



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/03015/FPA
Full Application Description:	Removal of existing floodlighting system and replacement with new LED units mounted on 6 No. 18m high masts and 2 No. 12m high masts
Name of Applicant:	Mr Lewis Pendleton
Address:	Riverside Sports Complex Riverside Chester-le-Street DH3 3QR
Electoral Division:	Chester-le-Street East
Case Officer:	Scott Henderson (Senior Planning Officer) Tel: 03000 265286 Email: scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises an existing sports pitch surrounded by a running track, mesh fencing and existing lighting columns. To the north of the site there are existing pavilions, cricket ground and stadia, large lighting columns and indoor leisure facilities. To the west and north-west of the site is an informal access track running parallel to the rear boundaries of nearby residential properties on Bradman Drive, Hutton Close and The Parks. The nearest residential properties are approximately 30m from the closest lighting column. To the east and south-east of the site there are existing sports pitches, woodland planting, grassed open space, picnic benches and individual trees. A formal footpath follows the bank of the River Wear here also. Open grassland and further woodland planting is to be found to the south.

2. Vehicle access to the site is from the north west via the main stadium access road which also serves the adjacent residential development.
3. The site area is 1.48 hectares.
4. The site is defined in the County Durham Plan 2020 as an Area of High Landscape Value. There are no heritage assets within the site boundary or immediately adjoining although Lumley Castle (Grade I) is visible from the site.

The Proposal

5. The proposal seeks planning permission for replacement of 6 no. existing 12 metre high masts and their associated 2kw HID lighting units with 6 no. new 18 metre high masts and LED lighting units. A further 2 no. existing 12 metre high masts will be retained and only their lighting units replaced for new LED versions. No further works are proposed.
6. The applicant has supplied the following schedule of operating hours and floodlight usage:

Day	Opening Hours	Floodlight Usage
MONDAY	4PM-10PM	4PM-10pm (no structured club usage) No football on centre pitch
TUESDAY	4PM-10PM	4pm-10pm (athletics use it 6-8pm) No football on centre pitch
WEDNESDAY	4PM-10PM	7.30pm-10 pm average 10 home midweek games a season between August and April 7.30pm kick off finishing 9.30pm (for cup games we may need an allowance of up to 10pm)
THURSDAY	4PM-10PM	4pm-10pm (athletics use it 6-8pm) No football on centre pitch
FRIDAY	4PM-9PM	4PM-9pm (no structured club usage) No football on centre pitch
SATURDAY	9AM-6PM	3-5pm On average 10 home games that kick off at 3pm floodlighting only required from october till April
SUNDAY	9AM- 5PM	2-4pm after october half term 12 games a season for the womens team

7. The application is reported to the Planning Committee at the request of Councillor Bill Moist (Chester le Street South) due to the local interest in the proposal.

PLANNING HISTORY

8. The following planning application is considered relevant in the assessment:

2/93/00496/NID – Development of athletics track and sports field with associated landscaping, lights and fencing. Approved 14 December 1993.

N.B. - This permission approved 8 no. lighting columns of up to 20 metres in height.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. 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.
12. 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.
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 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.
15. 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.
16. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

LOCAL PLAN POLICY:

17. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
18. Policy 6 (Development on Unallocated Sites) supports 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.
19. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for 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.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

20. 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 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 locating of 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.
21. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
22. 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.
23. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets

and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

24. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

SUPPLEMENTARY PLANNING DOCUMENTS

25. The Council adopted a revised SPD in 2023 dealing with Residential Amenity Standards. The SPD promotes high quality design which is sensitive and in keeping with the area in which it is located.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

26. The following comments were received following consultation with Statutory and Internal consultees.
27. **DCC Highways** – No objection
28. **DCC Design and Conservation** – No objections. The proposal would not result in detrimental impacts on designated or non-designated heritage assets.
29. **DCC Env. Health Statutory Nuisance** – I am satisfied, based on the information submitted with the application and with the addition of conditions that the development is unlikely to cause a statutory nuisance.
30. **DCC Ecology** – I can confirm that the supplied Protected Species Assessment report is sufficient to inform this proposal and no further survey is required. The lighting scheme ensures that lux levels on the river edge are unlikely to present a barrier to species movement in the river corridor and the proposed planting mitigation will provide enhance bat foraging opportunity. If the application is

approved please condition the contents of the Mitigation and Enhancement section of the report.

