



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/04141/VOC
Full Application Description:	Variation of condition 2 pursuant to planning permission DM/20/00416/FPA (Construction of a new cricket pavilion, facilities (using shipping containers) and decking) to allow for an increase in size, changes to design and materials
Name of Applicant:	Spennymoor Town Council
Address:	Spennymoor Cricket Club, St Pauls Gardens, Spennymoor DL16 7LR
Electoral Division:	Spennymoor
Case Officer:	Hilary Sperring (Planning Officer) Tel: 03000 263947 Email: hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The development site relates to Spennymoor Cricket Club ground off St Pauls Gardens. Allotments adjoin the site to the east from where access to the site is gained, with residential properties in St Paul's Gardens beyond. The grounds of Whitworth Park School lie to the south and The Meadows School to the west. To the north runs the Auckland Way walking and cycling route within a landscaped buffer with residential development beyond.

The Proposal

2. Planning permission was granted in 2020 for the construction of a new cricket pavilion, facilities and decking on the site (DM/20/00416/FPA). This included a building of roughly rectangular shape to be constructed from steel containers. The proposal measured 11.625 metres by 11.8 metres (which included a decked area

to the front) and 2.7 metres in height. The containers were to be powder coloured grey with exterior cladding in part on each of the side elevations.

3. This scheme has not been implemented and planning permission is now sought to vary condition 2 of this approval to allow for an increase in size of the pavilion and associated changes to its design and materials. It is understood that the proposals have developed following work between the applicants and Sport England to allow the club to gain financial support from Sport England.
4. The building as now proposed would measure approximately 11.5 metres in length by 12.2 metres at its widest and would be 3 metres in height. The new pavilion would be constructed in block work with an outer face dressed with a mix of timber and shipping container style cladding. A decked area and railings would be provided to the front (and part side) and the proposals also include shutters to the building openings and disabled ramp to the front and side. The building would provide a club room, changing rooms, officials room, kitchen, accessible changing and WC and plant room.
5. It is also understood that the building would now also be made available for hire by other users from the local community and area between 9.00am and 9.00pm daily, when not in use for the Cricket Club.
6. The application is being reported to Planning Committee at the request of Councillor Maddison and Molloy.

PLANNING HISTORY

7. In September 2019 planning permission was granted for the temporary siting of 4 no. shipping containers (DM/19/02304/FPA) on the site. This followed extensive fire damage to the previous wooden pavilion building.
8. A subsequent application was approved in July 2020 for the construction of a new cricket pavilion, facilities (using shipping containers) and decking (DM/20/00416/FPA). This permission remains extant.

PLANNING POLICY

National Policy

9. 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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.

18. *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:

19. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; natural environment; noise; use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

20. *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.
21. *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.

22. *Policy 26 (Green infrastructure)* seeks to resist development proposals which 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. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.

28. *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
29. *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.
30. *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.

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

31. *Spennymoor Town Council* – No response received.
32. *Sport England* – Offer no comments on the application
33. *Highways Authority* – No objection

Internal Consultee Responses:

34. *Contaminated Land* – No adverse comments to make, no requirement for a contaminated land condition.
35. *Environmental Health Nuisance* – Request conditions relating to the proposed hours for hiring and playing of music.
36. *Landscape* – No landscape and visual issues provided the previous condition regarding colour is applied.

Other Responses:

37. Councillors Maddison and Malloy have written questioning the form of application and the scope of information available. The changes proposed are considered significant enough to justify a new, separate application rather than a variation,

with changes to the size, structure and function of the buildings. Details of Mechanical and electrical works are requested.

38. The condition of the track and detailed management of vehicular access and egress is questioned, with previous reflected comments for emergency vehicle access raised in the previous application. It is noted that the access is unlit, with the operation proposed until 9pm to include community groups including the disabled. The site is screened from the public domain, with the site also unlit, likewise the 'side' pedestrian access.
39. Details of foul drainage are requested, as is the nature of the parking layout in the absence of a site condition survey. (Officers have provided separate responses on some of the issues raised).

