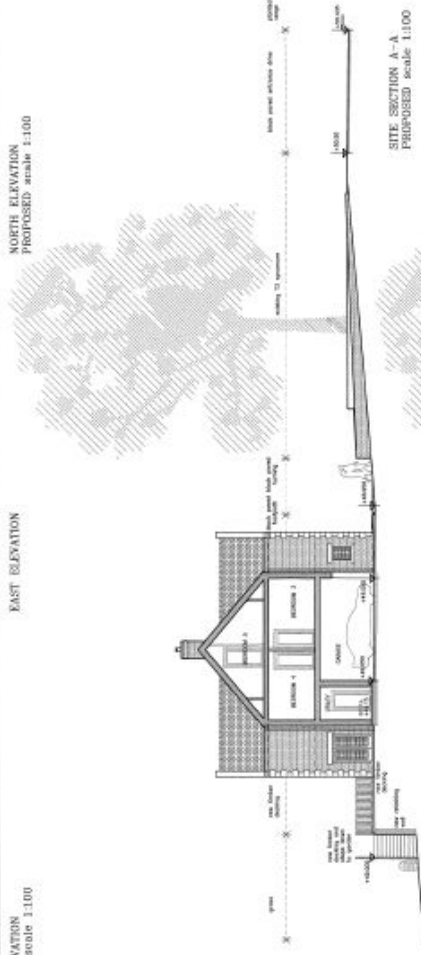
The proposed development, by virtue of its scale mass and location would adversely affect the setting and visual amenity of a Site of Nature Conservation Importance. Contrary to the provisions of Policies NE8, NE2 and HP9 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy.

**Land at Woodside**

**Warkworth Drive**



Scale : 1:1250



W. STEINLEINER P.C.  
PLANNING DEPT.  
ADDRESS 11100 209  
CITY  
STATE  
ZIP

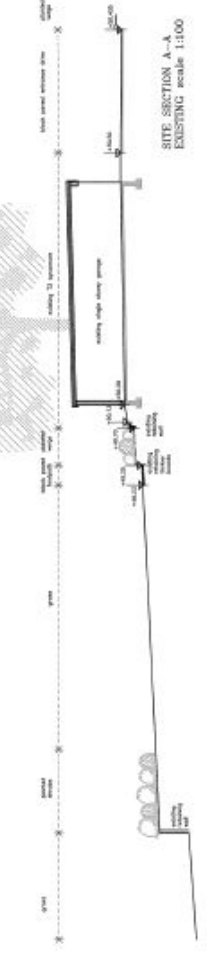
On the work of which this drawing is prepared, the architect shall be held to the same standards of care as if he were preparing a contract document for the same project.

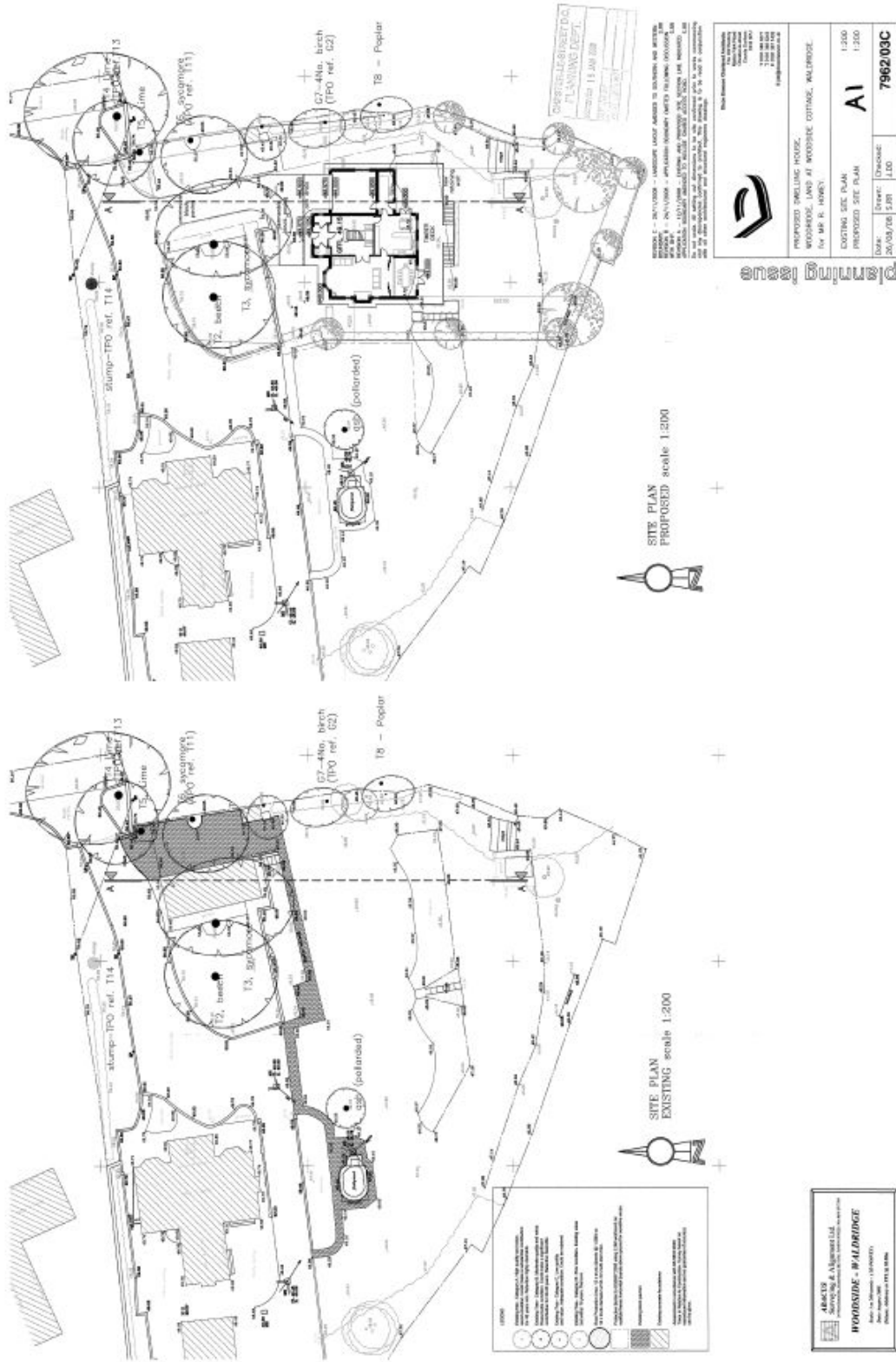
**W. STEINLEINER P.C.**

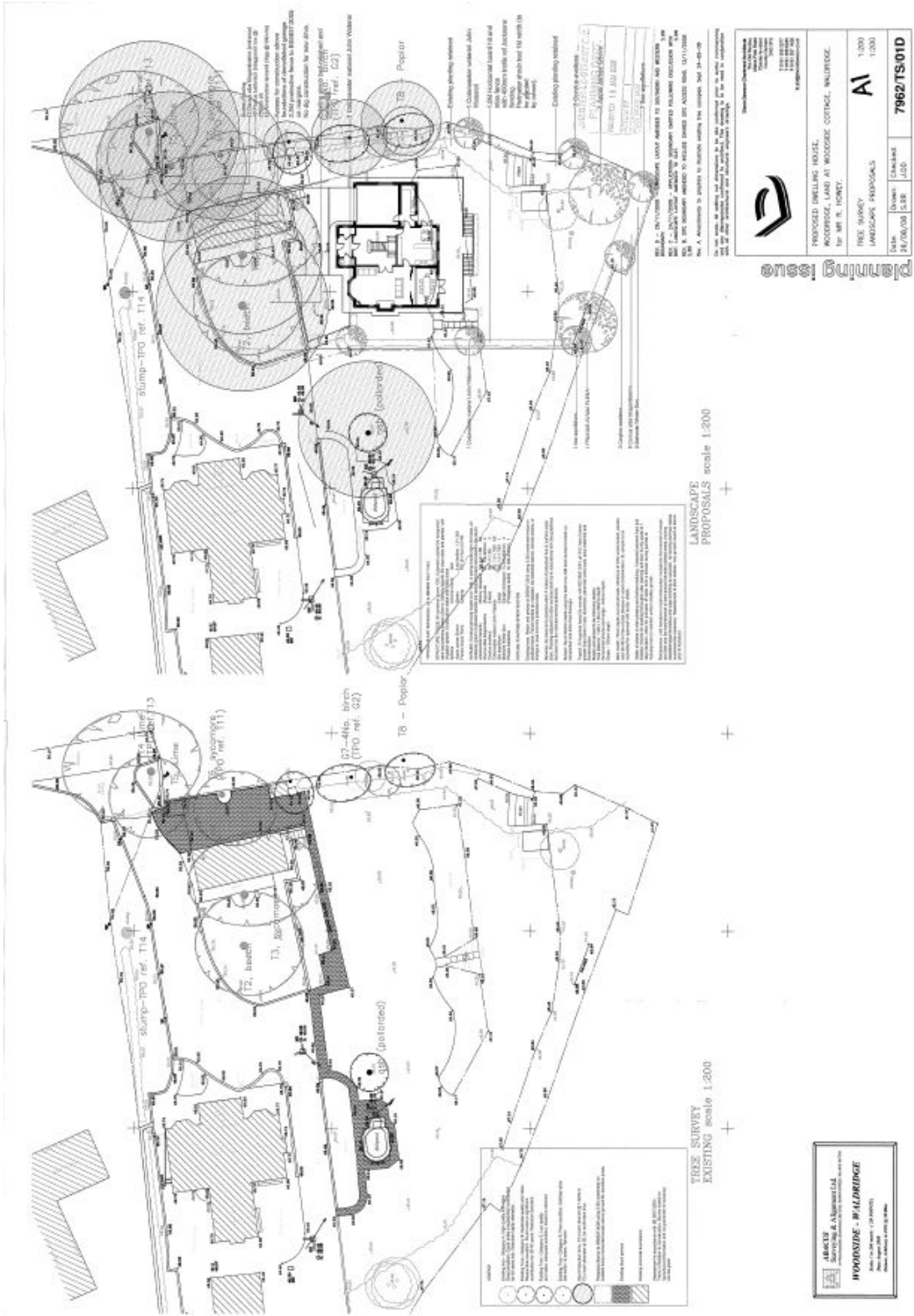
PROPOSED DWELLING HOUSE,  
PROPOSED LOT 47, WOODSIDE COUNTRY ESTATE,  
1501 8<sup>TH</sup> AVENUE,  
CITY OF DENVER, COLORADO

PROPOSED ELEVATIONS  
EXISTING & PROPOSED SITE SECTION A-A

Scale: 1:100  
24/03/09  
Checked: JDS  
7962/04







**ITEM 2**

District Matters Recommended Approval

**2.**

**Reference: 07/00488/FUL**

**Proposal**      Resubmission of planning application 06/00530/FUL residential development comprising 248 dwellings with associated infrastructure

**Location**      Land rear of Newfield Terrace Newfield Chester-le-Street Durham

**Applicant**      Persimmon Homes

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**Application Summary**

**Ward:**              Pelton

**Case Officer:**      Stephen Reed, Development & Building Control Manager

**Contact Details:**      0191 387 2212

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** The proposals, as amended through the Officer Negotiations and consultation procedures carried out, provide for an acceptable form of development, which meets the aims of sustainable development. The proposal is compliant with the aims of relevant Development Plan policies for the area

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**The Proposal**

This report relates to an application for the erection of 248 dwellings, with associated infrastructure, on land known as Newfield Farm, to the rear of Newfield Terrace, Newfield. The number of units proposed has been reduced from the originally proposed 270; following Officer negotiations.

The site amounts to approximately 9.6 hectares in size. The site is overwhelmingly Greenfield in nature, (comprising Grade 3a agricultural land). A cluster of barns, together with an occupied farmhouse are located along the north east boundary of the site. These barns have recently been 'Listed' (at Grade 2) by the Secretary of State for Media Culture and Sport following an Officer request. Two public rights of way also exist within the site, one running east - west along the northern boundary, and the second running north - south through the centre of the site. A number of mature trees are also located within the site, in the vicinity of the farm buildings.

The site is largely surrounded by open grassed land, designated as being within the countryside in the Local Plan, to the south and the east. Much of this land is at a lower



level to the application site, as the land drops down towards Chester-le-Street town to the south east. The Sustrans C2C cycle route is located further to the east, with Station Lane immediately beyond. The Roseberry Comprehensive School lies to the north, including a number of playing pitches presently dedicated to the school.

The village of Newfield lies to the west of the application site. Property known as Roseberry Villas, and Newfield Terrace back directly on to the Western edge of the site. The site is presently linked to Newfield by the aforementioned public footpath that exists at the south west corner of the site, and a more informal footpath link that exists near to Roseberry Villas.

The proposals provide for the creation of 248 new dwellings, with a mix of dwelling types and size. Of these units 73 would be provided as affordable (see further discussion below). A new vehicular access is proposed into the site, off Front Street opposite North View. Informal open space and two children's play areas are also shown within the layout. A landscaping bund; together with a replacement wildlife habitat area and an off site cycle link (to the aforementioned C2C route) is also shown on the amended plans received following the original submission.

#### **Relevant Planning History**

The land is subject to a site specific allocation for residential development in the adopted Local Plan 2003; Policy HP 4 refers. This allocation was saved as part of the transitional development plan regulations which will lead into the new Local Development Framework for County Durham.

06/00530/FUL Erection of 252 dwellings with associated infrastructure - Withdrawn 18 October 2007

08/00365/LBC Alteration and demolitions to listed buildings to facilitate conversion of farm buildings to residential use (Listed Buildings Consent) – Approved 30 October 2008

#### **Consultation Responses**

The Council's Regeneration Team (technical) comment that the proposed sustainable urban drainage scheme should be adopted by the Authority.

The Council's Regeneration Team (strategic Housing) raise no objections to the proposal on the grounds that the principle of the proposed affordable housing provision at 30% of total; and the proposed tenure split (see discussion below) being considered acceptable.

The Council's Regeneration Team (Planning Policy) advise that the site is allocated in the existing Local Plan, and that the allocation has been saved until such a time it is replaced by an equivalent policy in the new Local Development Framework (LDF) for Durham County. The LDF will consider if this site should remain as an allocated site or be de-allocated. However that exercise is not expected to be completed until July 2011. Therefore, the site currently remains allocated and it would be difficult to object to the principle of development at this point in time. This is particularly the case as housing monitoring data, in particular through the recently completed Strategic Housing Land Availability Assessment (SHLAA) reveals that without the development of the site (in

accordance with the Local Plan requirements) the Authority would be unlikely to be able to demonstrate a 5 year immediately available supply of housing land, as required by PPS 3.

Attention is also drawn to some of the comments made by the Local Plan Inspector at the time the site was allocated at the Local Plan Inquiry. Including that;

“On its remaining 2 sides (east and south) the site meets open countryside. However, on these boundaries there are physical features which strongly suggest natural limits to the site.”

“Although the site is not physically contained on these 2 sides, the landform offers the opportunity for effective demarcation and landscape screening which could disguise the mass of the development”.

The Planning Policy Team advise that these comments were subsequently picked up in the framing of policy HP4 of the Local Plan which requires that “appropriate landscaping should be provided on the north-eastern and south-eastern boundaries, in addition to the provision of single storey buildings in the south-eastern area of the site.”

Having regard to the requirements of Policy HP4, the Policy Team consider there is a strong case for restricting the site to the area shown on the proposals map of the Local Plan and insisting that there are significant corridors of structural landscaping along the south-east and north-east boundaries within the site itself, and not on adjoining land. Officers consider that the amendments made to the scheme, following negotiations with the applicants, meet these requirements.

The Council’s Environmental Health Team raise no objections subject to conditions to control the working hours at the construction stage; and to agree a working methodology for all noisy operations on site. These conditions are recommended having regard to the proximity of existing housing to the site.

The Council’s Environmental Services Team advise that they will not adopt any of the landscaping areas as indicated in the application until such a time as a detailed landscape specification is known.

The Councils Leisure Services Team raise no objections to the application noting that the proposals do now make adequate provision for leisure facilities and public artwork.

