

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/20/03776/FPA |
| FULL APPLICATION DESCRIPTION: | Construction of a new Sports Pavilion, including access to the south and associated reconfiguration of adjacent sports pitches (amended plans and supporting information received 23.6.21) |
| NAME OF APPLICANT: | Mrs Suzanne Metcalf, Barnard Castle School |
| ADDRESS: | Barnard Castle School, Newgate, Barnard Castle, DL12 8UN |
| ELECTORAL DIVISION: | Barnard Castle East |
| CASE OFFICER: | Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to an area of playing fields situated to the north and east of Barnard Castle School measuring in total 8.2ha in area. The School is an independent day and boarding school for children between 4 and 18 years old and is situated to the eastern side of Barnard Castle along Westwick Road adjacent to Bowes Museum.
2. There is an extensive range of existing sports pitches at the School, with sport being a key focus for pupils. Existing pitches accommodate football, rugby, rounders, cricket, with multi use pitches for netball, hockey and tennis. At present playing fields are on sloping ground, which is elevated to the north with levels dropping across the site to the south.
3. The main school buildings comprise a range of three storey stone buildings dating to the late 19th century and are grade II listed. A grade II* listed chapel is located to the east of the main range. The main school buildings and chapel are located within the Barnard Castle Conservation Area. Other late 20th century school buildings are located east of the main range and south of the playing fields.
4. A recent housing development known as 'Five Acres' is situated to the northern side of the playing fields off Green Lane, other older housing is located to the west of this towards the town centre.
5. A public byway Marwood 27, which is a continuation of Green Lane, runs along the northern boundary of the playing fields. A further public byway Barnard Castle 13,

known as Mount Eff Lane, runs along the southern site boundary past the school buildings. Public Footpath Marwood 30 runs from west to east across the northern part of the playing fields beneath one of the football pitches.

6. Playing fields to the east side of the site are demarked by historic hedging running north to south down the site. A series of mature trees are centrally located within the site to the west of an existing rounders pitch.

Proposal

7. Planning permission is sought for erection of a new sports pavilion to the eastern side of the site, to the north of the existing multi use hockey and tennis pitch, together with reconfiguration and reprofiling of sports pitches to the north and east of the site to accommodate the pavilion.
8. The pavilion would have accommodation over two floors, featuring changing and WC facilities on the ground floor and a function room and external viewing area on the first floor. It would be of contemporary design with a circular form. The lower floor would be sunk into the ground with grass covered mounding around a significant portion of the ground floor. The first floor would be enclosed by glazing, with access out on to the external viewing area.
9. A new footpath and service access serving the pavilion would be formed running southwards towards the existing school buildings, this would include a servicing and turning area to the northern side of the pavilion. A paved area would be formed to the south western frontage of the building.
10. The existing playing fields would be reconfigured to create 7 no. grass pitches for football and rugby, together with other pitches for hockey, tennis, rounders and cricket, surrounding the pavilion. This could involve cut and fill works to form a level surface to the pitches, which are currently sloping.
11. The pavilion and reconfigured pitches would be available for community use by local sports clubs in the evenings during the week, on Sundays and during school holidays. The pavilion would also be available for some occasional use to be hired out for third party events.
12. It would be necessary to remove a group of trees to the south east side of one of the new playing pitches to the north west of the site, together with 1 no. tree to the south of the site adjacent to the proposed footpath and service access.
13. Amended plans have been submitted removing a secondary access initially proposed onto public byway no. 27 Marwood to the north of the site and making minor amendments to the position and levels of the reconfigured pitches following removal of the access track.
14. The application has been called to committee at the request of Councillor Rowlandson to allow the loss of playing fields and amenity impacts on surrounding residential properties to be considered.

PLANNING HISTORY

15. Previous planning permissions and listed building consents at the site relate to alterations and additions to the school buildings. Consent has also been granted for tree works at the School.

PLANNING POLICY

NATIONAL POLICY

16. 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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.

24. *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.
25. *NPPF Part 16 Conserving and enhancing the historic environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

26. 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 climate change; design process and tools; determining a planning application; flood risk; healthy and safe communities; historic environment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; 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)

27. 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.
28. 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.

29. 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.
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) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
32. 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.
33. 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.
34. 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.
35. 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 waste water 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 defense infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

36. Policy 38 (North Pennines Area of Outstanding Natural Beauty (AONB)) sets out that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
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. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Barnard Castle Town Council* - Support the application
43. *Highways Authority* – Following removal of the emergency and service vehicle access on to Green Lane to the north, no objections are raised.

44. *Northumbrian Water* – No objections
45. *Sport England* – Following the submission of the proposed details of community use, have withdrawn an initial objection subject to a condition to agree and implement a community use agreement which is considered to outweigh the conflict with the Playing Fields Policy.

INTERNAL CONSULTEE RESPONSES:

46. *Archaeology* – No objections
47. *Design and Conservation* – Support the application, advise that the proposal is imaginative, bold and well-considered, it will add to the consistent architectural evolution of Barnard Castle School and would not harm the setting of designated heritage assets.
48. *Ecology* – No objections
49. *Environmental Health Contaminated Land* – No objections
50. *Environmental Health Nuisance* – No objections note that a noise assessment has been provided as part of the application and recommend a condition to ensure glazing and ventilation is implemented in accordance with the specifications in the noise assessment to mitigate impacts on adjacent residential properties. Following submission of details of external lighting confirm this is also acceptable, subject to a condition requiring lighting to be switched off when not in use and advise that hours of use of the sports pitches should be restricted to 8am – 9pm on all days.
51. *Landscape* – No objections
52. *Public Rights of Way* – No objections following the removal of a secondary access onto public byway Marwood 27 to the north of the site.
53. *Tree Officer* – Notes that the development involves the loss of trees but does not consider this will result in a significant loss of local amenity.

