

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01404/FPA
FULL APPLICATION DESCRIPTION:	Engineering operations to create a football centre incorporating the creation of 20 No grass pitches (Use Class F2), demolition of existing stable block, creation of new building to provide changing facilities, creation of car parking and widening of existing access track
NAME OF APPLICANT:	Mr David Armstrong, Russell Foster Tyne and Wear Sports Foundation Ltd.
ADDRESS:	Leamside Equestrian Limited Stud And Equestrian Centre White House Farm Pit House Lane Leamside Houghton-le-Spring DH4 6QJ
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Steve France Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is formed of 11.76ha of land last in use as a Stud and Equestrian Centre in 2019.
2. It is generally flat, excepting an earth bund that runs along the west boundary which is shared with the southbound carriageway of the A1(M) motorway, which passes at a lower level. A public footpath runs along this boundary. The A1(M) in this area is a dual carriageway subject to a 70mph speed limit. There are occasional small trees in the motorway verge, but no significant planting on the scrub covered separating embankment/bund. A wooden post and rail fence defines the actual boundary.
3. The southern boundary is shared with Cocken Road which rises on an embankment to a bridge crossing the motorway. Cocken Road is a standard two-lane C road, subject to a 60mph speed limit. It has street lighting and a pavement on its north side. At the south-east corner of the site Cocken Road meets Pithouse Lane at a T junction. 80m south of the junction, in the direction of West Rainton the road drops from a

60mph limit to 40mph. The sporadic settlement of Leamside stretches along Pithouse Lane, with open sections of grazing and agricultural land interspersed with a riding school, plant nurseries, a public house, and a turf/landscape operation. The single access to the site as existing and proposed is from Pithouse Lane, with a well-maintained hedge and post and rail fence defining the east site boundary. A sealed public footpath runs along this front of the site which is street lit to adopted standards. The speed limit on Pithouse Lane drops to 40mph north-east of the site at Carr Row, a line of five roadside dwellings that directly bound the site. Carr Row is two short Victorian Terraces of two-storey roadside houses with rear yards and rear (or side) gardens

4. North of the site are fields of grazed semi-improved grassland, with further north again, occasional organised off-road motorcycle use is currently apparent on fields on some weekends.
5. The site itself has a central gravel hedged access track leading between fenced grazing fields to the built grouped structures, which consist of a large steel portal framed indoor equestrian arena and a number of subservient buildings ancillary to the former equestrian use, a modern dwelling and an outdoor riding arena. The buildings are situated on the west part of the site, near the boundary shared with the A1(M). There are small areas of hardstanding around the buildings and in front of the former fenced outdoor arena. Much of the site is formed of fenced paddocks. The north-west quadrant of the site appears only informally used.
6. The site and all immediately surrounding land is included within the Green Belt. The site is open countryside. It is not covered by and does not affect the setting of the Area of High Landscape Value that protects the River Wear, south-west of the motorway road-bridge and Cocken Road. There are no heritage assets designated nor non-designated directly affected by the proposals, however the size of the site dictates that archaeological investigations are required.

The Proposal

7. The development is described within the planning application as:
 - Creation of 14no. 54x36m (7v7 format) natural turf football pitches
 - Creation of 6no. 45x27m (5v5 format) natural turf football pitches;
 - Demolition of existing stable and construction of replacement building to provide changing facilities;
 - Creation of car park; and
 - Widening of existing access road.

Other works to be undertaken out-with the planning process are:

- Creation of an 42mx32m indoor football/multi sports hall facility inside the existing equestrian arena; and
- Use of existing office, catering facilities, and classrooms in the existing main building.

The arrangement of the pitches and car park has been modified during the course of the application to relocate pitches away from the boundary with the A1(M). As submitted two pitches were sited adjacent the motorway in the north-west corner of the site. The proposed carpark has been relocated into this area.

8. The proposal is to replace an existing site at Newbottle, on the edge of Sunderland. The additional offer of an indoor football facility, described as outwith the planning process improves on the current offer available at Newbottle. Changing facilities are to be provided through the replacement of existing buildings with existing hardstanding originally utilised where possible to provide vehicle parking (although this has been

amended as per above). No floodlighting or additional fencing is proposed in relation to the creation of pitches at the site.

9. For hours of operation and peak access, the centre would be operational and staffed 7 days a week. 'It is envisaged that that the use of the centre Monday – Friday is expected to be limited to use of the indoor facilities only and a maximum of one outdoor pitch. Such use is not expected to be for competitive fixtures where spectators are expected to attend. Instead, such use is likely to be for non-competitive games; training purposes; or for school use. On a Saturday and Sunday, it is expected that a maximum of 12 outdoor pitches will be in use at any one time. This will be for competitive fixtures when spectators would be expected to attend up to a maximum of 20 spectators per pitch. The outdoor pitches are not to be floodlight therefore would only be operational during daylight hours, however, the internal pitches may be utilised during winter evenings for coaching sessions and small-sided games'.
10. This application is being considered by committee because of the size of the site and at the request of a Councillor Hall and West Rainton Parish Council reflecting concerns for highway safety and development in the Green Belt in particular, having originally been scheduled within the Covid Delegated process.

PLANNING HISTORY

11. The planning history of the site relates to the recent equestrian use, which operated between 2002 and 2019. This is relevant in so far as the application relies on the established use of the indoor equestrian centre for reuse, and for the volume of the existing ancillary buildings in so far as the proposals may affect the 'openness' of the designated Green Belt.
12. 8/CMA/4/19 - Application to import waste materials for creation of a bund: Approved 24 September 2004.
13. 4/02/00784/FPA – Change of use from farm to equestrian training unit with erection of buildings, stabling and arena and creation of noise attenuation bund. Approved, 21st January 2003.
14. 4/13/00487/VOC – Material amendments to planning permission 02/00784 (equestrian facility development) to permit alterations to therapy unit / stables, alterations and repositioning of indoor arena, and repositioning of horse walker. (Partly Retrospective and Amended Plans). Approved, 16th December 2013.

PLANNING POLICY

NATIONAL POLICY

15. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
16. *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.

17. *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.
18. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
21. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 13 - Protecting Green Belt land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
23. *NPPF Part 14– Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
24. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

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

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

NATIONAL PLANNING PRACTICE GUIDANCE:

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; 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; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; 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

27. *Policy 10 Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
28. *Policy 20 Green Belt* development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
29. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
30. *Policy 26 Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green

infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

31. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
32. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
33. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
34. *Policy 35 Water Management*. Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
35. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
36. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
37. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-

uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

38. *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.
39. *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.
40. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

41. Highways Officers latest comments have not been summarised, given the importance and contention of this issue in the application process and so are replicated in full below:
42. *In July 2022, the Local Highway Authority (LHA) requested additional information with regard to planning application DM/21/01404/FPA. It was not considered that the previously submitted Transport Assessment (TA) was robust enough to support the assertion that the application was acceptable in Highways terms. The LHA is now in receipt of a supplementary TA and has the following comments to make -*
43. *The LHA notes the significant level of public objection to the proposals, including on the issue of road safety. The Planning Practice Guidance Note – Travel Plans, Transport Assessments and Statements 2014, issued by the Government, requires applicants to consider “an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;”.*
44. *It is not known why the applicant has chosen to present accident data for 2015-2019 when data up to and including 2022 is available. However, notwithstanding that, the LHA holds its own official accident database and for robustness has considered accident data up to December 2022, so including a much wider scope than the applicant is required to by the Government guidance, or than the applicant has submitted in their TA. It is also important that causation factors behind each accident are considered before any assertion about whether there is an existing road safety issue is made.*

45. *In that 5-year period up to the end of 2022, there are only two recorded accidents on Pithouse Lane on its entire length from the junction of Cocken Road up to where it meets High Row and New Lumley Road. These accidents were both classed as 'slight'. There are only two recorded accidents on Station Road, again both classified as 'slight'. So, there is no evidence to suggest that there is an existing road safety issue on Pithouse Lane or Station Road.*
46. *The A690/Pittington Road/Lambton View junction was the scene of fatal accidents in July 2022, and December 2022. The A690 currently carries an average of nearly 28,000 vehicles per day and so is a heavily trafficked, strategic 'A' road. Prior to these fatal accidents, there are only three recorded accidents at this junction in the past 5 years, and these were all classed as 'slight'. There have also been two recorded incidents at the A690/Lambton View junction further north. One of these was classed as 'serious' and the other 'slight'. While road traffic accidents are unfortunate, given that the road carries approximately 28,000 vehicles per day, the number of accidents at the junction is low. Notwithstanding this fact, the LHA has publicly announced a scheme to signalise the A690 at the Lambton View/A690/Pittington Road junction. Work scheduled to begin on the installation of the signals in Spring 2023 is now in progress.*
47. *The proposed access junction into the site has been designed with visibility splays which meet the 85th percentile speeds on that stretch of Pithouse Lane. This gives a southern visibility of 2.4m x 125.0m and northern splay of 2.4m x 135.0m. The site access would have 10.0m radii and the access road into and through the site would be 7.0m in width. It has been demonstrated that a site access which meets the required Highway design standards could be achieved. A S184 agreement would be required between the applicant and the LHA for works to provide the site access. All works to the adopted highway would be at the applicant's expense.*
48. *So overall, there is no evidence to suggest that there are any existing road safety issues on any of the roads or junctions that would serve the site. The signalisation of the A690/Lambton View/Pittington Road junction by the LHA would address the perceived road safety concerns at this junction.*
49. *Following concerns from the LHA about the lack of assessment of the roads immediately adjacent to the site, most notably Pithouse Lane and Station Road, the applicant has provided further information with regard to the impact of the development on these roads. Turning counts were carried out at both A690/Lambton View, and the Cocken Road/Pithouse Lane junctions in early October 2022 to establish existing flows and allow modelling of junction capacity to be carried out.*
50. *During the week it is acknowledged that the proposed use of the site would be limited, with the site predicted to generate approximately 30 vehicle movements (two way) per hour during the day 08.00 to 17.00, and 90 vehicle movements (two way) between 17.00 and 21.00. It is noted that the site would not have floodlights and so only the indoor facilities would be in use during winter months. So, during the week it is considered that additional traffic on the local highway network as a result of the development would be nominal.*
51. *On Saturday and Sunday between 09.00 and 16.00 the applicant is suggesting that there would be up to 360 vehicle movements per hour (two way), 208 in and 152 out. It should be noted that the way the data has been presented in the TA suggests that it would be 360 movements every hour thus generating circa 2500 vehicle movements (two-way) in a 7-hour period across the day on a Saturday and a Sunday. However, the 360 figure would not be every hour; that would be the number of movements (two way) in the hour of peak use of the site. Outside of that peak, the number of*

movements would be lower, and across the day on a Saturday and Sunday the total movements in the 7-hour period of operation would be a total of 1774 two-way trips (887 in and 896 out) meaning an average across the day of 253 vehicles per hour (two way) of operation.