The Environment Agency raise no objections to the proposal, noting that an appropriate Flood Risk Assessment has now been provided; which demonstrates that a large percentage of surface water run off generated by the development can be accommodated via a sustainable urban drainage scheme

Durham Bat Group note that the barns located within the site are a known roost site for bats. Whilst they have no objections in principle to the development (noting that the ecology reports prepared by the developers are of a high quality) they suggest further long term mitigation for likely habitat loss is required.

The Durham Wildlife Trust (DWT) initially objected to the application on the grounds that the applicants had submitted insufficient information on the proposed mitigation measures to negate impacts on biodiversity interests that the proposals will entail. However following receipt of the amended plans; including the wildlife and ecology mitigation now proposed to the east, and taking into account the ability of the Council to secure the maintenance of this in perpetuity, the DWT raise no objections. This is subject to them being involved in the drawing of a management plan for the proposed ecology mitigation area.

Durham County Council as Highways Authority for the area objected to the application as originally submitted on the basis of the developers failure to satisfy them that suitable highway improvements works, required to mitigate against highway congestion arising as a result of the development, had been agreed; and on the grounds that suitable measures to promote the interests of sustainable transport had not been put forward. However the Highways Authority have subsequently withdrawn their objection as a result of the developer agreeing to suitable planning conditions / a 106 Agreement to secure:

- A cycle link between the application site and the C2C Sustrans cycle route to the east
- A condition to prevent the occupation of no more than 20 dwelling until such a time as a new roundabout onto the A690 (at High Handenhold) has been installed
- A condition to prevent the occupation of no more than 20 dwellings until such a time as the existing footpath at the northern end of the site; leading to Pelton has been improved to their adoption standards
- A developer contribution to pay £60,000 for traffic calming works on the local highway network in the immediate locality of the application site
- A developer contribution to pay £50,000 towards public bus service subsidy in the locality

The Highways Authority advise that subject to the securing of the above measures the scale of the development will not lead to any adverse impacts on the local highway network sufficient to justify refusal. They point out that the surrounding highway network, which will be most impacted on by the development, is of 'C' classification and that the level of traffic generated by the development will be comparable to flows experienced in other nearby areas served by similar roads, including Pelton Fell and Grange Villa.

Durham County Council's Landscape Officer objected to the development as originally submitted on the grounds of a lack of landscaping information from the developers. However this objection has been removed following the evolving of the application; in particular to show the built form being moved away from the sensitive south eastern boundary of the application site; a link to the C2C cycle route being provided for; and details of the off site landscaping scheme and wildlife buffer being submitted.

Durham County Council's Design Team objected to the original proposals on the ground the design quality was 'mediocre' and failed to meet the tests of high quality design and sustainable development as laid out in relevant Central Government advice, CABI guidelines, and moreover local design advice as detailed in the Local Plan. However this objection has been withdrawn following a number of detailed design amendments which have been negotiated by Officers, which it is considered have produced a scheme of high design merit which will make a positive contribution to the area. In particular it is considered that the detailed proposals for both the barn conversions, and new build

properties immediately surrounding these barns are of a high quality which will respect the character of this area and the setting of the now listed barns.

Durham County Council Education Department raise no objections to the proposals, commenting that there is adequate capacity in the schools located in the catchment area of the site to accommodate the additional pupil numbers the development will generate. However they also add that all new children introduced into the area by the development will not necessarily be likely to attend the two schools closest to the site. This is on the grounds of parental choice.

Durham County Council's Archaeology Officer notes that the applicants have submitted an archaeological evaluation of the site, at their request, as part of the application. This report reveals that there are significant prehistoric occupational remains present on the site. Accordingly it is recommended that a condition be attached to any approval to prevent the commencement of development until such a time as an archaeological strip, map and mitigation strategy has been submitted and agreed. A further condition is recommended to require a scheme to record the existing buildings on site prior to commencement of development. Subject to these conditions the Archaeology Officer has no objections to make.

The Great North Forest have provided comments in relation to the proposals. They suggest that if approval is given that consideration be given to how the land to the east of the development site will be preserved. They request consideration is given to the developer having the land over to themselves to ensure it is thereafter managed in a sustainable manner, including to provide for biodiversity and amenity benefits to the locality. It is also recommended that the developers prepare a long term management strategy for the land, to be controlled through a Section 106 Agreement.

The Highways Agency raise no objections to the proposals on the grounds that they do not consider that the development will lead to any material impact on the strategic highway network (the A1 to the south east of the application site).

One North East comment that the Regional Economic Strategy (RES) promotes the need for quality of space within existing and proposed development. In this respect ONE comment that the layout is generally welcomed, however that more could be made of the connectivity of the site through to adjoining areas (this issue has been addressed by the recently introduced link with the C2C cycle link to the east). ONE also comment that the Council should ensure the general design and layout meets the aspiration of quality of place, including through meeting the requirements of the BREEM, 10 % renewable energy and meeting the aims of Building for Life and Secured by Design initiatives.

The North East Assembly (NEA) note that the proposals will involve a substantial share of the total dwelling provision for Chester-le-Street District being met on a Greenfield site outside of a defined settlement limit (this is actually not the case as the settlement limit for Newfield was extended at the time of the Local Plan adoption to include the site). The NEA consider that the development of the site is not entirely consistent with the aims of regional planning policy; however they go onto to acknowledge that in allocating the site the (Local Plan) Inspector was forced to chose from a limited number of sites, all of which did not easily fit with the objectives of regional planning policy. As a result of this the NEA consider that it is important to ensure that any development on the site is of a high quality,

which adequately mitigates against some of the locational limitations the site has. The NEA also advise that the Council will need to be satisfied that the site meets the District's affordable housing requirements, and also that the design and layout of the site must fully integrate with adjoining settlements by footpaths and cycle ways. The NEA considers that the Council will need to ensure the incorporation of 10% renewable energy generation, that the development is built to a high standard of energy efficiency, and will need to incorporate a Sustainable Urban Drainage System (SUDS). It is advised that the proposals will only conform with regional planning policy if all of these measures are addressed.

The Ramblers Association have not made any comments

The Royal Society for the Protection of Birds have not made any comments

Sport England Objected to the original application on the grounds that it did not make adequate provision for sporting and recreation facilities as part of the scheme. However this objection has been withdrawn on the understanding that a 106 Agreement will be entered into to provide for the agreed sum of £164,920 to be used for sporting purposes within the locality.

Northumbrian Water Ltd raise no objections to the proposals.

The Police Architectural Liaison Officer has commented on the application in doing so raising a number of concerns about the layout; in particular the number of entrances and exit points into the site. Concern is raised that these will increase the opportunity for permeability into the site and that the development will invariably be a dormitory estate; with a very high percentage of residents leaving the estate during the day to commute to work elsewhere. Concerns are raised that this would leave the estate devoid of natural surveillance during the majority of the day; thus making it more attractive to potential criminals. Finally it is requested that some of the blank gable walls are provided with window openings to increase natural surveillance; and that driveways are widened to encourage car owners to use the allotted garages as opposed to parking on the street.

Natural England advise that the proposals are unlikely to have an adverse impact on species protected by Law subject to the imposition of conditions to secure the mitigation as proposed in the various ecology reports submitted by the applicants.

The County Durham Primary Care Trust (PCT) raised initial concerns on the grounds that the development would lead to a material increase in demand for health care facilities in the locality and that the application, as originally submitted, did not make provision for mitigating against this increase in demand. However this objection has been removed following negotiations which have lead to the applicants offering the sum of £60,000, to be secured through a Section 106 Agreement, for use in the development of health facilities in the locality.

Chester-le-Street Ramblers Association raise no objections as long as the existing Public Rights of Way networks are not affected by the development.

The Campaign to Protect Rural England (CPRE) object to the application on the following grounds; that the proposals constitute over development; the distinctiveness of the

settlement will be lost; the inability of local facilities to cope with the additional pressures caused by the development; that the development will be reliant upon private car trips and hence will be unsustainable; detrimental impact on local wildlife and the loss of good quality agricultural land.

Living Streets North object to the proposals on the grounds that they feel the layout proposed is pedestrian unfriendly and hence will encourage residents to drive; a scenario which is considered contrary to the aims of sustainable development. Concerns are also raised about how this car dependency would impact on community cohesion.

### Public Representations

The Newfield / Pelton Lane Ends Residents Association object to the application. Objections are raised on the following grounds;

- The size of the development is inappropriate for the locality
- Lack of meaningful consultation from the developers and recognition of the views of local people
- There is a lack of demand in the locality for the amount of housing proposed. This is evidenced by the significant amount of housing presently for sale in the area. The RA consider this view is supported by the fact the developers have given the development of this site low priority, following it's inclusion in the Local Plan some years ago.
- The proposal conflicts with the aims of the Regional Economic Strategy as the site is not located convenient to employment opportunities. As such concern is raised that the development will add to the existing high commuter levels outside of Chester-le-Street
- Additional pressure on local roads, including outside of two schools
- The site fails to comply with relevant advice in the Regional Spatial Strategy (being unrelated to services, jobs and public transport)
- The application has been submitted taking into account inaccurate data for existing local bus services. Concerns are also raised about the accuracy of the Transport Assessment prepared by the applicants.
- Loss of green space, including recreation areas and wildlife habitats
- Loss of historical village boundaries (due to the merging of settlements)
- The proposed development is not proportionate to the existing village (It is noted that at present Newfield contains only 80 dwellings). This will change the culture and lifestyle of the village. The development is significantly higher than that put forward by the developers at their initial pre-application public meeting.
- Lack of evidence that Brownfield sites have been considered to meet housing needs
- Concern is raised that the local Plan adoption process did not allow for effective consultation with Newfield residents. It is pointed out that the newspaper used to publicise the Local Plan adoption did not circulate in Newfield.
- It is considered that the application fails to accord with the Local Plan allocation
- It is considered that the development will not necessarily have such a positive impact on school numbers as claimed (on the grounds of parental choice).
- There is a lack of community facilities in the village that will mean the proposed residents will have to travel to meet their needs.

- The development fails to comply with the aims of PPS 7 and PPG 13 (particularly in regard to the need to locate development close to existing facilities)
- Loss of Grade 3a agricultural land
- Additional demands on local health facilities. It is advised that there are already delays in getting appointments to see local doctors and dentists
- Additional demand on water and sewerage facilities
- The application provides for a lack of community facilities via any 106 Agreements
- The siting of the proposed village green is inappropriate

The application has been advertised by way of site and press notice and direct consultation with surrounding occupiers. In response 146 letters of objection (100 in the form of a standard pro-forma) and 2 letters of support were received to the original submission. It should however be noted that upon acknowledgment of the objection letters by Officers, 4 people have contacted the Council to deny having lodged any such objection.

Following consultation on the amended plans submitted in September 2008 some 18 letters of objection were received.

Objections have been raised on the following grounds;

- Lack of consultation at the time the site was allocated for residential development via the Local Plan process. It is pointed out the site was not originally proposed for development by the Council but was allocated after the Inquiry, at the expense of the site the Council favoured (at Hett Hills, Pelton Fell). As such objectors feel they were not provided with the appropriate opportunity to comment, in a democratic manner, on the suitability of allocating the site for development. They also point out the newspaper used by the Council to publicise the adoption of the Local Plan was not delivered to Newfield Village.
- The scale of the development proposed fails to accord with the most recent strategic planning advice for the North East (as detailed in the RSS) which, for County Durham, seeks to direct growth to the regeneration towns, including Chester-le-Street.
- The site fails to accord with the aims of RSS advice as it would comprise a disproportionate amount of the District's new housing allocation on a Greenfield site; and that the RSS requires at least 65% of housing to be on Brownfield sites
- The development fails to accord with National Planning Advice in PPS 7 – which seeks to preserve rural / village lifestyle
- The proposal would be harmful to the present rural character of the village (it is pointed out Newfield only has 80 dwellings at present). It will also lead to the merging of Newfield with Pelton, thus harming the present identity of these settlements
- The land is unsuitable for residential development due to past mining activity
- The proposal represents the use of Greenfield land for housing ahead of potential Brownfield alternatives
- Lack of demand for new housing in Newfield. It is pointed out that there are a considerable number of properties to let or for sale in the village at present. Concern is raised that the new dwellings will be targeted at commuters looking to move into the village to commute to nearby city centres. This is considered

unsustainable. It is considered the site is only being promoted to meet Government targets for new build.

- A lack of employment opportunities within the village. The view is taken that this means the site is not suitable for such radical expansion
- Loss of productive Grade 3a agriculture land; consequently impact this would have in terms of food production levels and existing employment opportunities within the village (it is advised some 20 people are presently employed on the site)
- Increased demand on existing infrastructure, including health facilities and foul sewerage, water services
- Concern that the development will add to highway safety issues in the area; in particular the capacity of the local highway infrastructure to cope with the additional traffic generated by the development. Strong concerns are raised about the danger to local school children posed by the development, and furthermore concerns are raised that Front Street in particular is inadequate to handle the additional traffic generated
- The proposal represents an increase on the numbers proposed with the last (withdrawn) application. This demonstrates a lack of sensitivity from the developers to local opinion.
- Harm to protected species and wildlife in general which presently use the site
- The development would harm the Green Belt
- Approval of the development would lead to future development proposals for the land to the east which is also under the control of Persimmons
- Disruption to existing residents at the construction phase
- There are misleading statements in the planning application documents submitted by Persimmons
- The application should have been accompanied by an Environmental Impact Assessment under the EIA Regulations 1999
- Public transport infrastructure in the locality is inadequate; as such the scale of development is unsustainable
- The developers proposed method for affordable housing delivery is not appropriate as people would not be able to afford the reduced mortgage costs
- Development of the site would fail to accord with relevant United Nations Agenda 21 advice regarding environmental guidelines and sustainability. It also fails to accord with the strategic aims agreed at the Rio earth summit of 1992, to protect agricultural land
- The proposals would lead to a lack of privacy for existing, adjoining residents. The layout would also lead to future pressures to fell trees on adjacent land
- There is a lack of certainty regarding the future of Roseberry School. Even if the development was approved it would not bring with it sufficient numbers to 'save' the school

The Newfield – Pelton Action Group object the application, both as originally submitted, and as amended, on many of the ground as noted above, but also including on grounds of;

- The existing Newfield Farmhouse is of historical / archaeological importance. Concern is raised that it would be demolished if the proposals went ahead
- The proposals conflict with the aims of Policy AG1 of the local Plan, which seeks to prevent the loss of the best and most versatile agricultural land



- The Planning Inspector, at the time of allocating the site failed to take into account the full breadth of material planning considerations including social aspects and highways issues
- The District Council is appointed to serve the best interests of the local community. As such and if it can be shown that the proposal will have a detrimental impact on a community it is incumbent on the Council to refuse the application
- The Action Group request that Members of the Planning Committee visit the site to come to an informed view on the proposals.
- The development fails to accord with PPS 1 advice in regard to the need for sustainable development and community engagement. It fails to accord with PPS 3 advice in relation to the need to ensure housing development retains local character and that Local Authorities should be able to have a good evidence base for determining housing provision and location. It is also pointed out that PPG 13 advice requires new development to be located in areas served by a range of facilities that will reduce the need to travel. PPG 17 gives support for improving the quality of green spaces and increasing recreational opportunities
- There is no demand for the level of new housing proposed; as such the proposal contradict Government guidelines by sacrificing Greenfield land when any demand for new housing could be met by smaller less environmentally sensitive sites.
- Further consideration should be given to the Hett Hills site
- The changes introduced by the amendments to the scheme are largely cosmetic. In particular the number of dwellings proposed is still far in excess of the Local Plan allocation.
- The concerns of local residents have still not been addressed in the amended application; in particular with relation to traffic issues. The 106 funding proposed for traffic improvements is inadequate to address the impacts on local highways.
- The development will harm archaeological interests on the land.