PUBLIC RESPONSES:

54. A site notice was posted and the application was advertised in the Teesdale Mercury following its initial submission, 13 no. letters of objection were received from local residents raising the following points:
 - The submitted plans and supporting information do not show recently constructed dwellings on the Five Acres Estate to the north west of the playing fields
 - The Alps cross country course as show on the submitted plans adjacent to the Five Acres Estate has not been reinstated by the School following the carrying out of the housing development and is in an untidy condition.
 - The application does not demonstrate that replacement tree planting would be provided.
 - The emergency and service access proposed on to the Green Lane Byway is unacceptable and will pose a safety risk to pedestrians who frequently use this route. Use of the byway by vehicles would adversely affect its condition and surfacing. It would also increase air pollution to local residents from increased traffic and vibration from heavy vehicle use could damage properties.

- The proposed works could result in noise and dust pollution to local residents during construction works.
 - Reconfigured pitch football 1 could impact on the public right of way crossing the school field, this should remain open and accessible at all times.
 - The school already holds outdoor events where music and public address systems are used, the development is likely to increase the frequency of such events, the application states the facilities would be available for use 7 days a week from early morning till 10.45pm, and would cause additional noise and disturbance to local residents. Residents state they have experienced significant noise pollution from music being played at intense volume all night and associated sleep deprivation, which is damaging to health.
 - Local residents are also likely to experience excessive noise from frequent use of the pavilion, which would also affect local wildlife.
 - The pavilion would not be used for the viewing of sports and would be used for external non supporting events for up to 200 people.
 - The noise assessment was carried out during atypical activity periods during covid lockdown periods and is not truly representative, it also assumes residents would be indoors with windows closed and not using outdoor spaces, which is unlikely to be the case for significant periods.
 - The upper floor of the pavilion would be used as an entertainment facility, which is not appropriate within a conservation area and adjacent to a listed building.
 - The proposals will generate light pollution at night, exacerbating excessive artificial light from the existing all weather pitch, to the detriment of bats and owls, the conservation area and adjacent listed buildings. In particular the glazed design of the pavilion would cause light pollution.
 - Management of the school playing fields should include better habitat management, use of composting and allowing grass to grow to a longer length.
 - The application places great emphasis on safeguarding, however most breaches are internal to institutions or through known or family associates.
 - The development is in conflict with para. 97 part C of the NPPF which does not permit building on playing fields. It is noted that Sport England have objected to the application.
 - The development would add to the built up environment and expand the boundaries of Barnard Castle, which is not in the strategic plan.
 - There is no consideration for parking associated with the pavilion in the application.
 - The proposal involves felling of ancient trees used by rare birds, the loss of habitat would not be replaced by planting of new saplings.
 - There has been no publicity of the planning application and residents have not been afforded the opportunity to consider and comment on the proposals.
55. Green Lane Primary School also initially objected to the application advising that use of Green Lane as an access for construction vehicles and serving the development would pose a safety risk to children and parents at the Primary School, in particular during dropping off and collection times.
56. Following the submission of amended plans removing the proposed emergency and service access on to Green Lane to the north, those who had commented on the application originally were notified in writing of the amended plans, 5 no. further letters of objection were received by local residents raising the following points:
- Concerns regarding the level of publicity and consultation exercise are raised.
 - Residents query the location of site notices posted and advise these did not stay up for very long. Most residents only became aware of the proposals following an article in the Teesdale Mercury.
 - Removal of the access onto the Green Lane byway is welcomed

- The amended plans do not address resident's previous concerns and will still result in adverse impacts of habitat harm, noise and light pollution to the detriment of residential amenity, construction beyond the built up area of Barnard Castle and impacts on the protected environment of the conservation area and listed buildings.
 - Barnard Castle already has successful community football, rugby and cricket clubs who host events at their own premises supporting their revenues and the local economy. It is not considered that there is a business case as to why the pavilion would drive up the number of sporting events school teams host and bring in more money to the local economy as stated in the revised development master plan. If this were a standard commercial development the Local Planning Authority would ask for a business case to be demonstrated.
 - The facilities are indicated as being open until nearly 11pm, children and adults do not play outdoor sports at that time of night. The pavilion would be used as a function room for late and loud entertainment events for financial gain by the school. Use of the pavilion for social events would result in noise impacts to surrounding residents.
 - Would a drinks and music licence, in particular for late opening hours, be sought for the pavilion?
 - Noise monitoring within the Five Acres estate was carried out on 2 March 2021 by attaching a device to a lamp post, when only the children of key workers attended school and does not represent a valid measurement of noise usually experienced. Further noise monitoring should be undertaken when sports facilities or school social events are taking place.
 - The application indicates the facilities would be Covid safe. The noise assessment is based on windows being closed within the pavilion which could accommodate up to 200 people, has a covid risk assessment been undertaken?
 - Who will manage private events at the pavilion, where would guests park and enter/exit the site?
57. Barnard Castle Cricket Club have submitted 2 no. letters of support for the proposals. They state that on some occasions they play junior matches on the school pitches as they are only able to hold one fixture at a time on their own premises and due to flourishing of the junior section of the Club on some occasions they have more than one match at a time. The proposed development will offer a much needed resource to support the local community and the Club look forward to holding additional training, friendly and competitive matches at Barnard Castle School in the future. Present spectating facilities at the school are poor. The pavilion will benefit players, parents and spectators who could use the changing rooms, improved facilities and viewing platform. The Club hope the application is successful and the wider community of Barnard Castle would greatly benefit.
58. The development would result in greater availability of many sports locally, played on better, state of the art pitches with modern changing rooms. Sport Englands comments are noted, but it is considered by the Club that given the site this will only improve the experience of playing and watching sport

APPLICANTS STATEMENT:

59. The proposed development of the new pavilion and changing rooms provide the school with much needed sports support facilities to support the sport use at the school and to further link the school's presence into the local community, with the access to the new building.
60. The school is a major part of the local economy in Barnard Castle and the investment in facilities is part of the school drive to attract, maintain and move forward as one of the North's leading independent schools.

