



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

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

#### The Proposal

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **National Policy**

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

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

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

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

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

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

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

## **Local Plan Policy:**

### The County Durham Plan (CDP)

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

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

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

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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

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

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

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

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



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

**External Responses:**

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

**Public Responses:**

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

**Applicants Statement:**

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

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

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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

#### Principle of Development

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

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

#### Impact upon Open Space / Playing Field

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

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

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

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

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

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

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

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

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

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

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

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



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

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

#### Locational Sustainability

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

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

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

#### Highway Safety/Access

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

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

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

#### Visual Impact

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

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

#### Residential Amenity

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

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

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

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

#### Drainage

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

#### Ecology

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

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

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

#### Ground Conditions

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

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

#### Sustainability

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

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## **CONCLUSION**

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

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## **RECOMMENDATION**

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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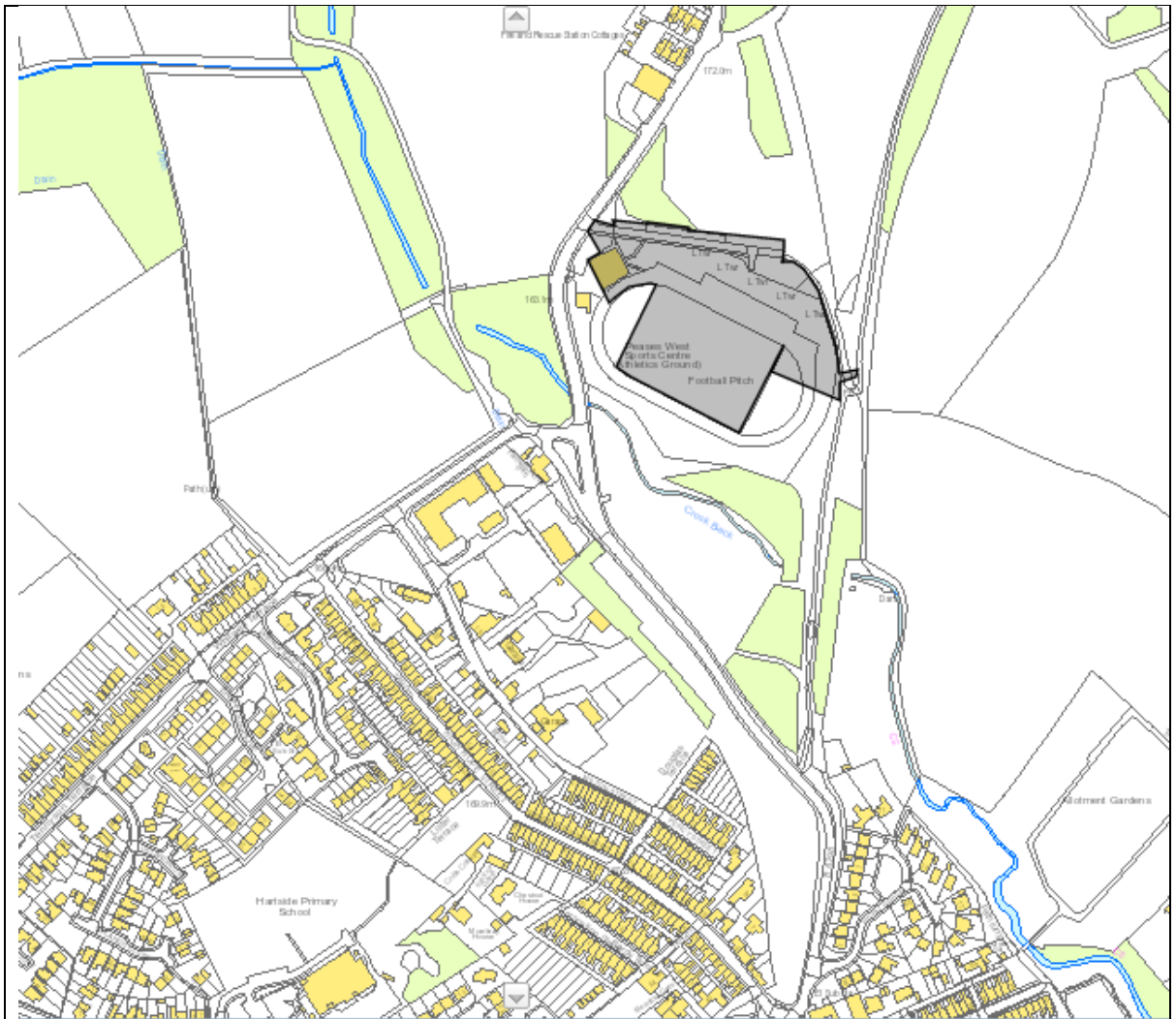
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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



<p><b>Planning Services</b></p>	<p>Extension to leisure facility including swimming pool and upgrade of pitch to 3G, associated car parking and landscaping (OUTLINE ALL MATTERS RESERVED)</p>		
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>		
	<p>Date: 13<sup>th</sup> June</p>		