



## Area Planning Committee (South and West)

**Date** Thursday 23 June 2022  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 12 May 2022 (Pages 3 - 8)
5. Applications to be determined
  - a) DM/21/00855/FPA - Land To The North Of Peases West Sports Centre, Crook (Pages 9 - 38)  
Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space
  - b) DM/21/00891/OUT - Peases West Sports Centre, Crook (Pages 39 - 66)  
Extension to leisure facility including swimming pool and upgrade of pitch to 3G, associated car parking and landscaping (OUTLINE ALL MATTERS RESERVED)
  - c) DM/22/00717/FPA - Land West of Locomotion the NRM at Shildon, Dale Road Industrial Estate, Shildon (Pages 67 - 88)  
Construction of new collection building for Locomotion with associated access and landscaping
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
15 June 2022

To: **The Members of the Area Planning Committee (South and West)**

Councillor G Richardson (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,  
J Cairns, N Jones, L Maddison, M McKeon, D Oliver, S Quinn,  
I Roberts, M Stead and S Zair

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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 12 May 2022 at 9.30 am**

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, L Brown, D Oliver, S Quinn, M Stead, A Sterling and S Zair

**1 Apologies**

Apologies for absence were received from Councillor J Cairns.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

Councillor Savory declared a non-prejudicial interest in item no. 5a) as a Members of Wolsingham Parish Council.

Councillor Zair declared an interest in item no. 5b) as the site was within his ward boundary and he intended to speak on the item and withdraw from the meeting during the debate and determination.

**4 Minutes**

The minutes of the meeting held on 22 April 2022 were agreed as a correct record and signed by the Chair.

**5 DM/20/00479/FPA - Land West Of 20 Durham Road, Wolsingham**

The Committee considered a report of the Planning Officer which provided details of an application for the construction of 16no. dwellings and associated works at land west of 20 Durham Road, Wolsingham (for copy see file of minutes).

S Pilkington, Principal Planning Officer, provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

The Principal Planning Officer confirmed that in addition to the conditions outlined in the report, he sought permission from the Committee for delegated authority with regards to a number of detailed conditions regarding drainage and landscapes. In the event of approval, the conditions would be finalised between the Planning Authority and Chair and Vice Chair of the Committee.

K McGill had attended on behalf of the Applicant to answer questions.

Councillor Brown had noted in the report that the Applicant had committed to ensuring Policy 29 was adhered to and that calculations had not been undertaken as the properties were bespoke, however she did not see a condition despite the report alluding to this in paragraph 126 of the report.

The Principal Planning Officer advised that a condition would be added to agree CO2 emissions as per County Durham Plan.

Councillor Brown asked whether this condition would override building regulations which were changing in June 2023 and the Principal Planning Officer advised that if permission was granted, the conditions would remain however N Carter, Planning and Development Solicitor advised that the condition imposed was based on the current building regulations requirement but the developer would be required to comply with any changes to building regulations at the build stage.

Councillor Savory advised that as Local Member she was aware of the development which had been talked about locally, for a considerable number of years. This was a close community and if there were any objections to the development there would have been comments in the community. She had not heard any comments and therefore assumed that locals were not against the proposal and therefore moved approval as per the Officer's recommendation.

The proposal was seconded by Councillor Atkinson.

Councillor Brown queried whether the site was within village boundaries and the Principal Planning Officer advised that it was outside of the village boundary, however the County Durham Plan did no longer set boundaries, instead the policy ensured that a site was well related to the existing area and with landscaping and design layout, it was concluded to be acceptable.

Councillor Oliver expressed the need for additional housing in Wolsingham and this site was well connected with a shop and petrol station opposite. He concluded the location to be satisfactory and supported the application.

### **Resolved**

That the application be **APPROVED** subject to conditions outlined in the report, a S106 agreement to secure:-

- 3 Affordable Housing units
- £33,108 education contribution
- £29,249 Open Space, Sport and Play Provision contribution
- £8000 Habitat Mitigation

And the addition of the following condition;

- Prior to the construction of the dwellings above base course level, a scheme to achieve a reduction in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on the 2013 edition of the 2010 Building Regulations shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to achieve the CO2 reductions are required by Policy 29 of the County Durham Plan

### **6 DM/22/00746/FPA - 63 Dene Hall Drive, Bishop Auckland, 63 Dene Hall Drive, Bishop Auckland**

The Committee considered a report of the Planning Officer which provided details of an application for the demolition of existing bungalow and garage and construction of 3 bedroom dormer bungalow at 63 Dene Hall Drive, Bishop Auckland (for copy see file of minutes).

R Young, Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph and photographs of the site.

Councillor Zair spoke as Local Member, having called the application in to Committee due to the number of residents who had made contact with him to voice their concerns. One of the main reasons that residents were opposed to the application was due to the visual impact the bungalow would have once it had been rebuilt. The plans had been amended and front facia of bungalow changed to reflect the Tudor design of the existing buildings however there was still a concern that the two gable ends were bland and out of keeping. He appreciated that the Applicant had adjusted the front elevation to blend in to the street but wondered if

they were willing to amend the gable end design to have a more subtle impact for residents.

Mr M Lee spoke on behalf of the Applicants Mr and Mrs Jackson, who had purchased the property with the intention of creating retirement home. Upon completion they had found that due to the condition of the existing building it required a full renovation. There were issues with damp in the property and the kitchen layout was limited as was the parking. They were able to extend with permitted development rights and renovate the existing building however it would be a poor design and cause a lot of disruption to residents. The rebuild option had been considered as the optimal solution and a replacement building offered a professional solution and work would be completed sooner and with minimal disruption.

Mr Lee referred to the detailing advising that one of the gable ends was shielded by the neighbouring property and that the Applicant could be open to adding the Tudor detailing however he would leave that to Planning Officer.

He added that it was rare that an Applicant wanted to build a zero emission property but this home would generate minus emissions and meet the Councils green agenda.

Councillor Zair left the Council Chamber at this point.

Mr I Wood confirmed that he had been asked to speak on behalf of all residents in the cul-de-sac who all opposed the application.

The report made reference to a 16 signature petition but he disputed that it was actually 27 signatures and that perhaps a page was missing. He disagreed with comments made by the Planning Officer as their concerns did not appear to have been taken into consideration. With regard to the gables, numbers 59 and 61 would look directly on to them and would this would have a significant visual impact.

In addition, the application would increase the value of this modest bungalow, removing the affordability and social housing aspect of bungalows for the elderly, would make the area less inclusive and more exclusive. He did not believe there were any existing dormer windows on any other properties and the new layout of the plot would make the front garden disproportionately small and only accommodate parking.

Mr Wood advised that there was also a covenant in which no building work could be carried out in front of the existing building line, although acknowledged that this was a separate legal issue.

Despite the findings in the report, the residents did not consider their objections had been taken into consideration, nor did the application comply with policies in the CDP or NPPF. The design was totally different to the existing properties and the scale was disproportionate. Mr Wood advised that with his technical background, he considered it would be easy enough to achieve a high standard of renovation. With regards to the installation of a heat pump, there had been no comments

regarding the noise disturbance and in summary, the demolition and replacement of a building that was 32 years old and still in good order, could not be justified.

The Planning Officer assured Mr Wood that all of the comments had been taken into consideration and with regards to visual impact, if residents were inclined to want additional detailing, this could be secured by means of a planning condition to ensure it better related to the street scene, although she acknowledged that the Planning Authority had no issues with the existing proposal. With regards to reducing the affordability of the housing for elderly residents, this was not something that could be considered as part of the planning process.

With regards to the air source heat pump, the Planning Officer advised that the environmental health nuisance action team had not raised any issue and there was legislation to allow action to be taken should residents report any issues.

Councillor Stead had looked on Google maps street view and observed that the house opposite had a large gable at the front and there was no feature on the gable end. He also did not agree that a dormer bungalow would need a feature. He also observed another house in the street with Tudor effect, with a dormer window at the top of the roof. He did not see any issues with the application and in his opinion it would improve the look of the street. He moved the recommendation to approve.

Councillor Quinn agreed that this application was a no brainer, the homeowner was investing a lot of money to make this a better dwelling to enjoy for the rest of their lives. This would only improve house prices for other dwellings and she saw no reason to oppose the proposal. The existing bungalow was overshadowed by the properties around it and if it did have some impact to a small number of properties, it was not significant enough to refuse.

Councillor Brown confirmed that given her strong support on carbon neutrality it would be hypocritical to object to a zero carbon proposal and she therefore supported the application.

Councillor Oliver had also been looking on Google maps street view and the current property did not seem to have the design features of the other properties. The proposal would enhance the existing property and standards, with useful eco features and he was also in support.

Having listened to objectors Councillor Adam noted that the bungalow was a lot larger and whilst serving the needs of people with disabilities, by converting the upstairs into additional bedrooms, it seemed like over expansion of a property in that particular location, especially since there were only two people living there. He did not object on that basis but was interested to know the Planning Officers thoughts on the matter.

The Planning Officer advised that under permitted development rights the footprint of the property was able to be increased and the house had been designed so that the occupants could live entirely on the ground floor. There were only two bedrooms with the first floor designed as a hobby study space. The home had

been designed to be a lifetime home and there were no accessibility issues and it was considered to be in keeping with the character of the area.

**Resolved**

That the application be APPROVED subject to the conditions outlined in the report.



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/21/00855/FPA
Full Application Description:	Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space
Name of Applicant:	Crook Community Leisure
Address:	Land To The North Of Peases West Sports Centre, Crook, DL15 9AH
Electoral Division:	Crook
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located to the north of the athletics ground at Peases West Sports Centre at Crook, in the west of the County. The site itself measures approximately 1.76 ha in area and is triangular in shape, currently grassed over with an undeveloped appearance. The site is identified as Designated Park and Recreation Ground by the Council's 2018 Open Space Needs Assessment (OSNA).
2. The site is framed by the B6298 along its north western boundary with two rows of 4no. terraced dwellings beyond. Mature trees are located in the south west corner of the site. Agricultural/grazing land lies beyond the eastern boundary of the site, while a small copes of mature trees are located in the northern portion of the site. An unadopted road with associated parking serving the athletics ground is located along the sites southern border. The site slopes down from the north towards the south.

## The Proposal

3. The application seeks full planning permission for the erection of 29 no. affordable dwellings, as well as 2 no. Community Workshops and associated parking and landscaping.
4. It is proposed that the dwellings would be arranged in five terraced blocks featuring four different house types. These would comprise 10 no. 2 bed dwellings (including 2 no. apartments), 13 no. 3 bed dwellings (including 2 no. apartments), 4 no. 1 bed bungalows, and 2 no. 2 bed bungalows. The dwellings would be constructed from a limited palette of materials comprising a mix of red and buff brick, larch timber cladding, red zinc standing seam roof cladding, and cream coloured upvc windows and doors. Excluding the apartments, each dwelling would be served by its own private rear garden area and the bungalows would have shared front garden areas.
5. A new vehicle access is proposed off the B6298, with an internal access road looping round the three terraced rows to the south of the site which run north to south. One of the terraced rows to the northern part of the site would run north east to south west with the other running east to west. The two community workshops would each be located to the rear of the apartments comprising units 7 and 8, and 23 and 24, and their purpose is stated to be to offer the potential for social interaction and activity as well as informal space for skills learning and enterprise. Community room 1 is intended for resident led activities, with room 2 to be used as a light DIY workshop managed in tandem with Changing Step North East.
6. The dwellings would have their own off street parking space with passive EV charging points, with the parking for eight plots to be provided in a strip to the east of the site along with 3no. visitor parking spaces. 6no. visitor parking spaces would also be provided to the south west of the site, with a further 2 no. spaces to the south of the central area of open space. Terraced dwellings would benefit from cycle storage, with short stay cycle hoops provides at the central area of open space and the play area. The southbound bus stop to the north of the site is proposed to be relocated to the west of the site. Tarmac with red chippings would be used to demarcate the shared surfaces from the tarmac carriageway and footpaths. The existing footpath to the eastern edge of the site is proposed to be upgraded to form an official Public Right of Way (PRoW) to link into bridleways to the north of the site that run up toward Billy Row, Stanley Crook and beyond.
7. Boundary treatments are proposed to comprise of 1.1m high post and wire fencing to divide gardens and 1.8m high close boarded timber fencing to external plot boundaries. 400mm high brick walls are proposed to divide private driveways with space to store bins in the front or rear garden areas.
8. The majority of the trees on site would be retained, but 3no. trees (2no. rated category B and 1no. category C) would need to be removed from the site to facilitate the proposals, as well as 3 sections from two tree groups to accommodate units 19, 20 and 29. An approximate 180m<sup>2</sup> area of play space

is proposed to the east of the site, to be separated from the car parking spaces by 1.2m high metal railings, with seven allotment plots beyond. An underground attenuation tank would be installed to the east of the site connecting to a swale excavated to the lower southern part of the site.

9. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development exceeding 10 dwellings. .

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## **PLANNING HISTORY**

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10. Pending application to the south of the site: DM/21/00891/OUT – Extension to leisure facility including swimming pool and upgrade of pitch to 3G, associated car parking and landscaping (OUTLINE ALL MATTERS RESERVED)

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## **PLANNING POLICY**

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### **National Policy**

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. NPPF Part 4 Decision-making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

15. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

### **National Planning Practice Guidance:**

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with

regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

### **Local Plan Policy:**

The County Durham Plan (CDP)

22. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
24. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
25. *Policy 11 (Rural Housing and Employment Exception Sites)* states that new housing development contrary to Policy 6 and Policy 10 will be permitted where it is well related to a settlement, there is an identified need for affordable housing, market housing is only provided where it is essential to support the viable delivery of affordable housing, and that the affordable housing will be made available to local people in need.
26. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.

27. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
28. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
29. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
32. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.

33. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
38. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

39. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
40. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
41. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

43. *Lead Local Flood Authority* – Object to the application due to inaccuracies in the submitted information, while advising that SUDS features should be used throughout the site. A redesign of the site and drainage strategy is required
44. *Highways Authority* – Raise concern regarding the parking distribution within the site and require amendments to the site layout to address technical highway requirements.
45. *The Coal Authority* – Confirm that the application site lies within the defined Development High Risk Area, within an area of recorded shallow coal mining and coal seams within the northern part of the site and surrounding area. A condition requiring the completion and validation of the remediation/mitigation works identified within the Phase 2 Site Investigation Report is recommended.
46. *Crook Parish Council* – No response received.