61. The building has been designed as an architectural statement, set in the sports fields, allowing full 360 degree viewing of Rugby, Cricket, Football, and Hockey pitches. The building is a modern glass pavilion set on a landscape mound. The mound provides grass and concrete terracing to enjoy the spectacle of sport all year round.
62. The mound hides the function of changing rooms, toilets, plant and storage facilities. The overall impact is to give an impression of an elegant, modern single storey glass structure that views all the facilities.
63. The existing school is set in grand listed buildings within an estate of landscaping and sport. The new proposal respects and acknowledges the original stone buildings - it's positioned away in the fields and contrasts with its lightness and modernity.
64. The existing sports facilities in the main buildings will be relocated to the new building and allows the school to update and improve the original school buildings as part of its masterplan to improve educational facilities for students.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

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, loss of playing fields, landscape/visual impact, impacts on heritage assets, residential amenity, highway safety, ecology, drainage and other matters.

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. 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. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
67. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the 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 where specified design criteria are met.
68. 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.

69. The proposed pavilion and surrounding pitches intended to be reconfigured are not considered to be located within the built up area of Barnard Castle. Furthermore given their detached position they are also not considered to be well related to the built up area, as such the scheme is not afforded support under Policy 6 of the CDP. For planning policy purposes the site is considered to lie within the countryside, although recognising the connected use to the wider Barnard Castle School site.
70. 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 or where the proposal compromises an exception related to economic development, infrastructure development or the development of existing buildings. Part f of policy 10 supports the provision of new, or the enhancement of, existing community facilities in the countryside. Policy 10 also establishes general development principles for development within the countryside, which is considered in detail in later sections of the report.
71. In assessing the application in the above policy context, it is considered that the proposed development would enhance existing pitches at the school to create level, well drained surfaces for sports to be played. The pavilion is a new facility, providing changing facilities and areas for spectating, which would also enhance the existing sporting offer at the school. Both the pitches and pavilion would be available for community use. As such the proposals are considered to accord with policy 10 part f of the County Durham Plan and are considered acceptable in principle subject to a detailed analysis of the development as set out below

Loss of Playing Fields

72. Policy 26 of the County Durham Plan states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.
73. Para. 99 of the NPPF states 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.
74. The School playing fields are currently designated as playing pitches in the Council's Open Spaces Needs Assessment (OSNA) 2018. At present there are 5 no. full sized grass pitches for football and rugby located on the school playing fields, together with an all weather pitch (MUGA) used for hockey and tennis, 2 no. cricket pitches and 2 rounders pitches. Out of the 5 no. existing full sized grass pitches only 2 no. of these are compliant in terms of size and gradient with Sport England's specification for pitches for these sports.
75. As part of the proposed development, the playing pitches would be reconfigured to create 6 no. full sized pitches for football and rugby, these would be fully compliant with Sport England's specification for pitches for these sports. Additionally 1 no.

smaller junior rugby pitch would also be provided. The 2 no. existing cricket pitches would be retained and improved both in terms of gradient and size. The all weather pitch and an existing rounders pitch to the south east corner of the site would be retained as existing. As such overall there would be an increase of 1 no. full size and 1 no. smaller junior pitch as a result of the proposals, which would be adequately sized and with a suitable gradient.

76. The development masterplan states that the existing all weather pitch and netball courts would be upgraded, together with provision of a spectator area for the tennis courts and potentially a synthetic running track. However, these features would be subject to future planning applications and are not a relevant consideration as part of the current application.
77. Notwithstanding the above, the proposed pavilion and its access is located on an area designated as a playing field and does require the surrounding playing fields to be reconfigured to enable its construction.
78. Sport England are a statutory consultee on any development on playing fields. They have published a document titled Playing Fields Policy and Guidance, March 2018, which is used to assess developments affecting playing fields. Section 6 of the Playing Fields Policy states that 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of All or any part of a playing field; or Land which has been used as a playing field and remains undeveloped; or Land allocated for use as a playing field, unless, in the judgement of Sport England, the development as a whole meets with one of more of five specific exceptions.'
79. Out of the five exceptions there is only one which is relevant in this case. Exception 2, set out in section 6.2 of the Playing Fields Policy states that exception will be made where 'the proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.' The proposed development would provide ancillary facilities (changing rooms, viewing areas etc) which would support the principal use of the site as a playing field. However, it is Sport England's view that given the need for reconfiguration of the existing playing pitches to accommodate the development, the proposals do not meet exception 2. Objections were initially raised on this basis.
80. As set out above, the reconfiguration would allow an increase in the number of demarked playing pitches on the site and would improve their gradients and design to comply with Sport England's specifications for grass football and rugby pitches. The position of the proposed pavilion would require a reduction in size of an existing pitch on which it would be located, however this is mitigated for by provision of 2 no. new full size pitches on an area currently not demarked as a playing pitch to the north west.
81. The applicant has confirmed that use of the facilities and wider playing field for training would be available for community use by a range of local sports clubs between 6pm and 9pm on week nights, on Sundays and during the school holidays when not being used by the school itself. A condition would be attached to secure the community use of the facilities as part of a community use agreement, where precise details of hours of community use and pricing would be agreed.
82. Following confirmation of the school's commitment to a community use agreement condition and further information being provided about how this would work, Sport England, whilst still acknowledging the conflict with the Playing Fields Policy, have withdrawn their objection to the application.