52. This proposal would be for a regional facility, and so traffic would be arriving from a number of different routes including Cocken Road, Pithouse Lane and Station Road from the A690. This means that the full impact of the 360 vehicles (two way) peak hour flow, and the lower flows experienced outside of that peak, would not be concentrated onto any single road. The Gravity model shows the following distributions and what that equates to in terms of traffic on each of the roads in the peak with 360 additional vehicle movements.
- Travelling South from A1052 down Pithouse Lane 29.4% (61 vehicles In 45 Out) Total 106
 - Great Lumley Road onto Pithouse Lane 2.1% (4 In 3 Out) Total 7
 - Cocken Road onto Pithouse Lane 3.5% (7 In 5 Out) Total 12
 - A690 heading North onto Lambton View – 33.1% (69 In 49 Out) Total 118
 - A690 heading South onto Lambton View – 31.9% (66 In 50 Out) Total 116
 - 2022 counts currently show that in the peak hours flows (two way) on Station Road between the A690 junction and the junction with Cocken Road are 546 PCUs in the AM weekday peak, 603 PCUs in the PM weekday peak, and 505 PCUs in the weekend peak. DCC also has a count on Station Road from 2015 which shows flows of 503 in the AM peak, 776 in the PM peak, and 503 in the weekend peak.
53. 2022 counts carried out by the applicant in October 2022 show that Pithouse Lane to its junction with Cocken Road has flows of 240 in the AM peak, 324 in the PM peak, and 292 in the weekend peak. A DCC count from May 2022 showed similar flows with Pithouse Lane carrying 224 in the AM peak, 287 in the PM peak and 230 in the weekend peak. Cocken Road carries 453 in the AM peak, 477 in the PM peak, and 393 in the weekend peak.
54. The Cocken Road/Pithouse Lane junction has been modelled in a 2022 scenario using the observed 2022 count data, in the 2027 scenario, and in the 2027 + development scenario. In all of these scenarios the junction is shown to work well within design capacity.
55. It is noted in the objection letters reference to the fact that locals consider the roads to be at capacity, and unable to cope with the additional traffic the proposed development would bring. The approach roads to the site, Cocken Road, Station Road, and Pithouse Lane are all generally 6.0m in width as a minimum. They are also classified roads, all being 'C' classification, and so are designed to carry larger levels of traffic than residential streets and have a primary function to facilitate the movement of traffic on the road network. Roads between 6.0m and 7.3m, taking into account factors such as speed limit, frontage access to properties, number of side roads, bus stops etc, would have a design capacity of circa 1500 vehicles per hour (two-way flows). So, taking the existing flows on these approach roads and adding the proposed development traffic, Cocken Road, Pithouse Lane and Station Road would still be carrying levels of traffic significantly below their design capacity.
56. A significant number of objections submitted on the proposed development relate to the perceived safety issue at the A690/Lambton View junction, and the impact of traffic travelling through this junction and onto Station Road. A total of 234 vehicles of development would use this junction in the weekend peak. Not all of this traffic would use the 'cross over' as vehicles going to the site travelling North from Carville Interchange would simply turn left off the A690, and traffic heading North on the A690

would turn left out of Lambton View and onto the Northbound carriageway. The actual amount of development traffic using the junction in the Saturday peak would be 112 vehicles two way (52 In 60 Out).

57. *Due to its current non-standard layout, the A690/Lambton View junction cannot be modelled using conventional modelling software and no meaningful or accurate outputs could be gained. Through the application for housing at Station Road, the developer has an obligation to fund the signalisation of this junction. The Council is now in receipt of this money and has scheduled the works to install the signals for Spring 2023 (*currently underway). Therefore, notwithstanding any of the above, and regardless of whether this development is granted permission or not, the A690/Lambton View junction would be signalised, and in the event that this application were to be granted permission, these signals would be in place in advance of the scheme becoming operational.*
58. *The applicant has produced a LinSig model of the committed scheme for signalisation of the A690/Lambton View junction. This has been modelled in the 2022 base scenario, 2027 base scenario, and the 2027 + committed development + development traffic scenario. This junction is shown to work with spare Practical Reserve Capacity (PRC) in all scenarios. The junction is therefore shown to work with the development traffic applied to it.*
59. *A number of objections have stated that the impact on Station Road has not been assessed. However, this is not the case, as additional traffic flows on Station Road can be derived from the modelling and 2022 count data. The applicant's Gravity Model has shown that of the 360 predicted (two way) trips to the development site in the peak hour on a weekend, 234 of these would use Station Road. However, there are already approximately 62 of these trips already on the network (and so included in the base count) who use this junction and route to get to the existing RFFL site at Newbottle. Therefore the 'new' trips to the proposed Leamside site would equate to 172 (two way) along Station Road in the peak hour. Counts have shown that the peak flows in the PM weekday peak are 603 vehicles, and the Weekend Peak are 505 vehicles. Therefore, when adding the development trips which would occur in the weekend peak to the observed flows in the weekend peak, this would give a total flow on Station Road of 677 vehicles. This means the weekend flows plus development traffic would see a net increase in vehicle movements on Station Road of 73 vehicles (two way) above the flows which occur on a weekday peak in the 2022 counts, and a figure which is 99 vehicles less than the road was shown to carry in the 2015 PM peak weekday count. So the existing counts show that Station Road and Pithouse Lane already carry similar, and at times a higher volume of traffic, during the week, than would be carried at a weekend with the proposed development traffic.*
60. *So overall, while 360 vehicle movements in the peak hour may be considered by some to be a significant level of traffic, this traffic would be coming to the site via a number of different roads due to the fact that the teams using the facility are geographically dispersed. When considering the distributions, and the level of impact the proposed traffic would have on each of the routes to the site, it is not considered that the impact could be considered severe, with all the roads and junctions continuing to operate within their design capacities with the addition of the development traffic. This conclusion is on the basis that no more than 12 pitches would be in use at any one time at the weekend. The LHA would seek assurances from the LPA that this limit could be secured, controlled and enforced through any subsequent planning permission.*
61. *The site is proposed to have 259 car parking spaces for use by parents bringing children to the site, as well as 11 staff/manager spaces, 10 disabled spaces and 3*

coach parking bays. The applicant considers that the peak car parking demand (assuming every child is brought by their own parent and there is no car sharing or teams using minibuses etc) would be 208 spaces. There would inevitably be a small amount of cross over where parents are arriving, and other parents are still waiting to leave. Therefore, the applicant has sought to provide 259 spaces, meaning there would be 51 spaces available during this cross over period. So, car parking provision has been made with the peak periods in mind, and it is considered that much of the time, the car parking provision would be significantly higher than demand for parking associated with the use.

62. *The applicant has previously done work to try and overcome concerns raised by National Highways in relation to the potential for balls to be kicked onto the A1 from the site. To overcome this, the applicant has switched their car park meaning the nearest pitch to the A1 is now further away. In addition, the applicant has stated that all players would be under 12, and so the chances of children that age being able to kick a ball that far, would be extremely small.*
63. *The latest proposals show pitches which would be adjacent to Pithouse Lane, and Cocken Road. These pitches are significantly closer to the local road network, than the previous layout pitches were to the A1. It is considered that netting or a similar mitigation would be required to prevent balls leaving the site and going onto the local road network. While the applicant states that players would all be under 12 years old, the LHA seeks the advice from the LPA as to if, or how, this could be controlled and enforced.*
64. *In addition, there is not proposed to be any lighting within the site including the car park and the proposed access road. While there would be no floodlights on site, and so the applicant's view is that the facilities would not be used during the hours of darkness, there would be indoor facilities on the site which could be used all year around including during hours of darkness. The applicant would need to demonstrate how the car park and access road would be expected to operate safely in hours of darkness for pedestrians, whether these be staff or users of the facilities, getting to and from their vehicles in the car park, or for those who have chosen to walk or cycle to use the indoor facility and need to use the access road, when no lighting is provided. It is noted that this issue was also raised by the Police Architectural Liaison Officer in June 2021 who stated that the car park and other areas should be "well lit", but this issue does not appear to have been addressed.*
65. *There are a number of specific issues raised in the objection letters which are addressed below:*
 - *No assessment has been made of the impact of the development on Station Road. This is incorrect, as 2022 base flows from the counts at the A690 junction and Pithouse Lane, together with the 2027 scenario and 2027 + development scenario, identify the additional flows which would use Station Road relating to the proposed development.*
 - *The accident on Pithouse Lane/Cocken Road on 31st October. Objection letters have drawn attention to an accident at the junction of Cocken Road and Pithouse Lane on 31st October which was initially reported as being a 'fatal' accident. The Police report has now confirmed that this accident has been reclassified as a 'slight' accident and was caused due to the driver having a medical episode at the wheel.*
 - *The existing A690/Lambton View junction cannot be modelled in its existing form. Industry standard modelling software is designed to assess standard junction layouts such as simple priority junctions, traffic lights and roundabout. However,*

even modern modelling software has limitations, and due to the nature of the A690 junction, which is not a standard priority junction, although that is how it operates in the real world, this cannot be accurately modelled. This point is no longer relevant as the LHA will be commencing with a committed scheme to signalise this junction in Spring 2023 and so, should the LPA be minded to approve this application, a new junction layout (which has been assessed as part of the TA) would be in place prior to the development opening.