2 Letters of support (including from the governing body of the nearby primary and nursery school) have offered the following comments;

- The proposal will help develop an area of deprivation
- The development will bring new pupils into the school
- It will provide the opportunity to purchase a new house in the area

In addition to the statutory consultation exercise officers held two public exhibitions at the Newfield Inn in regard to the proposals (both as originally submitted in September 2007 and in relation to the amendments to the scheme lodged in September 2008). Attendance at both events was healthy (around the 100 mark). Feedback from this event was as follows:

First Event	Second Event
38 people objecting	36 people objecting
4 people providing comments	2 people providing comments
3 people in support	2 people in support

In support of the development the applicants have stated:

“As an Allocated site for housing (Adopted Chester-le-Street Local Plan) the principle of development has already been agreed. Add to this the vital importance placed upon housing delivery, approval of this scheme will massively benefit the local housing market and particularly those most in need via the delivery of significant affordable housing.

In spite of previous difficulties with the scheme, leading to initial recommendation for refusal at committee in January 2008, we have been working in close partnership with officers and key stakeholders to formulate a revised proposal which successfully addresses all original concerns and achieves consensus between parties.

The proposals now offer the lowest possible density under PPS3 designed to be in-keeping with the rural character of the area and provide vital family housing in an attractive rural setting.

Notable alterations include:

- Remedial changes to the southern edge of the development site to include single storey development to allow enhanced open space / recreational opportunities.
- The creation of a rural lane / cycle route which is extended beyond the site boundary to connect with the C2C Sustrans route to the east.
- The listed farmstead and labourers’ cottages are retained and converted for residential use making best use of the original features enhancing the overall character of the development.

The revisions have resulted in a scheme where open space provision on site exceeds the Council’s policy requirements and enhances both the recreational opportunities and creation of character areas within the development. In addition, the revised landscaping strategy and subsequent management plan, extends into the wider area, providing substantial ecological mitigation planting.

Finally, we have worked hard to mitigate the impact of development via improvements to local infrastructure, public transport, health care provision, fund public art and sport as well as procuring 73 affordable units. Collectively, the planning gain package is in excess of £4 million (affordable housing £3.2 million, infrastructure £750,000, community £348,920) which will help integrate the development into the community.”

### **Relevant Planning Policies and Considerations**

As with any application for planning permission, having regard to the requirements of the relevant Planning Acts, the application has to be considered having regard to the aims of relevant development plan policies and to all other material planning considerations.

The proposal raises a number of detailed issues for consideration having regard to the relevant Policies contained in the Regional Spatial Strategy (RSS) and Chester-le-Street Local Plan.

**Regional Spatial Strategy**

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan. The Regional Spatial Strategy was adopted in July 2008. The following policies are considered of relevance;

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 4 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas)

Policy 6 – Locational Strategy (which requires new development to maximise the major assets and opportunities available in the North East and to regenerate more deprived areas).

Policy 7 – Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk)

Policy 8 – Protecting and Enhancing the Environment (which requires new development to be of high quality and maintain local distinctiveness)

Policy 11 – Rural Areas (which advises proposals should support the development of a vibrant rural economy whilst also ensuring the protection of the north east regions environmental assets)

Policy 24 – Delivering Sustainable Communities (Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives)

Policy 28 – Gross and Net Dwelling Provision (This policy requires Local Authorities to ensure the delivery of appropriate amounts of new housing across the plan period)

Policy 30 – Improving Inclusivity and Affordability (developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues).

Policy 31 – Landscape character (planning proposals should help sustain locally valued landscapes)

Policy 32 – Historic Environment (development should preserve historic assets including archaeological remains and promote the re-use of underused buildings).

Policy 35 – Flood (planning proposals should seek to reduce flood risk; including risk generated by increased surface water run off rates)

Policy 36 – Trees, Woodlands and Forests (planning proposal would seek to maximise the opportunity's for enhancing tree cover; in particular on the urban and rural fringe)

Policy 38 - Sustainable Construction (to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision)

As Members will note from the representations section above, the North East Assembly (the body who are presently responsible for the preparation of the RSS) have considered the application. They have commented that the location of the site is not wholly consistent with delivering the objectives of regional planning policy. However the NEA have accepted that at the time of the Local Plan Inquiry the Inspector (and subsequently the Local Authority) had no alternative but to choose from a limited supply of sites, none of which easily fit with present regional planning strategy.

Taken against this background the NEA consider that so long as the Council are of the opinion that the site still needs to be released in principle (see further comment below) then it is imperative that any development permitted is of the highest quality, and incorporates design measures to 'lift' the sustainability score of the site; in doing so to mitigate against some of the negative locational characteristics of the site.

In assessing these comments, and considering the application against the requirements of the RSS, and having regard to the improvements to sustainable development interests achieved through the negotiations carried out; the view is taken that the proposals do accord with the aims of this document. This view is formed on the grounds that the proposals, as amended, meet the test of high quality development, in particular in relation to issues of improving connectivity, preserving ecology interests, and providing for a balanced and mixed community. They have also addressed the need to assist in sustaining existing public transport facilities and fully linking in with the existing rights of way network in the area. It is also considered that the landscaping details submitted demonstrate that the proposals will protect the character of the existing settlement. These issues are discussed in greater depth below.

#### National Ministerial Advice

Planning Policy Statement 1: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement 3: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement 7: PPS 7 sets out the Government's approach to sustainable development in rural areas. The document advises that development in rural areas must respect the character of such areas; and that Local Authorities should take a positive approach to develop proposals that help sustain rural communities. The PPS also advises that the most productive forms of agricultural land (including that at Grade 3a of above) should normally be protected from development unless other planning considerations justify otherwise.

Planning Policy Statement 9: PPS9 seeks to deliver the Government's Biodiversity and Geological Conservation policy. This is achieved through promoting, conserving, enhancing and restoring the diversity of England's wildlife and ecology. The PPS advises that Local Planning Authorities should be fully aware of the potential implications of new development proposals on protected species.

Planning Policy Guidance Note 13: Transport aims to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

Planning Policy Guidance Note 16: PPG 16 sets out the Government's approach to planning and archaeology issues. It advises that archaeological remains shall be retained or recorded through the development process and that in areas of known or suspected high archaeological importance planning conditions should be applied to ensure the value of archaeological interests are protected.

Planning Policy Guidance 17: PPG17 sets out the Government objectives to provide for recreation and sporting open space. Within new residential development proposals should seek to provide for open space and where necessary planning obligations should seek to address local deficiencies in the quantity and quality of open space, sporting and recreational land.

Planning Policy Statement 23: PPS23 sets out the planning approach to pollution control, the location of polluting development and where possible ensuring new development is not affected by pollution. The statement also sets out the planning approach to contaminated land.

Planning Policy Statement 25: PPS25 sets out the planning approach to reducing and managing flood risk. The disposal of surface water is a material consideration in the determination of planning proposals and as such should be taken account of in the development process.

### Chester-le-Street Local Plan

There are a number of policies contained in the Local Plan, which are of direct relevance to the application. These policies are considered as part of the assessment of the particular detailed considerations to which they relate.

### The Principle of the Development

Planning Policy Statement 3 – Housing, provides the most relevant Central Government advice on the subject of housing development. The PPS gives advice on a number of issues of relevance to the application including; the need for Local Authorities to plan for a minimum 5 years supply of immediately available land for housing; the need for high quality design; the need to ensure new housing development meets the core aim of sustainable development; the need to create mixed and balanced communities and, the need for Local Authorities to deliver strategies to meet locally defined affordable housing needs.

In relation to the issue of the principle of the development, as discussed above, the site is allocated in the Local Plan for residential development by Policy HP4. This allocation was considered appropriate at the time of the Local Plan adoption (2003), following the holding of a public inquiry in 1999. This Policy was also 'saved' as a part of the transitional planning policy arrangements leading into the LDF in September 2007.

Bearing in mind this established policy background, and the need as enshrined in PPS 3, to maintain a 5 year supply of immediately available land for new housing, the view is taken that it would only be justifiable to now seek to resist the principle of residential development on the land, if it was apparent that there were any sequentially preferable sites now available which could provide for an equivalent level of supply.

In this respect Officers within the Regeneration Team (Planning Policy) have advised that they have recently undertaken a Strategic Housing Land Availability Assessment (SHLAA) in line with Government guidance in PPS 3. This exercise has provided an up to date assessment of the realistic housing land supply in the District. This document has demonstrated that there are no sequentially preferable sites (such as Brownfield sites or sites in more urban areas), which are realistically immediately available to meet the 5 year supply. The document has also gone onto identify that without the release of this site, as intended in the adopted and saved Local Plan policy, the Council would be in a most fragile position in terms of proving the 5 year supply on land.

As a result of this assessment there is no justification to depart from the aims of the saved Local Plan Policy HP4 by not supporting the release of the land for development.

### Sustainable Development

As Members will be aware a key thrust of present Central Government Policy is to promote the interests of Sustainable Development. The planning system is expected to contribute heavily to this aspiration by ensuring new development proposals are located in sustainable locations (normally considered to comprise previously developed land and sites located close to settlements which boast a range of facilities, employment opportunities and public transport links). This is the key thrust of PPS 1 and PPS 3 and has been carried forward by Policies 2, 7 and 24 of the RSS.

In this respect concern was raised that the development, as originally presented for consideration by the applicants, had not been brought together to ensure the scheme met the aims of sustainable development. However, following lengthy Officer negotiations the application package has now been significantly improved to provide for a range of measures which, notwithstanding the moderate locational sustainable score of the site (due to the fact the site is green field and not located in a main town) has allowed Officers to form the view that the proposals do meet the aims of sustainable development. These measures include:

- The application now demonstrates how best use would be made of the off site public rights of way network. In particular full details have been submitted to show how the development would be linked to the existing Sustrans C2C cycle route to the east, and the right of way which runs along the northern boundary of the site. In addition a commitment has been made (which can be secured through a 106 agreement) to ensure the upgrading of the link into Heathmeads (and Pelton

Village) to the north. As such the view is taken that the development will not be unduly reliant on the private car.

- The application has demonstrated a commitment to the use of public transport facilities in the vicinity of the site. As discussed above this is by way of a developer contribution, to be secured via 106 Agreement, to secure the running of one of the bus services adjacent to the site, and the installation of bus shelters. Furthermore the pedestrian links proposed into the site will help reduce walking distances from a high percentage of the proposed houses to nearby bus services.
- The applicants have demonstrated (to the satisfaction of the Environment Agency) how the proposals will be designed to make use of a Sustainable Urban Drainage System (to accommodate surface water run off). Not only does this support the concept of sustainable waste water management but it also helps alleviate the stated public concerns as to the impact of increased surface water run off rates from the site down stream in Chester-le-Street Town.
- A key element of sustainable development is to ensure that new housing development is adequately served by the requisite range of community facilities. This helps ensure that occupiers of the dwellings do not need to travel great distances to meet their everyday needs. In this respect, whilst there are considered to be a reasonable range of services in close proximity to the site, the County Durham PCT had raised concerns that the development would lead to unacceptable additional impacts on health facilities within the area. However the application package has now been developed, in consultation with the PCT, to include proposals for mitigating this impact, via a 106 contribution of £60,000 to be used to part fund the planned new community health centre for Pelton (see further comment below).
- A further key element of delivering sustainable development includes preserving ecological interests. In this respect the application, as amended, now provides for appropriate habitat mitigation to compensate for the natural assets to be lost (the large green field site and vacant barns). Members will note this mitigation is to be secured by condition and a clause in the 106 Agreement to require maintenance in perpetuity.

Having regard to the above the view is taken that the proposals do meet the aims of sustainable development. There is also considered to be an overarching high level key sustainable development aim promoted by the proposed development; that of helping to preserve a viable future for the settlements of Newfield and Pelton. This view is formed on the basis of the likely positive support to the viability of key local services such as the local pub, school, post office and general shops that the increase in population realised by the proposed development will generate. This factor is fully recognised in PPS 7.

#### Landscape Assessment / Visual Impact

Relevant central and local planning policy advice requires new development to be of high quality; this includes in terms of visual impact on the wider landscape.

Indeed the view is taken that due to the significant drop in land levels which exist off site, primarily to the south east, that the development of this site will be highly sensitive in visual terms. Accordingly it is considered that the issue of the need to ensure effective landscaping is particularly strong with this development.

In this respect the applicants have latterly appointed landscaping design consultants who have appraised the site and produced a landscaping strategy accordingly. This strategy shows the extent of the built environment now being set back off from the site allocation edge, as required by the Local Plan policy. Drawings have also been produced showing a wide landscaped bund to the south east of the site. This involves a gradually increased bunding extending to a maximum of 4 metres above existing land levels across a 40 metre section. This bunding, which will be tree planted, is designed to reduce the skyline impact of the development when viewed from the sensitive rural aspect to the south east.

The proposed bund area has also been supplemented by an indicative field hedgerow replacement scheme, on the land to the east of the application site up to the C2C cycle route, to help not only provide wildlife and ecological mitigation, but also to help improve the landscaped value of the area and thus the setting of the development. A final element of the wider landscaping strategy provides for the incorporation of a wildlife corridor to run 3 metres to either side of the proposed off site cycle link to the C2C cycle route.

Whilst clearly the precise details of this landscape strategy have not yet been agreed the Council's Landscape Officer is happy to support the principle of what the strategy seeks to achieve (see comments in the representation section above). The view is taken that this scheme will provide for an appropriate setting for the development, in doing so helping to preserve the rural ambience of the area and prevent any harm arising to the character of the area.

### Affordable Housing

As Members will be aware Policy HP13 of the local Plan effectively implements the advice detailed in PPS 3 and the RSS, requiring the Council to seek to address the affordable housing requirements in the District.

In this respect the application submitted provides for 30% of the new dwelling provision – minus the barn conversions (73 units) to be set aside as affordable. This would be through a mix of shared ownership; discounted rented accommodation and open market discounted housing. There is a strong variety of affordable house types, with both 2 and 3 bedroom properties provided for in addition to bungalows for the elderly. All the affordable units are proposed to be transferred to a RSL.

As Members will note the Council's Regeneration Team (Strategic Housing) raise no objections to the principle of the affordable housing requirements being met in this manner. They comment that the type of affordable units proposed will be particularly appropriate bearing in mind the known housing needs in the locality.

The layout also shows the proposed affordable housing units being loosely scattered throughout the site (as opposed to being restricted to one particular location within the site, as was inferred in the earlier application) and again this is considered a most positive



feature of the proposals in terms of helping to promote a truly integrated layout, and build social capital.

Relevant planning policy advice also requires that affordable dwellings should be able to seamlessly integrate with proposed private market stock. In this regard concern was raised that the proposals, as originally submitted, did not achieve this requirement. This was on the grounds that the proposed affordable dwellings were originally proposed to be provided with 1 car parking space to the front of the dwelling, an approach which contrasted sharply with that applied for the private housing where parking provision was largely provided for by courtyard parking to the rear.

However the application has been amended to provide for the affordable dwellings parking requirements now being served in an identical manner to that for the private stock. As a result of these amendments there will be no discernable difference between the affordable and private units located on the site. As such the view is taken that the applicants have now fully complied with the aims of relevant development plan policy relating to affordable housing provision. The submitted details will be enforced via 106 Agreement.

### Highway Safety

The Highways Agency have raised no objections in terms of the impact the development will have on the nearby Trunk Road network (the A1).

Strong concerns have however been raised from the local community about the impact of the proposed development on the local highway network, in particular around the nearby Newfield schools. A formal Transport Assessment (TA) accompanied the application, to assess the impacts of the development on the highway network.

This TA has been the subject of detailed consideration by the County Council, as Highway Authority for the area. Officers from the Highway Authority have also attended public consultation events to better understand the stated issues of local concern.

A sum of £60,000 has been agreed to be provided by the applicant; which would be set aside by the Highway Authority for use in providing highway safety improvements in the immediate locality of the application site. The applicants have confirmed their willingness to provide for this figure as part of a 106 Agreement.

The Highway Authority also consider that the proposals will have a material impact in terms of leading to unacceptable delays for traffic waiting to join the A693, in close proximity to the site. This impact would be particularly severe at peak times such as early mornings.

As a result of this the Highway Authority have required the developers to demonstrate how they feel this concern could be overcome. In response the applicants have produced a scheme to provide for a new roundabout onto the A693 at the High Handenhold junction. The details of this scheme have recently been agreed with the County Council. As a result of this, and subject to the imposition of a planning condition to require no more than 20 units to be occupied until such a time as this roundabout has been installed, the County Council raise no objections to the scheme in terms of the additional impacts raised on the local highway network.