83. Barnard Castle Cricket Club have written 2 no. letters of support, acknowledging they currently use the School's pitches for training and matches on some occasions and that they look forward to holding additional training and matches at the School in the future.
84. Having regard to Policy 26 of the CDP, whilst the proposed pavilion and access to the south would result in loss of part of the existing playing fields, it is considered that this would be outweighed by the increased number and improved specification of reconfigured pitches, improved changing and spectating facilities and community use. These new facilities (pitches and infrastructure) are collectively are considered to be of greater value than the current part rounders/rugby pitch that would be lost, which in itself does not meet Sport England standards. However, there would be a minor conflict with the approach of CDP Policy 26 as the pitch is formally laid out and is in use, it is not therefore considered surplus to requirements.
85. In relation to Para. 99 of the NPPF the loss of the sports pitch would be replaced by better provision in terms of quality, by securing the delivery of sports pitches that conform to relevant Sport England specifications and increased community use. However, there would be a technical loss of quantity to facilitate the access and pavilion building and therefore a minor conflict with this approach.
86. A condition is appropriate to agree timescales for construction of the reconfigured pitches and pavilion and for implementation of the scheme in accordance with the agreed timescales, to ensure the pavilion and reconfigured pitches are constructed together within an appropriate timescale and overall that the development is delivered as a whole.
87. Overall whilst recognising the minor policy conflicts of the approaches of Policy 26 of the CDP and NPPF Para.99 in terms of not being surplus to requirements and a loss of quantity of land. It is considered that when viewed collectively this conflict would be outweighed by the increased number and improved specification of reconfigured pitches, improved changing and spectating facilities and increased community use.

Landscape and Visual Impacts

88. Policy 10 requires that new development in the countryside by virtue of its siting, scale, design and operation must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated.
89. Policy 29 states that all development proposals will be required to achieve well designed buildings and places and 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.
90. Policy 39 states that 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.
91. Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, woodland and hedges of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals should retain trees, woodland and hedging as part of the scheme where possible and where lost provide suitable replacement planting.

92. 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
93. The proposed pavilion has been carefully planned and designed to assimilate within the surrounding landscape. The first floor is a round glazed structure with a louvred metal panelled flat roof. The lower part of the building would be surrounded by grassed mounding to appear almost subterranean. There would be an entrance on the ground floor level, partly concealed by the over hanging external terrace above and with stone retaining walls to either side. The grass mounds would contain two sets of steps leading up to the external terrace. A rear compound to the northern side of the building enclosed by timber fencing would contain bins and condenser units associated with the air conditioning system. A circular feature would be located on the flat roof of the building which would accommodate a lift within the building and would also provide access on to the roof.
94. Although a contemporary design, the building would relate well to the character of the surrounding landscape. It would be most visible from public rights of way to the north and south of the school and that which directly crosses the playing fields. Although slightly detached from the school buildings, it would clearly read as part of the school site being situated within the playing fields and immediately adjacent to the existing enclosed all weather pitch. The Landscape Officer raises no objections to the application.
95. Conditions are appropriate to agree precise details of external finishes, surfacing and landscaping proposals for the development to ensure it is constructed to a high quality in keeping with the character of the surroundings.
96. Upon completion the reconfigured pitches would have a grassed surface as per the existing playing fields. Cut and Fill works are proposed to create level surfaces to some of the pitches, however these are not to a significant extent and land would be gently graded down between the pitches without the need for any retaining structures. This would ensure an overall natural appearance to the completed grassed playing fields.
97. Precise surfacing details for the new vehicle access and footpath have not been provided in the application and these details could be agreed by condition. The agent has indicated a plastic grass grid system is being considered, which would reduce the visual impacts of the proposed access.
98. It would be necessary to remove a group of trees to the south east side of the pitch to the north eastern boundary of the site to accommodate this reconfigured pitch, together with 1 no. tree to the south of the site adjacent to the proposed footpath and service access. These are not protected by TPOs and are not located within the boundary of the Conservation Area. None of the existing historic hedgerows would be removed. In accordance with Policy 40 of the CDP, replacement tree planting will be required to mitigate for the loss of these trees, which would be secured as part of the landscaping condition. The Tree Officer raises no objections to the application, noting that loss of the trees will not have a significant loss of local amenity. Retained trees would be protected during construction works as set out in the Arboricultural Impact Assessment, Tree Protection Plan and Method Statement, a condition requiring compliance with the specified tree protection measures is considered appropriate.

99. Overall it is not considered the development would result in any adverse visual or landscape impacts and would accord with Policies 10, 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Impacts on Heritage Assets

100. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
101. NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
102. Given the location of a small area to the south west corner of the application site boundary being located within a conservation area regard is to be given to S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore it is noted the main school buildings to the south west of the playing fields are grade II listed and the chapel adjacent to these is grade II* listed. As such S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the buildings and their setting or any features of special architectural or historic interest.
103. The proposed pavilion would be situated around 220m to the north east of the grade II* listed chapel and around 250m from the grade II listed main school buildings to the west of the chapel. The school has evolved over the years with various new additions being added in closer proximity to the listed buildings than the pavilion.
104. The school have had previous pre-application discussions with the Design and Conservation Officer over the form and impact of this proposed development and proposals have evolved in response to comments provided. Whilst the application site is generally located outside the boundary of the Barnard Castle Conservation Area it will undoubtedly impact on the localised setting within the wider school context, with external public impacts being more limited. The primary impacts will relate to a built incursion in the playing field setting; however, this impact has been mitigated by design, landscaping and quality of detail of the proposed development. The heritage assets potentially affected are identified in the heritage statement with the primary concern relating to the setting of the grade II* listed chapel. Whilst the proposal may feature in views to and from the listed assets within the school and slightly beyond, it is not considered this would be harmful to their setting and significance. The proposal is imaginative, bold and well-considered and would add to the architectural evolution of Barnard Castle School. The Design and Conservation Officer supports the application.
105. Only a small element of an existing footpath intended to be widened to accommodate vehicle access to the pavilion is situated within the conservation area boundary. The works in this area are of a minimal nature and would not adversely affect the character and appearance of the conservation area.