## Non-Statutory Responses:

47. *Spatial Policy* – Consider that the site is physically detached from the settlement of Crook, with intervening fields and a sports ground between the site and the town centre. Advise that the proposals should be considered as a rural exceptions site against CDP Policy 11 and although the proposed tenure mix is different to what would be required under Policy 15 the additional affordable housing is welcomed. A financial contribution of £45,904.10 towards the off-site provision of open space is required with on-site provision of 957sqm also required.
48. *Affordable Housing Team* – Advise that further information on the affordable housing products being offered would be required, specifically detail on the affordability in terms of how the scheme will be affordable and how this affordability will be maintained.
49. *Landscape Section* – Advise that the proposed development would result in the loss of open space and the loss of some trees on site. Whilst there would be some local screening of the site by retained trees the development would extend the urban form of Crook and reduce the separation between the Northern Edge of Crook and Billy Row and that visual impacts will result from the selection of roof materials. It is also advised that the landscape scheme should be rationalised and simplified to produce a scheme more appropriate to local character.
50. *Ecology* – Given the large amount of habitat loss that would occur as a result of the proposals, the scheme is required to be amended to enable further onsite habitat creation. An offsite location should also be put forward by the applicant and agreed prior to determination.
51. *Education* – Financial contributions of £66,216 are required as there are insufficient secondary school places within the locality to accommodate the extra pupils generated by the development, in accordance with CDP Policy 25.
52. *Environmental Health Nuisance* – Offer no objections, advising a conditional approach to agree and secure the implementation of a Construction Management Plan.
53. *Environmental Health Air Quality* – Advises that a Dust Management Plan is required as part of the Construction Management Plan. This could be secured via a suitably worded condition.
54. *Environmental Health Contamination* – Advise that a conditional approach in relation to land contamination to secure further testing and monitoring.
55. *Archaeology* – Advise that a condition should be imposed to ensure that all elements of the Written Scheme of Investigation are complied with.

56. *Tree Officer* – Offers no objections, advising that the conclusions of the Arboricultural Impact Assessment are sound. The loss of 3 no. trees and 3 sections from two tree groups is noted.
57. *PRoW Section* – Welcome the suggestion to improve and register the unregistered path on DCC land to the east of the site, this could be secured by condition or S106 agreement.

### **External Consultees**

58. *NHS* – Financial contributions of £14,070 are required to mitigate the impacts of new residents on local healthcare services in accordance with CDP Policy 25.
59. *Northumbrian Water Ltd* – Offer no objections but request a condition to secure details of a scheme for the disposal of foul water.
60. *Police Architectural Liaison Officer* – recommend that each communal alley way and individual gate leading from the private gardens is secured, that the communal rooms should include some form of access control to ensure legitimate use, and a 1m high hoop top rail fence with gate to the play area outer edge with a single entry/exit point for the play area to limit access.

### **Public Responses:**

61. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
62. Two letters of objection have been received raising concerns over the following issues:-
  - The distance of the site from the main residential part of Crook and the nearest supermarket with limited public transport;
  - The development has not been designed to minimise the use of carbon or maximise solar gain;
  - The level of in-curtilage car parking
  - Highway safety in terms of the proximity of the site access to a bend in the road raises highway safety concerns,
  - The urbanising of a rural setting; that noise from development would affect existing residents and noise from construction work would affect wildlife and residents.
63. Nine letters of support have been received citing a need for affordable and social housing in the area; supporting the aim of the housing towards veterans and the disabled; the proposed terraced dwellings considered to be appropriate for the area; supporting the idea of Crook Community Leisure working with a Housing Provider with monies generated used for the extension of the leisure facilities.

### **Applicants Statement:**

64. Crook Community Leisure (CCL) is a company with charitable status. None of the Trustees are paid or receive expenses, all income is invested in the Charity. Many of the outside facilities are free for the community to use e.g., “get on your bike”, couch to 5k, walking and running around the track.
- The Housing needs Survey identified a need for affordable homes, particularly bungalows in the area. Veterans are particularly vulnerable and the DCC veterans team recognise this. Changing steps and the RBL have been consulted.
  - DCC identified the need for affordable homes in February 2021 <https://democracy.durham.gov.uk/documents/s131891/Council%20housing%20delivery-%20site%20selection%20v5%20GP%20final.pdf>.
  - There are existing houses within 200 metres of the proposed development.
  - It is intended that the homes are all disability friendly/ compliant
  - The proposed development has access to public transport
  - The visitor parking spaces can be redistributed
  - The drainage layout can/will be resolved
  - The sale or lease of the land would be directly invested in the extension of the Sports facilities at Peases West.
  - Working with a Housing Provider increases sustainability of the whole site and uses their expertise.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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65. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Affordable Accessible and Adaptable Housing, Open Space, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Highway Safety, Flooding/Drainage, Ecology, Ground Conditions, and Sustainability.

### Principle of Development

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
67. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that

form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

68. Policy 1 of the CDP sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The site is not allocated for housing by Policy 4 of the CDP and has not been previously assessed under the SHLAA.
69. CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
  - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

- j. where appropriate, it reflects priorities for urban regeneration.
70. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is in a detached position over 200m to the north of the existing built edge of Crook, with intervening fields and a sports ground between the site and the town. Whilst it is in proximity to the Old Fire Station Cottages, these are existing isolated dwellings and do not meet the definition of a built up area as set out in the CDP. As such the site is not considered to be within or well related to the built up area and no support can be drawn from Policy 6.
71. As the application site is located outside of the built-up area of Crook it is considered to be by definition in the countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 6) or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal conflicts with Policy 6 and does not form one of these forms of development permitted by Policy 10. Consideration will be given to the general principles of development within the countryside set out by Policy 10 later in the report.
72. CDP Policy 11 supports new housing development as exception sites, where it is not supported by Policy 6 and 10. The policy still however requires that the development is well related to a settlement, there is an identified need for affordable or specialist housing sufficient to justify the scale and nature of the development and market housing is only included where it is necessary to support viability. This policy is in accordance with NPPF Paragraph 78 which advises that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
73. In assessing the proposals against Policy 11 of the CDP. whilst it is acknowledged there is generally a need for affordable housing in this area, it is unclear from the information submitted exactly how this would be delivered, and it is noted that a Registered Provider has not yet come on board to deliver the scheme. Registered Providers typically deliver their own housing products and so with the type and design of the dwellings proposed being bespoke they may not be desirable to Registered Providers in the form proposed. Further clarity has been sought from the applicant regarding how a Registered Provider will be brought on board to manage the scheme as proposed, however no such clarification has been provided.
74. Whilst generally supportive of a scheme providing 100% affordable housing, the Council's Housing Development Team have requested confirmation regarding how the scheme will be made affordable and retained as such in perpetuity, in relation criterion b) of Policy 11. No further details addressing this have been provided for consideration. Clarification of how it would be ensured

the housing would be delivered as a priority to households with a local connection is also required in relation to criterion d) of Policy 11. It is noted that in supporting documentation reference is made to veterans occupying the dwellings, however the intentions behind this and the delivery have not been clarified.

75. Overall, the development would not be supported by CDP Policies 6 or 10 in principle due to its nature and detached nature from the settlement. It is also considered that the proposal does not satisfy the 'in principle' tests of Policy 11 regarding the developments relationship with the settlement and in relation to how the scheme would be made and retained as affordable and delivered to priority households with a local connection.

#### Locational Sustainability

76. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement. Criterion p) of Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
77. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 also requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
78. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
79. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Crook is rated as having a settlement score of 181.8 (ranked 14th out of an identified 230 settlements including clusters). It is considered as one of the larger settlements within the County based on the services and facilities within the area and is defined as a larger town centre by CDP Policy 9. Therefore, the settlement is capable of accommodating appropriate housing growth.

80. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
81. The site is located around 700m from the edge of the defined town centre, the northern end of Hope Street. North Street and Church Street lie approximately a further 380m away, with the Lidl store an additional 600m away from the northern end of Hope Street. As such, the services within Crook town centre lie within 1300m of the application site. There are existing roadside footpaths from the site along the B6298 which are relatively flat with and lit by street lighting, providing good pedestrian access to the town centre. Bus stops are located on the B6298 opposite the site, offering regular daily services to Bishop Auckland. Bus stops are available within the town centre providing access to Durham City and other local settlements.
82. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regard to the locational sustainability of the site and the location is considered to be sustainable for residential development in accordance with CDP Policies 6 f), 10 p), and 21 and Part 9 of the NPPF.

#### Open Space

83. The site is identified as Designated Amenity Open Space by the Council's 2018 Open Space Needs Assessment (OSNA) under the Park and Recreation Ground typology. CDP Policy 26 only permits the loss of open space or harm to green infrastructure where the benefits of the development clearly outweigh the loss/harm and an assessment has been undertaken to demonstrate the open space is surplus to requirements. Where open spaces are affected, proposals must incorporate suitable mitigation and make appropriate provision or equivalent or greater value in a suitable location. There should also be engagement with the local community.
84. NPPF Paragraph 98 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and

recreational provision is needed, which plans should then seek to accommodate.

85. Paragraph 99 goes on to advise that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
86. In an attempt to demonstrate that the site is surplus to requirements, the applicant has carried out a public consultation exercise. However, this does not appear to have explored the value of the site as public open space, with local residents, instead focusing on whether there is general support for the wider scheme. It is noted comments have been received as part of the community consultation exercise stating that this land is used for children to play on and by dog walkers and is also valued aesthetically as an area of green open space by residents. These comments indicate the site is valued as open space locally.
87. The OSNA shows a deficit of most types of open space (including amenity) in the Mid Durham area in which the site lies. Recent events in relation to the pandemic have served to highlight the value of outdoor open space, especially where it is functional and conveniently located. No assessment has been undertaken showing the open space to be surplus to requirements.
88. The applicant contends in their Planning Statement that as the existing site is not currently utilised for recreation in association with the Leisure Centre, with it sometimes being used for overflow car parking, the site is surplus to the requirements of Crook Community Leisure. However, that Crook Community Leisure view the site as surplus to requirements does not mean that the land is not valued locally, as the results of the applicant's public consultation exercise suggest is the case.
89. It is noted that new sports facilities are proposed under application DM/21/00891/OUT, however as they are not linked to this application for affordable housing and due to concerns regarding the lack of identified need for the facilities proposed and whether they would be viable, they are not considered to amount to equivalent or greater provision to mitigate for the loss of public open space to accommodate the housing development.
90. Furthermore, the onsite mitigation proposes 5 no. small areas of different types of open space (allotments, a natural play space, a shared garden, a community orchard, and a hard-standing public space), which contributes to creating a

more urban feel to the development and reduces the useability of these spaces. Notwithstanding the above loss of open space issues and in line with the OSNA, 957sqm of amenity/natural green space is required to be provided on site. It is acknowledged that the application proposes in excess of this but is considered that this would be better provided as a single area of open space rather than multiple smaller areas of different uses. Additionally, contributions of £45,904 would need to be secured as part of a Section 106 agreement to mitigate the impacts of residents using local public open space and details of how the onsite public open space would be managed and maintained in the long term will be required. These details could be secured via a suitably worded condition.

91. In summary, the application proposes the development of land identified as amenity open space and which has been found to be locally valued through the applicant's consultation exercise. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value is proposed to be made. The new sports facilities proposed under application DM/21/00891/OUT would not be linked to this application for affordable housing and there are concerns regarding the need and viability of the facilities. Therefore, the proposals are contrary to CDP Policy 26 and NPPF Paragraph 99. The loss of open space should be considered against the benefits of the proposal, including the provision of 29 affordable housing units, in the planning balance.

#### Design / Layout

92. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. CDP Policy 10 at part l) also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside.
93. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
94. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
95. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-

house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

96. At the consideration of the application by the internal Design Review Panel, the scheme received 5 “reds”, 4 “ambers” and 3 “green” scores.
97. “Red” scores related to the urban character of the development and the proposed roof material and colour palette not being locally inspired and contrasting significantly with the dominant muted grey of the wider context; the loss of open space; that the southern block would face onto a row of parking spaces, with the northern blocks orientated with their back to the woodland and there being numerous blank gables; two rows of parking spaces having a dominant appearance in the streetscene with a lack of in-curtilage parking for individual units and visitor parking spaces not being evenly distributed; and the provision of multiple smaller areas of public open space rather than one larger more usable area, with no details regarding the maintenance of the spaces and the SUDs proposed being too small and not distributed throughout the site.
98. “Amber” scores related to the site being detached from the settlement of Crook; the proposed relocated bus stop being directly opposite the stop on the other side of the road; and a lack of detail regarding the affordable housing provision.
99. “Green” scores were received in relation to the development being easy to navigate; the change in surface materials and short highway lengths ensuring reduced vehicle speeds; and the units benefitting from sufficiently sized rear gardens.
100. In line with Policy 29 of the CDP, as 5 “reds” are awarded to the scheme it is considered there are significant areas where the design and layout that could be improved and that the development is not to a good standard of design. This policy advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. In this regard, the benefits of the proposal should be weighed against the conflict with CDP Policy 29, and Part 12 of the NPPF.

#### Landscaping and Visual Impact

101. CDP Policy 10 o) seeks to avoid new development in the countryside that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for. Criterion m) of

Policy 10 also seeks to avoid development that would result in the merging or coalescence of neighbouring settlements.

102. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
103. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
104. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
105. The application is supported by an Arboricultural Impact Assessment which identifies that the majority of the trees on the site can be retained, with 3no. trees needing to be removed from the site to facilitate the proposals, along with the removal of 3 sections from two tree groups to accommodate units 19, 20 and 29. Tree and Landscaping Officers have indicated their satisfaction with these details.
106. Whilst there would be some local screening of the site by retained trees the development would still cause visual impacts. The proposed development would extend the urban form of the settlement of Crook to the north, reducing separation between Crook and Billy Row, and its form is linear, rather than infill or rounding off, when considered in the context of the overall form of Crook. The red zinc standing seam roof cladding is also considered out of character with the surrounding area.
107. Overall, it is considered that the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and be contrary to the form of the settlement of Crook, contrary to Policy 10 o) and m). The landscape and visual harm should be considered against the benefits of the proposal, including the provision of 29 affordable housing units, in the planning balance.