Public Responses:

40. The application has been publicised by way of site notice and neighbour notification letters. 20 responses have been received.
41. The occupier of No 11 St Paul's Gardens has raised a number of issues, including the times the site will be open and closed, planned parking facilities and intentions for the road through the allotment, considering this to be little more than a dirt track, whether the road is to be lit, who will be responsible for the closing and locking the entry gates between 10 and 11 St Paul's Gardens and when this will be.
42. 19 letters of support have also been received from local people and from the wider area. The points raised are summarised below.
43. The important history of the Club is outlined and the role that it plays in the community, being part of the heritage of Spennymoor.
44. There is strong public support for the proposed building and the huge amounts of work and local fund raising undertaken, by the Town Council and others including attracting funding from Sport England. Delays could impact upon the funding available and possibly the position of the Club within the Darlington and District Cricket League.
45. The provision of the facility for the people of Spennymoor, is highlighted including the benefits of sport, exercise, well-being, social inclusion and the positive impacts on mental health.
46. The building would also support other community organisations and benefit other businesses in the area.
47. The changes proposed are minimal and are not considered to raise any additional concerns re site access and car parking over and above the previous. Many walk to the site and the vast majority of matches are played in the light.

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/applicationDetails.do?activeTab=documents&keyVal=R3UTSYG DJRF00>

Applicants Statement:

48. Spennymoor Cricket Club have had a presence in our town for over 100 years, and its aim is to provide an inclusive environment for everyone to enjoy the sport of Cricket at a local level. Following the fire that destroyed the building, the Town Council who own the land, have made a commitment to try its very best to replace the facility with a more fit for purpose building, that is in line with the needs of the cricket club, the wider community whilst also capturing the values and needs of its funders such as Sport England.
49. Sadly without the new build the future of the Cricket Club despite it having been established in the town for over 100 years, would clearly be at risk; as without proper facilities, its many local players would need to travel and move to other clubs, as following the fire, without the appropriate facilities the recruitment of additional new youth players has been very difficult during this transition period, and there is a real risk of expulsion from the Darlington and District Cricket League unless planning for the re build is granted.
50. The funding for this clearly needed facility has come from a number of areas, including the cricket club itself, who are really pleased to have been able to raise over £12,000 towards the project which has come from community donations, clearly demonstrating the community's passion and belief that the cricket club facility is both a cricket club for all and importantly a community asset for all.
51. Whilst the building and grounds are owned by the Town Council, they will be managed on a daily basis by the cricket club management team with a formal agreement in place. There is significant in-principle funding from Sport England and the Spennymoor Town Council along with the insurance money have identified additional funds to meet the costs of the re-build project.
52. This application provides a fantastic new facility which will suit and meet the needs of community amateur cricket club, and provide an incredible platform and facility to enable current and future young males and females interested in playing cricket or taking part in physical activity to achieve their level, whatever that may be going forward. By doing so we believe this may also help reduce anti-social behaviour within the town and through participation in fun physical activity help reduce the obesity levels of our young people within the town.
53. The facility has received interest from a number of community groups wanting to use it as a community hub, and it will be available outside of matchdays for the wider community benefit. It is anticipated that the operating times will be between

the hours of 9am and 9pm, and we can confirm that the building will not have music playing or be open to the public outside of these times.

54. The Town Council as the owner and landlord of the building, takes its responsibilities very seriously and will undertake weekly monitoring inspections of the premises and its activity to ensure compliance.