- The modelling does not take into account committed housing sites. This is incorrect; the TA and base models contain the proposed traffic associated with the committed developments of 150 houses at Station Road, and 65 houses at Benridge Bank.
- The TA is based on out-of-date information. The TA addendum (November 2022) is based on counts for the A690/Lambton View junction and Pithouse Lane/Cocken Road which were taken in early October 2022, so the revised assessment is based on up-to-date information.
- Inadequate accident data has been considered. Some objection letters refer to accidents dating back many years. The Planning Practice Guidance Note – Travel Plans, Transport Assessments and Statements 2014, issued by the Government, only requires applicants to consider “an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;”. In the event of refusal of a planning permission on the grounds of road safety, and any subsequent appeal, an Inspector would only consider 3 or 5 years of accident data and therefore it serves no purpose for the LHA to consider accident data older than 5 years when informing its decision.
- The existing roads cannot cope with the additional traffic – The approach roads to the site from all directions are generally 6.0m or wider. This gives them a capacity of circa 1500 vehicle per hour (two way). This is significantly in excess of the existing flows and the proposed development traffic combined, meaning that with the development traffic, the roads would still be functioning within their design capacity. Station Road, Cocken Road and Pithouse Lane are all part of the classified road network, and are ‘C’ roads, which have the primary function of carrying traffic between two points.

66. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whether or not an application meets these very high thresholds is lead by data and design standards, rather than being subjective. In this case, there is nothing to suggest that the application would be detrimental to road safety or have a severe cumulative impact on the local road network. Existing junctions and roads would continue to work within their design capacities, and there is no evidence to suggest that there are any existing road safety issues on the roads serving the site. Where there is currently a perceived road safety issue, at the A690/Lambton View junction, the LHA has announced a committed scheme to signalise the junction starting in Spring 2023 (*under way).

67. Highways Officers have then set out a number of requirements and conditions should the application be approved:

- Submission of a Car Parking Management plan to be approved prior to first occupation
- Car parking to be laid out prior to first occupation
- No more than 3 pitches in operation on a weekday

- *No more than 12 pitches in operation on a Saturday and Sunday*
- *Site access and service road to be constructed prior to first occupation*
- *Construction Management Plan*
- *Details to be submitted of measures to prevent footballs straying onto Cocken Road and Pithouse Lane*
- *Details to be submitted of lighting for the site including the car park and access road*
- *Implementation of Travel Plan (Local Planning Authority should seek advice from DCC Sustainable Travel Team re this)*
- *An 'informative' for a s.184 agreement for works in the adopted highway is also suggested.*

68. *National Highways* – note in July 2022, National Highways reviewed a Transport Assessment [TA] and Travel Plan [TP] submitted in support of the above planning application and offered comments with regards to potential impacts on the Strategic Road Network [SRN]. The applicant's transport consultants subsequently issued a Response Note aiming to address the issues raised by National Highways, which National Highways responded to in September 2022 regarding potential issues caused by trip generation and traffic movements. The applicant's transport consultants have now issued a TA Addendum and updated TP addressing the issues previously raised.
69. National Highways are satisfied that a planning condition limiting the number of pitches in use at any one time to that given above would adequately limit trip generation as a result of the proposed development. We therefore request that a planning condition controlling the level of use should be incorporated within any planning permission granted for the development as contained in the TA Addendum:
- One pitch in use at any one time on a weekday 08:00-17:00
 - Three pitches in use at any one time on a weekday 17:00-21:00
 - 12 pitches in use at any one time on a Saturday and Sunday.
70. It was requested that the applicant provide further details regarding the proposed boundary treatment for the land bordering the SRN, as without mitigation there was a potentially serious risk that footballs could be kicked from the proposed pitches at the north-west of the site directly onto the SRN. Subsequently, the proposed site plan for the development has significantly changed with regards to the layout of the outdoor pitches, such that the two pitches in the north-west quadrant of the site have been relocated and the car park now acts as a 'buffer' between the pitches and the A1(M) mainline. Given that the pitches in the south-west quadrant of the site (now the closest pitches to the A1(M) mainline) are over 100m from the boundary with the A1(M), National Highways agree with the applicant that this risk as has been minimised.
71. However, the revised location of the car park once again presents the potential for glint and glare issues from headlights. The revised site plan now shows that 1.8m tall close-board fencing is proposed along the western edge of the car park. Whilst this mitigation should offer a reasonable level of protection against vehicle headlights causing glint and glare issues on the A1(M), it is requested a condition is attached to the application to ensure that the fence is installed from first occupation and is maintained to avoid this becoming a potential road safety issue in the future.
72. The updated Travel Plan is considered acceptable. A condition is requested attached to the application to implement the agreed Travel Plan.
73. *Sport England* – have written noting that the application falls within their remit as it proposes the creation of new playing fields. Noted as a replacement for the applicant's

existing facility at Sunderland, which is described as of sub-regional significance to football and the pitches it hosts cater for teams from a number of different local authority areas. The application site offers an existing building which can be converted into an indoor football facility, which is an offer that the league's current centre does not have (and due to its green belt location) is unlikely to be achievable.

74. As the application is a replacement playing field for the Newbottle site, Sport England have considered the proposal against what would be lost, and the policy test set out in para.97 of the NPPF and Sport England playing field policy – exception 4. It requires the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: of equivalent or better quality, and of equivalent or greater quantity, and 2 in a suitable location, and subject to equivalent or better accessibility and management arrangements.
75. Dealing with the latter points first, the facility is sub-regional in scale and the number of pitches mean that the site has a significant land take. The test here is that new location must be as suitable and accessible as the one being replaced, and Sport England considers this to be met. They acknowledge and concur with the points raised by the applicant in their Planning Statement on Locational Sustainability.
76. In terms of the quantity of playing field, the existing Newbottle site has a playing field area of approximately 7Ha, whilst the proposed site creates a similar quantity, with the site offering the potential additional pitches or different configurations should this be required. The configuration proposed is 14 no. 55m x 37m (7 v 7 format) and 6 no. 37m x 27m (5 v 5 format).
77. In terms of quality of provision, the applicant has submitted a report which assesses the topography and ground conditions and makes recommendations of the engineering works needed to create pitches with levels and drainage compliant with Sport England's guidance 'Natural Turf for Sport'. The orientation of the proposed pitches conforms with the FA and Sport England's guidance.
78. Sport England has sought the advice of the Football Association on the proposal whose comments demonstrate a broad satisfaction with the proposal.
79. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England.
80. *Coal Authority* – note that the submitted reports acknowledge that the site is underlain by recorded and potential unrecorded coal mine workings. The report recommends intrusive site investigations are undertaken by competent persons to assess the risks and inform any mitigation works that may be required. Permitting from the Coal Authority will be required for these investigations. They suggest a proportionate condition so secure the required investigations and any mitigation, which if imposed overcomes any objection they have to the scheme.
81. *Environment Agency* – no response received.
82. *Northumbrian Water* – note the proposals do not describe the disposal of foul and surface water, nor how and where the car park drains. They do not object to the application subject to the imposition of a pre-commencement condition requiring

agreement of a detailed scheme of foul and surface water in conjunction between themselves and the Local Lead Flood Authority (LLFA).

INTERNAL CONSULTTEE RESPONSES:

83. *Spatial Policy Officers* offer key policy observations: The site is within the green belt and just outside the boundary of an area of high landscape value. It is therefore a sensitive location for development. The extant development plan for the area comprises solely of the County Durham Plan (CDP) (2020). The area is not covered by a Neighbourhood Plan.
84. Policy 20 (Green Belt) of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy. Guidance within the NPPF should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. Paragraph 147 of the NPPF under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
85. Paragraph 149 advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a. buildings for agriculture and forestry;
 - b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e. limited infilling in villages;
 - f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
86. The closest fit to assess this proposal under is part b), however, as significant new buildings and structures (including car parking, flood lighting) are proposed it will need to be carefully considered whether the proposal will preserve the openness of the Green Belt as it could conflict with the purposes of including the site within it.
87. Transport/Highways - Policy 21 (Delivering Sustainable Transport) of the CDP requires the transport implications of development to be addressed as part of any

planning application, it recognises that these could include Transport Assessments, Transport Statements and Travel Plans. It sets out a range of criteria whereby all development will deliver sustainable development. It goes on to state that all development should have regard to the policies set out in the Strategic Cycling and Walking Delivery Plan. The impact on the local road network will need carefully consideration, recognising that users of these facilities often rely on private vehicles to visit them.

88. Playing Pitch Strategy (PPS): this enquiry relates to the relocation of the existing Russell Foster Youth League football (RFYL) centre from Newbottle to Leamside (a distance of approx. 3 miles), advice from colleagues within the Culture Sport & Tourism department within the Council have been incorporated into this response. This is to gauge the proposal in terms of the strategic fit with the PPS which is due to go before the Council's Cabinet in late September for adoption. They have identified a number of queries which need to be considered. Summarised as follows:
89. Key to this scheme is the proposed movement of pitches (supply) and teams (demand) from a neighbouring Authority (Sunderland) to a site within County Durham. Relocation would imply closure or transfer of the existing buildings and pitches at Newbottle and it should be noted the site appears to have received previous Football Foundation funding. The applicant would need to understand the implications, of which I'm sure Durham County FA/FF would have a view.
90. In terms of the PPS has been ratified by Cabinet during the course of this application and approved. The PPS finds there are current and future shortfalls across County Durham as a whole, in youth 11v11 pitches. Spare capacity is expressed in all other types of grass football pitch. This is also true for the Central region (containing Leamside) with the exception of 9v9 pitches where there is no future capacity identified. Team demand will transfer to Leamside along with the proposed new pitch stock (20 pitches), so overall the proposal will not generate any benefits related to an increase in junior or mini pitch capacity. In fact, there could be a negative effect depending on how many teams are imported.
91. It should be noted however that the RFYL is a major contributor to displaced demand, where County Durham based youth and mini teams access provision in neighbouring authorities due to a lack of available facilities here. It was considered in the PPS that the level of displaced demand will remain consistent for the foreseeable future however if Newbottle closes without access to an alternate site then all current RF teams would potentially be without provision. This could lead to County Durham based teams seeking pitches within County Durham and any requests would be difficult to meet, causing associated planning issues arising from supply and demand.
92. In the context of supply and demand, it will need to be determined definitely how many teams will access the proposed site, and of which, how many are based in County Durham, what age groups and what the proposed pitch configuration is.
93. There are concerns how all this imported team demand associated with the RFYL will be accounted for within future revisions of the PPS and reflected in supply and demand calculations. The proposal is for grass pitches and based on the carrying capacity of grass pitches, there is the potential that the number of teams could exceed their carrying capacity which would have implications for the application of Sport England's playing field policy (notably Exception 1 and the ability of a future PPS to demonstrate that there is an excess of playing field provision in the catchment) moving forward.
94. Conclusion This proposal which seeks to develop new facilities within the green belt should be assessed against policy 20 of the CDLP, with the NPPF (notably para 149b)

a material consideration to be factored in. The proposal is likely to be inappropriate in the Green Belt as it will reduce openness, so the key issue is whether there is a justification for the development.