#### Residential Amenity

108. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
109. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not

be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

110. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
111. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). In this regard, house type D has a Gross Internal Area of 60m<sup>2</sup>, which is 1m<sup>2</sup> below the minimum required floor area of 61m<sup>2</sup> for a bungalow with one single and one double bedroom. In addition, house type C only has 1m<sup>2</sup> built in storage, compared to a minimum of requirement of 1.5m<sup>2</sup>, and house type D has built in storage space measuring 1.5m<sup>2</sup> compared to a minimum of requirement of 2m. It has not been demonstrated that complying with NDSS would render the scheme unviable. House types A and B would comply with NDSS. Non-compliance with NDSS should be weighed against the benefits of the proposal in the overall planning balance.
112. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The apartments would not benefit from their own private amenity space and units 17 and 18 would have 7m long rear gardens, with units 16 and 25-28 having rear gardens 8m in length. However, on the whole the dwellings are considered to provide sufficient private external amenity space.
113. The SPD also advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. On the whole these separation distances would be achieved by the proposals. The largest disparity is between the front elevation of the bungalow on Plot 15 and that of the bungalow on Plot 16 opposite with the respective bedroom and kitchen windows being located 17m apart, falling below the advocated 18m separation distance but not to the extent that the future occupants would not benefit from suitable living conditions. The side elevation of the existing terraced dwellings to the west of the site are blank and over the typically required distance of 13m away.
114. Units 13, 14, 17 and 18 have been designed to have a courtyard to the side of the kitchen with a window looking into this area rather than onto the bungalow opposite which would only be 13m or 15m away respectively. However, this results in the kitchen window looking onto the adjacent single storey brick wall 2.6m away, failing to provide a good level of outlook for the future occupants when spending time in this room. A kitchen is considered to be a habitable room in which inhabitants would spend considerable time. However, as the rest of the habitable rooms within these units would benefit from sufficient outlook, on the whole the future occupants of these plots would be considered to benefit from suitable living conditions.
115. Individual gardens are proposed to be divided by 1.1m high post and wire fencing which is not considered to provide sufficient privacy for the future

occupants. However, it is not considered that this would amount to a reason for refusal in its own right, although should be weighed against the proposals in the planning balance.

116. Environmental Health Officers have commented that the development will generate noise and dust during the construction phase, but that no detail has been provided in relation to protecting noise sensitive receptors at Rescue Station Cottages which are within 15m of the site. However, they have recommended a condition to require further details in the form of a construction management plan to address this concern, as well as a condition to restrict construction working hours. With these conditions, the proposal is not considered to adversely affect the amenity of neighbouring residents.
117. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29e) and 31 and Part 12 and 15 of the NPPF. The minor non-compliance with NDDS standards is required to be weighed in the planning balance.

#### Highway Safety/Access

118. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
119. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
120. Highways Officers have commented that the proposed B6298 site access junction is shown with a 6m radii but that a 10m radii is the standard required for highway adoption at the site access for this scale of proposed residential development served by a classified 40mph road. Therefore, the access road at the B6298 junction is required to be widened to 5.5m width to compensate for substandard radii. It is considered that this could be secured via a suitably worded pre-commencement condition. Other minor amendments are required to the layout to meet highway standards and it is considered that these could be secured via suitably worded conditions.
121. A concern was raised by a neighbouring resident that the 3 bed dwellings should be served by 2 car parking spaces, however the Council's Parking and Accessibility Standards 2019 requires a 3 bed dwelling to be served by a minimum of one in-curtilage car parking space and this requirement is met by the proposals.

122. Overall, subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policy 10 and 21 and Part 9 of the NPPF.

## Drainage

123. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
124. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
125. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment and a Drainage Strategy. Due to concerns regarding the ground conditions being unsuitable for infiltration, the approach proposed to address surface water drainage involves the construction of a swale to the south of the site where there is an existing drainage ditch which discharges to an existing private sewer and provides a connection to Crook Beck. An underground attenuation tank is proposed to be sited to the west of the site connecting to the swale. The principle of this is in accordance with the hierarchy set out in Policy 35.
126. Part c) of Policy 35 states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall. The Council's Drainage Team have objected to the application on the grounds that the design in the strategy doesn't match the drawings and that there are assumptions as to the route and condition of the downstream drainage. The application seeks full planning permission and it is considered that the applicant has not robustly demonstrated, with the use of survey data, that the downstream drainage is in a condition and has capacity to accept the anticipated flows. Given this, the application is considered to fall short of the requirements of CDP Policy 35 c) and Part 14 of the NPPF.

127. In addition, criterion d) of CDP Policy 35 states that for major developments the management of water must be an intrinsic part of the overall development. The Council's Drainage Team have commented that the proposed layout does not include a SUDs management train throughout the site. A swale is proposed to the south of the site, however other SUDs features such as filtration strips, rain gardens etc are not included to provide an integrated approach to drainage through treating water as close as to where it falls and transmit it through the site mimicking the natural process of the water cycle, combining this with landscaping and biodiversity features, as required by CDP Policy 35. This should be weighed against the proposals in the planning balance.
128. Northumbrian Water have commented that the application does not provide sufficient detail with regards to the management of foul water from the development for them to be able to assess their capacity to treat the flows from the development. However, they offer no objections subject to a condition to agree the finer drainage details, including foul water connection into the public sewer. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
129. In summary, the application does not sufficiently and robustly demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by CDP Policy 35 c) and Part 14 of the NPPF.

## Ecology

130. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks.
131. The submitted Ecological Impact Assessment identifies that the trees to be felled as part of the proposals are of low suitability to support roosting bats, with the development considered to have a very low risk of harm and/or disturbance to bats.
132. The submitted Biodiversity Net Gain Assessment identifies that the proposals would result in a net loss of biodiversity in the habitats category of 37.63%, a loss of 5.2 units, and a slight gain in the hedgerow category as there are no existing hedgerows on the site. The net loss is mainly due to the loss of grassland and replacement with urban habitats of low or very low distinctiveness such as gardens, areas of amenity grassland, introduced shrub, a swale and play area. Allotments are the only newly created feature of medium distinctiveness. The report concludes that the grassland loss cannot be sufficiently offset through enhancement of the retained areas of semi-improved neutral grassland to the east of the site and the proposed inclusion of areas of amenity grassland within the development area. The report recommends that funding is secured to allow off-site habitat creation works within the local

authority area, likely targeted at the creation of diverse neutral grassland and broadleaved woodland/mixed scrub. The County Ecologist has considered that given the large amount of habitat loss the applicant would be required to address this through either the redesign of the scheme to enable further onsite habitat creation, and/or an offsite location put forward by the applicant and agreed prior to determination. No offsite location has been put forward by the applicant.

133. The proposed development would result in a large amount of habitat loss resulting in a net loss in biodiversity, contrary to CDP Policy 41, NPPF Paragraph 180 d) and the aims of the Environment Act 2021.

#### Ground Conditions

134. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
135. The Coal Authority confirm that the application site falls within the defined Development High Risk Area. Their records indicate that the site is within an area of recorded shallow coal mining and that there are coal seams of workable thickness outcrops within the northern part of the site and surrounding area that may also have been worked at shallow depths beneath the site. The Coal Authority concur with the findings of the submitted reports and recommend a condition in relation to the implementation of the identified remediation works and mitigation measures prior to the commencement of development, and receipt of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development prior to its first occupation. These conditions would be necessary to address land instability arising from coal mining legacy to ensure that the site is made safe and stable for the development proposed.
136. The Contaminated Land Officer has indicated their satisfaction with the information provided in the 2020 phase 1 report but commented that the 2020 phase 2 report is limited. Insufficient soil sampling has been undertaken to demonstrate the soils are suitable for use and therefore further testing is required of the subsoil and topsoil either in situ or once stockpiled. Ground gas monitoring is also limited, and further monitoring is recommended. This could be secured via a suitably worded condition.
137. With this condition, the proposal is considered to comply with CDP Policy 32 and NPPF Paragraph 183.

#### Affordable, Accessible and Adaptable Homes

138. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other

affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a medium value area, this development would require 3 affordable homes for ownership and one for rent. It would be necessary to secure the requisite policy amount of 4 affordable houses via a Section 106 agreement to ensure that the dwellings remain affordable for future eligible households in perpetuity, to safeguard against any changes to the nature of the scheme or if it is sold in future.

139. The application proposes 29 dwellings for social, affordable or intermediate rent. Policy 15 states that where it can be evidenced to the Council's satisfaction that an alternative tenure mix is required to meet local needs these will be considered. In this regard the application is supported by a Housing Needs Survey. The survey justifies the proposed mix of housing and is considered to be sound. That the scheme will potentially deliver a greater percentage of affordable housing than the 15% required by Policy 15 is a benefit which should be weighed in favour of the application.
140. The applicant has put forward the argument that there is a need for affordable housing in the area which should be weighed in favour of the proposals. The County Durham Strategic Housing Market Assessment (SHMA) 2019 identifies a need for 836 affordable homes across the County per year during the plan period (2016 to 2035). Figure 41 of the SHMA states that the affordable housing need for 2016-35 for Mid Durham (in which the site lies) is 2,412, amounting to 127 per year. The housing sites identified within the SHMA as to be completed within the next 5 years within the Mid Durham area would provide fewer affordable houses per year than the 127 target. The affordable housing proposed weighs in favour of the application and should be considered in the overall planning balance.
141. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
142. The Design and Access Statement makes reference to level access being provided to all dwellings between car parking spaces and front doors and states that 27 of the dwellings would meet building regulations standard M4(2). Whilst the applicant has not completed the Council's Accessible and Adaptable Homes Statement proforma to confirm that the design of the house types proposed are capable of being built to building regulations standard M4(2), it is considered that the house types could be built to this standard without their design being fundamentally altered. Therefore, it would be appropriate to impose a suitably worded condition to secure precise details of how this standard would be met.
143. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, a minimum of 3 dwellings would need to be of a type suitable for older people. As 6 no .bungalows and 2 no. ground floor flats are proposed this requirement

would be exceeded, although it is noted that the site is located half a mile from the town centre, which may be excessive for older people to walk, and that the bungalows are located in the furthest corner of the site away from existing and proposed bus stops on the B6298. As such it would be desirable to locate the bungalows closer to the bus stops to improve accessibility.

144. In summary, the application proposes 100% affordable housing for rent, over 10% of units would be suitable for older people, and a condition could be imposed to secure details of compliance with building regulation standard M4(2).

#### Sustainability

145. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
146. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
147. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
148. The submitted Planning Statement states that, 'sustainable construction will be adhered to, and the homes would be built to the most recent building regulations which have high requirements in terms of intrinsic sustainability.' However, no Energy Assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, it is considered that a condition could be imposed to secure further details in relation to the above criteria prior to the commencement of works.
149. Subject to a condition, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

#### Other Matters

150. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. NPPF Paragraph 95 confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

151. The School Places Manager has advised that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. Therefore, there are insufficient secondary school places within the locality to accommodate the extra pupils generated by the development and so a financial contribution of £66,216 is required.
152. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
153. The NHS Tees Valley Clinical Commissioning Group (TV CCG) has advised that a financial contribution of £14,070 is required to mitigate the impacts of new residents on local healthcare services

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## **CONCLUSION**

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154. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
155. In this instance, it is concluded that the proposed housing development would conflict with CDP Policy 6 as it is outside the built-up area for Crook and it is not well related to the settlement. Similarly, the proposal is not one of the acceptable forms of development listed in Policy 10 and so is also in conflict with this policy.
156. CDP Policy 11 supports new housing development as 'exceptions sites' which are not supported by Policy 6 and 10 subject to listed criteria. The scheme proposes 29 dwellings to be available for social, affordable or intermediate rent. The applicant has provided a Housing Needs Survey that supports a need for this type of affordable housing in the area and it is acknowledged that based on the SHMA there is expected to be a shortfall in the amount of affordable housing provided over the next 5 years in the Mid Durham area of the County.
157. However, insufficient information has been submitted to demonstrate that the site would be made and retained as affordable and delivered to priority households with a local connection to enable full weight to be given to the benefits of the affordable housing proposed. Concerns are also raised

regarding the site visual and physical connection to the settlement. The proposals fall short of the requirements of criteria a), b), and d) of Policy 11.

158. Furthermore, the application proposes the development of land identified as amenity open space and which has been found to be locally valued through the applicant consultation exercise. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value is proposed to be made. The new sports facilities proposed under application DM/21/00891/OUT would not be linked to this application. It is considered that the application would conflict with Policy 26 of the CDP in this respect.
159. In addition, it is considered that the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and diverge from the form of the settlement of Crook, contrary to CDP Policy 10 o) and m).
160. It is also concluded that the development does not achieve high quality design, achieving 5 “reds” and 4 “ambers” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards.
161. The application does not sufficiently and robustly demonstrate that surface water would be suitably management and the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by CDP Policy 35 c) and Part 14 of the NPPF.
162. The proposed development would result in a large amount of habitat loss resulting in a net loss in biodiversity, contrary to CDP Policy 41, NPPF Paragraph 180 d) and the aims of the Environment Act 2021.
163. The proposals are considered acceptable in terms of Residential Amenity, Highway Safety, Ground Conditions, and Locational Sustainability in accordance with Policies 21, 25, 32, 36 and Paragraphs 93, 105, 110, 112, 130 f) and 183 of the NPPF in this respect.
164. Overall, whilst recognising the potential benefits of increasing affordable home supply in the County and the boost to the local economy during the construction phase it is concluded that these benefits would not outweigh the identified conflict with the CDP. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** subject for the following reasons:

1. The development would result in the loss of designated public open space. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value has been made. The development would therefore conflict with Policy 26 of the County Durham Plan and Part 8 of the NPPF.

Furthermore, the site is detached from the settlement of Crook and the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and diverge from the form of the settlement of Crook. The development is therefore considered to conflict with Policies 6, 10, 11, 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework. The provision of 29 affordable housing units is not considered to outweigh this harm and policy conflict.