31. **DCC Landscape** - The replacement masts are 6m higher than existing and of a slimline design. The landscape and visual effects arising from the proposed changes, in the context of the existing character of the site and its wider setting, would be of a low order of magnitude and would not be significant.

NON-STATUTORY RESPONSES

32. The following comments were received following consultation with non-statutory consultees:

33. **Durham Constabulary (Architectural Liaison Officer) – No Comments.**

PUBLIC RESPONSES

34. The application has been publicised by way of notification letters sent to 117 neighbouring properties, at the time of writing in response 47no. letters of objection, were received and 41no. letters of support, a summary of the points of objection are as follows:

OBJECTION

- Development would not benefit the community
- New lights would lead to an increase in activity on the site with associated noise/disturbance/anti-social behaviour
- New lights would lead to increased vehicle activity/congestion/parking pressure
- Light spill/pollution into adjacent residential properties
- There has been a lack of public consultation
- The impact on wildlife has not been considered
- The negative visual impact from the columns themselves
- Lack of transparency into who is funding the development
- Increased litter
- The view of Lumley Castle will be blocked
- Light pollution may give rise to increased crime

SUPPORT

- New lights will have less light spill than the older versions
- Brings benefits to the town for users of the track and field
- The existing lights are simply inadequate
- New lights will increase participation and help to enable active lifestyles
- Will help local children get off the streets and give them a purpose
- Will lower anti-social behaviour
- LED lights use much less energy

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 47 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on non-designated heritage asset, the impact on residential amenity, the character and appearance of the area and visual amenity and highway safety.

Procedural Issues

36. During the public consultation exercise, discussions were held between the case officer and local objectors as to the origins of the various supporting reports submitted with the planning application. Concerns were raised regarding the reports pertaining to ecology, landscape and heritage impact, which had been produced by officers employed by Durham County Council. Following these concerns being brought to the attention of officers, a thorough review of the processes surrounding the application was undertaken. In terms of the landscape and heritage reports, officers ensured that robust processes were in place to ensure that the consultation responses were appropriately provided by officers independent of the production of the supporting reports. However, the review found that there was a procedural deficiency in how the application had been progressed in terms of ensuring that there was a process in place for the appropriate separation between the officer who prepared the ecology report for the application and the officer who offered the original consultation response to the Council in its capacity as local planning authority on the ecology report.
37. In order to address the matter, Local Planning Officers sought alternative independent advice from an officer wholly unconnected to the production of the original ecology report. This approach is consistent with that taken when the Council submits a planning application. The planning assessment hereby reported is based entirely on the secondary, independent advice provided by officers within ecology, landscape and heritage.

Principle of Development

38. The proposed development would not introduce a wholly new feature on the site, moreover it is a variation of a scheme previously approved in 1993 and amended in 1995 to permit 20m high columns. In the event, these approved columns were never installed and instead 12m high columns were used. The lighting columns were initially approved as an integral part of the overall sporting facility providing a running track and sports field on the site and have been in operation for the past 27 years. It is against this background that the replacement scheme has been considered.

39. Policy 6 (Development on Unallocated Sites) supports 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.
40. In response to the specifics of Policy 6, this proposal is a variation of a previously approved scheme which allowed for taller lighting columns of up to 20 metres. It would not result in the loss of recreational land. It is considered that the new columns and LED units would enhance the experience of users after dark, provide a better environment for sporting activity and this may indeed lead to a greater level of activity on the site, albeit this is extremely difficult to quantify. However, this activity is the lawful planning use of the site and the application does not propose to change this. Issues of ecology, heritage, residential amenity and highway safety are all addressed below, but in summary it is considered that the proposal accords with Policy 6 in principle.
41. For the reasons outlined above it is not considered that a replacement lighting scheme would impact so significantly on the nature of the operation as to create genuinely new and harmful impacts in planning terms and subject to the material considerations discussed below it is considered that the principle of the development is acceptable in accordance with policies 6, 29, 31, 33, 39, 41 and 44 of the County Durham Plan.