95. Spatial Policy Officers offered further comment in response to the amended scheme and the applicant's 'Very Special Circumstances' document. They wrote, '*It does need to be acknowledged that many of these stated benefits would equally accrue were the proposals to be developed at a site which is not within the Green Belt, so the weight to be afforded to them should be cognisant of this*', concluding, '*the proposal is likely to be inappropriate in the Green Belt as it will reduce openness (alongside any other harm which is identified), so the key issue is whether there is a justification for the development in terms of Very Special Circumstances and the case advanced by the applicant*'.
96. *Archaeology* – A field investigation has been undertaken in accordance with an agreed WSI. No requirements have been identified that would require further investigation.
97. *Environmental Health (Contaminated Land)* – Former railway land runs north to south through the site and there are previous equestrian uses on site to be converted, given this there is the potential for Made Ground/contamination on site. In addition, there are also previous potentially contaminative uses offsite.
98. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, contaminated land conditions should be imposed to any planning permission granted. Further, an 'informative' is suggested to cover the eventuality of unexpected contamination being discovered during the course of building works.
99. *Design and Conservation* – For heritage aspects, there are no designated heritage assets within the development site. In the surrounding area, Finchale Priory, 1,1km to the east is a Grade I listed building and a Scheduled Monument, with the Abbey Farmhouse Grade II*. The Three Horse Shoes public house 195m north of the site can be described as a non-designated heritage asset. The landform is such that the proposals should not impact on the setting of these identified assets.
100. For Design considerations, the NPPF exception for appropriate facilities for outdoor sport is noted. The new building has a similar, if slightly longer footprint to the building it is proposed to replace. This building should be relatively well screened by existing vegetation from public viewpoints. Details of materials are not set out but should reflect the palette of the existing buildings to help assimilate into the landscape.
101. *Drainage and Coastal Protection* – advise that following negotiation and additional detail, the surface water drainage strategy is acceptable in principle. Construction details are needed for the car parking area, access road and drainage connection to the filter drain system, along with agreeing the drainage calculations in an approved format.
102. *Ecology* – the submitted survey work and Preliminary Ecology Assessment is sufficient to inform that no further survey work is required. Bats have been recorded on site and therefore a Bat Mitigation Licence will be required from Natural England before any works to that building. The report recommends sensitive lighting to respect the

presence of bats and therefore a lighting plan with anticipated lux levels should be provided where adjacent natural habitats. A BNG plan and landscaping plan is required, the latter including for management and monitoring at specified times within a 30-year period. Measures to treat nutrient enrichment before drainage leaves the SuDS system – including fertilizer/pesticides used on the pitch must also be accounted for.

103. *Education* - No response received.

104. *Durham County Council Sports Manager* – has effectively offered a neutral response to the proposals. In principle the facility provides for young persons' sport, and this is supported. It is a private venture, with no effect on the planned delivery of sports access in the County.

105. *Landscape* - The site does not lie in an area covered by any national or local landscape designations. Trees within the site are not covered by a Tree Preservation Order (TPO). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of enhance. Key visual receptors will be users of PRoW 13 (West Rainton Parish) on the western and northern boundaries of the site. While there is existing planting on Cocken Land and Pithouse Lane that provides partial screening there will be potential views by vehicle and pedestrian users in when planting is not in leaf. There will be potential impact on residents of Pit House Lane (Carr Row) adjacent to the site.

106. Key visual receptors will be users of PRoW 13 (West Rainton Parish) on the western and northern boundaries of the site. While there is existing planting on Cocken Land and Pithouse Lane that provides partial screening there will be potential views by vehicle and pedestrian users in when planting is not in leaf. There will be potential impact on residents of Pit House Lane (Carr Row) adjacent to the site. Visual effects will be maximised when the site is in use, through increased activity and parked vehicles. It is understood that there will be no floodlighting on site.

107. *Environmental Health (Nuisance)* – The development is considered to be noise and light generating, associated with noise from sporting activities/raised voices and light from floodlighting. There is also some potential noise associated with an increase in vehicles visiting the site. Due to the proximity of the A1(M) it is expected that the noise climate is fairly high in the locale.

108. The information submitted demonstrates that the application is likely to comply with the thresholds stated within the TANS. This would indicate that the development is unlikely to lead to an adverse impact. The planning officer should consider the following for further clarification.

109. In general, there is a lack of guidance in relation to assessing noise from such sporting facilities, however the noise impact assessment is considered to have been undertaken appropriately and I can advise that I concur with the approach taken.

110. The report correctly identifies the location of Noise Sensitive Receptors (NSRs). Whilst modelling is a predicative approach and not based on actual measurements of the sporting use, which can lead to uncertainties the assessment has been based upon a worst-case scenario and the modelling approach has also been considered as being suitable. The report concludes that in relation to the traffic noise associated with the

access road there is unlikely to be any impact upon NSRS and I would agree with that assessment.

111. The noise impact assessment advises that the operational use of the development, with reference to the IEMA criteria, is that the impact of noise upon NSRs will range from negligible to minor. The report goes on, correctly in paragraph 6.5, to advise that in line with IEMA criteria that a basic comparison of 'baseline' and 'with development' noise levels is not sufficient to adequately define the overall significance of any particular development.
112. It further considers other pertinent factors, that is, 'spectral characteristics', 'days and times of operation' and 'absolute level of sound'. In general I would agree with the consultants comments in relation to those factors, although I would suggest that where it is stated that 'it is possible noise from human voices and balls being kicked will at times be perceptible at the ESR locations'; I would consider that it will be highly likely that such noises will be perceptible at the ESR locations, particularly at weekends, the peak periods of use for the facilities, when the occupants are likely to be using their outdoor amenity areas. However, I would agree that levels are likely to be within BS 8233 levels for outdoor amenity areas.
113. In conclusion I would consider that nearby sensitive receptors will receive a slight change in the acoustic character of the area, however, the assessment was based upon a worst-case scenario, and I would agree that it is likely to be considered a LOAEL – Lowest Observed Adverse Effect Level, as described in Noise Policy Statement for England (NPSE).
114. I would recommend that planners ensure that the operating times requested within the application form are adhered to and that, if appropriate, a condition is applied which reflects the recommendation of paragraph 6.12 of the noise impact assessment.
115. With regard to lighting the developer has advised that there will be no use of floodlighting within the development and I, therefore, have no concerns relating to lighting.
116. 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:
117. I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
118. *Environmental Health (Air Quality)* - Have reviewed the Air Quality Screening Assessment, the Travel Plan and Location and Site Plans.
119. The Air Quality Screening Assessment established baseline air quality concentrations with reference to Defra backgrounds, in the absence of local monitoring data. Defra background concentration data is well below the air quality objective values. The Air Quality Screening assessment does not provide a full breakdown of the assessment approach. However, it is considered that the conclusion reached is valid. Conditions for dust management in the event of an approval are suggested.
120. the increase in vehicle movements, when considered in conjunction with the background concentrations, would not cause any air quality objectives to be approached or exceeded. It concludes that in accordance with the IAQM guidance, the effect is not significant.

121. The Travel Plan submitted with the planning application has objectives with the direct and indirect intention of reducing vehicle emissions on the public road network. It is noted that the Plan acknowledges that the site is likely to be too far away from users for them to walk or cycle to, and that there is limited public transport available for them to use. The emphasis is therefore on communicating to users and staff and encouragement to avoid single-occupancy car use. It is considered that any reduction in emissions as a result of the Travel Plan is of benefit to the proposed development, although the success of the Plan in achieving that is impossible to estimate.
122. *Rights of Way* – note Public footpath no. 13 West Rainton Parish abuts the north and the west side of the site, possibly passing within the red line boundary of the latter. It is unlikely that the proposals will impact on the footpath, however, should this not be the case, location details and specification for any proposed boundary fencing is required
123. *Sustainable Travel* – have provided a detailed assessment of the submitted Workplace Travel Plan including the need for measures following the assessment of users. The Travel Plan sets out some sustainable travel initiatives for staff, however it is recognised that this is quite a unique site in a rural location which will limit public transport use, with the travel patterns mainly bespoke and on a weekend. Staff will be reminded of the commitment of the site to reduce highway impacts and encourage car sharing. Visitors will be provided with information for organising car shares or details of clubs with mini-buses who could assist with transport. It is expected that the majority of journeys by visitors will be undertaken by people from areas which are too far to walk/cycle and there is limited public transport. The operator will try, where possible to reduce the number of vehicles that access the site. A budget will need to be committed to the Travel Plan.
124. In principle however, ‘Given the rural nature of the site and distance from residential areas, it is expected that the majority of journeys to the site will be undertaken in private cars as other modes will be problematic due to the lack of existing infrastructure for walking and cycling and limited public transport provision.
125. Although cycle storage is included in the application for members of staff and visitors who wish to cycle to the site there is unlikely to be much demand for this intervention as the site is not supported by existing infrastructure and the nature of the routes and distances are unlikely to encourage walking and cycling.
126. Therefore, consent for planning approval cannot be supported as the site is unlikely to encourage journeys by active travel modes.’
127. *Trees* – advise that boundary hedges must be retained within the site. No trees within the areas shown warrant individual tree preservation orders.

EXTERNAL CONSULTEE RESPONSES:

128. *Durham City FA* - have confirmed they have engaged with Sport England through their Memorandum of Understanding in discussing the proposal, providing local knowledge and understanding.