2. The development is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document and would also contribute to the coalescence between Crook and the neighbouring settlement of Billy Row due to the sites detached nature. The development would therefore conflict with Policies 6, 10, 11 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework. The provision of 29 affordable housing units is not considered to outweigh this harm and policy conflict.
3. The application does not sufficiently and robustly demonstrate that the surface water would be managed and attenuated on site without increasing or exacerbating flood risk elsewhere as required by Policy 35 c) of the County Durham Plan and Part 14 of the National Planning Policy Framework.
4. The proposals would result in a net loss of biodiversity contrary to Policy 41 of the County Durham Plan and Paragraph 180 d) of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

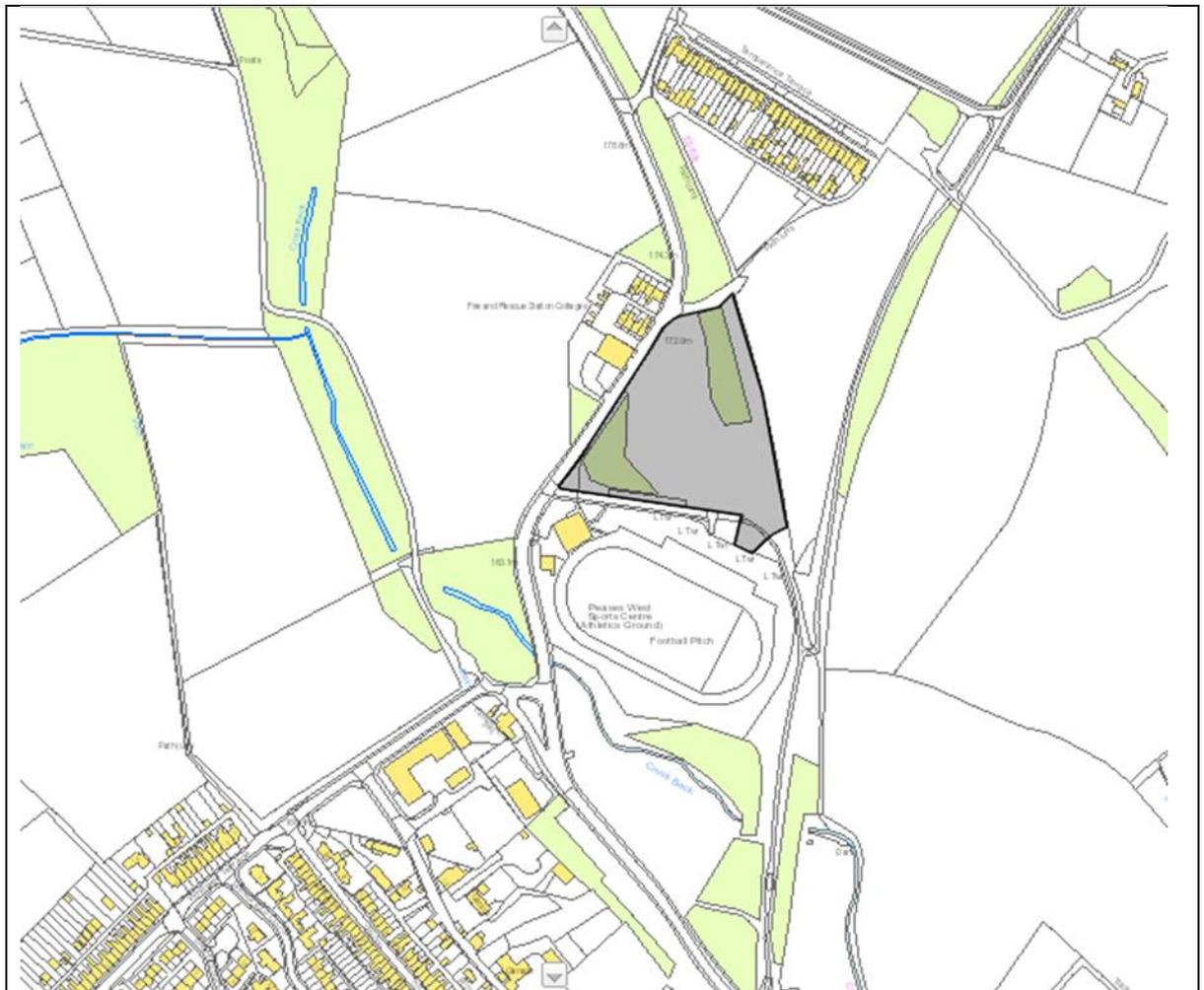
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
County Durham Strategic Housing Market Assessment 2019  
Durham County Council Open Space Needs Assessment 2018  
County Durham Plan Building for Life Supplementary Planning Document 2019  
Residential Amenity Standards Supplementary Planning Document 2020  
Statutory consultation responses  
Internal consultation responses

External consultation responses



<p><b>Planning Services</b></p>	<p>Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 13<sup>th</sup> June</p>	



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/21/00891/OUT
Full Application Description:	Extension to leisure facility including swimming pool and upgrade of pitch to 3G, associated car parking and landscaping (OUTLINE ALL MATTERS RESERVED)
Name of Applicant:	Dorothy Winter
Address:	Peases West Sports Centre, Crook, DL15 9AH
Electoral Division:	Crook
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to the Peases West Sports Centre at Crook, in the west of the County. The site itself measures approximately 1.75 ha in area and includes the existing athletics track, sports pitch, and leisure centre, with an undeveloped grassed area to the north and east, and an unadopted road leading from the B6298 with associated car parking to the north.
2. The site is designated as amenity open space by the Council's Open Space Needs Assessment 2018 under the private outdoor sport typology. Undeveloped grassed land lies beyond the site to the north, west and south with agricultural fields to the east. To the south west lies industrial units on Tennyson Terrace and the settlement of Crook lies approximately 700m to the south. To the north lies the land subject to application DM/21/00855/FPA for the erection of 29 affordable dwellings.

#### The Proposal

3. The application seeks outline planning permission with all matters reserved for the erection of a leisure facility building extending from the existing Crook Community Leisure building. The facility would comprise a swimming pool with changing rooms, a multi-purpose hall, and a café. The hall is proposed to operate as a function room for training and education purposes as well as being able to be hired as a wedding venue. The existing sports pitch to the centre of the athletics track is proposed to be upgraded to a 3G pitch with floodlighting, to be used for hockey, rugby and football. The existing parking area would be extended to the east and the south beyond the existing mesh fencing, resulting in an increase from around 25 to 103 spaces.
4. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes major development.

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## **PLANNING HISTORY**

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5. Several applications relating to this site have been previously approved to facilitate minor extensions and alterations to the buildings on site.

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## **PLANNING POLICY**

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### **National Policy**

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

9. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
11. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
14. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **National Planning Practice Guidance:**

15. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools;

determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **Local Plan Policy:**

### The County Durham Plan (CDP)

16. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
17. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
18. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
19. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

20. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
21. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. All new development to achieve BREEAM minimum rating of 'very good'.
22. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
23. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
24. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
25. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

26. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
27. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
28. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
29. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
30. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

32. *Sport England* – Objects to the application advising that the artificial grass pitch is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. It is recommended that that should the local planning authority be minded to grant planning permission for the proposal contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.
33. *The Coal Authority* – Confirm that parts of the application site fall within the defined Development High Risk Area, lying within areas of recorded shallow coal mining. Request a condition requiring a scheme of intrusive site investigations prior to the commencement of development and confirmation that the remediation works have taken place prior to the occupation of the development.
34. *Lead Local Flood Authority* – Advises that the proposal complies with National Standards and Council's policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. Recommends conditions to secure adherence to the submitted Drainage Strategy and to secure hydraulic design calculations and construction of SuDS features
35. *Highways Authority* – Comments that the submitted Transport Statement demonstrates a material increase (circa 500%) in peak period vehicular traffic arising from the proposal. Advises that part of the adopted highway to the south of the site access junction is already enclosed by fencing and subject to trees which combine to prejudice sight visibility. In order to address this the fencing should be moved further back to the rear of the public highway extent. Parking provision is proposed to increase from circa 25 spaces to 103 and cycle and EV parking provision can be secured via suitably worded conditions.
36. *Crook Parish Council* – No response received.

#### **Non-Statutory Responses:**

37. *Spatial Policy* – In respect of the proposed 3G Artificial Grass Pitch, consider that as there are full size floodlit 3G AGP facilities at Willington Parkside (2.5 miles away), Bishop Auckland St Johns RCVA (5.5 miles away), King James Academy (5 miles away) and Meadowfield Leisure Centre (5.6 miles away) this area is not an identified priority for AGP investment within either the Playing Pitch Strategy (approved by Cabinet on the 17<sup>th</sup> November 2021) or Local Football Facilities Plan. Consider that the proposed AGP does not accord with any of the exceptions to Sport England's Playing Fields Policy or with NPPF Paragraph 97. Advise that given that this proposal would not attract support or funding from the Football Foundation or Durham County FA it is unclear how the costs for installation and upkeep of the AGP would be met. Endorse Sport England's objection to the Artificial Grass Pitch.

38. *Culture, Sport and Tourism Team* – Advise that as the site is a single pitch site and not attached to a school it is unlikely to attract funding from the Football Foundation who are the major match funder of AGP's. Endorse the conclusions reached by Sport England.
39. *Ecology* – Notes that the existing bat boxes which formed the mitigation for the previous bat license would be impacted on by the proposals and that further assessment of the use of the boxes by bats has therefore been recommended by the ecological consultant. Advises that this will be required prior to determination of the application.
40. *Landscaping* – Notes that the proposals would result in a loss of trees and an increase in built form and associated infrastructure, with potential visual impacts on the night-time scene through associated site lighting. Considers that these visual impacts would not be harmful and that a landscape scheme should be provided as part of a reserved matters application to adequately compensate for tree loss and screen areas of car parking.
41. *Tree Officer* – Concurs with the conclusions of the Arboricultural Impact Assessment which identifies the need to remove 15 no. trees and one tree group to facilitate the proposals, with the remaining 13 no. trees and two tree groups capable of being retained.
42. *Design and Conservation* – Considers the indicative site layout and indicative massing model for the new built elements to be acceptable, with all design matters to be appropriately resolved at reserved matters stage.
43. *Environmental Health Nuisance* – Recommends conditions to secure details of a noise management scheme in relation to noise generated by users of the sports pitch; details of external lighting; and a schematic plan showing the position of fixed plant and machinery associated with the swimming pool and sports centre.
44. *Environmental Health Air Quality* – Considers that the proposals would not result in a significant effect and so a detailed assessment of air quality impacts is not required. Further details of energy plant to be required at the reserved matters stage to ensure the proposal does not adversely affect the proposed adjacent dwellings and existing dwellings in the vicinity. Dust Management Plan to be required as part of a Construction Management Plan.
45. *Environmental Health Contamination* – Advise that as the report is a number of years old confirmation that there have not been significant changes on the site is required along with a conceptual site model specific to the proposed development. Recommends a condition to secure a Phase 2 Report.
46. *PRoW Section* – Comments that there are no recorded public rights of way close to this site, however an unregistered route exists alongside this site on DCC land that should be retained and remain unaffected by development. Enhancements to this route with provisions of access to the leisure facilities could provide sustainable access from Crook Town centre.

47. *Sustainable Travel* – Recommend a condition to secure details of a Travel Plan.
48. *Archaeology* – Raise no objections.

**External Responses:**

49. *Northumbrian Water Ltd* – Seek clarification as to how the applicant intends to connect the swimming pool to the public sewer and what the proposed rate of backwash will be for its maintenance. Request a condition to secure details of a scheme for the disposal of foul water.

**Public Responses:**

50. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
51. 19 letters of support have been received: supporting the provision of a new swimming pool and its associated health, fitness and safety benefits; noting the lack of availability of 3G pitches with grass pitches having limited use, with the grass pitch at Peases West receiving an FA report outlining that it was not suitable for children to play on and requiring significant investment to upgrade and run; there is enough footfall in Crook to ensure the proposed facilities are successful.
52. One letter of objection received raising concerns over the replacement of grassland with plastic which is not suitable for the intended use; questions whether there is a demand for lane swimming; the distance of the site from the main residential part of Crook with limited public transport; the development has not been designed to BREEAM standards; and over the common nature of the letters of support.

**Applicants Statement:**

53. Crook Community Leisure (CCL) is a company with charitable status. None of the Trustees are paid or receive expenses, all income is invested in the Charity. Many of the outside facilities are free for the community to use e.g., “get on your bike”, couch to 5k, walking and running around the track.
  - In 2013 CCL overwhelmingly won a public vote of £500,000 to bring Leisure Facilities back to Crook. The purpose-built facilities opened in July 2017.
  - When CCL was successful in the bid for £500,000 to build the leisure facilities it talked about a 3-stage approach with additional function rooms and a swimming pool being the final stage. The public vote demonstrated local commitment for the proposals within the 3 Towns Area being Crook, Willington and Tow Law and surrounding villages.
  - Within Crook and Stanley Crook 2 grass football pitches owned by DCC have been abandoned, Greenhead and Wooley Terrace Stanley Crook. The teams who formerly used these pitches have had to find other facilities.

- The FA pitch report that was commissioned in 2018 identified there were serious problems with the pitch that needed extensive maintenance. In the conclusions and recommendations, it was stated "...in need of extensive work to bring it up to a suitable standard for junior football". It is recommended that only 2 adults football teams use the pitch.
- The 3G facilities at Parkside are always fully booked and there is a need for the additional facilities.
- The bat boxes will be installed.
- Additional parking will be available.
- The additional facilities are badly needed and will provide support to the community especially given the levels of anti-social behaviour in the area.
- Initially no mention of Crook was made in the Leisure Transformation Report and no indication of DCC working with Parrish or, Town Councils or Charity and Community Groups. In November 2020 DCC commenced consultation on the DCC Leisure Transformation proposals.
- In November 2020, the Portfolio Holder for Economic Regeneration provided a letter of support for the extension of the leisure facilities at Peases West at CCL.
- Following the consultation and as a direct result of feedback from residents in Crook, in March 2021 the Council's investment in leisure facilities report was revised and identified as follows.... *"The Council's investment in leisure facilities is a vital part of the health and wellbeing offer across the county, it is important however to note that the Council's leisure facilities are a component of a wider infrastructure that includes cycling, walking, playing pitches and wider sports and community facilities. It is also important to note that not all of the leisure offer comes from the Council. For example, in Crook; Crook Community Leisure Centre has successfully provided a high standard of community facility, comprising a fitness and outdoor sporting offer. The Council continues to work to enable communities like Crook to develop leisure, sport and wellbeing activities and facilities to meet local aspirations. The Council will develop an integrated leisure strategy in 2021 to be delivered thereafter. The approach will draw together the varied offer for leisure, including active travel cycling and walking, parks and playing pitches."*
- CCL was specifically referred to in <https://www.durham.gov.uk/media/34868/Town-Investment-Plan/pdf/TownsAndVillagesProgrammesInvestmentPlan.pdf?m=637505622947500000>
- The current gym membership is reaching capacity. The Friends Together Group needs a larger room as it has had to restrict numbers on a Thursday & operate on a Monday as well.
- CCL has secured financial support "in principle" from
- North Star Ventures and Unity Bank to move forward with the proposals. CCL are applying for grant funding from several organisations who have indicated interest upon outline planning permission being granted. Money from the affordable housing development will be invested in the additional facilities

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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54. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Impact upon Open Space / Playing Field, Locational Sustainability, Highway Safety, Visual Impact, Residential Amenity, Flooding/Drainage, Ecology, Ground Conditions, and Sustainability.

#### Principle of Development

55. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
56. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
57. CDP Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
58. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the Crook Community Leisure site is in a detached position around 100m to the north of the existing built edge of Crook, on the opposite side of the B6298. As such it is not considered to be within or well related to the built up area and is located in the countryside in planning terms.
59. As the application site is located outside of the built-up area of Crook it is considered to be by definition in the countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 6) or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. Part f) relates to the provision of new, or the enhancement of, existing community facilities and it is considered that the proposal can draw support in principle from this part of Policy 10. Consideration will be given to the general principles of development within the countryside set out by Policy 10 later in the report.