As discussed above the Highway Authority also request that in order to meet the aims of sustainable development the application provides a contribution to bus service provision in the locality. A figure of £50,000 has subsequently been between the applicant and the Highway Authority for this purpose. These monies are also proposed to be secured by a 106 Agreement.

Accordingly, and subject to the securing of these mitigation measures by condition and 106 Agreement the view is taken that the development is now acceptable in terms of highway safety and accessibility issues and as such accords with the aims of Policies HP9 and T15 of the Local Plan.

### Ecology

PPS 9 – Biodiversity, sets out the Governments aim that the planning system should seek to take into account the presence of protected species within a development site as a material planning consideration. This aspiration is supported by Policy NE 8 of the Local Plan

Bearing in mind the characterises of the development site, being a significant Greenfield site, and also taking into account the fact that the proposed devolvment will involve carrying out works to a group of old stone buildings, Officers have requested that the applicant prepare appropriate ecology reports as part of the application.

These reports demonstrate that there is a likelihood that protected species will be present within the application site. The reports also acknowledge that the development will have a material impact on these species principally by way of loss of existing habitats.

The proposal, including the ecology reports, has been considered by both Natural England and the Durham Wildlife Trust (DWT). Both these bodies originally objected to the application, principally on the grounds of the lack of details as to any mitigation, in the form of habitat replacement measures, being proposed.

However the application has now been significantly improved to provide for a range of habitat mitigation measures to be incorporated into the scheme. This involves the aforementioned landscaping and wildlife corridor creation to the south east of the site and the commitment to the provision of bat habitats in the barns proposed for conversion. Officers are satisfied that these mitigation measures can be controlled through condition (and preserved in perpetuity via a requirement of the 106 Agreement) and as such the view is taken that the development now provides for acceptable mitigation, as required by PPS 9 and relevant development plan policy. This view is supported by Natural England and the Durham Wildlife Trust who raise no objections to the scheme.

### Layout / Design

As Members are fully aware the requirement for high quality design is now placed firmly at the heart of the planning system. This requirement is contained in national advice ( PPS 1 and PPS 3), and runs through regional advice in the RSS (policy 8) and in the policies detailed in the Local Plan, in particular HP 9.

As is noted in the representations section above, the design team at the County Council commented that the application, as originally submitted, did not meet the required standard to be classed as high quality design. A number of weaknesses were identified including; lack of landscaping detail; poor detailing for the affordable units; a lack of recognition of the existing footpaths and rights of way in the application site; a lack of definition to the road hierarchy; and some concerns as to how the farmstead area in the north east corner of the site was to be developed. In addition Officers had concerns that some of the separation distances within the layout were well below Local Plan standard and that there was no design rationale to support these reduced distances.

However after lengthy design reviews with Officers the scheme has now been developed to a high standard. The layout now provides for some interesting mix of units and house types, and will ensure a clear sense of place is derived to future users of the area. Footpaths and rights of way have been treated in a respectful manner with proper landscaped settings provided. In addition a 'green street' has been provided through the main distributor road which will help to ensure a strong sense of place is created and provide for a more formal approach to the major road within the layout. Off street car parking has been set back off the main public vistas; to ensure that the private car does not dominate the public realm in the development.

The individual designs proposed for the house types are also considered to be of a high standard and comprise a clear improve on the somewhat unimaginative proposals as originally submitted. This is particularly so for the areas of the site surrounding the barns; where close attention to design detailing has enabled a clear rural farmstead feel to be developed. This approach will ensure the proposal full respect the statutory and development plan requirement of not harming the setting of the now Listed Buildings.

The reduction in numbers now proposed has also overcome Officers original concerns that the layout comprised simple overdevelopment. The density now proposed, at around 32 units per hectare, is considered not only acceptable in terms of being within accepted normal density ranges (30 – 50 per hectare) but also in terms of being in keeping with the particular locality.

The layout meets all separation distances as detailed in the Local Plan with regard to existing properties outwith the application site. The majority of internal separation distances are also compliant with these standards; the only instances where this is not the case is where a design solution to create a feeling of enclosure has been promoted. In these instances the distances are only marginally below Local Plan standards and there is considered to be a design justification to support this.

The layout as amended will also preserve the existing mature trees within the site.

#### Open Space / Recreation Provision

PPG 17 – Sport and Recreation, sets out the Government's desire to see sport and recreational needs taken into account in the determination of major planning decisions.

Policy RL 5 of the Local Plan implements this national advice by requiring development to provide for a certain amount of recreational / leisure space as an integral part of the layout of new housing development.

In this regard the layout meets the requirements for informal amenity space and children play. Two formal play areas are proposed, together with an informal kick about area on land under the control of the applicant to the immediate south east of the allocation as details in the Local Plan. In addition to this there are a number of informal areas of open space scattered throughout the layout that not only meet the crude quantitative requirements of Policy RL5, but also have been thoughtfully applied to ensure meaningful areas of interest and that some 'green relief' will be prevalent within the scheme.

Sport England raised an initial objection to the proposal on the grounds that the application did not make provision for the leg of Policy RL5 relating to open sporting provision. However negotiations with Sport England have resulted in a commuted sum offer of £164,920 being made by the applicant; to be secured through a 106 Agreement. Sport England accept that this figure is appropriate for the number of units proposed with the site, having regard to their accepted formula for arriving at such figures.

Members will be aware that in many similar cases elsewhere in the District this approach has been used, with the funds being ring fenced for use in the particular Ward where a development lies. The same approach is proposed here; and whilst no particular scheme has been identified to date there is every reason to believe that opportunities will arise in the Ward area in the near future to which the funds could be directed.

#### Public Artwork

As Members are aware Policy BE 2 of the Local Plan – public artwork requires 1% of development costs to be provided for use in public artwork. As originally submitted objections were raised by Officers as no indication had been provided by the applicants as to how this Policy requirement would be met.

However negotiations have resulted in an offer of £124,000 being made, to be secured through 106 Agreement. This figure is consistent with sums agreed on similar residential development elsewhere in the District post adoption of the Local Plan.

Similar to the comment made above about sporting provision above, although no definitive site has yet been identified to which these funds could be attributed it is proposed that they are set aside for use within the Pelton Ward area.

#### Impact on Education / Other Community Facilities

As is noted in the representation section the County Council as Education Authority for the area have raised no objection to the proposals. They comment that existing schools in the locality will have the capacity to accommodate any additional pupils attracted into the catchment area by the development.

Indeed the close proximity of the application site to local schools, allied to the fact the development will bring a larger supply of potential pupils into the area, is considered to comprise a material planning consideration in favour of the development. Clearly the additional pupil numbers likely to be generated may help to ensure the future viability of the schools. As such, and bearing in mind the need for the planning system to help create sustainable communities, including by supporting existing community infrastructure, this is considered a positive element to the scheme.

The design solution applied to the proposed layout will ensure the site is fully connected to schools and other community facilities; including the post office and public house in Newfield; the wider array of local facilities in Pelton, and via the proposed link onto the C2C cycle route to other facilities further afield.

### Archaeology

The Archaeology Officer at the County Council has considered the archaeological report submitted by the applicants as part of the application. She notes that the report indicates a high probability of archaeological remains being present on the site and accordingly recommends suitable planning conditions to ensure the recording of any such items of interest found during the development.

### Foul and Surface Water Issues

PPS 25 requires new development to ensure it does not increase the risk of surface water flooding. This issue is of particular relevance to this development on the grounds that it comprises a large Greenfield site and accordingly the development will, as a matter of fact, increase the speed of surface water run off into nearby drainage systems (the Twizzel burn).

As originally submitted the proposals showed surface water run off being directed to NWL sewers in the vicinity of the site. Whilst NWL had not raised objection to this Officers took the view that to accord with the principles of sustainable development, and additionally to reduce peak flow run off rates down stream (including in particular in Chester-le-Street town – a locality which has experienced flooding problems in the recent past) that a Sustainable Urban Drainage Scheme (SUDS) should be incorporated into the scheme.

Following negotiations such a scheme has been incorporated into the layout; which will provide for natural run off collection in the form of ponds and swales within and immediately adjacent to the site. Not only will this feature provide some visual and ecological interest to the development it will also reduce the amount of surface water discharge going into public sewers; hence reducing the potential for the development to add to potential flooding problems downstream in the event of periods of heavy rainfall. The SUDS scheme is considered acceptable in principle to the Environment Agency and accords with the aims of PPS 25 and RSS Policy 2 and 35.

### Trees

The layout has been amended at the request of Officers to ensure it does not threaten the mature trees located adjacent to the farm grouping to the north east of the site. As a result the layout will not threaten trees worthy of retention and as such complies with the aims of Local Plan policy NE 11.

Indeed the large expanse of landscaping proposed presents an opportunity to secure significant additional tree planting in the locality. This is something which will be secured through condition and will be entirely appropriate for the development bearing in mind the location of the site with the Great North Forest.

It is considered that the above appraisal represents a careful analysis of the principle material planning considerations raised by the proposals. It is also important to assess the nature of the objections raised to the scheme (not already covered by the above assessment).

### Other Issues Raised

A number of objections have been received on the grounds of contended lack of public consultation at the time the site was allocated in the Local Plan. However Officers are satisfied that the site (and indeed Local Plan as a whole) was publicised and considered in the correct procedural manner. Accordingly it is considered there is no merit in this ground of objection.

Concerns have also been raised that there has been no meaningful consultation carried out on the proposals. However this objection is not supported as full public consultation has been affected on the application (to levels far in excess of minimum statutory requirements). Indeed the proposals have been worked up significantly since their original submission to address many of the concerns raised by objectors to the proposal. In recognition of the significant community interest which has been displayed to the proposals Officers propose the establishment of a community liaison meeting, to meet every three calendar months, is established. This is proposed to be secured via 106 Agreement.

Some concerns have been raised that the development would lead to the merging of settlements (Newfield with Pelton). However the view is taken that the development will not lead to this eventuality occurring, in particular having regard to the significant belt of structural landscaping now proposed which will help contain the physical impact of the proposal. It is also of some relevance to note that the two settlements are presently linked, both physically on the ground and indeed for the purposes of settlement definition in the Local Plan. The view is taken that the suitably designed landscaping scheme now proposed would prevent any demonstrable harm occurring in terms of the definition of Newfield village.

Some objections have been raised about the loss of productive Grade 3a agricultural land. In this respect, whilst it is acknowledged that PPS 7 does advocate a precautionary approach to the loss of productive agricultural land it does not go on to prohibit its loss as a matter of principle. Furthermore this advice needs to be reconciled with the advice in PPS 3 about the need to ensure a minimum 5 year available supply of land for housing. It was common ground at the Local Plan adoption stage that the District would need to release one large Greenfield site to meet its plan allocation requirements. Furthermore, and as discussed above, the view is taken that this is still the case (there not being any realistic alternative sites which have come to light since the date of Local Plan adoption to accommodate needs). As such it is considered that a justification still exists to allow the loss of this productive agricultural land.

On a similar theme some objections have been raised on the grounds that the use of the land for residential development will lead to the loss of employment opportunities. This is on the grounds that it is advised that some 20- 30 jobs are presently based on the site in the form of a construction business. However it is material to note that the Council's planning register contains no record of any grant of planning permission for the use of the

land and premises for this purpose. In addition even if it was to be established that there was a lawful use of the land for such business activity, the fact that it is subject to a site specific allocation for residential development would render this objection difficult to support. Clearly there are ample other sites within the locality of the application site to which this alleged business could re-locate including sites specifically allocated for commercial purposes in the Local Plan.

Many objections have been received concerning a perceived lack of consultation by the developers. Some objectors make reference to relevant advice as detailed in PPS 1 about the desirability of developers engaging fully with affected communities at the pre-application stage, with a view to ensuring that a communities needs are taken into account as part of a planning submission. Whilst this advice is noted (and indeed the thrust of which is fully supported by Officers) Members should be aware that it would not be possible to refuse the application on these grounds. Officers have held a number of meetings with the local community and their representatives to discuss the proposals.

Several objectors have made reference to a perceived lack of demand for new housing both in the immediate area and further afield. Reference is also drawn to the present economic recession and the fact that the applicants, Persimmon Homes, have issued press statements to the effect that no commencements will be made on sites in the near future. However whilst this information is noted (and is difficult to refute) Members will appreciate that the Council is obliged under PPS 3 advice to ensure a minimum supply of net new homes is provided. Clearly the housing market is subject to constant fluctuations and these market conditions will invariably have an impact on the speed of release of any dwellings permitted. Ministerial advice issued in recent months is that present economic difficulties should not bring about a situation whereby Local Authorities seek to reduce future housing targets on an arbitrary basis. It is also considered that the introduction of new housing can, in many instances, have a positive impact on local housing markets, as essentially areas become more viable and sustainable. There is no reason to believe this would not be the case in the event of approval of development in Newfield.

Some objectors have raised concerns that the amount of new housing proposed (248 units) is in excess of that set out in the Local Plan allocation for the site (178). Whilst this statement is correct the figures noted in the Local Plan were merely guidelines. Many of the Local Plan allocations which have subsequently been developed have achieved a higher density than the guideline figures quoted in the Local Plan. In addition in this case the size of the site quoted in the Local Plan policy (at 8.5 Hectare) was inaccurate, the actual size being 9.4 hectares. As discussed above the net density for the scheme as proposed is acceptable at around 32 units per hectare. This is considered entirely appropriate for the location.

With regard to the objections that the development should have been accompanied by an Environmental Statement, in accordance with the Environmental Impact Assessment Regulations 1999 Officers determined, via a proper screening opinion, that the development would not give rise to significant environmental impacts sufficient to be classified as EIA development.

Some level of support has also been received to the development. This has been forthcoming on the grounds that the development would help improve the viability of existing community infrastructure and also improve the selection / quality of available

housing stock in the village. Officers acknowledge these are material planning considerations in favour of the development. Indeed it is also acknowledged (as pointed out by the developers) that new housing in the village may help sustain the present range of community facilities which exist in Newfield (which include 2 schools, a post office, a public house, shop and commercial garage). It is also material to take into account the fact that the proposal will provide for a significant amount of new affordable housing provision. This will help address the Districts defined housing needs.

### **Conclusion**

In summary the application raises a number of detailed issues requiring careful consideration.

Officers are clear in their view that the principle of the release of this site for development is still justified, notwithstanding present market conditions, on the grounds of the need to ensure the provision of a minimum 5 year supply of readily available land for housing, and on the grounds that there are presently no sequentially preferable sites available to meet this need.

In addition lengthy discussion undertaken by Officers have lead to the production of a detailed scheme which it is considered now fully addresses all the various requirements of the development plan; including of particular importance the need to provide for appropriate community infrastructure; affordable housing and a quality built environment. The proposals also now provide for appropriate mitigation against some of the negative impacts of the development of the land, including loss of ecological habitats and a relatively poor base sustainability score.

The proposals have also been markedly improved through officer negotiations to meet, so far as possible, the aims of sustainable development. This is particularly prevalent in the developers recent recognition of the need to offer alternatives to the private car, by ensuring full connectivity with the existing rights of way network in the locality; the use of SUDS; the preservation in situ of existing landscape features of merit; the conversion of buildings of architectural merit on site and by the developers meeting their obligations to mitigate against any adverse impacts on community infrastructure the scheme will cause.

Accordingly, and for the above reasons, it is recommended that conditional planning permission be granted subject to the prior execution of a Section 106 Agreement.