PLANNING CONSIDERATION AND ASSESSMENT

55. In cases, new issues may arise after planning permission has been granted, which require changes or modifications to the approved proposals.
56. Where changes are considered less than substantial, there are a number of options which are available to amend a proposal that has planning permission. This includes making a non-material amendment, or amending the conditions attached to the planning permission, to make minor material amendments (a section 73 application).
57. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of planning applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
58. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
59. The current application seeks a variation of condition 2 pursuant to planning permission (DM/20/00416/FPA) to amend the approved plans and allow for an increase in size and changes to the design and materials of the building.
60. The application site relates to an existing Cricket ground that previously had a wooden Cricket Pavilion on the site until it was destroyed by fire in July 2018. The ground is still used for cricket although there are currently no changing or toilet/refreshment facilities on site.
61. The proposed building would be partially sited on an existing area of hard standing in the south-east corner of the ground that was occupied by the former pavilion. The building would not encroach or impact upon the playing pitch and the principle of development has been established via the grant of the original permission which

concluded that the development would protect and enhance the existing sporting facilities on the site.

62. Given the nature of the proposals, the main considerations in respect of the current application relate to the scale, design and visual impact of the proposals and possible impacts upon landscape, the amenity of nearby occupiers, highway safety and parking implications.

Scale / Design

63. 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 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.
64. Paragraph 130 of the NPPF also states that planning decisions, amongst others, should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, whilst also creating places that are safe, inclusive and accessible and which promote health and well-being.
65. A wooden cricket pavilion previously occupied the site which was destroyed by fire. The current proposals are of a functional and contemporary design and the mix of block work and cladding would retain elements of the originally approved building, within a more flexible and secure layout believed to be required by Sport England.
66. At a height of 3 metres the proposed building would be slightly higher than that originally approved, and the floor plate is also larger. However, the single storey structure would be set in substantial grounds bordered by fencing and hedging, in part, which provides some screening. Any increased views of the building would therefore be limited and localised within the immediate surroundings.
67. The proposed scale and design changes would therefore accord with CDP Policy 29 and 6d) and Part 12 of the NPPF in this respect.

Landscape and Visual Impacts

68. 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.
69. Policy 39 of the CDP advises 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. Whilst policy 40 of the CDP (Trees, Woodlands and Hedges) advises that 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.

70. Landscape Officers consider that there are no landscape and visual issues with the application provided a condition regarding colour is applied.
71. The applicant has confirmed that the metal 'Shipping Container Style' Cladding, which will be used to dress the external block work would be powder coated in Grey RAL 7022 (as on the previous application) whilst the external timber cladding and decking would be treated/stained in Natural Oak.
72. Given the nature and location of the proposals and localised visual impacts, it is not considered that the proposals would result in any significant adverse visual impacts in the context of the setting and on the character of the wider surroundings.
73. The proposals are therefore considered to satisfy the provisions of relevant CDP policies and the NPPF.

Residential Amenity

74. 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.
75. 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. CDP Policy 6 criterion a) also requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land.
76. Residential properties in St Paul's Gardens lie to the east of the site, separated by intervening allotments. The closest of these lie approximately 70 metres away. Further residential properties are to the north (approximately 100 metres) separated by the Auckland Walk with The Meadows and Whitworth Park school grounds to the south and west.
77. The existing Cricket ground is accessed from St Paul's Gardens, via a track through the allotments. There is a palisade gate close to the entrance between 10 and 11 St Pauls Gardens and also a gate at the entrance to the ground itself.
78. In addition to the primary use by the Cricket Club, it is also understood that the building would be available for other users and groups from the local area, available for hire between 9.00am and 9.00pm daily.
79. Colleagues within Environmental Health (Nuisance) initially commented that they had no concerns about noise associated with games and typical club activities. However, they noted that the pavilion could be available for hire to a variety of interested parties including the town band, who would use it for both rehearsals

and performances. Whilst the nearest residential properties would not be in the immediate vicinity of the site, they considered that the use of the pavilion for supplementary activities could lead to a significant increase in noise particularly if live music was involved. Further details were therefore requested in terms of provisions for the control of noise.