106. The Archaeologist does not consider an archaeology condition or further archaeological works necessary in relation to the proposals.
107. Overall it is not considered the development would have a harmful adverse impact on the setting of adjacent listed buildings or the character and appearance Barnard Castle Conservation Area, in accordance with Policy 44 of the County Durham Plan, Parts 12 and 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

108. Policy 10 part r of the CDP requires that new development in the countryside not to impact adversely upon residential or general amenity. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
109. Policy 31 of the CDP 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 policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or 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. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise 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. 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.
111. The proposed pavilion is located 330m to the south east of the closest dwelling on the Five Acres Estate located to the north of the site. A reconfigured playing pitch is proposed to be located around 35m to the south east of the same closest dwelling. Whilst this would be a new formal demarked pitch, the same area is currently utilised as existing playing fields which are not demarked but could be used for informal sports and other school activities. Although part of these current proposals planning permission would not in itself be generally required for the laying out of a formal sports pitch within an existing school site.
112. Use of the pavilion would primarily be by the School, associated with sports and other School events. There would be some limited private hire by third parties, which the school envisage would typically be for conference type events and not parties etc. The agent advises it is not intended to seek a permanent alcohol or entertainment licence for the pavilion, if such licences are required for occasional events they would be sought on a temporary basis.
113. The Council's Environmental Health Nuisance Team raise no objections to the application. They note that a noise assessment has been provided as part of the application and are satisfied with the methodology used to conduct this, the findings of the assessment and mitigation proposed. A condition to ensure glazing and

ventilation is implemented in accordance with the specifications in the noise assessment is recommended and considered appropriate.

114. Local residents have raised some concerns that the noise monitoring carried out as part of the noise assessment was undertaken during a lockdown period when only key workers children were attending school and is not representative of usual levels of background noise. Whilst background noise levels may have been slightly lower than usual at the time of the monitoring, this establishes the worst case scenario of background noise that mitigation was based on. The potentially lower levels of background noise are likely to mean that mitigation is enhanced upon what many ordinarily be required if higher background noise levels were recorded. Proposed mitigation and use of acoustic glazing as set out in the noise assessment is considered acceptable to adequately mitigate noise from the development.
115. Residents have also queried whether the noise assessment is based on them being indoors with windows shut at all times. To clarify, as set out in para. 6.9 of the noise assessment, the calculations for mitigation and acoustic glazing are based on habitable windows of the closest dwellings having their windows open. The assessment demonstrates that appropriate noise levels (NR30) can be achieved with windows being open in the closest dwellings.
116. Whilst residents may hear noise from sports activities whilst using outdoor spaces at their properties, this would resemble the current situation at the school where playing fields are used for sports activities on an unrestricted basis. If approved, the current application would restrict opening hours, as detailed below, to more sociable hours, to the benefit of adjacent residents. As set out in the noise assessment noise from the pavilion itself would be contained by use of acoustic glazing and would not be experienced to excessive levels at the closest residential properties.
117. The original application for stated hours of use for the reconfigured pitches and pavilion from 7am – 22.45pm Monday to Friday and 8am – 22.45pm Saturdays and Sundays. It was considered that these hours were excessive and could result in adverse noise and disturbance early in the morning and late into the evening to local residents. Following discussions with the agent, revised hours of use of the pitches to 8am – 9pm on any day and for the pavilion from 8am – 10pm on any day have been agreed and a condition is appropriate to control use of the facilities to these specified hours. The revised hours are considered more suitable given the proximity of residential properties and would ensure there is no noise and disturbance early in the morning or late in the evening.
118. It is noted that residents have commented that the school holds outdoor events where music is played and a public address system is used. Other than sporting activities, such other outdoor events take place on a very limited basis a few times a year. These are directly associated with the School. Whilst hours of use of the pitches for sporting activities would be controlled by condition, it would not be within the scope of this application to control other occasional events that take place on the remainder of the playing fields.
119. Details of external lighting have been provided and are considered acceptable by the Environmental Health Nuisance Team. Proposed external lighting would be a series of lighting columns and low level bollards illuminating the vicinity of the pavilion and the vehicle and pedestrian accesses leading back to the main school. These are ground focused and would not result in any significant light spillage beyond the area they are intended to illuminate. A condition requiring the lighting to be switched off when the pitches and pavilion are not in use is considered appropriate to prevent any unnecessary illumination of the site.

120. The upper floor of the pavilion containing the function room is surrounded by glass walling, this in itself could be prominent during hours of darkness. The agent has advised that it is intended to install blinds within the function room to prevent this from occurring. A condition to agree means of reducing the prominence of the glass structure during hours of darkness is appropriate, together with a requirement for the measures implemented to be retained in perpetuity.
121. The proposed plans indicate a recycling/bin storage and condenser compound to the rear (north eastern) side of the pavilion. The condensers would be associated with an air condition system, if this is required. A condition to agree precise specification of external plant, including noise levels, is considered appropriate, to ensure this is not detrimental to residential amenity.
122. Similarly the application does not include details of how the pavilion would be powered. The agent advises this would be finalised at the building regulations stage, but renewable sources of energy are likely to be incorporated. A condition to agree means of supplying energy to the building is considered appropriate, in the interests of sustainability, the appearance of the building and to ensure any features incorporated are not detrimental to the amenity of local residents.
123. Given the proximity of the site to adjacent dwellings, local residents may experience some noise and disturbance from construction activities associated with the development. A condition to agree a construction management plan and control construction working hours is considered appropriate to minimise impacts to local residents during the construction phase.
124. Whilst the comments of local residents are noted, overall it is considered that by use of appropriate conditions to control the specification of the pavilion, management of it and the reconfigured pitches and the construction phase, amenity impacts of the development would be minimised to a level that would not adversely impact on the closest residents. The development is considered acceptable in terms of residential amenity, in accordance with Policies 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