Impact upon Residential Amenity

42. Policy 29 (Sustainable Design) of the CDP 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.
43. The above policies and SPD on Residential Amenity Standards are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
44. Local residents and objectors have raised concerns that the proposal would result in an increase in crime in the area. Crime, and fear of crime are material planning considerations with paragraph 92(b) of the NPPF stating that planning

decision should aim to ensure that developments provide healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst these concerns are noted, the courts have held that fear of crime is only a material consideration where the use, by its nature, would provide a reasonable basis for concern. Durham Constabulary have been consulted, however have not yet responded at the time of writing. A verbal update will be provided to the committee as appropriate. Officers are of the opinion however that a replacement lighting scheme would not lead to a material increase in crime and that the continued use of the site for the same sporting activities would not be a reasonable basis for concern going forward, sufficient to warrant refusal.

45. 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.
46. The Council's Principal Public Protection Officer in the Environment Protection Team officer has undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes) and has provided advice summarised below.
47. The application relates to the removal of existing floodlighting system and replacement with new LED units mounted on 6 No. 18m high masts and 2 No. 12m high masts at the Riverside Sports Complex Riverside Chester-le-Street DH3 3QR.
48. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.
49. This view is based upon the documents submitted with the application with particular emphasis on:
 - The Riverside Sports Complex - Light Impact Assessment (Rev 2 - 06.12.2022) document prepared by Abacus Lighting Ltd, published on the Planning Portal on the 06 December 2022 under the title heading- Light Impact Assessment.
 - The Horizontal Illuminance Levels drawing document, prepared by Abacus Lighting Ltd, reference UKS18282/5 dated 5 December 2012, published on 6 December.
 - The document entitled Planning Information Light Usage, published under the heading Proposed Hours of Operation on 1 December 2022.

50. Whilst lighting associated with the use of the development will be observed by sensitive receptors in nearby residential properties, the developer has satisfactorily demonstrated compliance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2021 for an E2 Zone, providing that the floodlights are installed and shielded as described within the Riverside Sports Complex - Light Impact Assessment (Rev 2 - 06.12.2022) document prepared by Abacus Lighting Ltd; planners are therefore advised, should they be minded in granting permission, to apply a condition ensuring that the floodlights are installed as described within the supporting documents.
51. It is considered reasonable and necessary to apply a condition ensuring that the lights are only operated during the times described within the document entitled Planning Information Light Usage, published under the heading Proposed Hours of Operation on 1 December 2022.
52. In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows:
53. I am satisfied, based on the information submitted with the application and with the addition of conditions as described above, that the development is unlikely to cause a statutory nuisance.
54. Objections have been raised by residents occupying adjacent properties, that the proposal will lead to an increase in noise, disturbance, and anti-social behaviour. The use of the site for sporting and recreational activity is the permitted use of the site and the current proposal, whilst seeking to enhance that, would not change its lawful use. Given this and the proposed hours of operation, it is considered that the replacement of the lighting system alone would not lead to such a change in character of the operation as to create a directly attributable and sustained nuisance for local residents.
55. Therefore, in conclusion it is considered that the proposal is acceptable and would not have any adverse impact upon existing or future residents in accordance with the requirements of Policies 16, 29 and 31 of the County Durham Plan, the Council's Residential Design SPD, and Sections 8 and 12 of the NPPF.

Impact on Heritage assets

56. When considering any application for planning permission that affects a conservation area or the setting of a Listed Building, the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. S66 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and in relation to conservation areas, s.72 of the Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