80. The applicants have since clarified that the venue would be used for meetings only in association with cricket and other community activities with no music being played by the band or any other live performances.
81. Following this clarification Environmental Health colleagues have concluded that they do not have any concerns although conditions relating to the proposed hours for hiring and the playing of music.
82. More generally in terms of residential amenity it is acknowledged that the building will lead to increased visits to the area and usage of the site with associated comings and goings and increased noise and disturbance potentially between the hours of 9am to 9pm.
83. However, the site has an established sports and leisure use and given separation distances and intervening uses, it is not considered that the proposals would give rise to conditions of excessive noise and disturbance around the site to warrant a refusal.
84. Given the size and location of the building it is also considered that no issues of overshadowing, overlooking loss of privacy, or overbearing impacts would arise to the detriment of the amenity of adjoining/ nearby users.
85. Taking into account the above it is therefore considered that the proposals would maintain acceptable levels of amenity, in accord with the CDP in particular policies 6a), 29 and 31 and Parts 12 and 15 of the NPPF.

Highway Safety

86. Criterion e) of CDP Policy 6 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to 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. 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 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.
87. The Cricket Club has occupied the site for many years and access is gained via a track from St Paul's Gardens (between numbers 10 and 11) which runs through the allotments. St Pauls Gardens is adopted highway whilst the track is unadopted and within private ownership.

88. Representations have been raised about a number of issues, including the proposed provision of parking facilities and condition of the track through the allotments, and whether this is to be lit as it will now be opened up to more public use, especially in the darker Winter months.
89. The original approval included a site layout plan showing staff and public parking, in the form of 18 spaces (including disabled bays) in two runs close to the north and east boundaries of the site. A delivery area adjacent to the proposed building and cycle park area to the south of the entrance was also shown. At that time the applicants confirmed that the parking areas were to remain grassed and parking bays marked with white line markings.
90. The proposed access and car parking arrangements outlined on the original plans are to remain unaltered.
91. The Highways Engineer has noted that colleagues provided comments on the previous application in relation to the car and cycle parking which were incorporated into the extant permission DM/20/00416/FPA. The access arrangements to the facility were also considered at that time and accepted. He also notes that the access to the site has been in use since the 1960s, and that the proposed changes will have no material effect on the public highway. No objection is therefore raised from a highways perspective.
92. As with the previous approval it is recommended that a condition is again attached to ensure that the parking arrangements are laid out in accordance with the submitted details.
93. Concerns expressed in respect of the width and condition of the track are appreciated. However, this is a private access and the proposals relate to the provision of a building within the site itself. The existing access arrangements to the site are to remain unaltered and there are no plans to change these or introduce lighting to the track or car parking area. It is not considered that a refusal could be sustained on these grounds. The applicant has confirmed that responsibility for the access track including its maintenance rests with the Town Council. Such matters of possible changes to the track through the allotments to provide improved access or lighting are considered more matters for the Town Council.
94. Taking into account the representations and responses received, the proposals are considered acceptable in terms of parking, access and highways safety in accord with CDP Policy 6 e) as well as NPPF Paragraph 111.

Flooding/Drainage

95. 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.

96. Policies 35 and 36 of the CDP 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.
97. The proposed site sits within flood zone 1 and therefore is considered to have low flood risk. Representations have also queried whether any works are proposed to the existing septic tank. The applicant has confirmed that there are plans to renew the current septic tank as part of the new proposals and that all relevant manholes and drainage pipes will be connected.
98. Further details have not been requested in this regard as such matters are primarily controlled by other legislation, outside the planning system. Planning permission does not override the need for other permits or consents which may also be required from the Environment Agency or Building Control.

Ground Conditions

99. 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.
100. The site is situated within a Coalfield Development Low Risk Area.
101. The Contaminated Land Officer advises having assessed the historical maps and available information with respect to land contamination they have no adverse comments to make and there is no requirement for a contaminated land condition, recommending the inclusion of an informative.
102. The proposal therefore complies with CDP Policy 32 and Paragraph 183 of the NPPF in demonstrating that the site is safe and stable for future development.