129. *Durham Constabulary* - recommend a single access point with a suitable boundary treatment – suggesting a 2m mesh fence, with gates that can be locked when the facility is not in use. Car parks and access areas should be well-lit if the facility is to be used after daylight hours – bollard lighting is not deemed sufficient and should only be used as secondary lighting. CCTV should be considered.
130. *Sunderland City Council* – were consulted with the proposed facility reasonably close to the County border, with feeder roads affected, and as the facility is proposed to displace that at Newbottle. No comment on the current proposals has been received although advice has been offered on the status of the applicant's application for their existing site. This has been withdrawn pending determination of the current application.

PUBLIC RESPONSES:

131. A consultation exercise of 89 letters, a site notice and a press notice was undertaken. There were two reconsultations in process. A total of 98 representations have been received in response to the consultation exercise involving individual letters, press and site notices. Of these, 96 object to the proposals whilst 2 are neutral. There have been a number of reconsultation exercises on this long-running application. The number of objectors is around half this headline number, with the rest repeat and additional representations.
132. Objectors include Local MP Mary Foy, Cllr. David Hall and Cllr. Bill Kellett, West Rainton Parish Council, from the Executive Assistant of the Northern Housing Consortium, from a British Horse Society Safety Advisor, CPRE: the Countryside Charity, the Friends of Durham Green Belt, and the City of Durham Trust.
133. Some objections have been sent via local councillors who endorse the comments. Local residents raise the following concerns:
134. That the land is designated Green Belt is an objection: the proposal is inappropriate development in the Green Belt and should not be approved except in very special circumstances. The tests of Policy 20 and part 13 of the Framework are examined in detail by a number of correspondents in comparison with the applicant's Planning Statement and Very Special Circumstances Report, concluding that Very Special Circumstances do not exist. The development would have a visual and spatial impact that would affect openness – especially in the operation of the car park. The proposed effect on a semi-rural farming area that supports a variety of wildlife is 'completely inappropriate and unsympathetic', the proposals 'visibly detrimental' to the area and 'out of character', more appropriate to an Industrial Estate. The proposal relies heavily on the existing sport/leisure activity, but this is significantly different to that proposed. The comparisons between sporting facilities are not considered appropriate – that proposed far exceeding the sporting elements of the existing that were restricted to the indoor and outdoor arenas, with the remainder of the site used for grazing. The leisure activity proposed will jeopardise other appropriate countryside leisure uses. The type of business proposed does not benefit the local community. The type of outdoor recreation the site was formerly used for was appropriate and fitting – the application does not seem compatible with the development plan. Objectors do not accept additional justifications submitted during the course of the application.
135. There is dispute over the underpinnings, assumptions, and conclusions of the Traffic Assessment. Traffic generation is considered unsustainable. There is an absence of public transport in this area. The roads are contended as already as well over design

capacity and identified as objectors as a well-known rat-run, 'the unofficial Durham City bypass'. Particular issues with Station Road, West Rainton and the railway bridge are envisaged, particularly for the proposed coaches. Marks Lane is likely to come under pressure as an alternate approach – this is currently well used by tractors, cyclists, and horse-riders. The approved housing developments in West Rainton have put more pressure on accesses to the A690 – this will be exacerbated. Transport assessments from lockdown and historic figures are suspect. The existing operation at Newbottle suggests parking is a major problem where visitors regularly use grass verges, side streets and roadways. Despite proposing a larger facility, less on-site parking is proposed than at this existing facility. Notwithstanding on-site provision, there will be extensive parking on surrounding roads. Footballs oversailing onto surrounding roads is a highway safety issue – whilst this issue has been transferred from affecting the A1(M) to Cocken Road, this is not acceptable, and will likely lead to the introduction of unsightly fencing. Residents do not accept the additional and evolved Transport Assessments and Travel Plans resolve their stated concerns. There is criticism of the County Engineer's comments and approach in his latest comments.

136. The Public Right of Way must be retained on its existing line and in its existing use.
137. The proposal that there will be no lighting is unrealistic and likely to be revisited in future. This is of particular concern for a resident with a child with special needs, needs that will be compromised if the application is approved. That the applicant has evolved their existing operation through a series of changes is considered further relevant to this point. The current proposals have changed, with the car park relocated to adjacent the motorway, making any future lighting requirements wider and more intrusive.
138. Whilst the number of pitches in use has been used to define numbers of people and vehicles on site at any one time, this will be increased by the change-over to the next users of the pitches.
139. Surrounding roads are used for chaperoned horse-riding from local riding schools: the proposals will compromise the safety of this.
140. Noise pollution and the quality of life of local residents is a significant concern, as is 'general disturbance' in the area the use will bring. The conclusion of the Noise Report that the background noise from the A1(M) is to a level where generated noise will be minimal or negligible is considered unscientific and irrational: the likelihood will be significant and disruptive. Suggested mitigation through underuse of the pitches closest to dwellings is both difficult to ensure an illogical, and that the rearrangement of the site in moving the car park puts extra pressure on the dwellings is unacceptable.
141. The relationship adjacent the A1(M) for air pollution is pointed out for children's health. Extra pollution caused must be off-set. The proposed Travel Plan gives standard 'trite' suggestions for car-sharing without evidence that this can be managed, such as at their current site, with proposed encouragement of cycling for children with sports kit with the extra traffic being dangerous. Proposed welfare facilities appear inadequate, with the extent of toilet facilities and shared nature of female / disabled provision discriminatory.
142. The land is prone to flooding, and whilst this has improved of late and a drainage scheme has been submitted, concerns remain.
143. Migrating birds visit the site over winter. Wildlife in the hedgerows as existing are disturbed by pedestrians, especially dog walkers – this will be made significantly worse. Wildlife from Ancient Woodland to the east and the Rainton Meadows Nature

Reserve to the north-east will likely be affected. The quality of the supporting ecology information is a concern.

144. There are land stability problems in the area and the potential for contamination from dumped Industrial Waste.
145. If there is demand for the facility, this could alternately be addressed through partnership with existing facilities or may compromise local community facilities. The local demographic has older residents in the majority who have sought a quieter way of life and will not derive the claimed community benefits from the facility being in this location.
146. Lawful shooting activities in nearby land may be not seen as compatible with children's sport activities even when lawful. The noise generated will upset the wellbeing of competition horses stabled nearby and may undermine existing equestrian-based businesses.
147. The increase traffic is contended likely to affect the structural integrity of the grade II listed railway bridge as it crosses the dormant Leamside line on Station Road.
148. Reduction in house prices and disruption from construction traffic are further concerns. It is believed there are restrictive covenants on the land.
149. The full text and full extent of representations is available on the on-line on the application file.

APPLICANT'S STATEMENT:

150. The Russell Foster Tyne and Wear Sports Foundation is a registered charity. The Russell Foster Youth League was formed with the sole sponsorship of Russell Foster in 1975 to provide football facilities for youngsters in the local community. Russell Foster is a local businessman who has given unfailing support for almost 50 years and takes great pride in having played a small part in various players' start in football such as Paul Gascoigne, Michael Gray, Lee Clark, Stuart Downing, England Senior Men's Number 1 Jordan Pickford, and, UEFA Champions League Winner, Jordan Henderson MBE.
151. The existing Russell Foster Youth League plays games throughout the north-east including in County Durham. This planning application proposes the relocation of the existing hub facility from Newbottle to Leamside with the added benefit of providing an indoor arena within the existing riding arena on the application site. The indoor arena is the principal reason for the proposed development to avoid youth games and youth training facilities being cancelled due to poor weather.
152. The proposed development provides an exciting opportunity, as a flagship development for the County, to provide Sport England compliant facilities within County Durham for junior teams playing in the Russell Foster Youth League. It is considered that the proposal would greatly increase wider social outcomes through sport for boys and girls which plays an important role for mental and physical health, wellbeing, education and community development within many communities across the UK. In accordance with the objectives of the playing pitch strategy (PPS) for County Durham, the proposal would provide additional pitch stock, of good quality, addressing an identified county wide shortfall in youth (9v9 and 11v11) pitches. In addition, the proposal aligns with the recommendation within the PPS to invest in "key" or "hub" football sites. The Applicant has worked positively with the Local Planning

Authority to carefully design the proposal to reduce any perceived impacts to local communities. In turn, the Applicant has addressed each policy matter raised by the Council and has found acceptable, policy compliant solutions. Notably, the Applicant has been able to demonstrate a biodiversity net gain, that surface water management can be effectively managed on site and that the development would not have any severe impacts to the local highway network. It is important to recognise that there are no outstanding technical objections from consultees that would prevent a positive determination being reached.

153. It is understood that Officers are of the opinion that, despite the clear positives of the proposal, the proposed development would not be in a sustainable location and as such would provide a development reliant upon private vehicles. However, it is clear that in order to deliver such a development, in terms of size and the facilities proposed, a location such as that proposed is wholly necessary. The application is supported in principle by Sport England by providing an enhancement in quality and quantity of facilities of the current centre, in a suitable location, in accordance with Exception of 4 of Sport England's Policy Guidance. It is crucial that locational requirements of Sport England are considered in determining the "locational suitability" of the site. The pursuance of any smaller sites within urban areas would likely provide a fragmentation of existing facilities which would not be supported by Sport England and could therefore not progress. In accordance with paragraph 110 of the NPPF, the Applicant has shown willingness to take up appropriate opportunities to promote sustainable modes of travel to the site by way of a supporting Travel Plan encouraging teams and staff travel to site via minibus or car sharing as well as the provision of cycle parking on site. Additionally, it should be noted that whilst travel in by private vehicle may often be unavoidable at present, that impact of vehicle movements has not be found to be at the detriment of the local highway, as agreed by the Local Highways Team and National Highways.
154. It is the Applicant's view that any perceived minor impact in terms of location are fully overcome by the public benefits of the development and therefore, the proposed development is considered to be in an acceptable location. It is hoped that the strategic importance and benefit of this proposed development to the youth of County Durham, with no expense to the public purse, is supported by members of the Planning Committee.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QRUNFZGDFJ600>

PLANNING CONSIDERATIONS AND ASSESSMENT

155. 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 advice within 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, highway safety and access, residential amenity, landscape and visual impact, heritage and archaeology, ecology, flooding and drainage, and other matters.

Principle of the Development

The Development Plan

156. 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. There is no Neighbourhood Plan activity in this area.