#### Impact upon Open Space / Playing Field

60. The site is identified as amenity open space by the Council's Open Space Needs Assessment 2018, under the private outdoor sport typology, and comprises an athletics track and grassed football pitch. The proposal consists of the erection of an angled extension to the existing sports facility building on the northern side of the running track and the installation of a 3G artificial grass pitch to the existing grass football pitch.
61. CDP Policy 26 only permits the loss of open space or harm to green infrastructure where the benefits of the development clearly outweigh the loss/harm and an assessment has been undertaken to demonstrate the open

space is surplus to requirements. Where open spaces are affected, proposals must incorporate suitable mitigation and make appropriate provision or equivalent or greater value in a suitable location. There should also be engagement with the local community.

62. NPPF Paragraph 98 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
63. Paragraph 99 goes on to advise that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
64. Sport England have objected to the application on the grounds that the 3G artificial grass pitch (AGP) would lead to the loss of, or prejudice the use of, all/part of a playing field, with none of the five exceptions stated in its Playing Fields Policy applying. A playing field is defined as being the whole of a site which includes a playing pitch of 0.2ha or more. Peases West contains a Redgra all-weather athletics track with a football pitch within it, and therefore in policy terms the whole of the site falls within the playing field definition. The proposal is in outline with all matters reserved but seeks permission for the development of a swimming pool and an AGP. Indicative plans show that the AGP would be developed on the site of the grass pitch.
65. Sport England have commented that there is a presumption against development upon playing fields unless it is of a form covered by one (or more) of five exceptions set out in their playing field policy. Exception 5 covers built sports facilities (such as swimming pools and AGPs) and is the appropriate exception against which the proposal should be considered. For proposals to meet exception 5 the proposed development must be for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field. Such proposals require a

careful assessment of the benefits they may secure against any detriment they may cause. In terms of the assessing the proposal's benefit to sport, Sport England considers matters such as whether the facility:

- Meets an identified local or strategic need, e.g. as set out in a local authority and/or a sports national governing body strategy (rather than duplicating existing provision);
- Secures sport-related benefits for the local community;
- Helps to meet identified sports development priorities;
- Complies with relevant Sport England and national governing bodies of sports design guidance;
- Improves the delivery of sport and physical education on school sites; and
- Is accessible by alternative transport modes to the car.

66. Alongside the benefit to sport, proposals will need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- The proposed facility does not clearly meet an identified local or strategic need;
- It would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies)
- Other users would be displaced without equivalent replacement provision;
- It would materially reduce the capability and flexibility of the playing field to provide for a range of sports and playing pitches; or
- The area of playing field is significant in meeting local or strategic sporting needs.

67. The AGP is to be located within the centre of the running track, in place of the grass pitch that is currently located there. The County Durham Playing Pitch Strategy (PPS) was completed in 2019 and has been formally adopted by the Council. The PPS splits the County into a number of sub-areas with Crook falling into the South Area. The PPS identifies that the grass pitch at Peases West is in poor quality and unavailable for community use until the Trust that operates the site invests money to improve the quality of the pitch. However, the Council's Culture, Sport and Tourism Team have advised that as a single pitch site and not attached to a school (for both curricular and community provision) it is unlikely to attract funding from the Football Foundation who are the major match funder of AGP's, albeit they have recently adopted a community and social outcomes approach to their funding rather than purely football related outcomes. Therefore, at this location Durham FA and the Football Foundation would currently favour priority being given to the maintenance and improvement of the existing grass pitch for community use. It should be noted that the Football Foundation has recently invested in the re-

surfacing of an AGP at Willington Parkside Academy (2.5 miles from Pease's West) to cater for current and future demand.

68. The PPS goes on to identify its preferred locations to address the shortfall in football 3G AGPs, relating to sites at Woodham Academy in Newton Aycliffe and Whitworth Park Academy or Daisy Fields in Spennymoor. These preferred locations were similarly reflected in the County Durham Local Football Facilities Plan (LFFP). Notwithstanding these two strategic documents, Sport England sought the advice of the Football Foundation on the proposed AGP, who responded that, *'we are not aware of the proposals or the aspirations for this site. It is not considered a priority project for the Football Foundation or Durham County FA. Local teams are currently using Parkside Academy 3G AGP (3.5 miles) as well as Meadowfield LC (6 miles). We are also developing a potential project at Whitworth Academy (6 miles). Therefore, it would suggest that there will be sufficient 3G provision within the area to serve community football. The PPS highlighted an under supply of 1 3G AGP in Southern analysis area. Durham County FA are communicating with teams and educational establishments within the area to bring back into use grass pitches, where there is a documented undersupply for future demand. Based on the above we would not support the AGP proposal based on strategic need and the future impact on grass pitches. Priority should be to maintain and improve the grass pitches for community use.'*
69. Sport England advise that there is a careful balance to be struck between the provision of AGPs and their sustainability. Unlike grass pitches which (with rest over the summer months) naturally regenerate their quality and can (in theory) be routinely managed to last indefinitely. AGPs have a finite lifespan such that their surface and sub-base need to be replaced after 10-15 years use. The key to making AGP provision sustainable is to ensure there will be sufficient revenue-generating use to create a sinking fund to facilitate the surface and sub-base renewal. Consequently, Sport England consider that speculative proposals such as the current application risk the creation of a facility that is not sustainable in its own right, but also jeopardise the sustainability of existing AGPs in the proximity and emerging local proposals that are better justified. The Council's Sport & Leisure Team endorse the above, considering that over-provision of AGP's combined with demand limitations can affect the business plans and finances of existing facilities.
70. The applicant's aspiration that the proposed AGP could be used for rugby and hockey is noted. However, Crook is not home to a rugby club so such demand is considered speculative and is not a scenario that the Rugby Football Union (RFU) had envisaged in the PPS. The proposed AGP's surface (being long pile) would be unsuited to hockey as currently proposed.
71. Further information in the form of a business plan would be required to clarify who would use the new 3G pitch (in particular local sports teams etc), how often this would be, and what the charges would be for use of the pitch, to ensure there is a suitable target market identified to use the facility, it would be affordable to local clubs, and that it is overall a viable proposition. AGP are understood to cost £750k for their installation. There are also concerns

regarding the finite lifespan of the 3G pitch and the costs of replacing the surface after 10-15 years that would need to be considered in financing of the scheme and further information regarding the viability of this would be required.

72. In light of the above, given that there are full size, floodlit 3G AGP facilities at Willington Parkside (2.5 miles), Bishop Auckland St Johns RCVA (5.5 miles), King James Academy (5 miles) and Meadowfield Leisure Centre (5.6 miles), all with community use, this area is not an identified priority for AGP investment within either the PPS or LFFP. The proposal would not attract support or funding from the Football Foundation or Durham County FA and so it is also unclear how the costs for installation and upkeep of the AGP would be met. There is no rugby club in Crook and the pitch would be unsuitable for hockey. Therefore, Officers concur with the view of Sport England that the proposed AGP would not be of sufficient benefit to sport to outweigh the loss of the grass playing pitch and that the proposal does not meet playing field policy exception 5, conflicting with CDP Policy 26 and NPPF Paragraph 99.
73. In terms of the proposed extension to the existing leisure building, accommodating the swimming pool, this would be located to the north of the Redgra athletics track, on a part of the site where playing pitches could not realistically be set out. As such the proposed pool does not have an unacceptable impact on current and potential playing pitch provision on the site.
74. Turning to the sporting value of the proposed pool, the need for provision in this location has not been identified in a built sports facility strategy undertaken by the Local Authority or a swimming pool strategy undertaken by Swim England. Notwithstanding this, Swim England has advised that, *'The local authority currently has a large water provision deficit, this is largely due site location. Many potential users are outside of the current facilities catchment areas. The location of the proposed site should not impose on other aquatic facilities catchment areas and could therefore meet the local populations need.'* Swim England reached this conclusion on the basis of data available within Sport England's strategic facilities planning model for swimming (FPM). This is a spatial modelling tool - it compares the capacity and distribution of swimming pool provision with the distribution of demand and its ability to reach provision (or mobility). County Durham is a large area with a dispersed population pattern overlain with a transport network that offers better connectivity north-south (than east-west) centred principally around the A1(M) and A19 corridors.
75. Finally, levels of access to a private motor are lower in County Durham than the national average. The upshot of above is that it is unrealistic to distribute swimming pools and pool capacity across County Durham in a way that allows everyone to be able to access pool provision that wants to swim. The Council have recognised this and sought to concentrate provision in the larger towns across the County. This inevitably produces locations where there is unmet demand for swimming pools, and as Swim England point out Crook is a location where unmet demand exists. However, the FPM model shows that whilst unmet demand across the County is significant (measured in physical terms it equates to more than two pools of the size suggested for the application site), it is spread quite thinly across the County, and provision would need to be pepper-potted

across the area to meet demand. Fragmenting swimming pool provision in such a way is unrealistic and the FPM is able to identify the broad locations where the most unmet demand can be met. Given the County's physical extent these locations are located along the main north-south transport corridors.

76. Sport England have advised that the conclusion to be drawn from the FPM data and mapping is that whilst a new pool in Crook would undoubtedly meet some unmet demand for swimming, the town's location is somewhat peripheral in terms of connectivity and new provision there is unlikely to make a notable dent in unmet demand for swimming in comparison to other locations.
77. Returning to playing field policy exception 5, and in the light of the limited impact on the site's playing field, despite the reservations set out above, Sport England consider that the proposed pool meets exception 5 of their Playing Fields Policy.
78. Notwithstanding this, there are concerns regarding the overall viability of the entire scheme, including both the improved sports facilities and housing proposal. It is not clear how the sports facilities would be funded; further clarification was requested but has not been provided. Revenue generated from the housing development is considered unlikely to fund the construction of the swimming pool and 3G pitch and external funding is also considered unlikely to be available for these facilities. Additionally, there are ongoing running and maintenance costs, such as lifeguards needing to be on duty at all times the pool is open. Further information about the overall viability of the scheme was requested but has not been provided.
79. The proposed extension to the leisure building would result in the loss of designated open space under the outdoor sport typology, with the lack of information regarding funding and reservations over demand making it questionable whether the development would bring about significant benefits. However, it is accepted that the open space the extension would be sited on is a small part of a larger parcel of land used for outdoor sport and is not itself used for outdoor sport. Given this, the benefits of the proposed extension comprising a new swimming pool, with detailed design and landscaping to be considered as part of the reserved matters, is considered to outweigh its current use, according with CDP Policy 26 and NPPF Paragraph 99.
80. In summary, whilst the benefits of the proposed swimming pool are considered to outweigh the current use of the open space it would be sited on, the proposed AGP would not provide sufficient benefit to sport so as to outweigh the loss of the grass playing pitch contrary to CDP Policy 26, NPPF Paragraph 99 and Sport England's Playing Field Policy.

#### Locational Sustainability

81. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement. Criterion p) of Policy 10 does not permit

development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.

82. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
83. Crook is one of the larger settlements within the County and the site is within 700m of the edge of the defined town centre, the northern end of Hope Street. There are existing roadside footpaths to the site along the B6298 which are relatively flat with and lit by street lighting, providing good pedestrian access from the town centre. Bus stops are located on the B6298 opposite the site, offering regular daily services to and from Bishop Auckland. Bus stops are also available within the town centre providing access to Crook from smaller local settlements.
84. No objections are raised having regards to the locational sustainability of the site and the location is considered to be sustainable for the proposed development in accordance with CDP Policies 6 f), 10 p), and 21, and Part 9 of the NPPF.

#### Highway Safety/Access

85. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
86. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
87. Access to the site would be taken from the B6298 along the unadopted road and associated car parking to the north of the site. Parking provision is proposed to increase from circa 25 spaces to 103. A condition could be imposed to secure details of cycle and EV parking provision.
88. Highways Officers have reviewed the Transport Statement submitted with the application. It demonstrates a clearly material increase (circa 500%) in peak period vehicular traffic arising from the proposal. However, it is advised that the

splay chord to the south, of and for northbound B6298 traffic is compromised by being within an area enclosed by fencing and subject to trees which combine to prejudice sight visibility, although there is and has been historic physical enclosure of the B6298 public highway at the site, south of the B6298 site access junction, within this area.

89. This issue could be resolved by the existing site boundary fence line being moved back to the rear of the public highway extent, and the existing trees, west of this new boundary removed, and the area returned fully to highway grass verge (where trees had been present). Whilst the visibility splay is outside of the red line boundary, the Council as Highway Authority can request such works to be carried out without delay given the current arrangements are in breach of the Highways Act 1980; this could be requested prior to the first use of the proposed development to improve sight visibility for all current and future users.
90. Overall, subject to the re-siting of the boundary fence, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policy 10 and 21 and Part 9 of the NPPF.

#### Visual Impact

91. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. CDP Policy 10 at part l) also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Criterion o) of Policy 10 seeks to avoid new development in the countryside that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for. Criterion m) also seeks to avoid development that would result in the merging or coalescence of neighbouring settlements.
92. In addition, CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
93. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

94. Whilst appearance, scale and layout are all reserved matters, the application is supported by an indicative site plan which shows an angled extension to the existing leisure building to the north of the site, parallel with the existing access road and facing the pitch. The submitted Planning Statement estimates the ground floor to have an area of approximately 1800m<sup>2</sup>, with 750m<sup>2</sup> of floor space above, and describes a building with three distinct volumes of varying height (1 storey, 1.5 storeys and 2 storey) connected by single-story link elements. No objection is raised to the indicative massing for the new built elements, and it is considered that all design matters can be appropriately resolved at reserved matters stage. Details of materials could be secured via a suitably worded condition.
95. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. The application is supported by an Arboricultural Impact Assessment which identifies that the majority of the trees on the site can be retained, with 15no. trees and 1no. tree group needing to be removed from the site to facilitate the proposals. Nine of these trees are classified as Category B, with the other five trees and the tree group classified as Category C. Tree and Landscaping Officers have indicated their satisfaction with these details. Landscaping is a reserved matter, but the indicative site plan shows new planting to the south east corner of the building and the extended car park. It is considered that an appropriate landscaping scheme could come forward as part of a reserved matters application.
96. Overall, it is considered that an extension of an appropriate scale, appearance, layout and landscaping could come forward as part of a reserved matters application, according with CDP Policy 10, 29 and 39, and Parts 12 and 15 of the NPPF.

#### Residential Amenity

97. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
98. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
99. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
100. Environmental Health Officers have commented that their main concerns would be in relation to noise and light from the upgraded sports pitch, as historically they do receive and investigate noise and light complaints from 'multi use games areas' (MUGA) and sports pitches.