57. Policy 44 of the County Durham Plan states in relation to non-designated heritage assets 'A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets'.
58. This application seeks consent for the installation of replacement lighting including 6no new 18 metre tall LED floodlights to the existing athletics track and grassed pitch and the retention of 2no existing 12meter tall floodlight columns with new LED units at Chester-Le-Street Riverside Leisure Complex. The subject site is immediately adjacent, south of the main cricket stadium. It comprises of an existing athletics track surrounding a grassed football pitch with existing flood lighting columns spread around the outer edges of the running track. The application is accompanied by a comprehensive heritage statement which identifies the significance of the site and the impact the proposal may have on such significance including direct impacts and more importantly impact on significance derived from setting.
59. The application site contains no designated heritage assets and is not located within a designated conservation area. Archaeological remains have been identified in the riverside area previously, but the level of information regarding these features is currently insufficient to classify them as non-designated heritage assets. On this basis there will be no direct impact on heritage assets and all matters of further concern relate to impact on setting.
60. The heritage statement employs an appropriate methodology based on Historic England guidance and best practice along with an appropriate search radius for nationally, locally and non-designated heritage assets. Following a sifting exercise, it identifies 4 key groups of assets which warrant further detailed consideration. These four groups are considered appropriate and represent those most likely to be affected and those of greatest significance.
61. The heritage statement first addresses the role of the site in the setting of the four identified asset groups, it concludes that the application site makes either a neutral or nil contribution, having visited site and reviewed these assessments they are considered reasonable and acceptable. The statement then assesses the impact of the proposal on each group.
62. The first consideration relates to the Durham World Heritage Site and more specifically the pilgrim route "Cuddys Course" from the Church of St Mary and St Cuthbert to Durham Cathedral which lies to the east of the application site. The pilgrim route is linked to outstanding universal value 2. The heritage statement concludes that given the sheer length of the ancient pilgrim route (approx. 10 miles) and the changing environments along it, the development proposal would not adversely affect the user experience, understanding or appreciation of the pilgrim route, or is historic value as part of the six-route pilgrim trail. It is therefore concluded that the overall level of impact on this heritage assets setting would be minor and neutral (no harm). This conclusion is accepted.
63. The second consideration is Lumley Castle, views from the castle and to the castle are considered and the statement concludes the proposal will not unduly

affect the castles prominence, degrade the visual quality of any views nor add cumulatively to the existing impact. The impact overall would be minor and not at a level that would create harm to the heritage assets setting. The conclusion is accepted.

64. The third consideration is Chester le Street town centre, the conservation area and component heritage assets. The statement suggests that the setting of the conservation area and the designated heritage assets therein are enclosed and inward looking, dictated by the plan form and layout of the town centre. Specific attention is paid to the church and spire. The conclusion suggests the impact would be minor and neutral. Having reviewed views from the site, from the conservation area to the site and landscape scale views including both the application site and the conservation area this is accepted.
65. The fourth consideration relates to Penshaw Monument where no harm is identified, this conclusion is accepted given distance and current site characteristics.
66. Overall the impact on heritage assets and their setting does not give rise to objection and no related conditions are required. The proposal is considered to be in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.

Landscape Impact and Design

67. Policy 29 (Sustainable Design) of the County Durham Plan 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.
68. Policy 29 goes on to state that all developments 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.
69. Policy 39 (Landscape) of the County Durham Plan 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.
70. The site is contained within a defined Area of Higher Landscape Value as referenced in Policy 39. The development however is limited to replacing existing

lighting columns and lighting units which are to be reinstated in exactly the same location of the current ones. This will not be a wholly new addition to the landscape. The additional height of 6 of the columns and replacement (smaller) LED units is considered to have a minimal visual impact overall when seen in the setting of a hard standing athletics track and associated sports pitch. It is also noted that the original permission allowed for 20m high columns.

71. In light of the above it is considered that the proposal is acceptable in relation to Policies 29 and 39 of the CDP.

Sustainability and Carbon Reduction

72. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
73. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits.
74. Whilst there is no scope to secure renewable or low carbon energy generation through the proposal, the use of low energy LED lighting units is welcomed over the existing, less efficient units. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 of the County Durham Plan.

Highway and Pedestrian Safety

75. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
76. The Council's Highway Engineers have assessed the proposal and concluded that the proposal is acceptable.
77. In light of the above it is considered that subject to the conditions requested by the Highway Authority it is considered that the proposal complies with Policy 21 of the County Durham Plan, and Part 9 (Paragraph 112) of the NPPF.