The Green Belt

157. The site is within the Green Belt and just outside the boundary of an Area of High Landscape Value. It is therefore a sensitive location for development. Policy 20 (Green Belt) of the CDP states that development proposals within the Green Belt will be determined in accordance with national planning policy.
158. Guidance within the NPPF (2021) should therefore be used to assess this proposal. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 138 that the Green Belt serves five purposes. Paragraph 147 of the NPPF under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
159. Paragraph 149 advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include at b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, and at g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development.
160. Paragraph 150 goes on; certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (such as, at e). changes of use for outdoor sport or recreation).
161. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
162. For an assessment of whether the proposals represent inappropriate development in the Green Belt, paragraph 148 states that, 'substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. One of paragraph 150's list of, 'other forms of development (that) are also not inappropriate in the Green Belt

provided they preserve its openness and do not conflict with the purposes of including land within it' include 'e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'. The nature, form and implications of the use must be carefully considered to ascertain whether said uses are or bring elements that are inappropriate. This has the potential to include elements that whilst open in appearance, bring urban character to the land in question.

163. Reflecting the fact that in terms of Green Belt assessments openness has both a spatial and a visual element, Officers are in the first place comfortable in terms of the required paragraph 149 assessment that the displaced volume from buildings to be removed and replacement buildings for changing facilities is broadly comparable, mitigated in part by being appropriately sited in the context of the retained buildings, resulting in less than significant harm to the openness of the Green Belt.
164. However, considered against paragraph 150, the application proposes a use that would usually be expected to be found within or in the urban fringe of a large settlement. The spatial element, i.e., the physical nature of the use as paddocks/fields is effectively 'open'. The character of this openness is material. There is a nearby golf course, the west of the A1(M) which predates the Green Belt designation, and there are commercial turf cultivation operations in the vicinity. The predominant character however is open countryside managed as semi-improved grassland in grazing, equine and arable use: i.e., open agricultural countryside.
165. Where a use is one that is more expected to be found associated with settlements, the effect can be urbanising, and this can be argued to affect 'openness'. The sports pitches and car parks proposed are open in nature, and in physical terms are features that are associated with urban environments. The individual elements have a cumulative effect that raises the level of harm to the Green Belt they accrue in spatial terms. Also, and particularly relevant in this case, is a nature and intensity of operational use that likewise has strong urbanising connotations. The sports use of formal pitches has an intensity proposed at weekends that has strong urban characteristics.
166. Further, over and above the detailed scheme presented, there appear to be elements that if not currently proposed, would be essential to the safe operation of the proposal, including in-site highways lighting for accesses and vehicular parking areas and pedestrian circulation areas, and safety fences on road boundaries (Cocken Road) to prevent oversailing balls. These elements too have clear potential to further contribute to an urbanising effect on the character and therefore openness of the Green Belt and are contended material in the Planning Balance.
167. The Applicant's Statement above contends that in order to deliver a development of the size and the facilities proposed, a location such as that proposed is wholly necessary. Whilst land availability and values will affect availability of sites in the urban fringe, Officers consider that this does not make a site remote from larger settlements 'necessary', and that this does not represent 'very special circumstances' in Green Belt Policy terms.
168. Officers conclude that the appearance of the proposal, the nature and intensity of its use and the clear urban characteristics in terms of its use will harm the openness of the Green Belt. Accordingly, the proposal is inappropriate development in the greenbelt, as assessed against both paragraphs 149 and 150 of the Framework as it would not preserve its openness. It is therefore necessary to apply the Paragraph 148 test by considering whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Sports Provision

169. Part 8 of the Framework requires Planning policies and decisions to aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. It therefore encourages an approach of planned provision, achieved through the Playing Pitch Strategy (PPS).
170. Consultees consider the key to this scheme is the proposed movement of pitches (supply) and teams (demand) from a neighbouring Authority (Sunderland) to a site within County Durham. Sunderland Council as Local Planning Authority had been considering a planning application to change the use of the Foundation's existing facilities to garden land. This was being deferred until determination of the Durham proposal, as likely to be unacceptable without replacement provision. That application has been withdrawn.
171. In terms of the PPS ratified by Cabinet during the course of this application and approved, there are current and future shortfalls across County Durham as a whole, in youth 11v11 pitches. Spare capacity is expressed in all other types of grass football pitch. This is also true for the Central region (containing Leamside) with the exception of 9v9 pitches where there is no future capacity identified. Team demand will transfer to Leamside along with the proposed new pitch stock (20 pitches), so overall the proposal will not generate any benefits related to an increase in junior or mini pitch capacity. In fact, there could be a negative effect depending on how many teams are imported.
172. It should be noted however that the applicant is a major contributor to displaced demand, where County Durham based youth and mini teams access provision in neighbouring authorities due to a lack of available facilities here. It was considered in the PPS that the level of displaced demand will remain consistent for the foreseeable future however if Newbottle closes without access to an alternate site then all current RF teams would potentially be without provision. This could lead to County Durham based teams seeking pitches within County Durham and any requests would be difficult to meet, causing associated planning issues arising from supply and demand.
173. There are concerns how all this imported team demand associated with the RFYL will be accounted for within future revisions of the PPS and reflected in supply and demand calculations.
174. A recent discussion with leisure services has ascertained that the proposed operation sits outside the PPS and whilst it may have implications for it – they may be negative or positive – essentially the proposals are regarded as stand-alone and neutral in terms of benefit.
175. With significant elements of the proposals representing a displacement of existing provision rather than the proposal being a wholly new provision, it is considered the amount of benefit accrued in the planning balance from the sports provision is reduced. The applicant's statement sets out the additionality of the offer as the obvious benefits of the indoor arena with its all-weather use capacity. This is relevant but not significant in the planning balance.
176. It is noted that the applicant seeks to draw parallels between the last use of the site as an equestrian operation as a comparable sporting use to that proposed. In an area of

countryside with a variety of equestrian uses apparent Officers consider there are stark differences between the historic use of the site in spatial and functional terms to that proposed. Such parallels are not accepted.

Highways Safety and Access

177. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. 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.
178. Highway Safety is a significant concern of local residents, whose concerns extend from movements within the site and at the site entrance, to adjacent roads and existing traffic flows, through to the effects on the wider strategic road network, including junctions with the A690 at West Rainton, the A1(M) at Carrville and flows to the A167 across the north of Durham.
179. The detailed response of the County Highways Engineer to the evolved proposals in the context of the current road network, his comments and conclusions are set out in full above. This can be summarised as the effects on highway safety from the traffic movements generated from the detailed operation, i.e., highway capacity is acceptable. Simplistically, the numbers of vehicles that would be generated at the weekend when the operation is in it's fullest use is broadly comparable, if slightly higher than normal weekday use. The signalisation of the A690 at West Rainton is currently under way addressing one of objector's significant concerns. One concern remains – the potential for balls to over-sail onto Cocken Road from the rearranged pitches on the south boundary. This concern has the potential to be resolved by appropriate high fencing. No objection is raised by Highways Officers on this basis.
180. National Highways have also come to similar conclusions as the scheme has evolved. Additional information on the proposed levels of use have resolved potential concerns for junction capacities, with the amended layout overcoming concerns for the potential for over-sailing balls to compromise safety on the motorway. Subject to conditions to control levels of use and prevent dazzle from car headlights, they likewise raise no objection.
181. The levels of traffic proposed are confirmed as within the capacities of the surrounding roads. Highways Officers have raised no concerns that reflect public objections relating to potential conflicts with other road users, such as horse riders and cyclists. These users are present in numbers as would be expected in an area with equine uses apparent and on attractive secondary routes between settlements. If the rules of the road are respected by all users, there is not particular issue or obvious source of conflict between these users such that it would justify a planning refusal.
182. The level of parking proposed on site is considered proportionate to the volume of traffic likely to be generated. It is acknowledged that comparable operations providing extensive sports facilities, particularly for youths can result in lazy 'convenience' parking at site entrances. If Members were to consider an approval, a plan to management this potential could be conditioned, with staff directing traffic in the role of a Banksman / Traffic Marshall at peak periods.
183. In terms of vehicular highway safety Officers conclude on the basis of the expert advice offered, that the proposals meet the relevant test in Policy 21 and the advice in

paragraph 11 of the Framework with one exception: in moving the car park to the north-west corner of the site to overcome fears of oversailing balls, pitches are now situated closer to the southern, Cocken Road boundary where they have the potential to over-sail that highway. Whilst this issue could be overcome by the erection of protective fences, such a solution would be likely to have unacceptable consequences, in introducing a feature that in its own right, and cumulatively with other aspects of the use discussed elsewhere in this report, results in harm to the openness of the Green Belt.

184. Highway safety for the adopted road network is therefore concluded as compliant with the requirements of Policy 21 of the County Plan and the high bar for refusal set by paragraph 111 of the Framework.
185. Over and above this, the safety of vehicle and pedestrian movements within the site is a consideration. As set out the layout is logical, and as noted above for parking requirements, meets standards for capacity. There is however the issue of lighting. Whilst the operation of the site is described as within daylight hours for the use of the pitches, there is likely to be inevitable overspill in periods of maximum use at times of the year with shorter evenings where site lighting would be required where games finish, but the volume of traffic results in vehicles leaving at time where lighting of accesses, car parks and circulation areas is required. The use of the arena is not proposed restricted and again the use of in-site circulation areas will require lighting. This requirement would not be an issue in its own right, but as discussed elsewhere in this report, has the potential to give an urbanising effect to the countryside and thereby harms 'openness'.

Sustainable Transport

186. Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users, with appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
187. The nature of the sustainable transport offer of the application is informed by the nature of the operation, and then both its catchment as a regional facility and its countryside location. The submitted Travel Plan Appended seeks to encourage multiple occupancy of vehicles, car sharing and use of minibuses, education of site users and encouragement for use of sustainable travel modes and acknowledges the location of the site as 'challenging'.
188. With the proposed clientele described as accessing the site 'from across the north-east', public transport access to the site is distant and restricted, being 1.3km from the nearest (Prince Bishops 20) bus service. Train services are over 8km distant. The site is served by public footpaths with streetlighting, but is in a countryside setting, some distance from the nearest settlement of size: West Rainton. Whilst surrounding roads are popular with cyclists, they are busy, and topography is challenging. Bus, pedestrian and cycle access to the site – particularly by children wearing or carrying sports kit and equipment is unlikely even at times of the year with full daylight.
189. National Highways are satisfied with the submitted Travel Plan and recommend it conditioned in any approval. Sport England has advised their opinion is that the site is in a sustainable location in terms of a regional sports facility.