Other matters

103. In respect of the representations raised concerning the times the site will be open and closed including locking of the entry gates between 10 and 11 St Paul's Gardens these operating duties would fall on those with overall responsibility for the management of the site.
104. Whilst such issues ultimately fall outside the control of the planning system the applicant has advised that all bookings will be taken by the Cricket Club Management Committee and they will ensure that appropriate access is available i.e. gates open to allow people to attend and depart a meeting with them also securing the building and area.
105. Issues relating to Mechanical and Electrical work are appreciated but also considered to fall outside the remit of planning legislation and further details in

this regard have not been sought. It would be the responsibility of the developer to obtain necessary authorisations including building regulations approval for elements of the scheme.

106. The plans submitted are considered acceptable and sufficient for the purposes of the application process.

Conditions

107. Approval of the proposals would result in the grant of a new planning permission for the development as a whole. As such conditions in respect of time limit for the implementation of the development and approved plans would need to be updated accordingly. It is also recommended that the original condition relating to the marking out of vehicle parking bays and cycle parking area is also repeated and a condition in respect of the proposed hours of hiring/ operation of the building included.

Public Sector Equality Duty

108. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons 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.
109. In this instance, the proposed development is unlikely to have impacts upon those with protected characteristics, as the proposal seeks to provide additional sporting facilities for all members of society regardless of their protected characteristics in an open and equal opportunity manner and through the provision of improved facilities.

CONCLUSION

110. 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 now 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).
111. The key consideration in the determination of variation of condition applications (Section 73), is whether planning permission should be granted subject to conditions that differ from those on the previous permission (or unconditionally). The focus is therefore on the acceptability of the proposed amendments rather than the development as a whole, which in the event of a refusal would continue to be subject to the original conditions. The amendments in this case relate to

relatively minor changes to the size, appearance and layout of the approved cricket pavilion that have been necessary to secure grant funding. It is considered that these would help to secure and enhance sporting provision on the site going forward and would have limited visual and other impacts outside the site and on the amenity of nearby residential occupiers.

112. Consideration has been given to all representations received, including those raising queries and concerns and the numerous letters of support. These have been addressed where appropriate and the proposals are considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the County Durham Plan. Subject to the following conditions, the application is therefore recommended for approval.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before 24 July 2023.

Reason: To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent DM/20/00416/FPA and 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 approved plans listed in Part 3 - Approved Plans.

Site Location Plan 5 March 2020
Car Park Site Plan 6 January 2022
Rear Elevation RUF253 6 January 2022
Side Elevation RUF252 6 January 2022
Front Elevation RUF251 6 January 2022
Email confirming materials 24 March 2022
Pavilion Layout Plan 4 April 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6,21,26,29,31,32,39 and 40 of the County Durham Plan and Parts 2,4,6,8,9,11,12,14 and 15 of the National Planning Policy Framework.

3. The proposed vehicle parking bays and cycle parking area shall be marked out in accordance with the submitted car park site plan (6 January 2022) and thereafter be used and maintained in such a manner as to ensure the availability for the parking of vehicles.

Reason: In the interests of highway safety in accordance with policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

4. The building shall not be open or in use outside the hours of 9.00am to 9.00pm; on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Other than ancillary/background music there shall be no amplified sound / music or live music to be played in the building.