Highway Safety

125. Policy 10 of the CDP requires that new development in the countryside should not be prejudicial to highway safety.
126. Policy 21 states that the transport implications of development should be addressed as part of any planning application and that all development shall deliver sustainable transport. This includes providing well designed routes for walking and cycling, ensuring vehicular traffic generated by new development can be safely accommodated on the highway network and appropriate car parking provision.
127. Part 9 of the NPPF requires new development to provide safe and suitable access to the site for all users and that significant impacts from development on the transport network or on highways safety should be mitigated to an acceptable degree. Development should only be 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.
128. The application originally included an emergency and service vehicle access along Byway no. 27 Marwood, the continuation of Green Lane, to the north of the site. This is a popular public right of way used as a walking route for local residents. The byway

is a roughly surfaced track, not currently understood to be used as a vehicle access beyond the extent of the public highway to the west. The adopted highway on Green Lane provides access to Green Lane Primary School and leads into a wider residential area.

129. Local residents and the Primary School raised concerns that use of Green Lane and the byway as a vehicle access to the site would impact upon pedestrian safety of users of the public right of way and children and parents attending the Primary School. These concerns were shared by the Highways Authority. As the track is currently roughly surfaced and primarily used for pedestrian use, it was also considered that the track was likely to be subject to damage should it be used regularly by surface vehicles.
130. The above concerns were put to the applicant, who has provided amended plans removing the proposed northern emergency and service vehicle access. An existing footpath to the southern side of the playing fields would be widened from 2.8m to 4.5m, this would turn northwards to the western side of the historic hedgerow, leading to the building through an existing gap in the hedge and a turning and parking area wrapping around the western and northern side of the proposed pavilion. Parking in the vicinity of the pavilion would be limited and would only be used for deliveries. All other visitors would park in the schools existing large car park to the southern side of the main school buildings and would access the pavilion via a new footpath running to the east side of the historic hedgerow.
131. Following these amendments to the proposal, the Highway Authority now raise no objections to the application. Local residents who have responded to the reconsultation exercise welcome the removal of the northern access originally proposed.
132. The development is considered acceptable in terms of highway safety, in accordance with Policies 10 and 21 of the County Durham Plan and Part 9 of the NPPF.

Ecology

133. Policy 10 part I states that new development in the countryside should not give rise to unacceptably harm to biodiversity either individually or cumulatively which cannot be adequately mitigated or compensated for.
134. Policy 41 of the CDP states that proposals 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. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
135. Policy 43 of the CDP states that 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.

136. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
137. The existing site comprises well maintained grass playing fields, which are of little biodiversity value. None of the existing historic hedging would be affected by the proposals.
138. It would be necessary to remove a group of trees to the south east side of a repositioned pitch to the north west of the site, together with 1 no. tree to the south of the site adjacent to the proposed footpath and service access. The Council's Ecologist raises no objections to these works or the application as a whole, advising that the application is unlikely to have any impact on protected species or their habitats. An informative is considered appropriate to remind the applicant of legal obligations relating to bats to ensure relevant protected species legislation in relation to bats is adhered to when felling works are undertaken.
139. Replacement planting would be secured by a landscaping condition, which would mitigate for the loss of the existing trees and enhance biodiversity on the site.
140. A local resident has suggested that to improve biodiversity on the site the grass should be allowed to be grown to a longer length and for composting to take place. This is not commensurate with use of the site as pitches for playing sports and would not be appropriate in this location.
141. Light would be carefully managed on the site, with conditions to secure provision of blinds within the pavilion, to ensure external lighting is in accordance with the submitted lighting strategy and is switched off when the pitches and pavilion are not in use. This will ensure the site is not excessively illuminated to the detriment of local wildlife.
142. Overall it is not considered the development would have an impact on protected species or biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.

Drainage

143. Policy 35 of the CDP 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. Policy 36 relates to disposal of foul water and requires that a hierarchy of drainage options must be considered and discounted for foul water in new developments, in order of connection to public sewer, package treatment plant and septic tank.
144. These policies are consistent with Part 14 of the NPPF which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
145. The application includes a Flood Risk Assessment and Drainage Strategy. The application site is located within Flood Zone 1 (lowest risk of flooding). The Drainage Strategy identifies that due to impermeable ground conditions and no suitable route to an existing water course being identified, surface water run off from the pavilion would

discharge to the existing surface water sewer. Foul drainage would also connect to the existing foul drainage network. The Flood Risk Assessment does not consider the proposed development is at risk of flooding and would not increase the risk of flooding elsewhere. Northumbrian Water raise no objections to the application.

146. The proposals are considered acceptable in terms of flood risk and drainage, in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.

Other Matters

Objections have been raised regarding the level of public consultation on the application. However, the publicity outlined above is in line with requirements set out in relevant legislation whilst contributors have been notified of amended plans.

147. The Contaminated Land Officer has been consulted on the application and due to the previously undeveloped nature of the site does not consider there is a need for a contaminated land condition, site investigations and remediation in this instance. The proposal would accord with Policy 32 of the County Durham Plan in this regard.
148. In terms of issues raised about safeguarding, existing changing rooms are located in the same buildings used by children boarding at the School, as such it has not been possible for these changing rooms to be used by community sports clubs for safeguarding reasons. The proposed pavilion would provide detached changing facilities away from buildings used by boarders, addressing safeguarding issues and enhancing the facilities available for sports on the site for use by third parties.