101. Due to the fact human voices/shouts are very audible and the proximity of residential houses the enhancement of the sports pitches is likely to impact on the locality and so a condition to secure details of a noise management scheme would be recommended. A range of flood lights are in position to light the current sports pitch and a condition would be recommended to secure details of any new lighting to be installed.
102. Some fixed plant/machinery would be operated in conjunction with the swimming pool and enhanced sports centre. From the submitted plans, it is assumed the plant room will accommodate some plant associated with the swimming pool which will allow a good degree of noise attenuation, but it is not known if there will be any external items of fixed plant/machinery such as condensing units and air extraction units. A condition would therefore be recommended to secure details of fixed plant and machinery, to comply with relevant noise thresholds.
103. It is noted that there is reference to outdoor events such as weddings, which it is understood are permitted by an existing premise licence subject to some noise/ prevention and public nuisance conditions.
104. In terms of air quality, the submitted Transport Statement provides an estimate of peak hour trip generation associated with the proposed development of 35 vehicles per hour on weekdays and 155 vehicles per hour on weekend days. The Air Quality Screening Assessment concludes in relation to construction dust and operational road traffic emissions that there would not be a significant effect with appropriate site-specific mitigation measures in place and that appropriate mitigation measures should be determined following a construction dust risk assessment. A Dust Management Plan is recommended which could be secured as part of a Construction Management Plan.
105. For operational road traffic emissions, the Screening Assessment states that proposed development will give rise to an average of up to 622 trips per day and that beyond the proposed development's access road, no public road will experience 500 or more vehicle trips per average day. Therefore, in line with IAQM guidance a detailed assessment of air quality impacts is not required and due to this and low background pollutant concentrations, a significant effect would not occur. It is noted that due to the location of the proposed development to the north of this application site, the majority of vehicular trips are likely to come from the south of the site access. Whether that would include 500 trips to exceed the IAQM criteria is unknown, but it is considered that even if it did, there is little risk to no risk of it causing a significant effect.
106. The air quality screening assessment does not discuss emissions associated with the proposed development's energy plant, nor the potential for odour emissions. Neither are considered likely to cause a significant effect but may be of particular concern to the proposed residential development immediately to the north of the site. A condition would be recommended to secure details of a Construction Management Plan to minimise noise and disruption during the construction phase to acceptable levels. It is noted that the side elevation of the

closest dwellings proposed under application DM/21/00855/FPA are over 30m away from the indicative position of the proposed extension.

107. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

#### Drainage

108. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
109. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
110. The site is not located within a flood zone. The application is supported by a Drainage Strategy which proposes to dispose of surface water runoff to a surface water network with a new connection to Crook Beck. This is in line with the hierarchy set out by CDP Policy 35 and the Council's Drainage Team have indicated their satisfaction with the principle of this, seeking conditions to secure adherence to this principle, as well as hydraulic design calculations and construction of SuDS features.
111. Northumbrian Water seek clarification as to how the applicant intends to connect the swimming pool to the public sewer and what the proposed rate of backwash will be for the maintenance of the it. They request a condition to secure these details.
112. Subject to conditions, the proposal accords with CDP Policy 35 and 36 and Part 14 of the NPPF.

#### Ecology

113. NPPF Paragraph 174 d) advises that planning decisions should minimise impacts on and provide net gains for biodiversity. The NPPF further advises at Paragraph 180 d) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to

nature where this is appropriate. In line with this, CDP Policy 41 also seeks to secure net gains for biodiversity and coherent ecological networks.

114. Furthermore, CDP Policy 43 states that in relation to protected species and their habitats, all development which has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and that where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.
115. The submitted Preliminary Ecological Appraisal (PEA) recommends that the three external bat boxes will need to be inspected prior to their removal / relocation in order to confirm if they have been utilised by bats. Two of these are located to the west elevation of the existing leisure building, with one bat box to the east elevation which would require removal to facilitate the proposed extension. The County Ecologist has advised that these bat boxes formed the mitigation for a previous bat license, and that the recommended inspections should be carried out prior to determination of the application. No such inspections have been carried out and so the risk to bats if these boxes were to be removed or relocated is unknown.
116. Bats have legal status as protected species under Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended). This means it is a criminal offence to damage or destroy a place used by bats for breeding or resting. In this instance, it is unknown whether the bat boxes have been utilised by bats as the recommended inspections have not taken place. Therefore, the risks to bats are unknown, as is whether any mitigation measures would be required to protect bats during the works and if so what measures would be suitable. Planning guidance and case law set out that it would be inappropriate to secure further survey work by condition.
117. In this case, there is a reasonable likelihood that bats are present, as the bat boxes were intended to cater for bats, and given the need to relocate at least one bat box to facilitate the proposed development any bats present would be affected. However, without the results of an inspection it is not possible to recommend a suitably worded condition to secure appropriate mitigation measures. Therefore, the proposal is contrary to CDP Policy 43 and NPPF Paragraph 174 d).

#### Ground Conditions

118. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

119. The Coal Authority confirm that their records indicate that parts of the site lie within areas of recorded shallow coal mining. The Coal Authority concur with the findings of the submitted reports and recommend a condition in relation to the carrying out of further intrusive site investigations prior to the commencement of development, and receipt of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development prior to its first occupation. These conditions would be necessary to address land instability arising from coal mining legacy to ensure that the site is made safe and stable for the development proposed.
120. The Contaminated Land Officer has commented that as the submitted Phase 1 Report is a number of years old further information is required to confirm that there have not been significant changes on the site. A condition is recommended to secure this.
121. With these conditions, the proposal is considered to comply with CDP Policy 32 and NPPF Paragraph 183.

#### Sustainability

122. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
123. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
124. In addition, Policy 29 requires all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.
125. As the application is in outline with no detailed design having been confirmed at this stage, it would be considered appropriate to impose a condition secure further details in relation to the above criteria prior to the commencement of works.
126. Subject to a condition, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

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## **CONCLUSION**

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127. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
128. The proposed development lies outside the built-up area for Crook but can draw support from part f) of CDP Policy 10.
129. However it is concluded that whilst the existing grass pitch is in poor condition and requires investment, there are full size, floodlit 3G AGP facilities nearby. This area is not an identified priority for AGP investment and it is unclear how the replacement pitch would be funded and how the upkeep would be met. Therefore, concerns are raised regarding the strategic need for and viability of the proposal.
130. It is therefore concluded that, the proposed AGP would not be of sufficient benefit to sport to outweigh the loss of the grass playing pitch, contrary to CDP Policy 26 and NPPF Paragraph 99.
131. In relation to the swimming pool element, whilst a new swimming pool in Crook would undoubtedly meet some unmet demand for swimming, concerns are also raised regarding the viability of the pool, with no business plan to identify costs and anticipated revenue having been provided. However, as the swimming pool would be located part of the site proposed that is not currently used for sport a conflict with CDP Policy 26 and NPPF Paragraph 99 is not identified, subject to a detailed design to be considered as part of any reserved matters application.
132. The submitted Preliminary Ecological Appraisal recommends that the three external bat boxes need to be inspected prior to their removal / relocation in order to confirm if they have been utilised by bats. These bat boxes formed the mitigation for a previous bat license. No such inspections have been carried out and so the risk to bats, as European protected species, if these boxes were to be removed or relocated is unknown. Consequently, it is not possible to recommend a condition to secure suitable mitigation measures to be carried out. Therefore, the proposal is contrary to CDP Policy 43 and NPPF Paragraph 174 d).
133. The proposals are considered acceptable in terms of Highway Safety, Visual Impact, Residential Amenity, Drainage/Flooding, Ground Conditions, and Sustainability in accordance with Policies 21, 32, 35, 36, 39 and 40, and Parts 2, 9, 12, 14 and 15 of the NPPF in this respect.
134. Overall, it is concluded that the development would conflict with the CDP, as the AGP would not be of sufficient benefit to sport to outweigh the loss of the grass playing pitch and insufficient information has been submitted to demonstrate the impact upon European protected species. There are no material considerations which are considered capable of outweighing this harm and policy conflict and therefore the application is recommended for refusal.

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## **RECOMMENDATION**

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That the application be **REFUSED** subject for the following reasons:

1. An identified need for a new 3G artificial grass pitch has not been demonstrated and the development would be unlikely to be a viable proposition, with the potential to jeopardise the sustainability of existing artificial grass pitches in the wider area. The artificial grass pitch is not considered to be of sufficient benefit to outweigh the loss of the current grass playing pitch, contrary to Policy 26 of the County Durham Plan and Paragraph 99 of the National Planning Policy Framework.
2. Insufficient survey work has been undertaken to establish whether the development would have an impact on bat populations and/or adequate mitigation is secured. The proposals are contrary to Policy 43 of the County Durham Plan and Paragraph 174 d) of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Durham County Council Open Space Needs Assessment 2018  
Residential Amenity Standards Supplementary Planning Document 2020  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/00717/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of new collection building for Locomotion with associated access and landscaping
<b>NAME OF APPLICANT:</b>	The Board of Trustees of the Science Museum
<b>ADDRESS:</b>	Land West of Locomotion the NRM at Shildon, Dale Road Industrial Estate, Shildon, Co Durham
<b>ELECTORAL DIVISION:</b>	Shildon and Dene Valley
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site relates to a parcel of previously developed industrial land (some 1.5Ha) located to the south west of the Shildon National Railway Museum (NRM). The site known locally as 'Ashfields' was formerly occupied by a banana processing factory which was demolished many years ago and retains remnants of its previous use in the form of a large concrete slab of the former building and surrounding tarmac surfaces covering much of the site.
2. Immediately to the north lies a children's play area within the adjacent museum site, and the Bishop Auckland to Darlington railway line. North of the railway is a residential area on Spout Lane, visible from the site.
3. To the west is Dale Road where numerous two storey detached and semi-detached homes are located, with industrial buildings on Dabble Duck Industrial Estate beyond.
4. The site is also bounded by Dale Road to the south linking the NRM site to the main highway network to the west, with undeveloped land beyond. Outline approval was granted in November 2020 for residential development of up to 340no. dwellings on this land (planning ref: DM/18/00101/OUT).
5. The application site is bordered by a copse of trees along the northern site boundary and soft landscaping extending along the southern and western boundaries.
6. Vehicular access to the site is currently provided via 2no. separate bell mouth junctions onto Dale Road to the south which served former industrial buildings on the site.

## The Proposal

7. The Shildon Locomotion officially opened in 2004, and became part of the Science Museum Group in 2017. The Science Museum Group is a collection of national museums in the UK that includes the Science Museum (London), the National Railway Museum (York), the Science and Industry Museum (Manchester), Locomotion (Shildon, County Durham), the National Science and Media Museum (Bradford) and the National Collections Centre (Wroughton, Swindon). As the sister site of the National Railway Museum in York, the Shildon Locomotion celebrates Shildon as the cradle of the railways where the Stockton and Darlington Railway was the first public railway to run steam-powered locomotives. The museum is currently home to more than 70 rail vehicles from the national collection, including internationally significant items. The 6000m<sup>2</sup> purpose-built museum plays a vital role in Shildon with volunteers and community activities contributing to the distinctive character, presentation and interpretation of the site.
8. As part of the National Railway Museums 'Vision 2025' marking the 200<sup>th</sup> anniversary of the Stockton to Darlington Railway, the Shildon site aims to build new audiences and grow annual visitor number from 200,000 to 250,000. As part of this vision, the Shildon site is proposing to develop 'Locomotion Building Two'.
9. Planning permission is sought for the construction of a new storage and exhibition building at the Shildon NRM site to house additional railway collection vehicles, managed by the Science Museum Group. Occupying a floor area 2106m<sup>2</sup>, and set within landscaped surrounds, the proposed collection building would be of single storey height (max 7.9m reducing to 5.83m), with maximum dimensions of 75m length x 28m depth. The proposed building would be located towards the northern edge of the application site and set on a north-west to south-east axis, tapering away from the northern boundary of the existing hardstanding, whilst following the alignment of the railway lines to the north. An enhanced landscape scheme would be implemented around the main building comprising areas of hard and soft landscaping.
10. Public access to the site would be gained through the main museum to the north east which has a large public car park to the south of the main museum collection building. Vehicular access into the site for the delivery of collection exhibits and maintenance purposes would be achieved from Dale Road to the south via a newly created access point.
11. The museum hopes to open this new facility in 2023 ahead of celebrations to mark the bicentenary of the Stockton & Darlington Railway in 2025.
12. The planning application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

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## **PLANNING HISTORY**

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13. Outline planning permission was granted in February 2017 for the erection of up to 310no. dwellings on land to the south of Dale Road, including the current application site (planning ref: DM/14/03431/OUT). The outline permission replaced an earlier extant consent (7/2008/0551/DM) for the same development. Since that decision, the land to the south of the application site and east of Locomotion has been subject to a separate outline proposal by Theakston Estate Ltd for the development of up to 340no. houses, which was approved in November 2020 (planning ref: DM/18/00101/OUT). As

part of this approval it was confirmed that the current application site would be subject to a separate application to be submitted by the museum as an expansion to its facility. The timescales for implementation of this most recent approval are presently unknown.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
15. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
16. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
17. *NPPF Part 6 Building a strong, competitive economy* - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

20. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
21. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

The County Durham Plan

26. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:

Policy 6 (Development on unallocated sites)  
Policy 7 (Visitor attractions)  
Policy 21 (Delivering sustainable transport)  
Policy 29 (Sustainable design)  
Policy 31 (Amenity and pollution)  
Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)  
Policy 35 (Water management)  
Policy 36 (Water infrastructure)  
Policy 39 (Landscape)  
Policy 40 (Trees, woodlands and hedges)  
Policy 41 (Biodiversity and geodiversity)  
Policy 43 (Protected Species and Nationally and Locally Protected Sites)  
Policy 44 (Historic environment)  
Policy 56 (Safeguarding mineral resources)

<https://www.durham.gov.uk/cdp>

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

27. *Sildon Town Council* – No comments received.
28. *Highway Authority* – Raise no objections.
29. *The Coal Authority* – Raise no objections, subject to the imposition of condition.
30. *NWL* – Raise no objections, subject to condition. Development should be carried out within strict accordance with the submitted document entitled “Drainage Strategy Report”.
31. *Network Rail* – No comments received.
32. *Historic England* – No comment.

### INTERNAL CONSULTEE RESPONSES:

33. *Spatial Policy* – No objections. The proposal will invest in an existing facility and is considered to be acceptable in principle.
34. *Design and Conservation* – Raise no objections.

35. *Ecology* – No objections subject to suggested conditions. The tree identified to be of moderate risk for bats is to be retained as part of the proposals. Adequate net gains in biodiversity can be achieved by the proposals and there would be no threat to Dingy Skipper populations.
36. *Contaminated Land* – Raise no objections, subject to condition.
37. *Environmental Health (Noise)* – No objections, subject to conditions controlling noise mitigation, sensitive construction and the submission of a construction management plan.
38. *Air Quality* – No objections.
39. *Drainage* – Raise no objections to the proposals. Given the proposed access will only be used for occasional exhibit deliveries and not for general access by the public, staff, or daily commercial use, the treatment of surface water can be relaxed to that as proposed.
40. *Landscape* – Raise no objections subject to conditions controlling lighting details. A landscape management plan has been provided which is deemed acceptable.
41. *Trees* – Raise no objections.
42. *Archaeology* – Raise no objections.
43. *PALO* – No comments received.
44. *Visit County Durham* - No comments received.
45. *Friends of Stockton – Darlington Railway* - No comments received.