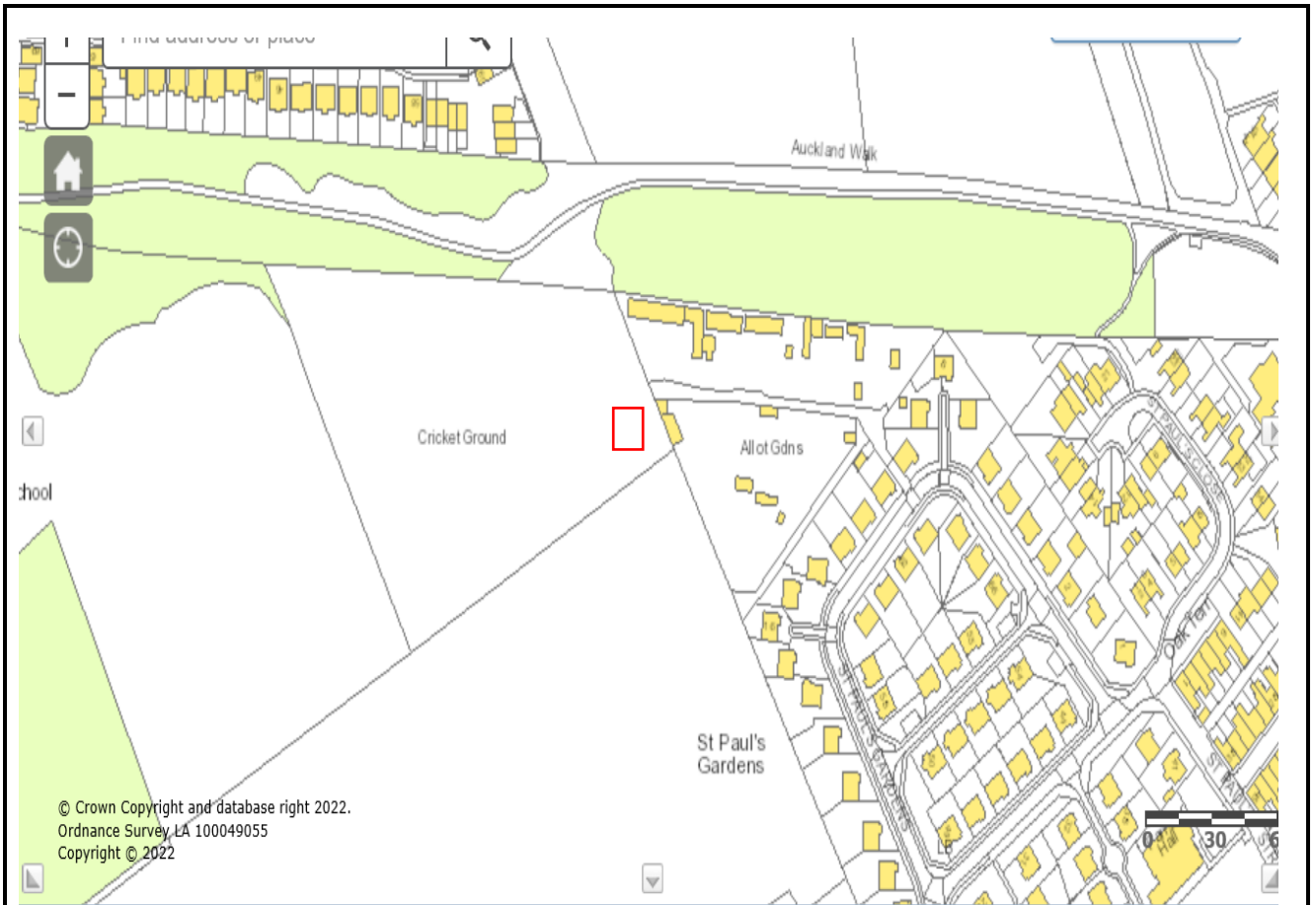
Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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
Previous application details,
The Equality Act 2010,
National Planning Policy Framework,
National Planning Practice Guidance,
The County Durham Plan (CDP),
Statutory consultation responses,
Internal consultation responses,
Public/ external consultation responses



<p>Planning Services</p>	<p>Spennymoor Cricket Club St Pauls Gardens Spennymoor DL16 7LR</p>	
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	<p>Date April 2022</p>	