### **RECOMMENDATION**

#### **APPROVE SUBJECT TO THE ENTERING INTO OF SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

- 1) 73 dwellings to be provided as affordable units to a specification and tenure mix to be agreed; not less than 25% via social rented. The open market discounted housing to be retained as affordable in perpetuity
- 2) The payment of £124,000 for public artwork provision in the District Ward area
- 3) The payment of £164,920 for sport use in the District Ward area



- 4) The payment of £60,000 for traffic calming works in the immediate vicinity to the application site
- 5) The payment of £50,000 towards public bus service subsidy in the locality
- 6) The payment of £60,000 for community health provision in the locality
- 7) The establishment of a community liaison group to meet no less than once every six months following the commencement of the development. Such liaison group to be facilitated by the Local Authority and to be attended by at least one employee of the applicants and the Local Planning Authority
- 8) The development of a landscaping management plan; to ensure maintenance of the landscaping and wildlife mitigation area as proposed in the application in perpetuity
- 9) Arrangements being made for the maintenance of the SUDS scheme proposed to serve the development
- 10) The payment of £70,000 towards upgrading of pedestrian links to the north of the site

Payment for Items 2,3 and 6 to be made pro rata on occupation of the 40<sup>th</sup>; 80<sup>th</sup> and 120<sup>th</sup> private dwelling. Payments for items 4 to be paid on commencement; payment on Item 5 pro rata every year for 5 years. Payment for item 10 to be made on occupation of the 20<sup>th</sup> private dwelling.

**AND THE FOLLOWING CONDITIONS:**

Extra 1.

The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 2.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the proposed hard standing and hard surfacing areas shown within the site have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy 8 of the RSS and Policy HP9 of the Chester-le-Street District Local Plan

Extra 3.

Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the

approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 4.

Prior to the commencement of the development hereby approved a scheme to secure compliance with the Code for Sustainable Homes level 3 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to ensure the development meets the aims of sustainable development and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 5.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) and the hard standing areas (including public rights of way areas) have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Policy HP9 of the Chester-le-Street District Local Plan.

Extra 6.

Notwithstanding any information submitted the hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. For the avoidance of doubt the landscaping scheme shall extend to the areas shown on the land edged blue in the application and indicated for treatment as part of the landscaping strategy drawing submitted 4 February 2008. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP 9 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding any details contained in the application hereby approved, full details of a cycle link to the C2C cycle route to the east of the application site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include specification of linkages into the existing C2C route. The approved scheme shall thereafter be implemented on site in accordance with the agreed scheme prior to the occupation of the 20th private dwelling. In order to ensure the development meets the aims of sustainable development and to accord with the provisions of Policies 2, 7 and 24 of the RSS and policy T15 of the Chester-le-Street District Local Plan.

Extra 8.

Notwithstanding any details contained in the application hereby approved, full details of the laying out and equipping of the areas of open space as proposed in the application including for the avoidance of doubt the provision of equipped play areas on the areas referred to as 'The Common'; the kick about area shown adjacent to 'The Common' and 'The Green' in the application shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved scheme shall be implemented on site in accordance with a phasing to be agreed in writing with the Local Planning Authority. In order to ensure the development provides for appropriate recreational and play areas and to accord with policy RL 5 of the Chester-le-Street District Local Plan

Extra 9.

No more than 20 private dwellings as approved by this application shall be occupied until such a time as the proposed highway improvement works onto the A693, as shown in the application hereby approved or as in accordance with details which may be otherwise agreed in writing with the Local Planning Authority have been implemented. In order to ensure the development does not prejudice the free flow of traffic on the surrounding highway network and to accord with the aims of Policies HP9 and T15 of the Chester-le-Street Local Plan

Extra 10.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 11.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan

Extra 12.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 13.

No development approved by this permission shall be commenced until:

a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;

b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with Planning Policy Statement 23: 2004.

Extra 14.

Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in the interest of the adequate disposal of surface water and thereafter implemented in accordance with this approved scheme in accordance with Planning Policy Statement 25 and Policy 24 of the RSS.

Extra 15.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of an ecology and biodiversity mitigation scheme; to accord with that outlined in the E3 Ecology Ltd report dated 27/02/09 shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. In order to ensure the satisfactory mitigation of any harm arising to ecological and protected species interests as a result of the development and to accord with the provisions of Policy 33 of the RSS, PPS 9 and Policy NE8 of the Chester-le-Street District Local Plan.

Extra 16.

No ground works shall take place until an archaeological strip, map and record mitigation strategy has been submitted to, and approved in writing, by the local planning authority. 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 one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority. In order to comply with the aims of Policy 32 of the RSS.

Extra 17.

No works to the units shown as plot numbers 106 to 111 on the development hereby approved shall take place until a photographic record of these buildings has been submitted to, and approved in writing, by the local planning authority. In order to comply with the aims of Policy 8 of the RSS.

Extra 18.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order with or without modification), no walls, fences, palisades or other means of enclosure shall be erected forward of the main front (or side in the case of corner sites) walls of dwellings, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the open-plan character and appearance of the development.

Extra 19.

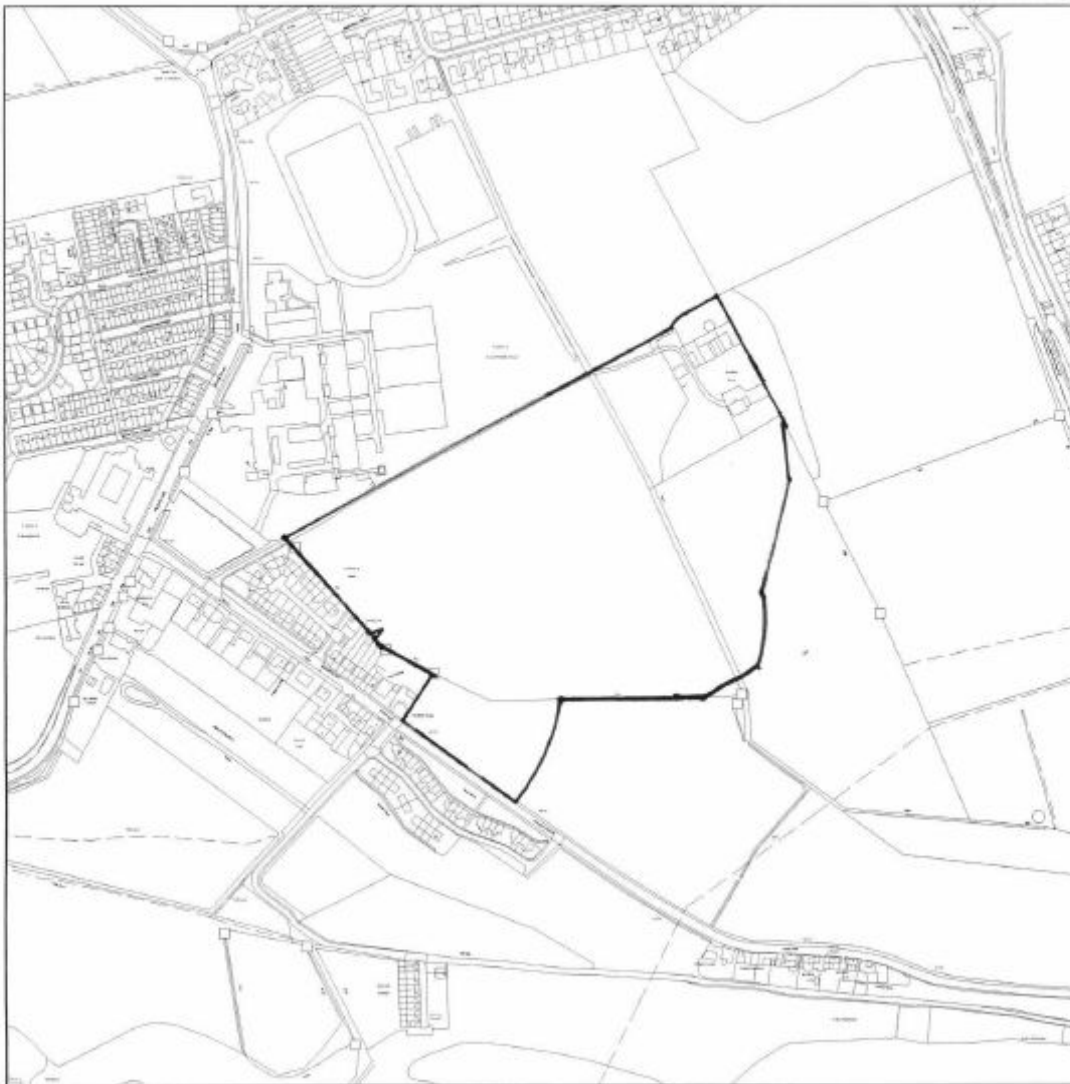
Any existing trees and hedgerows within the development site shall be protected by a chestnut paling, or similar protective fence or barrier, in accordance with a scheme to be agreed in writing prior to the commencement of the development hereby approved, in order to ensure that building materials, plant and machinery are not stored around the existing trees and hedgerows, in the interests of the long term health and well-being of the trees and hedgerows and in the interests of visual amenity and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 20.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plans received 3/9/08; 12/2/09 and 27/2/09 in order to ensure the development is carried out in complete accordance with the approved plans.

**Land to rear of Newfield Terrace**

**Newfield**



**Scale : 1:5000**

**3.**

**Reference: 08/00488/FUL**

**Proposal**      New stands, scoreboard, replay screen, floodlighting, function suite; together with drainage, car parking / access roads, turnstiles, gateway building, extension to members room (full). 149 bed hotel with associated car parking / access works (outline)

**Location**      Durham County Cricket Club Riverside Chester -le-Street Durham DH3 3QR

**Applicant**      Durham County Cricket Club

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**Application Summary**

**Ward:**                      Chester East

**Case Officer:**          Stephen Reed, Development & Building Control Manager

**Contact Details:**      0191 387 2212

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** The proposals, as amended through Officer negotiations and consultation procedures carried out, provide for an acceptable form of development, which meet the aims of sustainable development. The proposals are compliant with the aims of relevant Development Plan policies for the area accepting that the proposed hotel and gateway building element comprise appropriate and justified enabling development to facilitate the core cricket related forms of development. The proposals are fully consistent with the aims of regional and District based regeneration strategies and will provide for a significant strategic boost to the local and regional economy. These positive material planning considerations are considered to outweigh some of the negative factors associated with the development; including development in the flood plain and an increased scale of development outwith the defined town centre boundary for Chester-le-Street. The overall positive material implications raised by the development comprise appropriate justification to allow approval of the development as a justified departure to development plan policy.

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**The Proposal**

This report relates to a 'hybrid' planning application (part full / part in outline) for development at Durham County Cricket Club, The Riverside, Chester-le-Street. The application essentially comprises 3 separate elements:

- 1) Core cricket facility related development including extensions and alterations to existing spectator seating facilities including new stands; turnstiles; scoreboard; replay screen. The effect of the increased seating facilities will be to increase permanent spectator capacity at the ground from 7,000 to 20,000
- 2) The erection of a “gateway building” at the entrance into the Riverside along the northern elevation of the ground.
- 3) The erection of a 149 bed hotel split over 3 and 4 floors (outline)

The application originally also included 4 permanent floodlighting columns; standing 55 metres in height. However this element of the application has recently been withdrawn following the expressing of concerns by Officers in relation to the visual impact of these structures.

The extension to the cricketing facilities primarily comprise the erection of a new two tier stand in the north east corner of the ground. This development will largely sit on the same site where temporary seating is presently brought in for major spectator events. The stands will rise to approximately 13.5 metres in height; in doing so complimenting the height of the existing 2 storey seating present at the venue, including the new south east stand recently granted approval at the Planning Committee meeting of February 2008. Other, more limited ‘infill development’ to the existing ground is proposed to the North West and south west corners (either side of the main pavilion); including small scale seating extensions and a new scoreboard / replay screen.

Part of the proposed stadium extension will be provided by a new ‘gateway building’ proposed for the main approach into the Riverside; along the northern elevation of the ground. Whilst this development will help meet increased seating capacity requirements at the ground, by providing for approximately 1,500 new seats on the pitch side, this element of the scheme is also designed to increase the wider corporate and function facilities at the venue; by providing a conferencing / banqueting facility which will be able to accommodate some 700 persons. This building will also house new club offices, shop and ticketing facilities with underground parking space.

The final element of the proposals involve the erection of a 149 bedroom hotel. This part of the scheme is submitted in outline only; although as only matters relating to the external appearance and landscaping have been reserved for future approval, full details of the proposed siting and scale of the development are submitted for consideration. This building is proposed to be constructed across 3 and 4 stories; located to the rear of the east stand, facing the river Wear. Access to the development would be gained from the north of the ground; through an under croft beneath the proposed Gateway building.

The site area amounts to approximately 6.5 hectares in size. The land to which the application relates is the home of Durham County Cricket Club. It is situated within the grounds of the Riverside Park, a large expanse of high quality public recreational and leisure land to the immediate east of Chester-le-Street Town. Surrounding uses are largely leisure and recreation orientated with some office use to the immediate south and residential properties in the form of ‘The Parks’ development and Crichton Avenue to the West. Public rights of way exist in the vicinity of the site, including to the immediate east of the ground (in close proximity to the location of the proposed hotel).



The Riverside is largely separated from Chester-le-Street Town Centre to the west by the A167. Vehicle access is provided by Ropery Lane and pedestrian linkages are gained principally via two routes; the first a footbridge coming into the Riverside park off Roman Avenue and secondly a narrow footpath running under the A167 to the north at Cone Terrace. The site is framed by the River Wear to the east.

The land is located outwith the defined settlement limit of Chester-le-Street town, as detailed in the Local Plan of 2003. The land is subject to a specific allocation for leisure and recreation use by Policies RL3 and RL8 of the Local Plan. The aforementioned River Wear marks the western boundary of the North Durham Green Belt. The site is also defined as being located within an Area of High Landscape Value and the Great North Forest under Local Plan designation.

### **Relevant Planning History**

The Council's Planning Register reveals a number of planning applications related to the development of the site as the Headquarters for the DCCC. Most recent applications include approval for the erection of a private members fitness club and a media centre; and application 07/00397/FUL – for the erection of extensions to the south east stand – Approved at Planning Committee in February 2008.

### **Consultation Responses**

The Council's Regeneration Team (Planning Policy) advise that the site is located outside the development boundary to Chester-le-Street town as detailed in the Local Plan. Rather the land is designated as open space. It is noted that the RSS contains policies of relevance to the application; in particular those that seek to locate major development to locations which offer good alternatives to the use of the private car. It is also advised that the proposals for the gateway building and hotel will need to be considered against PPS 6 advice, which presumes for town centre locations for such forms of development.

The Council's Environmental Health Team originally raised concerns in relation to the impact of the proposed floodlighting on nearby residents. They required further clarification from the applicants in relation to the impact of the suggested control measures. Concerns were also raised in relation to possible increased noise in the vicinity of the venue as a result of increased spectators and resulting increased traffic movements in addition to the potential for increased public announcements / use of amplified music. The Environmental Health Team go onto advise that if permission is granted conditions should be imposed to agree a construction methodology at the construction stage and also to limit construction times.

The Councils Leisure Services Team have not commented on the application.

The Environment Agency originally objected to the proposal on the grounds that they constitute development within the floodplain without appropriate justification. However following the submission of additional material by the cricket club (in particular to justify the proposed location of the hotel) the EA have withdrawn this objection, on the grounds that the PPS 25 sequential and exceptions test have been passed.

Durham Bat Group note the application proposes a significant form of development in an area known to be used by bats. Concerns are raised that the ecological reports submitted as part of the application have not adequately considered the impact on European protected species; including bats. A key area of concern is the additional lighting which the proposed hotel will bring into the area.

Durham County Council as Highways Authority for the area refer to the extensive pre-application discussions which have taken place in regard to the scheme; in particular with a view to 'managing down' the amount of private vehicular trips attracted to the venue for major events. Having regard to the fact the ground already enjoys a lawful capacity of 16,000 (by using temporary seating) it is considered that a highways related refusal could not be supported on the grounds of the increase in capacity proposed by the application, subject to the securing of a range of green travel measures through the implementation of a travel plan. It is advised that the travel plan should incorporate measures to; require the development of park and ride and park and stride facilities; provide shuttle bus services to and from Durham Railway Station; commit the Cricket Club to a scheme of marketing the travel options to the site and developing parking pricing mechanisms which will increase use of more sustainable forms of transport. Subject to agreement of these measures, and a 106 Agreement to require the cricket club to pay for improved pedestrian signage between the venue and the town centre it is advised no objections would be raised to the development.