190. Travel Plans are useful tools that can educate and deliver sustainable access and transport behaviours. The location of this proposed development is considered to undermine the likely success of this approach as the tangible sustainable access alternatives appear unviable. The language used in the submitted plan does not imply confidence for delivery. There must be a reasonable chance that the components of the Travel Plan can be delivered and maintained. The proposed methodologies could be successful in settlement or edge of settlement where existing infrastructure supports such and it is considered that NPPF paragraph 110a's reference to the location of the development being material reflects this. Local residents have noted that this offer of the application is in their opinion highly aspirational. Planning Officers concur: the countryside location is considered unsustainable for this type of operation in principle, it's role as a regional facility will compromise requirements for sustainable travel, and the nature of the operation and clientele.
191. The applicant has sought to draw support from paragraph 84 of the Framework which in essence allows for a degree of proportionality in assessing sustainable accessibility when considering applications for sports venues, under the heading of 'Supporting a prosperous rural economy'. At the crux of the divergence of opinion with the applicants, Officers do not consider that this is a rural operation in anything other than proposed location. The nature of the use has strong urban associations, there is no functional need for it to be in this location and it brings no obvious benefits to the existing surrounding rural economy. It inappropriately imposes a semi-urban use and intensity of use into a protected countryside location without justification.
192. The applicant's sequential assessment following paragraph 99 using the proposed site to justify a now withdrawn application for alternate use on the applicant's existing site is not considered relevant to the current assessment.
193. Whilst the submission meets the informational and basic requirements of the relevant County Plan Policy and advice in the NPPF, the likelihood of the scheme not being dependent on private cars is high. Even the applicant's statement acknowledges that 'travel in by private vehicle may often be unavoidable at present'. This is at the core of the sustainability of the site and in the resultant physical effects of the on-site traffic it will generate, has implications to the openness of the Green Belt.
194. Officers conclude that this is not a sustainable location for the development proposed, and that whilst there are elements of this concern that overlap with the headline issues of openness in the Green Belt, that this is an unacceptable issue in its own right. This approach reflects the advice of the Sustainable Travel team.
195. The wording of Policy 21 is such that it just requires Sustainable Travel Plans to be provided. The Policy conflict is with Policy 10 'Development in the Countryside', which states that 'New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not: p. be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport;'.
196. This element of the proposal, as a result of the countryside location, is considered a Policy fail in its own right.

Layout and Design

197. Policy 29 of the CDP 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. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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.
198. Design Officers note that the building should be relatively well screened by existing vegetation from public viewpoints. Details of materials are not set out but should reflect the palette of the existing buildings to help assimilate into the landscape. This could be secured by condition to meet the requirements of Policy 29 and part 12 of the Framework.

Landscape and Visual Impacts

199. Policy 39 Landscape states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
200. The site is not covered by any national or local landscape designations or Tree Preservation Orders (TPO) but is within an area identified as a Landscape Improvement Priority Area. Key visual receptors are identified in the Landscape comments, noting that visual effects will be maximised when the site is in use, through increased activity and parked vehicles and that there will be no floodlighting on site. It is concluded that that the effect of the development will be localised and not unacceptable.
201. This response is considered to demonstrate that the proposals comply with the requirements of Policy 39.
202. For the requirements of Policy 40 Trees, the consultee advises that boundary hedges must be retained within the site, but no trees within the areas shown warrant individual tree preservation orders. In the event of an approval conditions for landscape plans and tree retention could address the requirements of this Policy.

Heritage and Archaeology

203. Policy 44 of the CDP, following the advice in part 16 of the Framework, sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
204. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

205. There are two high level heritage assets in the vicinity. Finchale Priory and Farmhouse are grade I and II* listed, with the Abbey a Scheduled Ancient Monument (SAM). The coal mining remains within Mallygill Wood 900m south of the site are likewise designated a SAM. Neither of these sites nor their settings can reasonably be argued to be affected by the development.
206. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
207. One resident contends that the additional traffic generated by the development has the potential to structurally affect the grade II listed bridge over the Leamside Line on Station Road, east of the site. The County Highways Engineer considers that the highway system around the site is, and will, operate well within design capacity. Objectors note the existing transit of heavy vehicles along Station Road in their objections. With no evidence provided as to why the additional, generally small vehicle based additional traffic should affect the structure of the bridge, which is maintained as a part of the public highway and as part of the railway assets, this objection is concluded to be without reasonable basis.
208. The size of the site necessitates an archaeological investigation being undertaken – this consisting of a trenching exercise. This fieldwork (mistaken by some residents as the unauthorised commencement of works) concluded that there was no significant archaeological remains and that no further fieldwork was required. The County Archaeologist agreed with this conclusion but noted there were outstanding tasks in formally recording the investigation following the agreed Written Scheme of Investigation (WSI).
209. The implications for heritage assets have been identified and assessed with no conflict identified with the requirements of Policy 44, part 16 of the NPPF, nor the statutory responsibilities of the Local Planning Authority.

Residential Amenity

210. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. The Policies are informed by parts 12 and 15 of the NPPF, which 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.

211. Residential amenity concerns have been raised by residents in terms of the noise the proposed facility will generate in its operation – from that generated in game play and from supporters, through to vehicle movements and a need for lighting to facilitate these at dusk.
212. In mitigation, the applicants point to a significant lesser level of use on weekdays, a rotational use of the pitches at weekends, the background noise generated by the adjacent A1(M) and that their proposals propose no lighting.
213. Six dwellings share a boundary with the site. These are the ‘receptors’ potentially most directly affected by the proposals. Five of these have reasonably long rear gardens. The surrounding background noise environment is undeniably informed by the presence of the A1(M). The proposal will involve a significant change from their existing environment, but this alone is not a reason for planning refusal. The Council has a systemised approach to consider the effects on residential amenity as protected by Policy 31 through a system of Technical Advice notes (TANS) whereby Environmental Health Officers provide an informed and systemised view on these both to planning standards and further to see if development proposals could result in a Statutory Nuisance. The detailed response of the Environmental Health officer is set out above, and he concludes both that the information submitted demonstrates that the application is likely to comply with the thresholds stated within the TANS and that based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. There are no recommendations for conditions or mitigating features such as acoustic fencing and the proposal is considered compliant with Policy 29.
214. The proposals are considered to represent a significant change to the surrounding noise environment that immediate residents would experience. The relationship of residential development to outdoor sports field is however not unusual, and on the basis of the above advice is not considered unreasonable in terms of the expectations of Policy 31.
215. There is the potential lighting element to be required: the response from the Police indicates that the car park and access area should be well lit if the facility is to be used after daylight hours – with bollard lighting insufficient in its own right. It is considered likely that whilst games will finish within available daylight, the clearance of the site by users will for safety necessitate lighting for safety. The use of the indoor facility, a significant element of the operation and attractiveness of the site for the applicant will in its own right require lighting of access and parking areas. The Environmental Health Officer’s response is based on the scheme as presented – therefore with no lighting.
216. The implications of a lighting scheme for both harm to the Green Belt, and for highway safety on the A1(M) are discussed elsewhere in this report. For the purposes of any affect on residential amenity, this cannot at present be quantified, but is unlikely to be of significant harm if a considered and condition-controlled scheme is required. This would bring compliance with the Policy 31 implications.

Ecology

217. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

218. The applicants have submitted a Preliminary Ecology Assessment and a Net Biodiversity Gain Assessment. The County Ecologist accepts the survey work is sufficient to inform the proposals and that no further surveys are required. With bats identified in buildings on the site, a Bat Mitigation Licence will be separately required from Natural England before any works commence on that building. The reports also recommend 'sensitive' lighting should be used to avoid affecting the site's suitability for bats – therefore a lighting plan should be provided.
219. The County Ecologist notes that a BNG Habitat Management Plan was required and this has not yet been supplied. There is no landscaping plan, nor measures to indicate methods to treat nutrient enrichment of surface water/ pitch drainage before it leaves the SuDS system. The SuDS eventually drains into the River Wear 1.5km away and any fertiliser/pesticide applied to the sports turf could runoff and enter the natural watercourse system. Whilst a landscaping plan and nutrient control could be conditioned (within the drainage scheme, should an approval be proposed), a Habitat Management Plan would usually be secured through a legal Agreement under s.106 of the Planning Act and s.39 of the Wildlife and Countryside Act. Tied to an approved Landscape Plan, this would have to be a component of any approval to bring Policy compliance.

Other Considerations

220. Flooding and Drainage
Policy 35 of the County Plan requires agreement of flood risk and use of sustainable drainage systems with all development proposals required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. It is not reasonable for development proposals to mitigate separate existing issues.
221. The site is within EA Flood Zone 1. This is defined as of low probability for flooding: land having a less than 1 in 1,000 annual probability of river or sea flooding. Council records do show records of surface water flooding on the site, and this is an issue highlighted by complainants.
222. Surface Water Drainage and Flooding has been a concern of a number of correspondents, albeit it is noted in some correspondence that there have been apparent reductions in the issue. The applicants at the request of Council Drainage Officers have submitted a Sustainable Drainage Scheme which subject to confirmation of detailed elements meets requirements. These detailed requirements could be achieved through the imposition of appropriate conditions. The requirements of Policy 35 and the relevant elements of part 15 of the Framework are considered addressed.
223. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. Northumbrian Water have advised that these requirements can be addressed through the imposition of an appropriate condition. The requirements of this Policy are concluded capable of being reasonably met.
224. Land Stability, Contamination and Coal
Policy 32 of the County Plan states that development will not be permitted unless the developer can demonstrate that any existing despoiled, degraded, derelict,

contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development, mirroring similar requirements in part 15 of the Framework.