CONCLUSIONS

149. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
150. The proposed development would provide improved sporting facilities at the school, to the benefit of pupils and the wider community, through a community use agreement. This is in accordance with Part f of Policy 10 of the CDP which supports the provision of new, or the enhancement of, existing community facilities in the countryside.
151. Sport England consider that given the need for reconfiguration of the existing playing pitches to accommodate the development, the proposals do not meet the exception tests of their Playing Fields Policy. The proposal is also considered to result in a minor conflict with Policy 26 of the County Durham Plan as the loss of a small area of the playing fields is not considered surplus to requirements. The proposal would also result in a minor conflict with Para.99 of the NPPF reducing the quantum of open space provided. However, following the applicant's commitment to a community use agreement condition, Sport England have withdrawn this objection and on balance it is considered that the conflict with the Playing Fields Policy, Policy 26 of the County Durham Plan and Para 99 of the NPPF, is mitigated by the increased number and improved specification of reconfigured pitches, together with the pavilion itself which

would provide improved changing and spectating facilities and securing community use of the facilities.

152. The development would not have a negative impact on the setting of adjacent listed buildings or the Barnard Castle Conservation Area, in accordance with Policy 44 of the County Durham Plan, Parts 12 and 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Similarly no adverse visual or landscape impacts are identified and the proposals would accord with Policies 10, 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.
153. Whilst the concerns of local residents about potential amenity impacts are noted, by use of appropriate conditions to control the specification of the pavilion, management of it and the reconfigured pitches and the construction phase, amenity impacts of the development would be minimised to a level that would not adversely impact on the closest residents. The development is considered acceptable in terms of residential amenity, in accordance with Policies 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.
154. No adverse impacts are identified in terms of highway safety, drainage and ecological issues, with the development complying with relevant policies from the County Durham Plan and NPPF in these regards.
155. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the benefits of the scheme, and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

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

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

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

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

External Lighting Drawing Rev 2 received on 27 August 2021

Site Sections Proposed: Cut and Fill – 18187-1603 Rev P05 received on 23 June 2021

Existing and Proposed Site Sections – 18187-1604 Rev P04 received on 23 June 2021

Proposed Site Plan – 18187-1601 Rev P05 received on 23 June 2021

Location Plan – 18187-1000 Rev P04 received on 23 June 2021

Arboricultural Method Statement Tree Protection Plan (AMS TPP) received on 29 March 2021

Arboricultural Impact Assessment Tree Protection Plan Layout 1 of 2 West (AIA TPP) received on 29 March 2021

Arboricultural Impact Assessment Tree Protection Plan Layout 2 of 2 East (AIA TPP) received on 29 March 2021

Level 00 Proposed Plan – 18187-2000 Rev P05 received on 22 December 2020

Level 01 Proposed Plan – 18187-2001 Rev P05 received on 22 December 2020
Roof Plan – 18187-2002 Rev P04 received on 22 December 2020
Elevations Proposed – 18187-2100 Rev P04 received on 22 December 2020
3D Views – 18187-2250 Rev P05 received on 22 December 2020
Flood Risk Assessment and Drainage Strategy (Billinghurst George and Partners)
received on 22 December 2020

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 21, 26, 29, 31, 32, 35, 36, 38, 39, 40, 41, 43, 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, 14, 15, 16 of the National Planning Policy Framework.

3. Prior to the commencement of any construction works to the pavilion or reconfigured pitches, details of precise timescales for construction of all of the reconfigured pitches and pavilion shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in complete accordance with the approved timescales.

Reason: To ensure the reconfigured pitches are delivered as proposed within an appropriate timescale to provide mitigation for the reduction in the quantum of open space available, in accordance with policy 26 of the County Durham Plan and Part 8 of the NPPF.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.

11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. Notwithstanding any details of materials submitted with the application, prior to the commencement of any development above foundation level to the pavilion, details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the appearance of the area and to comply with Policies 29, 39 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.

6. Prior to their installation, precise details of specification and appearance of all new hard surfacing materials, including those to the service access and footpath, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 44 of the National Planning Policy Framework.

7. Prior to first use of the pavilion hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:
Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Seeded or turf areas, habitat creation areas and details etc.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

A plan for the long term management of all soft landscaping and planting

The approved landscaping works shall be carried out and maintained in accordance with the approved details and in the first available planting season following substantial completion of the approved pavilion.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 44 of the National Planning Policy Framework.

8. Prior to the installation of any sources of heat or power to the pavilion hereby approved, precise details of the location and specification of any renewable heat and power sources shall be submitted to and approved in writing by the Local Planning Authority. The approved renewable heat and power sources shall thereafter be installed in complete accordance with the approved details prior to first use of the pavilion and maintained appropriately for the life time of the development.

Reason: In the interests of the appearance of the site and residential amenity, in accordance with Policies 10, 29, 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

9. Prior to its installation full details of all external plant, ventilation and extraction equipment shall be submitted to and approved in writing by the Local planning authority. The approved equipment shall be installed in complete accordance with the approved details prior to first use of the pavilion and maintained appropriately in perpetuity.

Reason: In the interests of the appearance of the site and residential amenity, in accordance with policies 10, 29, 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

10. Prior to the first use of the pavilion hereby approved a scheme for the provision of blinds on all glazing at first floor level that will close during the hours of darkness shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The blinds shall be operated and retained in good working order in perpetuity.

Reason: In the interests of the appearance of the site and residential amenity, in accordance with policies 10, 29, 31 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

11. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Cricket, Rugby, Hockey and Football pitches (as well as unmarked playing field for training purposes) and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport, in accordance with policy 26 of the County Durham Plan and Part 8 of the NPPF.