With respect to the stated concerns about car parking in residential areas and the blocking of the B1284 Lumley road on major match days the Highways Authority note that these concerns are considered by the Safety Advisory Group which meet regularly to discuss issues raised by major events at the ground. The implications of the major events on the free flow of traffic on the highway network are controlled by Durham Constabulary. It is advised that their Officers consider that the present highway management arrangements work satisfactorily. Similarly it is not considered that the relatively limited increase in major match day capacity proposed by the application would justify the establishment of any parking restrictions in nearby residential areas.

Finally the Highways Authority advise that they are satisfied that any overspill parking requirements generated by the proposed hotel and the gateway building can be met by existing nearby public car parks. Similarly trip generation rates from the hotel and gateway building are likely to be immaterial on the nearby highway network.

Durham County Council's Landscape Officer raised initial concerns that the footprint of the proposed hotel would potentially require the removal of several mature trees which were successfully transplanted into the riverside setting by DCC at the time of the original cricket club development. However following further clarification as to the footprint of the hotel from the developer the landscape officer has accepted no harm will arise to the trees as a result of the construction. Some concern is still however offered about future pressure from the hotel operator being brought to bear to seek removal of the trees on the grounds of loss of light into the facility. Concerns are also raised that the hotel development would introduce an urban element into the rural setting.

Durham County Council's Design Team raised concerns about the impact of the proposed floodlighting columns in particular the impact they would have on the nearby listed Lumley Castle Hotel; however that aside are happy to support the proposals. Indeed they consider

the proposed gateway building will provide for a strong entrance feature into the venue which will provide a suitable striking design, yet one which will also blend well with the existing surroundings. In relation to the proposed hotel they accept that the scale and massing of this building is such that its relationship with the ground will be acceptable. They go on to advise that the detailed design solution for the hotel needs to pay regard to the high profile setting it will have in the public realm; and also be sensitive to the river side setting.

The County Durham Tourism Partnership supports the application. In doing so they advise that they have developed an Area Tourism Management Plan (ATMaP) that they encourage tourism project developers to use to shape and strengthen their projects. They advise that Durham County Cricket Club have undertaken this process and the ATMaP Committee agreed that this is a priority 1 project for the County. This essentially means that the ATMaP committee support the project and are satisfied that it meets the relevant criteria in terms of strategic fit, evidence of need, viability, deliverability, evaluation & monitoring, sustainability and quality.

English Heritage comment as follows:

- No objections in principle to the proposed hotel; noting that the development appears modestly sized and located behind the spectator stands. They go on to advise that the final design should not be over assertive bearing in mind the country edge setting to the east.
- The proposed gateway building is considered an improvement on earlier buildings at the venue which would not unduly impact on wider views.
- In relation to the views of Lumley Castle; which are presently gained from within the ground, it is accepted that these were only going to be temporary, pending the eventual completion of the wider ground
- Concerns were raised that present views of the Castle from both the ground and wider town would be eroded by the proposed permanent floodlights. It is recommended these lights are lowered to reduce impact.

Durham County Council's Archaeology Officer raises no concerns on the grounds that the site is not considered to be of high archaeological value.

The Highways Agency raise no objections to the proposals, in terms of its impact on the free flow of traffic on the A1M, on the understanding that a comprehensive range of measures as detailed in the draft Travel Plan are implemented during large scale events at the venue.

One North East comment that the application relates to development works which will secure a long term aspiration to complete the development of the Riverside Stadium to the minimum standards required by the England and Wales Cricket Board (ECB). These development works are required to secure future international cricket matches at this venue. One North East also go on to recognise the importance of the Riverside Stadium in terms of the significant regional economic and image benefits.

The Agency also recognise that Durham County Cricket Club has already made very good progress in attracting visitors and events since its inception and because of this both the Club and the Riverside Stadium have established an acknowledged reputation with

national and international partners, placing the district firmly on the regional and national sporting map. The wider Riverside area including the stadium complex has the potential to develop a much wider range of activities and facilities and become an area of regional and, in some respects, international importance.

To this end it is advised that One North East has worked with (DCCC) on a number of funding applications, e.g. media centre. It is also advised that the Agency is currently involved in further Single Programme funding for phased ground improvements (stand, scoreboard and replay screen facilities) as well as working on an 'Events Strategy' to ensure that, following these improvements the club is able to attract events which will maximise regional tourism and image impact.

ONE consider that the applicants have provided a strong case in the supporting information regarding the importance of improvements to the stadium's facilities. In relation to the proposed hotel development element, the Agency draw attention to the North East England Accommodation Study – an Investment Action Plan document. This study cites, amongst other things, the need to diversify hotel stock in County Durham.

The North East Assembly (NEA) comment that the site is immediately adjacent to and visible from the Green Belt to the east. As such they advise that the Council will need to be satisfied that the development maintains the openness of land. They also note that the application proposes to improve one of the region's most significant sporting facilities. This is considered to accord with the aims of Policy 16 of the RSS. It is also noted that RSS seeks to reduce the impact of travel demand, and to promote walking, cycling and public transport. It is noted that a travel plan has been submitted with the application; and that the aims of this document, in seeking to reduce the impact of private vehicular trips are in accordance with the aims of RSS. The NEA also comment that the proposals will need to meet the aims of sustainable construction and use of renewable energy methods; in addition the proposals will need to ensure no harm to protected species, including otters and bats. Finally, having regard to RSS Policy 35 and the sites location in a flood plain the NEA advise that the Council will need to be satisfied that there are no sequentially preferable alternative sites; and that the risk of flooding will not be increased by the proposals. As part of surface water management issues the NEA would expect to see a SUDS scheme incorporated into the development.

Sport England advise they have considered the application having regard to their playing field policy. Having regard to the fact the development is proposed to complete the Riverside as a first class venue and the fact that the development will help the Riverside maintain its position as one of the North East's few elite sporting venues they fully support the application.

Northumbrian Water Ltd raise no objections to the development subject to conditions to agree details of the discharge of foul and surface water

The Police Architectural Liaison Officer provides advice in regard to secured by design principles. In addition, as a major public entertainment venue, it is pointed out that the venue has potential to be an attractive target for terrorists. Advice is provided about how the detailed design of the development could be implemented so as to reduce terrorist risk.

Natural England advise that having regard to the ecological reports prepared by the applicant; which show one breeding bird species (a linnet) potentially being present within the site, that a condition should be added to any approval to require that on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

Derwentside District Council have no comments to make on the application.

### Public Representations

The application has been advertised by way of press and site notice and by extensive direct neighbour consultation (some 821 properties; representing the majority of properties in Chester-le-Street Town east of Front Street and a number of properties in Great Lumley). As a result of this exercise 17 letters of objection have been received. Objections are raised on the following grounds:

- Visitors to the existing venue parking in residential areas and blocking residents driveways
- Increased congestion on surrounding highway network as a result of the proposals. Concerns that this could prevent emergency vehicle access.
- Improved parking control measures; to distinguish between residents and match day visitors need introduced as part of the proposals
- The existing floodlights in use at the venue lead to light pollution; in particularly into nearby residential properties
- The visual impact of the proposed new fixed floodlighting columns. It is considered the height of these (55 metres) will spoil the character of both the Riverside Park and nearby residential properties.
- The floodlighting columns would adversely affect the setting of Lumley Castle
- Lack of car parking provision to cater for increased spectators
- Concerns that the development is located with a floodplain and that this may lead to additional flooding impacts on existing property.
- The hotel amounts to encroachment into a rural / wildlife area
- There is no need for further hotel development
- Concerns about additional noise in the nearby residential areas
- The consultation event carried out by the cricket club prior to the submission of the application was flawed; with misleading results reported as part of the subsequent planning application alluding to a lack of public objection to the scheme.
- Impact on ecology, including from the proposed floodlights
- The information submitted with the planning application is inadequate to enable a proper assessment to be made regarding the impacts of the development.
- The development fails to comply with PPS 1 advice regarding the need to ensure the planning system improves quality of life.
- Concerns about how the proposed hotel development will impact on existing nearby hotel facilities

Cllr A Willis and Cllr R Court object to the proposals on the following grounds:

- Impact on light pollution; including on the safe flow of vehicles

- Physical impact of the proposed floodlight columns. It is considered they would introduce an industrial appearance on views from Great Lumley
- Present practice of closing the B1284 has proved unacceptable for residents of Lumley and Bournmoor who have to undertake lengthy detours to avoid delays at peak cricket times
- Concerns are raised about the closure of the Riverside Park to residents at the times of peak cricket events
- Lumley Castle Hotel has objected on the grounds that an additional hotel would impact on the trade of their existing establishment. It is noted there are already several hotels in close proximity to the ground.
- Commercial premises should not be built on land which is the property of the residents of Chester-le-Street

Cllr B Bainbridge objects to the application on the following grounds:

- There is a lack of parking proposed to serve the development. The proposed park and ride facility would be inadequate.
- Concerns about the closure of the Riverside Park during busy periods at the ground
- The proposed lighting columns would spoil the view of the area

The Riverside Residents Association object to the application. Objections are raised primarily on the following of visual and light pollution associated with the originally proposed permanent floodlighting columns.

In support of the application the applicants advise:

- The planning application submitted by Durham County Cricket Club represents an exciting opportunity to build upon the successful staging of international cricket at Riverside for the benefit of Chester le Street, County Durham and the North East.
- The development is driven by the necessity to meet the minimum requirements of the England and Wales Cricket Board (ECB). Failure to approve would result in Durham CCC not being able to meet the ECB timetable for improvements which would in turn result in the withdrawal of Riverside's international status. Loss of Riverside's international status would immediately result in the removal of internationals and domestic finals already allocated out to 2011 and render Riverside ineligible to stage future internationals.
- The loss of international cricket at Riverside would not only be an embarrassing loss to the North East, which does not regularly stage any other major international sports events, but would also jeopardise the future of Durham CCC which depends upon the revenues generated by international cricket to sustain the Riverside stadium.
- Completion of the development of the facilities at Riverside will help provide the income streams to ensure the sustainability of Riverside not only as a stadium for cricket but also as an attractive destination for conferencing, banqueting and other major cultural and community events.

- Durham CCC is the largest private sector employer in Chester le Street and the completion of Riverside will generate further significant beneficial economic impacts through the creation of an estimated 120 full time jobs in managerial, administrative and support roles. In addition there will be a large number of flexible working opportunities around major events.
- High quality international events at Riverside also have a major impact in enhancing the image of the region which in turn has a direct economic benefit in promoting Chester le Street in particular as an attractive place to live and work.
- In addition to the immediate permanent jobs created the development of the Gateway Building and Hotel create an exciting opportunity to provide training and re-skilling opportunities for young people in particular interested in a career in the increasingly important tourism industry.
- The development provides the opportunity for Durham CCC to become leaders in event management. Significant work is being undertaken, for example, in relation to Travel Planning and visitor welcome programmes to establish Riverside as the most environmentally friendly and customer friendly venue.

### **Relevant Planning Policies and Considerations**

As with any application for planning permission, having regard to the requirements of the relevant Acts, the application has to be considered having regard to the aims of relevant development plan policies and to all other material planning considerations.

The proposal raises a number of detailed issues for consideration having regard to the relevant policies contained in the Regional Spatial Strategy (RSS) and Chester-le-Street Local Plan.

#### **Regional Spatial Strategy**

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan. The Regional Spatial Strategy was adopted in July 2008. There are a number of policies contained within the RSS of relevance to the proposal.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 4 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas)

Policy 6 – Locational Strategy (which requires new development to maximise the major assets and opportunities available in the North East and to regenerate more deprived areas).

Policy 7 – Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk)

Policy 8 – Protecting and Enhancing the Environment (which requires new development to be of high quality and maintain local distinctiveness)

Policy 11 – Rural Areas (which advises proposals should support the development of a vibrant rural economy whilst also ensuring the protection of the north east region's environmental assets)

Policy 16 – Culture and Tourism: Planning proposals should seek to support sports facilities which help develop the regions economy; without diminishing the value and attractiveness of the venues. Such venues should also comply with the aims of sustainable development, being served by a range of transport choices.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

Policy 25 – Urban and Rural Centres: Planning proposals for major commercial development should be focused within defined urban centres

Policy 31 – Landscape character: (planning proposals should help sustain locally valued landscapes)

Policy 32 – Historic Environment (development should preserve historic assets including archaeological remains and promote the re-use of underused buildings).

Policy 33 – Biodiversity: seeks to preserve ecological habitats.

Policy 35 – Flood plains: (planning proposals should seek to reduce flood risk; including risk generated by increased surface water run off rates)

Policy 38 - Sustainable Construction (to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision)

Policy 54 – Parking and Travel Plans: (Planning proposal should not provide more than them minimum amount of on site parking facilities required; should develop travel plans designed to maximise the use of public transport, and should secure developer contributions to improve transport infrastructure)

As Members will note from the representations section above the NEA, the body who are presently responsible for preparation of the RSS have not raised any objection in principle to the proposals; subject to the Council being satisfied that the development, as controlled by conditions, meets the aims of relevant RSS advice.

In assessing these comments, and considering the application against the requirements of the RSS, and having regard to the improvements to design and sustainable development interests achieved through the negotiations carried out; including the fact that it is considered the applicants have presented a sufficiently robust case to demonstrate the passing of the PPS 6 and 25 sequential tests (see below) the view is taken that the proposals do accord with the aims of this document. This view is formed on the grounds



that the proposals meet the test of high quality development, in particular in relation to issues of quality design; reducing the reliance on the use of the private car, preserving ecology interests, protecting against flood risk; and in overarching terms by proposing a form of development which will meet high level RSS aims of helping to deliver the regeneration and economic vitality of both Chester-le-Street as a regeneration town, and indeed the wider North East Region. These issues are discussed in greater depth below.

#### National Ministerial Advice

Planning Policy Statement 1: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Note 2: PPG 2 sets out the Government's approach to development in and adjacent to the Green Belt. It advises for a strict presumption against inappropriate development inside designated Green Belts to preserve the openness of such areas. The PPG also advises that the openness of Green Belt areas can be affected by development outwith the Green belt; but which are nevertheless visible from the Green Belt.

Planning Policy Statement 6: PPS 6 sets out the Government's approach to planning for town centres. The document explains The Government's key objective for town centres is to promote their vitality and viability by, amongst other things, focusing development of prescribed town centre uses to such centres as opposed to edge or out of town locations.

Planning Policy Statement 9: PPS9 seeks to deliver the Government's Biodiversity and Geological Conservation policy. This is achieved through promoting, conserving, enhancing and restoring the diversity of England's wildlife and ecology. The PPS advises that Local Planning Authorities should be fully aware of the potential implications of new development proposals on protected species.

Planning Policy Guidance Note 13: Transport aims to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

Planning Policy Guidance 17: PPG17 sets out the government objectives to provide for recreation and sporting open space. Local Authorities should wherever possible look favourable upon proposals that provide for enhanced opportunities for sporting provision within communities. Major facilities should be well connected to public transport facilities.

Planning Policy Statement 25: PPS25 sets out the planning approach to reducing and managing flood risk. The document advises for a presumption against development in the flood zones; any development allowed in such areas will have to meet the sequential and exception tests.

Chester-le-Street Local Plan

There are a number of policies contained in the Local Plan, which are of direct relevance to the application. These policies are considered as part of the assessment of the particular detailed considerations to which they relate.

The Principle of the Development / The Issue of Need

Policy RL8 of the Local Plan advises for a presumption that proposals for the development of land at the Riverside will only be permitted for cultural and leisure facilities. Policy RL3 seeks to prevent the loss of public open space; including the loss of parks and amenity space. Policy NE2 seeks to prevent development beyond settlement boundaries as detailed in the Local Plan; unless proposals are for agriculture, forestry or other rural business uses. Finally policy R1 advises that where a defined need for major town centre uses has been identified, the first preference for the location for such uses shall be to the defined town centre of Chester-le-Street. Where it can be demonstrated that a town centre site is not appropriate Policy R1 advises that the sequence for site selection which should be applied is: 1) next to or within 200 –300 metres of the edge of the town centre 2) within other local retailing centres as defined in the Local Plan, or finally 3) elsewhere within the defined settlement boundary of Chester-le-Street.

The thrust of this relevant development plan advice is entirely in accord with relevant national advice as detailed in PPS 6.