**PUBLIC RESPONSES:**

46. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. No representations have been received in response to this exercise.
47. Cllr Shirley Quinn offers her full support to the application, welcoming the development of the vacant site which would reduce anti-social behaviour and prevent unauthorised encampments on the land.

**APPLICANTS STATEMENT:**

48. The Locomotion site opened in 2004 and is amongst the premier tourist attractions in County Durham, attracting around 200,000 visitors a year. The new building will house over 50 railway vehicles from the national collection, adding to the vehicles that are already on display there and making Locomotion one of the largest collections of railway vehicles in the world. It is expected to open in 2023 ahead of celebrations to mark the bicentenary of the Stockton & Darlington Railway in 2025 and will provide further opportunities to tell the story of Shildon as the world's first railway town.
49. Together with the existing collection building and better interpretation across the whole site, the new building will enable the museum to tell a more involved and more coherent story of the railway industry from its earliest days in Shildon to the present,

taking account of its national and international impact. It will also act as an impetus to enhance learning and engagement activity on site and provide more opportunities for volunteering, already a popular part of the programme. Significantly, the new building will result in longer dwell times on site which will contribute to the long-term financial sustainability of Locomotion.

50. The new collection building will occupy the former Ashfield's industrial site to the north of Dale Road. The land was previously occupied by a large banana processing plant but the buildings have now been demolished and the site is in a derelict state. It was transferred to Durham County Council for the expansion of Locomotion and the County Council will now act as funding partners to the Science Museum Group in bringing the project forward.
51. The proposal offers a fantastic opportunity to redevelop this large brownfield site. The collection building is of a contemporary appearance with a mono-pitched roof, which rises to the main public face to the north. Its orientation, scale and massing and internal environment is driven by the unique role of the facility to enable the storage and movement of large locomotives. Insulated metal cladding panels are proposed to create a decorative exterior, which compliments the existing museum. The use of high-performing materials within the external envelope offers a low energy means of achieving a stable internal environment that will protect and conserve the collection. The development will achieve a BREEAM rating of 'very good'
52. Whilst the building footprint only covers around 20% of the wider landholding, a comprehensive landscaping scheme is proposed to improve the sense of arrival to Locomotion, emphasising its role as a cultural cornerstone for the community and contributing to the wider regeneration of this part of Shildon. The main area of opportunity lies to the south, where the approach is to create landscape character authentic to the railway. The recycling and re-use of existing materials is a key component of this, where existing hard landscapes are repurposed and de-paved in areas to create porosity and enhance biodiversity. The layout of this area references the proportions of railway sidings and will provide a playable landscape for visitors with an attractive southern aspect.
53. In the lead up to the submission, extensive discussions were held with planning officers at the Council along with their technical advisors as part of a formal pre-application process. The team at Locomotion has also consulted with key stakeholders in the local community and the wider region and in January this year, they held a formal public consultation exercise including drop-in sessions and an online event. The proposals were very well received by the local community, who considered the development to be an excellent use of the former Ashfield site.
54. The discussions with officers have also confirmed their support for the application culminating in the recommendation for approval. The principle of development is acceptable in the context of policies within the NPPF and the County Durham Plan, which seek to make effective use of a derelict sites, offer support for development that enhances and complements existing visitor attractions and not to prejudice the development of the Stockton and Darlington Railway as a visitor attraction or education resource.
55. The environmental impacts of the scheme have been considered within a suite of technical reports submitted with the application to cover the items of flood risk and drainage, ecology, trees, ground conditions, heritage, noise and transport and were found to be acceptable.

56. In relation to transport specifically, an additional 50,000 annual visitors are expected at the museum once the new building opens. However, as museum opening hours (10.00 – 16.00) generally fall outside of the normal rush hour, these additional trips are not considered to have a significant impact on the capacity of local roads or important junctions. Outside of major events, the existing car park has sufficient capacity to accommodate the small increase in daily visitors but future upgrades are proposed. On occasions where significant 'big train' events do take place, Locomotion operates a Traffic Management (TM) plan which is prepared and agreed with Durham Safety Advisory Group and the Museum will continue to adopt this protocol.
57. The new collection building is the centrepiece of a programme of improvements taking place at Locomotion, which will include repairs to the site's historic buildings, the display of the original Locomotion No.1 and the relocation of the historically-significant Gaunless Bridge as part of the National Railway Museum's planned celebrations. It is the most significant development to take place at the museum since it first opened in 2004 and will bolster the appeal of this national tourist attraction.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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58. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, impact on neighbouring uses, landscape/arb impact, highways, ecology, land stability, flooding/drainage, sustainability and other matters.

### The Principle of the Development

59. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
60. Proposals seek to develop land adjacent to the existing NRM at Shildon to construct a new railway exhibition and storage facility. The statutory development plan for the area comprises solely of the CDP as there is no neighbourhood planning activity in this area.
61. Policy 6 (Development on Unallocated Sites) of the CDP allows for the development of this site which is within the built up area provided that the development meets certain conditions outlined within the policy. Of particular relevance would be:
  - a. Development is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
62. The proposed development would occupy a previously developed site in a sustainable and accessible location within the main settlement and directly adjacent to the main NRM site. Presently the site stands vacant comprising an expanse of broken hardstand and scrubland, and its re-use for tourism related activity in association with the adjacent site use would be welcomed.
63. The existing Locomotion site at Shildon already attracts significant visitor numbers and contributes to the tourism offer in the County. CDP Policy 7 (Visitor Attractions) recognises the value of visitor attractions to the economy and the expansion of existing attractions is permissible under the Policy provided that they are located in sustainable and accessible locations. Development should also be appropriate to the site's location in terms of scale, design, layout and materials. In this instance the development would help support the viability of an existing visitor attraction, and the development of a year-round visitor economy and/or extends visitor stays. The proposal is considered to be in accordance with this policy and compliant with NPPF Part 6 which seeks to build a strong and competitive economy, with increased visitor spend and job creation likely to result. The proposals would invest in an existing tourist facility and is considered to be acceptable in principle, subject to the following material planning considerations.

#### Scale/Design

64. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
65. Whilst the site contains no known heritage assets (being located away from the Stockton and Darlington Railway – CDP Policy 46), it lies to the south east of the Shildon Conservation Area and the high status listed assets contained within it. CDP Policy 44 (Historic Environment) as well as section 16 of the NPPF (Conserving and enhancing the historic environment) are therefore relevant in assessing this application. New development should sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. The policy attaches great weight to the conservation of all designated assets and their

settings. Such assets should be conserved in a manner appropriate to their significance. In this case the significance, character, appearance and setting of the conservation area needs to inform the proposal, to achieve a form of development which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset (Conservation Area).

66. The application has come about following extensive pre application discussion with the Councils design and conservation team. The design approach to the proposals is set out within the supporting Design and Access Statement where it is explained how the location of the building, its orientation, scale and massing and internal environment is driven by the unique role of the facility to enable the storage and movement of large locomotives, and to create the appropriate internal environment to preserve and present the display. The 6no. internal railway tracks holding the carriages/engines would measure approximately 66m in length, which dictate the horizontal emphasis of the building, with maximum dimensions of 75m length x 28m depth.
67. The proposed facility would be of single storey height with a monopitched roof sloping away from the northern elevation down to the southern façade. The monopitch roof design (max 7.9m reducing to 5.83m) would ensure the overall scale and proportions are typical of a historic engine shed.
68. The new collection building would be located towards the northern edge of the application site closest to the adjacent museum site, and set on a north-west to south-east axis, tapering away from the northern boundary of the existing hardstanding, whilst following the alignment of the railway lines to the north.
69. In terms of materials, it is proposed to use an insulated metal cladding (predominantly silver) along the façade, which continues around the side and rear elevations. The use of high performing materials to achieve a stable environment for the collection is an important consideration, reducing the need for heating and cooling by promoting natural means, including fresh air circulation, control of 'solar gain' and providing an airtight environment.
70. The form is dictated by the function of the building which would complement rather than repeat collection building 1. The associated landscape proposals are strong and will add a differing dimension not only to the setting of the new building but to the wider site.
71. The site was previously developed for industrial purposes, with all buildings cleared sometime between 2009 and 2018. The principal building was located along the northern boundary of the site and was of significant scale, occupying a considerable footprint, with smaller ancillary buildings towards the eastern end of the site. Taking into consideration the previous development on this site, the proposed building would assimilate far better into its surrounds, reflecting the adjacent NRM site, whilst utilising a change in ground levels and monopitch roof design to minimise its impact and massing. An extensive landscape setting would also soften the impact of the development on its immediate surrounds.
72. In terms of heritage impact, the application is accompanied by a detailed and comprehensive heritage statement which concludes the impact of the development will be neutral. Design officers agree with this conclusion and on the whole, the resulting improvement to its immediate setting, increased access to heritage and the improvements to the overall visitor offer would constitute a positive enhancement.

73. In overall terms therefore this design is welcomed and the design team strongly support approval. The proposals are considered to be of a scale and design which would sit comfortably within the site and its surroundings without any resultant harm to the character or amenity of the area or listed assets. Proposals are considered to be acceptable in design terms, satisfying the provisions of CDP Policies 29 and 44 and Parts 12 and 16 of the NPPF.

#### Impact on neighbouring uses

74. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will need to demonstrate that future occupiers of the proposed development will have acceptable working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
75. The proposed development would occupy a large parcel of previously developed industrial land located adjacent to the main Museum and operate as an extension of the existing facility comprising a covered hall storing historic collection equipment. The site is located in residential surrounds, with the nearest properties some 40m to the south west on Dale Grove and 50m to the west on Dale Road. It is accepted that outline consent has been approved in principle, on land to the south of Dale Road, albeit no reserved matters are submitted for this scheme at this time. As such no certainty of the positioning of dwellings on this adjacent site is known at this time, although it is expected that dwellings would likely front the intervening road approximately 50m away from the proposed development area.
76. EHO's have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). Given the nature of the proposals, previous site use and the location, the information submitted demonstrates that the application complies with the thresholds stated within the TANS, and that the proposed development would not lead to an adverse impact.
77. The granting of planning permission may potentially lead to adverse impacts in terms of noise and dust generated during the construction phase of the development. The submitted Noise Impact Assessment (Max Fordham LLP, 10 December 2021) demonstrates that with mitigation, noise from the operation of fixed plant involved with the operational phase of the development will not give rise to negative impact by way of noise on nearby sensitive receptors. In the event of approval, the developers should ensure adherence to all sound attenuation measures set out within this document at all times. Such adverse impacts may be carefully controlled through condition in terms of sensitive construction measures and submission of a construction management plan. Subject to the above, no objections are raised, with no neighbouring representations made from adjacent properties. Subject to the above, proposals would satisfy the provisions of CDP Policy 31.

#### Landscape/Arboricultural impact

78. Part 15 of the NPPF requires the Planning System to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. CDP Policy 39 requires new development to be permitted where it would not cause

unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

79. CDP Policy 40 concerns trees and hedgerows. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
80. The application is submitted alongside detailed planting proposals and arboricultural reports. The landscape proposals are well considered and appropriate to the site, with the submitted scheme having been developed in conjunction with the Council following the pre-application enquiry route. Although some hard landscape details (e.g. lighting columns) remain outstanding, these can be controlled by condition.
81. The success of the approach to planting will be dependent on maintenance during the establishment phase and longer-term management. To this end a soft landscape management plan has been provided which details long term design objectives, management responsibilities and maintenance schedules for all landscape areas/retained vegetation. No objections are raised in this regard. Furthermore, no arboricultural objections are raised, with submitted arboricultural information considered acceptable. Subject to the above, the proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policies 39 and 40.

## Highways

82. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.
83. Proposals concern the extension of an existing museum facility which already benefits from a large visitor car park to the immediate south of the main collections building that is expected to accommodate any increase in visitor numbers. An existing service access to the proposed building would be taken from Dale Road to the south. This would not be used by day-to-day visitors but rather facilitate the movement of collection vehicles into the building on low-loader vehicles.
84. The application is supported by a Transport Statement and Travel Plan. The site currently has car parking for approximately 400 vehicles, and overflow car parking for around 150 other vehicles bringing the total to approximately 550 spaces. Blue Badge holders have priority spaces located closest to the site. It is noted that the applicant is seeking 'Levelling Up' funding to improve the existing car park with lines and signs, and to provide additional overspill car parking, although that does not form part of this application and so is not a material consideration.

85. Daily visitor numbers vary considerably, with peaks shown to be 1000 visitors a day in the summer and autumn school holidays. Days outside of these periods see between 300 and 450 visitors per day. The proposed development seeks to increase annual visitor numbers from 175,000 to 250,000. This would see the peak periods rise from 1000 per day to 1050 per day. Given that there are approximately 550 car parking spaces, and that many attendees are groups arriving by coach, or families arriving by single car, these 550 spaces would be considered enough to meet the proposed future parking demand.
86. The proposed exhibit building would operate under the same hours as the main museum (Wednesday–Sunday, 10.00 thru 16.00 in winter, and 10.00 thru 17.00 (summer), with extended opening during school holidays. At peak visitor times the proposals would be expected to generate an additional 40 vehicular trips on the highway network in the AM period and 51 thereafter PM. However, visitor times would be outside the traditional AM and PM peak traffic periods, and so it is not considered that the development would have an unacceptable impact on road safety, or a severe impact on the local highway network. On the basis of the above, no highways objections are raised, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

## Ecology

87. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
88. The application is submitted alongside relevant ecological and arboricultural reports which confirm no harm to bats and adequate net gains in biodiversity to be achieved across the site. There is also no perceived harm to Dingy Skipper after a site survey was recently undertaken. There is no need to apply the derogation tests in this instance, with no objections raised subject to conditions ensuring adherence to the relevant Ecological Impact Assessment report (E3 Ecology, August 2021), Landscape and Ecological Management Plan (E3 Ecology) and Biodiversity Net Gain Assessment and associated metric. Subject to the above, proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 41.