Ecology

78. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation

and interpretation of geodiversity. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

79. The application was supported by a Protected Species Assessment dated November 2022. The report confirms that the nearest designated site is the Brough's Gill Wood Local Wildlife Site which is situated approximately 400m to the south east. Lumley Woods Local Wildlife Site is found approximately 600m to the east. There are no further designated sites or ancient woodlands within 1km of the application site.
80. Bats have been recorded to the north east along the River Wear and evidence of bat roosts within housing to the west.
81. An otter was observed in the river in 2020 but no evidence of otter holts or resting up sites within the vicinity.
82. The report states that given the nature of the site, being hard standing and amenity grassland, no impact on habitat is expected. It is noted that the site is already lit and as such the baseline conditions are already well above a 'natural' lighting scenario.
83. In terms of impact from light, the Bat Conservation Trust and Institute of Lighting Professionals Guidance promotes the use of low UV lighting to reduce the quantity of insects attracted and hence natural foraging areas. The LED lighting will have a very low UV output and no adverse impacts are anticipated.
84. The River Wear will be susceptible to light spill and is an important area for otters and bats. Light spill is contained below 1 Lux at the River Wear which is considered an acceptable level within guidance standards. Ecological mitigation in the form of native scrub planting along the riverside is proposed and will further reduce light levels, improving the quality of foraging habitat over existing levels.
85. Light spill onto the housing to the west of the site is limited to less than 1 Lux, equating to a clear moonlit night. A bat roost has been recorded around Bradman Close but the low levels of light spill predicted are not expected to affect any bats emerging from any roosts here.
86. Light spill onto the existing buildings to the north will be reduced with the new lighting system and no adverse lighting impacts are anticipated as a result.
87. Subject to a planning condition to secure the necessary off site enhancements and mitigation (native scrub planting) ecology officers within the Council are satisfied that no adverse ecological impacts will arise from the development and this accords with Policy 41 of the County Durham Plan and Part 15 of the NPPF.

Residual Matters

88. Letters of objection have been received raising a number of other issues as follows.
89. Reference has been made to a wider public consultation exercise that residents were expecting to take place relating to the longer term development of the site as a whole. This is something outside of the planning process. The current planning application has been advertised in full accordance with current planning regulations with direct mail notifications to 117 nearby properties. Officers consider that the level of consultation carried out is therefore appropriate.
90. The question of who is funding the development is not considered to be material to the determination of the proposal, nor is the identity of the applicant.
91. Litter has also been raised as a reason for objection. As previously stated the use of the site is permitted and is not proposed to be changed in planning terms. It is not considered that the proposal to replace the lighting system would lead to a material increase in littering on the site.

CONCLUSION

92. In summary, it is considered that on balance the development is acceptable in planning terms. The proposal does not introduce new lighting to an area currently unlit but would introduce new LED lighting on taller columns allowing better control of light spill, most notably in relation to the nearby residential dwellings. Officers are satisfied that the illumination levels and proposed hours of use would not lead to unacceptable impacts on residential amenity or ecological interests in the wider area. Similarly, officers are satisfied that no material impact upon the setting of designated or non-designated heritage assets will occur. In more general design terms, the proposed changes are unlikely to have any significant material impact when viewing the site as a whole and in summary the proposals are considered in accordance with Policies 29, 31, 33, 39, 41 and 44 of the County Durham Plan and Parts 2, 4, 8, 12, 15 and 16 of the National Planning Policy Framework.

RECOMMENDATION

93. That the application be **APPROVED** subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 16, 21, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36 and 44 of the County Durham Plan and Parts 2, 4, 8, 9, 11, 12 and 16 of the National Planning Policy Framework.

3. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

4. Prior to commencement a scheme detailing the enhance ecological mitigation measures recommended within the submitted Protected Species Assessment dated November 2022 shall be submitted to and approved in writing by the Local Planning. The agreed scheme shall thereafter be implemented within a timescale to be agreed and maintained in accordance with the agreed details for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policy 41 of the County Durham Plan and Section 15 of the NPPF.

5. The LED floodlights hereby approved shall only be operated during the times described within the document entitled Planning Information Light Usage, published under the heading Proposed Hours of Operation on 1 December 2022.

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

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 form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Riverside Sports Complex Riverside Chester-le-Street DH3 3QR</p>	
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