In this case, with the exception of the core cricket related development (the stadium extensions; scoreboard; TV replay screen etc; which fall within the accepted definition of leisure facilities as permitted by policy RL8) the development de facto does not accord with the aims of these development plan policies. As such the application has been treated (including by way of statutory advertisement) as a departure to the aims of adopted development plan policy.

As Members are aware relevant legislation requires that planning applications shall be determined in accordance with the aims of development plan policy; unless the decision maker considers that there are material planning considerations raised by a particular proposal which justify a different course of action. As a result of this, Officer advice is that prima fascia Members initial stand point should be minded to refuse, unless they are satisfied that material considerations are raised to lead to a decision for approval, as a justified departure to the aims of the development plan.

The applicants, being aware of the development plan background to the proposals have, through the submission of various professional reports, sought to present such a case of justification. In Officers opinion this justification can be best explained in 3 separate areas, those of:

- The concept of the commercial departure elements of the application being presented as a form of enabling development; designed to render the core cricket related elements of the package financially viable
- The carrying out of appropriate PPS 6 based tests; to consider issues of need and thereafter sequential testing for the commercial 'departure' elements

- The presenting of material planning considerations, based around strong positive socio-economic factors in support of the development.

In terms of these 3 elements, Officers view is as follows:

In relation to the issue of enabling development the Cricket Club have submitted documentation from Price Waterhouse Coopers Ltd; to demonstrate likely rates of return accrued through the implementation of the ground development, both in isolation (i.e. without the hotel) and with the hotel factored in. This report provides a detailed analysis of likely cash flow and Internal Rates of Return (IRR). In doing so it establishes that without the additional IRR likely to be accrued through the proposed hotel, then the risks of carrying out the core cricket related development in isolation are likely to be high; in particular having regard to known potential risks such as a reduction in ECB grant and poor weather. The report also establishes that the development of the hotel and gateway facility will help reduce project risks by diversifying the business so that revenues are less dependant on mere sporting revenues; and indeed by providing for a broader range of attractions at the venue which will help maximise the chances of the venue continuing to attract high value events at the ground.

In consideration of the issue of the core PPS 6 tests (issues of need and potential sequentially preferable sites) the Cricket Club have commissioned appropriate reports from RGA Consulting; Peacock and Smith and Ward Hadaway. These reports have considered the issue of need for a new hotel facility in the locality, and thereafter have gone onto examine potential alternative sequentially preferable sites. In relation to the issue of need the RGA report provides clear advice, on the basis of surveys and appropriate research, that there is a clear demand for the additional hotel bed space proposed as part of the application. The report goes on to reference a lack of good quality hotel provision in the Chester-le-Street area; and also considers that the project will not adversely prejudice the delivery of other projects that may come forward in the futures (including any developments within Chester-le-Street Town centre). Members will note this view, that there is demand for new hotel facilities, is fully endorsed by ONE and the County Durham Tourism Partnership; as per the comments referenced in the consultation section above. With regard to the issue of potentially sequentially preferable sites the Ward hadaway and Peacock and Smith reports have analysed the potential for the use of sites in more sequentially preferable locations; including the Chester-le-Street Town Centre. Whilst some sites have indeed been potentially raised; including some of the key development sites examined as part of the recently adopted Town Centre Master plan; the reports conclude that none of these sites are likely to be acceptable to meet the identified need, or could be delivered in time to meet the cricket club time scales. Officers also feel that the issue of sequential testing ought to be given lower priority for this application; having regard to the enabling element of the proposals as discussed above. Clearly if the hotel and gateway facilities were to be located in a town centre location, on ground outside of the cricket club's control, then the club would not realise the positive financial return the facilities will bring. This would clearly have implications for the viability of proposals as now presented before Members.

The key rationale for the introduction of the sequential test concept into PPS 6 was to prevent adverse impact on existing town centre establishments, as a result of proposed non-town centre development. Applying these policy considerations to the present application it must be acknowledged that the scale of hotel and banqueting / conferencing

facility proposed will not be likely to harm any such existing town centre establishments. This is not the grounds that no such comparable facilities exist.

The final element of justification presented by the applicants, which is based on acknowledged PPS 6 guidance, is to examine other local material considerations; in particular this has focussed on the positive socio – economic factors the wider development package will realise.

In considering this issue the cricket club have drawn attention to the significant local employment spin offs the development will realise; both by direct employment generation at the venue and additional spin offs to the local economy. At a broad level it is considered the development proposal will be compliant with the aims of the Northern Way; the Regional Economic Strategy and the North East Tourism Strategy. On a more local level the applicants feel the positive material considerations are also compliant with the aims of the Chester-le-Street Sustainable Community Strategy and the Regeneration Strategy. To support this view the cricket club point out, as part of the application, the following key issues:

- Direct employment generated by the application will be around 120 new jobs
- Experience of Test Match cricket elsewhere has shown a significant increase in hotel occupation in the locality compared to at other times
- The total economic impact of a test match cricket event at other grounds has been calculated at around £5.1 million
- Research has shown that the loss of test match status to a locality could amount to around £2.6 million per year.
- The average spend of visitors to the Riverside is £70.47; with 60% being spent outside of the ground, in the local economy.
- Studies have shown the value of image enhancement to the North East region, accrued from previous events at the ground, amounts to some £60 million

On the basis of the above assessment Officers fully accept that the development will accrue significant positive benefits to the local and regional economy. Attaching weight to these positive aspects of the development is in accord with the advice detailed in PPS 6.

Having regard to the above considerations Officers are satisfied that the cricket club have presented a robust suite of material considerations to support the principle of the development as a justified departure to the aims of the aforementioned development plan policy.

#### Impact on Green Belt

PPG 2 requires development to protect the openness of the Green Belt. This is supported by Policy NE 6 that seeks to prevent development that may be harmful to the visual amenity of the Green Belt; including developments, which may be visible from within the Green Belt.

In this case, and as is discussed in greater depth below, the view is taken that the development will not be harmful to the Green Belt. Whilst the development will be visible from the Green Belt to the east, the scale and form of development will sit comfortably

with the existing venue and as such will not lead to any harmful visual impact when viewed from this area. The withdrawal of the element of the application relating to the proposed floodlighting has been particularly persuasive in helping Officers come to this view.

### Ecology

PPS 9 – Biodiversity, sets out the Governments aim that the planning system should seek to take into account the presence of protected species within a development site as a material planning consideration. This advice is implemented by Policy 33 of the RSS.

Bearing in mind the characteristics of the site, being located adjacent to a major watercourse, Officers have requested that the applicant prepare appropriate ecology reports as part of the application. As Members will note from the representation section above the statutory consultee on nature conservation issues, Natural England, have not raised any objections to the proposals, subject to the imposition of a condition to require ground clearance operations to be carried out outside of the bird-breeding season. This condition is required having regard to the fact that part of the application site (the part the footprint of the hotel) has previously been known to support the linnet bird species.

Whilst the concerns about the impact on bats, as raised by the Durham Bat Group, are noted it is not felt the application could be resisted on these grounds; in particular having regard to the lack of objection from the statutory consultees, Natural England. As the application will not necessitate the removal of any mature trees of historic buildings it is not considered likely to lead to the loss of any significant bat habitats. In terms of the impacts of the development, in particular the hotel, on possible bat travel routes this is not considered to be sufficient to justify refusal; clearly bats will relocate over a period of time and will adjust flight paths accordingly. A condition of approval will also be attached to any consent to agree all details of external and internal lighting. This will ensure that only the minimum amount of lighting is used in the development; thus ensuring any harm is negated. Also a condition is proposed to require the applicants to agree a scheme of habitat creation.

### Design / Impact on Setting Of Lumley Castle

As Members are fully aware the requirement for high quality design is now placed firmly at the heart of the planning system. This requirement is contained in national advice in PPS 1 and runs through regional advice in the RSS and in the policies detailed in the Local Plan. In addition Officers considered that the application as originally submitted, including the proposed 55m high permanent floodlighting columns, has an effect on the setting of a Listed Building, Lumley Castle. The need for attention to be paid to a developments impact on the setting of a listed building is referenced in Law; and advised upon in PPG 15.

Lengthy pre-application discussions have been undertaken with the applicants to attempt to ensure the application as presented met the relevant test in Law and ensuing national and development plan advice. Whilst Officers considered that the subsequent planning application as originally submitted to include the floodlighting columns, did not meet the required tests, the view is taken that the scheme as amended, with the removal of the floodlights, now does.

The rationale for coming to this view is essentially formed after giving careful consideration to two issues; that of the general need for the application of a general high quality design solution, and secondly the acceptance that the development will not have an adverse affect on the setting of Lumley Castle. The rationale for these views is further explained below.

With regard to the acceptance that the development passes the high quality design test, the view is taken that both the scale and appearance of development is entirely appropriate. Whilst the height of the gateway building is taller than the existing built form at the ground (by between some 1 to 4 metres) this is not considered problematic. The design solution proposed by this element of the scheme is deliberately bold, designed to provide a strong announcement to people entering the approach to the venue. The modern curved, glazed design, together with incorporation of a green roof will help provide for a building of some considerable interest and presence in the street scene. The building does however provide for some restraint; a concern that Officers have helped improve upon during the application. This will allow for the retention of some open space to the front of the site, and will also have much less of an impact on the views of Lumley Castle from the highway network around the ground.

On a similar theme it is considered that the principle of the proposed hotel will also be acceptable on general design grounds. Whilst the precise external appearance of this part of the development is reserved for future consideration the details which have been submitted; those of footprint and scale / massing have enabled Officers to conclude that this element of the scheme would not, as a matter of principle, be harmful to the character of the area. The height of the proposed hotel ranges between 13metres and 15.5 metres. As identified above the proposed new stands will extend to some 13.5 metres in height and as a result of this the hotel will not be unduly prominent in the context of the overall venue. In particular the development will not appear out of context, nor obtrusive in the wider landscape.

Relevant legislation requires that the impact of a proposed development on the setting of a Listed Building must be taken into account as part of the consideration of a planning application. In this respect clearly the development proposals have to be considered in terms of their potential impact on the setting of the nearby Listed Lumley Castle.

As originally submitted concerns were raised about the impact that the 55 metre high floodlighting columns would have on the setting of this building. The view was taken that the floodlights would adversely harm the visual appearance of this building when viewed from a number of vantage points both relatively nearby to the ground and also in many long range vantage points from Chester-le-Street town. Largely as a result of these concerns the applicants have elected to withdraw this element of the original application in order to allow for consideration to be given to producing a more sympathetic solution to their lighting requirements.

It is not considered that the remaining elements of the development will adversely impact on the setting of Lumley Castle. As it discussed above these elements of the scheme are largely to a similar height to the ground at present and more importantly are situated largely within the curtilage of the existing cricket ground. This means that the development will not jar in the skyline; nor will it interrupt any presently existing public views of the Castle.

The construction of the two tier stadium extension to the north east of the ground will however have a significant impact in terms of reducing views of the castle from within the Riverside stadium. However it is not considered that significant weight can be given to this as a material planning consideration as clearly such views are not ordinarily open to the wider public. Rather this loss of view may be considered to have an adverse impact merely on the attractiveness off the Riverside as a commercial venue. However this is considered more an operational and marketing decision for the cricket club to take.

On balance the view is taken that the design quality of the application as a whole will be of a high standard, meeting the landmark test that Officers consider such a high profile site; in the public realm merits. Accordingly it is considered that the proposals meet the aims of PPS 1 and Policy 8 of the RSS. It should be noted that this view is supported by the Design Team at Durham County Council, and the Government's statutory advisor for the historic environment, English Heritage.

#### Impact on Residential amenity

It is not considered that the application, as now amended to remove the floodlighting columns, will cause any significant impacts on the amenity of nearby residents.

In particular the Council's Environmental Health Team have accepted this view, following the submission of an acoustic report from the applicants. Conditions will however be applied to any approval to limit construction times and also to require the submission of a construction methodology; to ensure that any potentially noisy operations are fully controlled and mitigated

#### Public Artwork

As Members are aware Policy BE 2 of the Local Plan – public artwork - requires 1% of development costs to be provided for use in public artwork. As originally submitted objections were raised by Officers that although the Design and Access Statement submitted as part of the application package alluded to some future off site provision, no firm indication was provided by the applicant's as to how this Policy requirement would be met.

However negotiations have resulted in an offer of £50,000 being made, to be secured through 106 Agreement. This figure is considered to accord with the aims of the Local Plan policy.

Although no definitive site has yet been identified to which these funds could be attributed, it is proposed that they are set aside for use within the Riverside area. This would help deliver one of the aims of the Council's Regeneration Strategy, by helping to link the Riverside with the Town Centre.

#### Highway Safety and Parking Issues / Sustainable Travel

One of the keys methods of delivering the aim of sustainable development is to ensure that large scale visitor attractions are well served by a variety of travel options; in addition to the private car. This advice is articulated in PPG 13, the RSS and indeed is detailed in Policy T15 and T17 of the Local Plan.

In this respect it is considered that the Riverside venue as presently operational provides a relatively poor sustainable transport offer. Whilst some bus services do exist along Ropery Lane to the north of the site there are no other readily available means of access to the site via any other method than the private car. In particular there are no measures presently in force, through either planning conditions or 106 Agreements, attached to any of the earlier grants of planning permission for development at the site.

In many respects this situation is not dissimilar of other large scale visitor attractions which were granted planning permission around the same time that the Riverside was (early 1990's). As Members will be aware Central Government policy on sustainable travel options was not at the forefront of the planning system at this time and as such the need to secure alternative means of travel to the private car was not generally considered as part of planning applications.

This application has provided the opportunity for both the applicants and Officers to seek to address the balance in relation to sustainable transport. Having said that it has to be recognised that the venue has a lawful planning consent to attract 16,000 visitors to the site. As such negotiations have been undertaken on the ability to seek to secure a modal shift only on spectator numbers in advance of this figure.

Following Officer discussions; including with Officers from the Highways Authority at Durham County Council, and the Highways Agency in Leeds it has been resolved that the cricket club will commit to implement the following measures for future events in excess of the aforementioned figure, in the event of approval being granted for the development:

- Appointment of a Travel Plan Co-ordinator
- The carrying out of an annual travel survey; with results informing annual reviews of the agreed travel plan
- Implementation of a park and ride facility (minimum 1,000 spaces); details of which to be agreed
- Implementation of a park and stride facility (minimum 500 spaces) details of which to be agreed
- Provision of shuttle bus service, between Durham Railway Station and Riverside before and after major events
- Implementation of pricing mechanisms to ensure cost of parking at venue is financially disadvantageous compared to other options
- The club to be obligated to provide a commuted sum to pay for signage improvements between the venue and Chester-le-Street Town Centre
- The club to be obligated to undertaking annual publicity in regard to travel options other than the private car to the venue.

The view is taken that subject to the entering into of a Section 106 Agreement to secure these measures that the development will be acceptable in terms of delivering a significant modal shift away from the present vehicle reliance spectators have. It is estimated these measures will provide for an appropriate reduction of some 1,500 to 2,000 vehicles accessing the venue on major event days. Of particular importance this view is shared by the County Council as Highways Authority and the Highways Agency.

In relation to car parking provision the development proposals will entail a net gain of 73 spaces in comparison to the present facility. Whilst this may appear low bearing in mind the scale of additional development proposed it should be noted that as a site approved



prior to the latest version of PPG 13 the Riverside was not originally planned to provide for only for the minimum level of parking provision, as would now be acceptable under revised PPG 13 advice. This is manifested in the present situation whereby large areas of parking space are relatively under used for long periods of the day.

In addition, the consideration of the on site parking provision issue needs to be considered in the context of the significant improvements to the public transport offer the development will realise. These improvements are outlined above. On balance and having regard to the above measures the Highways Authority are content that the parking spaces which will remain will be sufficient to accommodate on site parking requirements for normal operational requirements on non match days.

Strong objections have been received to the application on the grounds of contended problems presently experienced on major match days with spectators parking in nearby residential areas, and additionally the present practice of temporary road closures, in particular on the B1284 road into Great Lumley. These concerns have been considered by the County Council as highways Authority.