## Land stability

89. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to demonstrate that:
  - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
  - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and

c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

90. EHO's have assessed the available information and historical maps with respect to land contamination including the following report:
- Buro Happold (16 July 2021) Railway Museum Vision 2025, Geoenvironmental and Geotechnical Desk Study Report
91. The site is identified as potentially contaminated. The submitted Phase 1 report has reviewed a number of previous reports, with approval recommended subject to a contaminated land condition.
92. With regards coal mining legacy, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Coal Authority records indicate that the site is in an area of recorded coal mine workings and coal outcrops which may have been subject to historic unrecorded workings at shallow depth. These features pose a potential risk to surface stability and public safety.
93. The planning application is supported by a Coal Mining Risk Assessment (Revision P01), dated 29 June 2021. This report has been informed by an appropriate range of information sources, including relevant borehole data. The report authors conclude that the site is at potential risk from former coal mining activities and that drilling and grouting works are necessary in those parts of the site identified as at risk of surface instability. The Planning team at the Coal Authority would therefore expect remedial works to be implemented on site as necessary to ensure the safety and stability of the development as a whole. Subject to the above, the Coal Authority raise no objections to the proposals, with such measures to be controlled by condition. Proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

#### Flooding and Drainage

94. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
95. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
96. Given the proposed access will only be used for occasional exhibit deliveries and not for general access by the public, staff, or daily commercial use, no drainage objections are raised with respect the current proposals which would satisfy Part 14 of the NPPF and CDP Policy 35.

## Sustainability

97. CDP Policy 29 seeks to ensure all development proposals achieve well designed buildings and places. Development should minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. Furthermore, new development should minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials;
98. The application is submitted alongside a sustainability and energy statement and separate travel plan. The site is located within a sustainable location within built up surrounds and adjacent to the main museum site, where there is good access by various travel modes other than private car use.
99. Within the sustainability statement it is explained how SMG are committed to achieving net zero carbon across their sites by 2033. The new collection building draws on passive environmental design principles that are light touch with minimal environmental impact to achieve BREEAM 'Very Good' accreditation.
100. The building has been designed with a fabric first approach to minimising the operational energy consumption, reducing carbon emissions and maintaining the stable conditions desired for collection care. High levels of insulation combined with a well-sealed thermal envelope throughout ensure air tightness and delivers an adequately stable internal environment suitable for 'robust' collection items.
101. Consideration is also given to sustainable and low energy design features which are incorporated in the final design including low energy light fittings installed throughout , lighting control systems, Water Efficient Fixtures & Fittings, High insulation levels on all new heating and hot water pipework and components , reduced winter heating energy demand and heat recover mechanisms. Also CO2 monitoring and cooling mechanisms when outdoor conditions are favourable.
102. A high performing composite cladding system provides high levels of insulation and airtightness with extremely efficient use of materials and a concrete slab, floor finish and ballast provide thermal mass passively contributing towards a stable internal environment.
103. A site wide rainwater management strategy would also utilise open soils and planting to slow the flow and attenuate rainfall on site.
104. The application is considered to satisfy the provision of CDP Policy 29 in this regard.

## Other matters

### Safeguarding mineral resources

105. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the county fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of

the site, previous land use and wider site history, and the residential setting. No objections are raised in this regard.

## Public Sector Equality Duty

106. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons Page 104 who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

## Nutrient Neutrality

107. Under the Habitat Regulations, the Local Planning Authority must consider the nutrient impacts of any new plans and projects (including new development proposals) on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. Only certain development types are impacted, but as the application site falls within the Tees catchment area, there may be a requirement for the potential impacts of this development to be considered in terms of nutrient neutrality.
108. Nutrient Neutrality advice is provided by Natural England. The Nutrient Neutrality Methodology enables a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system. It includes tourism attractions and tourist accommodation which would give rise to new overnight accommodation such as hotels and self-catering holiday facilities. Other types of proposals should be considered on their individual merits such as conference facilities that generate overnight stays although other types of business or commercial development not involving overnight accommodation will not generally need to be included. For the purposes of the Methodology, it is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation which removes the potential for double counting of human waste water arising from different planning uses.
109. In this instance, proposals concern the extension to a long established day-time tourist facility which already provides all public amenities. The site previously contained a large industrial use and since 2008 has had outline planning permission for residential development for a significant number of residential properties. This was negotiated away as part of a further residential development proposal to facilitate the proposed development by the museum. The current application would therefore see a potentially less harmful end use in terms of nutrient neutrality impacts than previously occurred or was envisaged on this site.
110. Although an increase in visitor numbers would be expected to result from these proposals there is no overnight accommodation associated with this exhibit and storage building and non is provided at the Museum which is a day time facility. Furthermore it is not considered that an increase in overnight stays would occur directly as a result of this attraction alone, but rather from those who are already staying in the wider Durham area that are visiting the range of attractions which the county and surrounding areas have to offer. It is noted that Shildon is located right on the edge of the Tees catchment and it would be unreasonable to assume that all those visiting the site and staying overnight would do from within this catchment. In its

own right therefore, any likely increase in tourism and overnight stays that would result from this new exhibit alone is considered to be minimal. This does not include all visitors who may only visit for the day, i.e. local people, tourists and school parties, that will return home at the end of the day.

111. An increase in staff numbers may also result from the proposals, albeit staff are likely to be sourced from the local area and should not be double counted in terms of nutrient neutrality impacts.
112. Having regard to the particular nature of the proposal and the visitor offer at the locomotion site, it is not considered that there would be an increase in overnight tourism accommodation from those visiting the site as a result of this new facility alone and staying overnight in the county that would significantly and adversely impact on nutrient neutrality. As such there would be no requirement to address the Nutrient Neutrality impacts of the development any further.

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## CONCLUSIONS

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113. Planning permission is sought for the provision of a new collection exhibition and storage facility which will house railway vehicles for the National Railway Museum at Shildon. The application site is located adjacent to the existing Locomotion One facility on brownfield land within the Shildon settlement and would see the transformation of a redundant industrial site, integrating it into the adjacent Museum, and resulting in notable economic and community benefits from the enhanced facilities including increased tourism and visitor spending in the area.
114. The proposals have been developed sensitively taking into consideration their immediate setting, surrounding uses, local topography, land scape/vegetation and the surrounding highways network. The proposed building has also been designed with a fabric first approach to minimising energy consumption, reducing carbon maintaining the stable conditions desired for collection care.
115. Consideration is given to the principle, of the works proposed, scale/design, impact on neighbouring uses, landscape/arboricultural impact, highways, ecology, land stability, flooding/drainage, sustainability and other matters. No overriding concerns have been identified in this respect and the proposals are considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the NPPF and policies 6, 7, 21, 25, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 56 of the CDP. Subject to the following conditions, the application is recommended for approval.

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## RECOMMENDATION

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Recommendation that the application be **APPROVED** subject to the following conditions.

1. Time limit

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

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

261\_GA\_001 revP2 (Existing location plan), received 09 March 2022

261\_GA\_101 revP2 (Proposed location plan), received 09 March 2022

261\_AD\_500 revP2 (Canopy sections), received 09 March 2022  
261\_AD\_502 revP2 (Parapet sections), received 09 March 2022  
261\_AD\_504 revP2 (Canopy plan and RCP), received 09 March 2022  
261\_DD\_500 revP2 (Canopy detail 01), received 09 March 2022  
261\_DD\_501 revP2 (Canopy detail 02), received 09 March 2022  
261\_DD\_502 revP2 (Parapet details 01), received 09 March 2022  
261\_DD\_503 revP2 (Parapet details 02), received 09 March 2022  
261\_DD\_505 revP2 (Lobby details), received 09 March 2022  
261\_GA\_105 revP2 (Proposed site plan), received 09 March 2022  
261\_GA\_120 revP2 (Proposed ground floor plan), received 09 March 2022  
261\_GA\_125 revP2 (Proposed roof plan), received 09 March 2022  
261\_GA\_130 revP2 (Proposed reflected ceiling plan), received 09 March 2022  
261\_GA\_135 revP2 (Proposed site elevations), received 09 March 2022  
261\_GA\_140 revP2 (Proposed north and south elevation), received 09 March 2022  
261\_GA\_141 revP2 (Proposed east and west elevation), received 09 March 2022  
261\_GA\_166 revP2 (Proposed section AA), received 09 March 2022  
261\_GA\_167 revP2 (Proposed section BB), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-00200 revP1 (Illustrative landscape proposal plan), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-01000 revP1 (General arrangement plan), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-01400 revP1 (Levels plan 1of2), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-01401 revP1 (Levels plan 2of2), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02100 revP1 (Section A-A Brownfield Gardens), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02101 revP1 (Section B-B Brownfield Gardens), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02102 revP1 (Section C-C Locomotion Square), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02103 revP1 (Section D-D Main entrance seating area 1), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02104 revP1 (Section E-E Main entrance seating area 2), received 09 March 2022  
LOC-JLG-XX-XX-DR-AL-02105 revP1 (Section F-F Access Road), received 09 March 2022  
NRM-MXF-LC-00-DR-E-31000 revP03 (External lighting layout), received 09 March 2022  
RWM-BHE-XX-XX-RP-CG-0002 revP01 (Coal mining risk assessment), received 09 March 2022

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the NPPF and policies 6, 7, 21, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 56 of the County Durham Plan.*

### 3. Noise Impact Assessment

No development shall take place unless in strict accordance with the Noise impact assessment, dated 10 December 2021

*Reason: In the interests of the amenity of nearby sensitive uses and the appearance of the area in accordance with Part 12 and 15 of the NPPF and policy 31 of the County Durham Plan.*

### 4. Drainage strategy report

No development shall take place unless in strict accordance with the Drainage Strategy Report (NRM-BHE-LC-XX-RP-C-0001 revP01, dated 02 February 2022).

*Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

#### 5. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

*Reason: In the interests of the visual amenity of the area and to comply with policy 29 of the County Durham Plan.*

#### 6. Mitigation

No development shall take place unless in accordance with the recommendations detailed in Section E of the Ecological Impact Assessment report (E3 Ecology, August 2021).

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.*

#### 7. Habitat types

No development shall take place unless in accordance with the habitat types and quantities detailed within the Biodiversity net gains assessment (E3 Ecology) and associated metric.

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.*

#### 8. Landscape and ecological management plan

No development shall take place unless in accordance with the Landscape and Ecological Management Plan (E3 Ecology).

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.*

#### 9. External lighting

Prior to first use of the collection building hereby approved, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area and maintained thereafter.

*Reason: In the interests of the amenity of nearby sensitive uses and the appearance of the area in accordance with Part 12 and 15 of the NPPF and policy 31 of the County Durham Plan.*

#### 10. Contaminated Land (Phase 2-3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which where necessary shall include a sampling and analysis plan for further works. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

#### 11. Contaminated Land (Phase 4)

Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

#### 12. Coal mining

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the NPPF.*

#### 13. Sound attenuation

Development shall take place in full accordance with the sound attenuation measures detailed in the noise assessment (Noise impact Assessment, Max Fordham LLP, dated 10 December 2021). These measures shall be fully installed and completed prior to the beneficial occupation of the development and permanently retained thereafter.

*Reason: In the interests of the privacy/amenities of future residents in accordance with policy 31 of the County Durham Plan.*

#### 14. Construction management plan

Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers in accordance with policy 31 of the County Durham Plan.*

#### 15. Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers in accordance with policy 31 of the County Durham Plan.*

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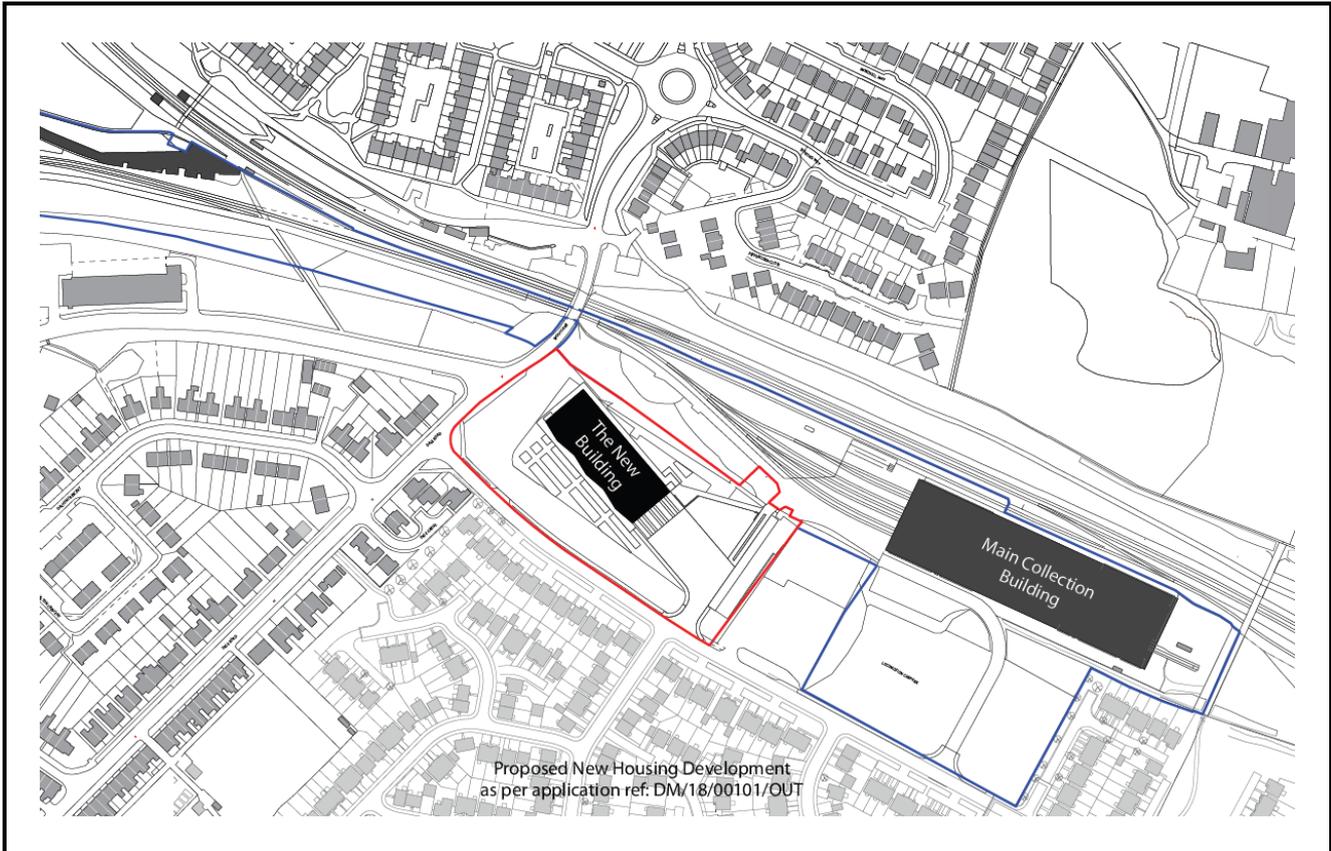
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

# BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- The County Durham Plan (CDP)
- Statutory consultation responses
- Internal consultation responses
- External consultation responses



 <p style="text-align: center;"><b>Planning Services</b></p>	<p>Construction of new collection building for Locomotion with associated access and landscaping</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date 23 June 2022</b></p>	