12. The reconfigured sports pitches shall not be used outside the hours 8am to 9pm on any day. The pavilion hereby approved shall not be used outside the hours 8am to 10pm on any day.

Reason: To ensure the development does not generate excess noise and disturbance to the detriment of residential amenity, in accordance with policies 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

13. The development hereby approved shall be undertaken in complete accordance with the Noise Impact Assessment (Apex Acoustics, 8889.1 Rev A, March 2021).

Reason: In the interest of residential amenity, in accordance with Policies 10, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

14. The development hereby approved shall be implemented in complete accordance with the Arboricultural Method Statement Tree Protection Plan (AMS TPP), Arboricultural Impact Assessment Tree Protection Plan Layout 1 of 2 West (AIA TPP) and Arboricultural Impact Assessment Tree Protection Plan Layout 2 of 2 East (AIA TPP) received on 29 March 2021.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012. Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason: To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on mature trees or historic hedgerows to be retained within the site, to preserve the visual amenity of the surrounding area, in accordance with policies 10, 29 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.

15. The development hereby approved shall be undertaken in complete accordance with the external lighting scheme detailed on the External Lighting Drawing Rev 2 received on 27 August 2021.

Reason: In the interest of residential amenity, in accordance with Policies 10, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

16. All external lighting as shown on the External Lighting Drawing Rev 2 received on 27 August 2021 shall be switched off at all times when the pavilion and sports pitches are not in use.

Reason: In the interest of residential amenity, in accordance with Policies 10, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

17. In undertaking the development that is hereby approved:

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 0730 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.

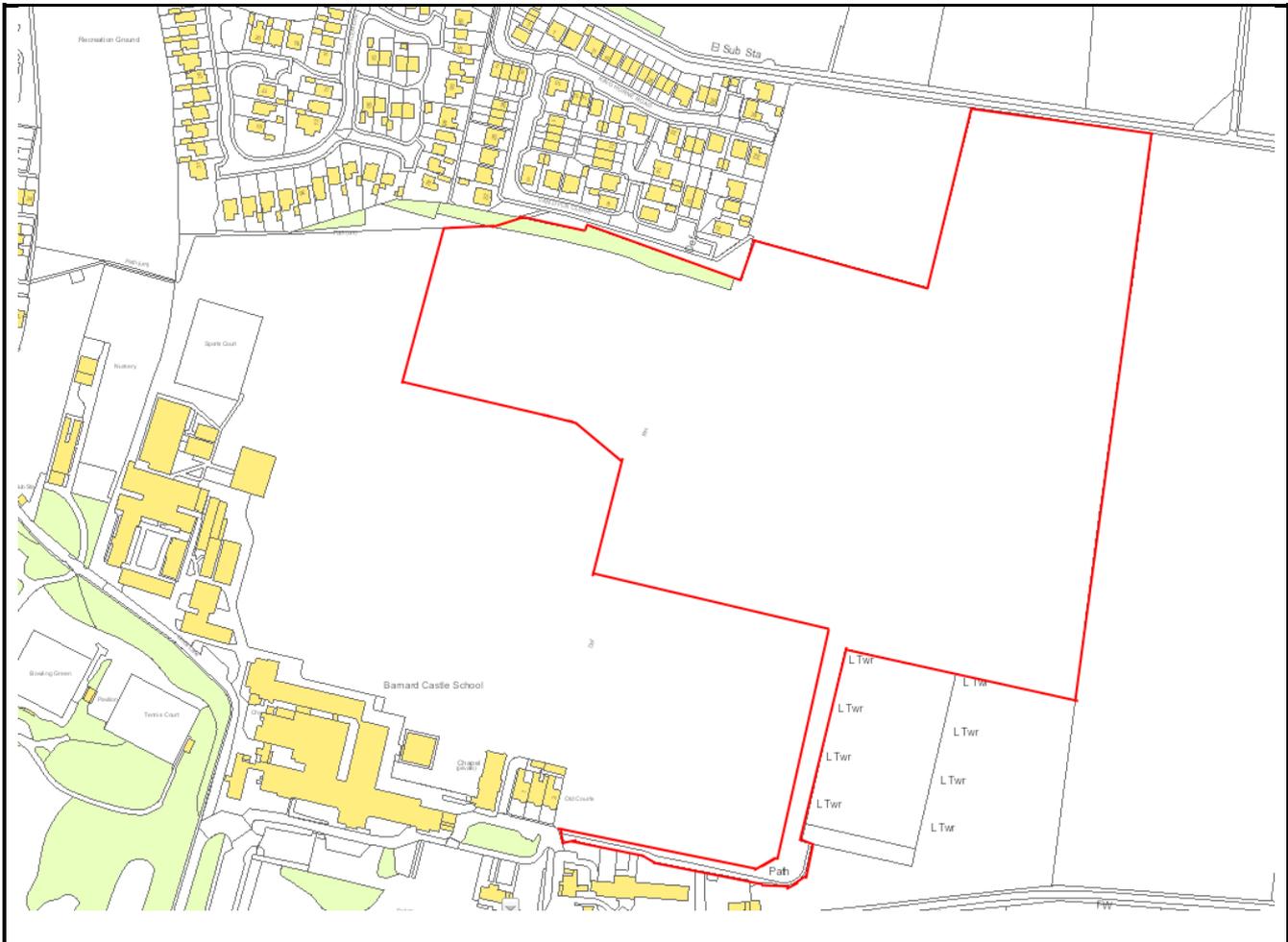
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

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



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| <p>Planning Services</p> | <p>Construction of a new Sports Pavilion, including access to the south and associated reconfiguration of adjacent sports pitches (amended plans and supporting information received 23.6.21)</p> | |
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| | <p>Date 23 September 2021</p> | |