In terms of the relationship between these concerns and the application before Members it should be noted, for much the same reasons as discussed above in relation to the issue of on site car parking levels, that Officers are confident that the range of sustainable travel options which will be secured by this application will lead to a situation whereby the amount of private cars attracted to the venue, and surrounding areas, as a result of the development will not materially increase as a result of the development proposals. As a result of this analysis, whilst the present concerns of residents are fully understood it is not felt that there would be any additional material impacts in these areas generated by the application sufficient to justify refusal on these grounds.

Reference is drawn to the present use of the Safety Advisory Group, which meets to discuss the implications associated with major events at the ground. Representatives of the Highway Authority and Police attend this group and can, if considered appropriate, seek to implement Traffic Orders as required to mitigate against residents concerns in these areas. Clearly the implementation of any such control measures to address these areas of concern fall outside of the planning system.

#### Flood Risk and Surface Water Issues

PPS 25 provides for a presumption that new development should minimise flood risk. This is achieved primarily by seeking to direct new development away from known flood zones. This advice is implemented in the development plan by Policy 35 of the RSS.

In this respect large areas of the Riverside Ground are located in a fluvial flood zone from the nearby River Wear. In particular the proposed Gateway Building and hotel are located in flood zone 3. This is classed as an area with a high risk of flooding.

Under PPS 25 advice in order for development to be permissible in such an area it must meet the sequential and exception tests. The Flood Risk Assessment submitted by the applicants as part of the application has sought to justify the proposed development applying these two PPS 25 tests.

With regard to the sequential test issue (which essentially requires applicants to demonstrate that there are no sequentially preferable sites available to locate the development) the applicants have submitted documentation to show how they feel there are no preferable sites elsewhere; either within nearby urban areas, or within the Riverside ground, to where the development could be located.

In regard to the sequential test issue, and as discussed above, Officers consider strong regard ought to be placed on the fact that the cricket club have successfully demonstrated a case for the hotel and gateway coming forward as a form of enabling development, to help facilitate a viable business plan at the ground and to help maintain major cricketing events at the ground. This acceptance helps refine the areas of search in relation to sequential testing issues; to land under control of the cricket club (on the grounds that if other sites were to be considered clearly the cricket club would not realise the commercial value of the developments which are required to facilitate the wider long term development potential of the site). In this respect the cricket club have presented a strong case to justify the location of the hotel and gateway in their chosen position, in doing so providing strong operational reasons why they could not be located in other; sequentially preferable, sites within the ground.

The second leg of the PPS 25 test required to be passed, relates to the meeting of the Exceptions test. This is effectively applied in 3 parts; that of wider sustainability benefits; a site comprising previously developed land and the design process leading to a safe development scheme.

With respect to the sustainability test issue the cricket club have presented a sound case to demonstrate how the development will link with a number of local and regional strategies designed to secure increased inward investment and regeneration. It is clear that both the gateway and hotel elements of the application are fundamental parts to the club's wider development aspirations. These aspirations are required to keep major cricket events at the Riverside, in doing so ensuring the positive impacts on the local economy.

In relation to the previously developed land test Officers accept that the location of the proposed gateway and hotel comprise previously developed land; being largely developed and covered with hard surface material.

The final element of the exception test requires an applicant to demonstrate how proposals would deliver a safe form of development. In this respect the applicants Flood Risk Assessment has satisfactorily demonstrated how this test could be passed. This would involve the incorporation of a number of features into the scheme, including:

- The development of the hotel on columns – which will lift the floor levels above known flood levels
- The construction of an emergency escape gangway between the hotel and the stadium to the rear. This will allow occupiers of the hotel to vacate the hotel, and find dry land in the event of flooding
- The cricket club to sign up to the Environment Agencies Flood Warning Service; this will ensure a minimum of 2 hours warning time in the event of flood; sufficient time to allow for the evacuation of the hotel

- The development of a flood evacuation plan – this will be similar to a fire evacuation plan and will provide occupiers of the hotel with advice as to what to do in the event of flooding
- Improvements to existing flood defence works
- The installation of floodgates
- The installation of a cage screens to the hotels' underground parking areas; these will allow floodwater to enter and leave the underground parking areas but will prevent material being washed out into the river.

Having regard to the above assessment, and the range of decision measures detailed in the final part of the exception test, it is considered that the requirements PPS 25 and ensuring development plan policy have been passed and that as a result an appropriate case has been presented to justify development in a know flood zone. Members should be aware that this is also now the stated view of the Government's relevant statutory body responsible for flood prevention, the Environment Agency.

### Trees

The Landscaping Officer at Durham County Council raised initial concerns that the proposed footprint of the hotel may endanger mature trees to the immediate east of the site. Members will be aware that Policy NE 11 of the Local Plan seeks to ensure the preservation of existing trees in situ as part of development proposals.

However the arboriculture report submitted as part of the application shows these trees will not be affected by the development. In relation to the concern that in the event of approval pressure may be brought to bear to remove these trees on the grounds of loss of light, it is not considered the application could be resisted on these grounds. The trees in question are on local Authority land and are therefore subject to a high degree of control.

The footprint of the gateway building will spill out onto the present public open space area along the entrance into the ground. In doing so this will require the loss of some of the present trees. However, whilst these trees are of some aesthetic value they are not mature, specimen trees and as such it is considered that on balance their removal is justified as part of the benefits accrued by the overall development. The footprint of the gateway building has been reduced at the request of Officers at the pre-application stage, to ensure the retention of some of the present open space in this area. This remaining open space will allow for the planting of replacement trees to help mitigate the loss of some of the existing ones. This can be secured through condition.

### Pollution Issues

The Council's Environmental Health Team raised concerns about the lack of light pollution mitigation proposed with the original application, including the floodlighting columns. Concern was also raised about the noise implications associated with the proposed increase in spectator capacity the development will entail. However following the submission of a report from the applicants acoustician; which identifies that any noise increase as a result of the development will be minimal this area of concern has also been withdrawn.

Concerns are also raised in regard to the impact of any noisy operations associated with the construction phase of the development. It is requested that conditions are attached to any approval to limit construction times and to require the submission of a construction methodology; to ensure that any potentially noisy elements of the construction process are fully mitigated. Members will note that such conditions are proposed as part of the recommendation

#### Sustainable Construction

In order to comply with advice in policy 38 of the RSS it is proposed to attach conditions to ensure 10% renewable energy generation for the development and also to require the construction methodology to be compliant with BREEAM 'very good' standards.

It is considered that the above represents a careful analysis of the principle material planning considerations raised by the proposals. It is also important to assess the nature of the objections raised to the scheme (not already covered by the above assessment).

#### Other Issues Raised

Objections have been received to the application on the grounds that parts of the Riverside Park are closed off to members of the public during major events at the ground. Objectors consider that the general public should not be impacted in terms of being denied access to community facilities during major events at the Cricket Ground. However clearly this is a pre-existing arrangement and is not an impact which will arise as a direct result of this application. Any potential resolution to this issue would need to be through discussions with the relevant Asset Management Team of the Authority.

Objections have also been received on the grounds that it is considered that commercial facilities should not be built on land 'belonging to the people of Chester-le-Street'. However this objection is difficult to support as the vast majority of the development proposed will be built on land under the control of the Cricket Club. This land is fenced off and not open to general public access. As a result very little public open space will be lost as a result of the development.

Lumley Castle Hotel have raised concerns about how the proposed hotel may impact on their business. However, as discussed above it is considered that the applicants have passed the relevant PPS 6 based tests to justify the development in planning policy terms. As Members will be aware issues of commercial competition are not material planning consideration. Notwithstanding this strict planning assessment it is of relevance to note the comments of ONE and the County Durham Tourist Partnership. Both of these organisations draw reference to the accepted need for further hotel development in County Durham. This suggests there will be ample market capacity for both ventures to successfully coexist.

Some concerns have also been raised that there has been no meaningful consultation carried out on the proposals and that what has been done may have been presented misleadingly. However this objection is not supported as full public consultation has been affected on the application (to levels far in excess of minimum statutory requirements); Officers are also entirely satisfied that all the submissions made by the applicants in support of the application are accurate.

## **Conclusion**

In summary the application raises a number of detailed issues requiring careful consideration.

As a matter of fact the proposals do not comply with the aims of the development plan presently in force for the area. This is on the grounds of the proposed gateway building (with significant amount of conferencing facilities) and the Hotel comprising strictly none sporting and recreational uses. Policy RL8 of the adopted Local Plan advises that only such sporting and recreational uses will be permitted at the Riverside. In addition PPS 6 and Policy R1 of the Local Plan advise that such forms of development should be directed to town centre locations. As Members are aware the Law requires that development proposals should be considered in accordance with the aims of the development plan in force for the area, unless it is considered that material planning considerations raised by a particular proposal indicate otherwise.

If Members were not to be persuaded by the weighing of the positive material considerations, as detailed above, then following the Law they should proceed to refuse the application. However this is not the view Officers subscribe too. In this instance it is considered that the applicant has established a clear justification to depart from the aims of the development plan in this particular case. This justification is considered to primarily comprise the clear linkages to the commercial elements of the application with the ability of the cricket club to deliver the core cricket elements of the application. There is a clear audit trail in place, as demonstrated through the detailed application to show that in the event of the development proposals not proceeding; including the more commercial elements, that the cricket ground would be most likely to loose category A status. The strong negative impact of this occurrence on the local and regional economy is considered to be material to the application.

Accordingly, and accepting the positive regeneration benefits approval of the development will secure and indeed continue to develop across future years, it is considered that a clear justification exists in this case to recommend approval of the development as a justified departure to the aims of the development plan. Members are therefore recommended to support the application by being minded to grant conditional planning permission subject to the prior entering into of a Section 106 Agreement; and referral to the Secretary of State for Communities, as required by the relevant regulations.

## **RECOMMENDATION**

**MINDED TO GRANT PLANNING PERMISSION SUBJECT TO REFERRAL TO THE SECRETARY OF STATE AS A DEPARTURE TO THE AIMS OF THE DEVELOPMENT PLAN IN FORCE; SUBJECT TO THE PRIOR ENTERING INTO OF A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING:**

- 1 Appointment of a Travel Plan Co-ordinator
- 2 The carrying out of an annual travel survey; with results informing annual reviews of the agreed travel plan
- 3 Implementation of a park and ride facility (minimum 1,000 spaces); details of which to be agreed

- 4 Implementation of a park and stride facility (minimum 500 spaces) details of which to be agreed
- 5 Provision of shuttle bus service, between Durham Railway Station and Riverside before and after major events
- 6 Implementation of pricing mechanism to ensure cost of parking at venue is financially disadvantageous compared to other options
- 7 The club to be obligated to provide commuted sum to pay for signage improvements between the venue and Chester-le-Street Town Centre
- 8 The club to be obligated to undertaking annual publicity in regard to travel options other than the private car to the venue.
- 9 The payment of £50,000 to be used for artwork provision in the District Ward area

**AND THE FOLLOWING CONDITIONS:**

Extra 1.

The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 2.

Application for approval of reserved matters for the hotel element of the scheme shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Extra 3.

Approval of the details of appearance and landscaping of the hotel (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Extra 4.

Notwithstanding the details contained in the application hereby approved details of any external lighting to the proposed development and the details of the internal lighting to the proposed hotel facility shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme and any proposed changes to the agreed scheme shall first be submitted to and agreed in writing with the Local Planning Authority; in order to ensure the development does not harm ecological interests in the locality, and respects the character of the surrounding area and to accord with the aims of PPS 9, and RSS policy 33.

Extra 5.

Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or

low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statement 1

Extra 6.

Prior to the commencement of the development hereby approved a scheme to demonstrate compliance with BREEAM 'very good' standards shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise the use of natural resources within the development and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1.

Extra 7.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plans received 11/3/09 and 19/3/09 in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 8.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) and the hard standing areas have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy 8 of the RSS.

Extra 9.

Notwithstanding any information submitted the hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy 8 of the RSS.

Extra 10.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy 8 of the RSS.

Extra 11.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy 8 of the RSS.

Extra 12.

No development approved by this permission shall be commenced until:

a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;

b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with Planning Policy Statement 23: 2004.

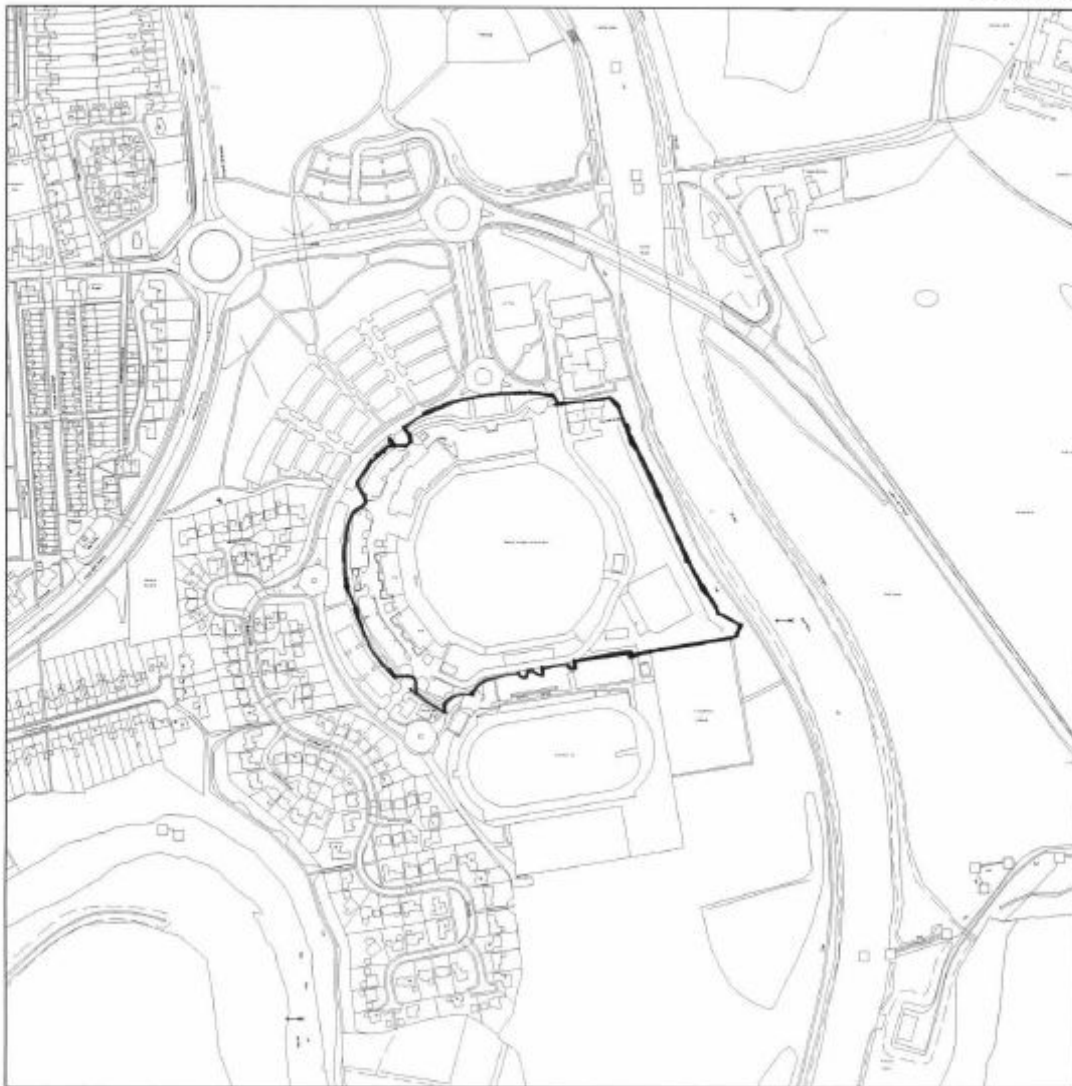
Extra 13.

No development associated with ground clearance works shall be carried out between the months of March and August, unless otherwise first agreed in writing with the Local Planning Authority; in order to protect ecological resources and to accord with the aims of PPS 9 and Policy 33 of the RSS.



**Durham County Cricket Club**

Riverside, Chester-le-Street



Scale : 1:5000

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