225. The Coal Authority have confirmed in respects of their interests that they have no objection subject to the imposition of conditions for intrusive site investigations and any subsequent mitigation.
226. Environmental Health (Contamination) Officers suggest a similar approach to potential contamination on the site as a result of historic industrial uses and bunding on the site. It is noted that where there were historic issues relating to contamination, these were along the west boundary in a part of the site unaffected by the proposed revised layout.
227. In the event of an approval, suitable conditions as suggested by these consultees could therefore ensure compliance with the requirements of Policy 32 and part 15 of the Framework in so far as they relate to land stability and contamination requirements.
228. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, forming part of a larger deposit to surrounding area north of Durham City. The nature of the proposals are such that little to no sterilisation could will occur and the proposed development would have minimal impact on any future working of the more extensive deposit. No conflict with this Policy is concluded.
229. The applicant has acknowledged that the construction period of the development has the potential to cause significant environmental impact for dust and noise. A Construction Management Plan is accepted as a necessary condition on any approval.
230. Public Right of Way
The Public Right of Way tracks around the north and west (adjacent the A1(M)) boundaries of the site. A condition on any approval could secure the detail of how the footpath would be protected.
231. Equality
Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
232. An objection has been received that the proposals are discriminatory with a lack of specific female or disabled facilities shown in the proposed changing block. The floorplan shows unisex w/cs, a unisex accessible changing room shared with officials and seven full sized changing rooms with integral showers. The applicant relates anecdotally that whilst the formal changing facilities are a formal requirement of the operation, in reality they are usually significantly underused as players arrive and leave in kit. The proposed facilities are considered to provide both specific and flexible options for changing and toilets.
233. Officers have assessed all relevant factors relating to the Equality Act 2010 and consider that the scheme appears to provide facilities for all. The facility has the

potential to encourage junior sports for all sexes and different abilities. The proposals are both in general terms, and for the proposed facilities, concluded to provide opportunity for all and are not discriminatory. This assessment provides the required regard needed under Section 149 of the Equality Act 2010 in the decision making process.

234. The proposal has generated some public interest, with representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

CONCLUSION

235. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
236. It is Officers view that whilst there is the usual multi-layered complexity of topics involved in the consideration of this application, the headline principles involved in the planning balance are relatively clear and simple: the proposal represents inappropriate development in the greenbelt which is itself harmful. Therefore, the harm by reason of inappropriateness and any other harm must be weighed up against the benefits of the proposal. Only if the benefits of the proposal clearly outweigh the harm, can it be said that very special circumstances exist.

Harm

237. Whilst sports pitches and car parks are open in nature, they are features that are associated with urban environments. The nature and intensity of their use likewise has strong urban connotations. This is considered to harm the openness of the Green Belt through the urban associations with the appearance of the use, significantly reinforced when in use from both the users themselves and their vehicles.
238. Over and above the detailed scheme presented, there appear to be elements that if not currently presented, would be essential to the safe operation of the proposal, including in-site highways lighting for accesses and vehicular parking areas and pedestrian circulation areas, and safety fence on road boundaries. These elements have clear potential to further contribute to an urbanising effect on the character and therefore openness of the Green Belt and are contended material in the Planning Balance by Officers.
239. The nature of sustainable transport arrangements is that they must provide a hierarchy of access, with the most sustainable forms of access viable likely, and capable of making a tangible and preferably significant contribution to the access by the site of users and staff. Whilst, as supported by Sport England, on a regionally geographical scale and in relation to the strategic road network, the site is well placed, it's separation from reasonable foot, cycle and public transport opportunities significantly undermines the use of the site to a degree where it is considered unsustainable and therefore unacceptable.

Benefits

240. The main benefits of the proposal are the use of the indoor arena and moving the facility from its current – potentially more sustainable location – to Leamside.
241. The nature of the proposed use is intrinsically positive in providing opportunity for principally outdoor sport for young people reflecting the advice set out at part 8 of the NPPF Promoting Healthy and Safe Communities. That significant elements of the proposal are being displaced from elsewhere, rather than it being a wholly new operation must reduce the weight to be afforded to this benefit in the planning balance.
242. The Applicant's Statement and their submitted case of 'very special circumstances' contends that in order to deliver a development of the size and the facilities proposed, a location such as that proposed is wholly necessary. It is taken that this means a large and open site with good strategic highways links, and that the site is available. It must be acknowledged that many of the applicant's stated benefits as set out in their case of 'very special circumstances' would equally accrue were the proposals to be developed at a site which is not within the Green Belt, so the weight to be afforded to them should reflect this.
243. The ideal would be for this to be delivered on the edge or close to a large settlement, where immediate demand and access to established elements of sustainable transport are likely to exist. It appears that this has already been unsuccessfully pursued. The proposed facility is remote from large centres of population. It is acknowledged that this is a regional facility and that users are likely to be drawn from a regional catchment rather than a local one, and therefore the proximity of the strategic road network is relevant. That the immediately surrounding roads have the capacity to cope with the traffic that would be generated is agreed. With the signalisation of the junction with the A690 a specifically raised concern has been overcome. This brings highway safety rather than sustainability compliance.
244. Officers acknowledge that there has been significant objection on a number of concerns from local residents, community representatives and politicians. Foremost of these have been concerns for highway safety, however in the light of a detailed and comprehensive assessment by the County Highways Engineer, demonstrating that the expected flows will be within the design capacity of surrounding highways, and noting the current signalisation of the A690 junction at West Rainton it is considered there are no viable grounds that would support a refusal on this issue. Also raised concerns included issues of flooding, residential amenity, wildlife impacts and others. It is considered that these issues have either been addressed and resolved or could be conditioned to a level that would bring compliance with the Council's control under its planning policies or are not of a level of harm that would allow for a defensible refusal reason in the event of an appeal.

Balancing Exercise

245. It is not considered that the harm to the openness of the Green Belt by reason of the inappropriate nature of this development and the other harms identified, together with the unsustainable location are clearly outweighed by the modest benefits of the development, namely the relocation of outdoor sports facilities for young people and provision of an indoor facility. Accordingly, it is concluded that very special circumstances do not exist.
246. Officers do not lightly recommend refusal of applications for outdoor sports facilities. The applicant's case of 'very special circumstances', sets out a range of benefits, and does acknowledge that there will be minor harm to the Green Belt, through the larger

volume of proposed structures proposed, affording this substantial weight. Officers contend that the spatial and operational aspects of the development bring an urbanising harm. The sustainability of the site has been accepted by others as acceptable geographically on a regional level, but in a countryside location offers no likelihood of actual sustainable access. The weight of benefits is reduced by the extent to which these facilities are provided at the applicants existing (more sustainably located) site.

RECOMMENDATION

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

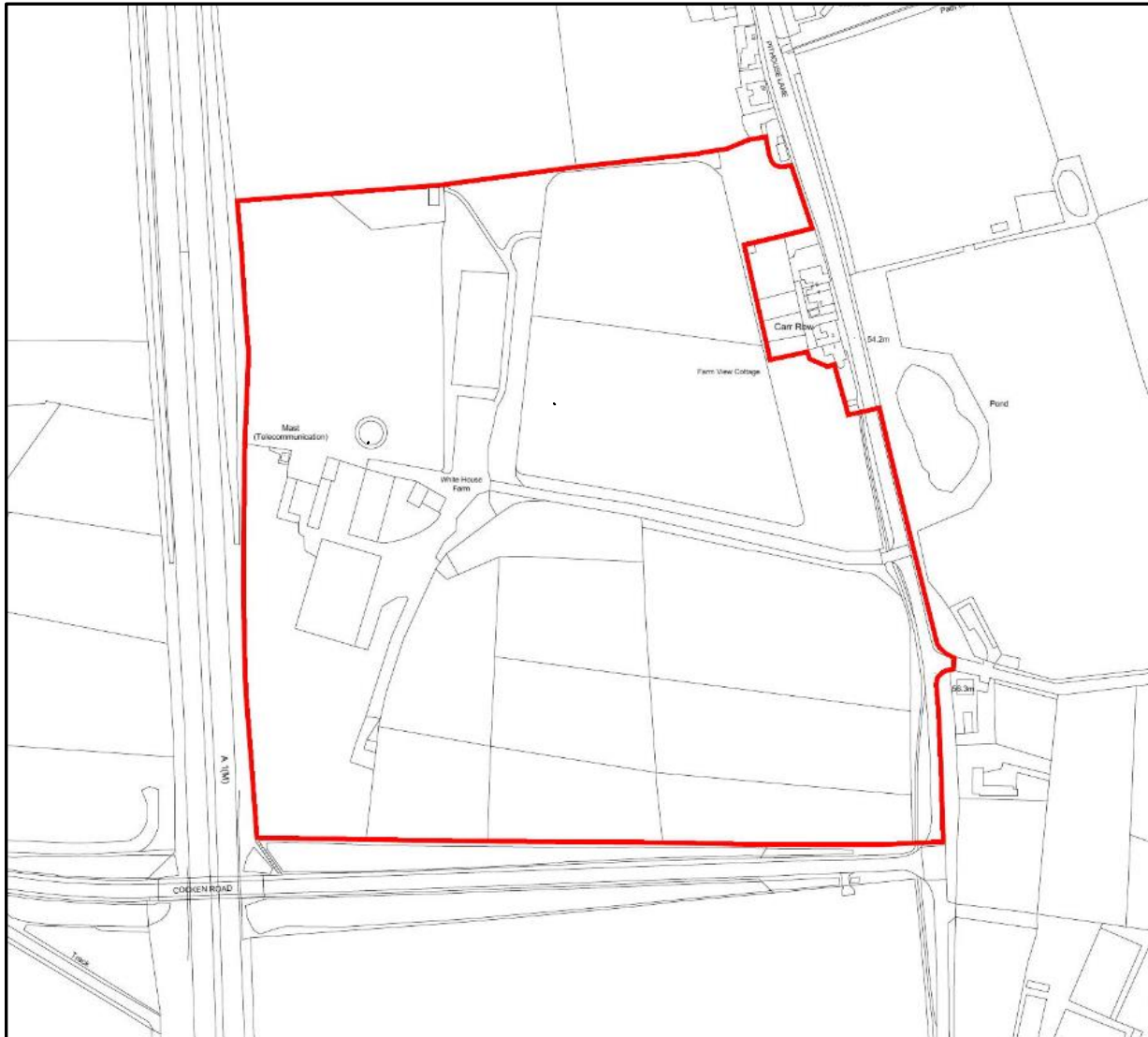
1. The proposal represents inappropriate development in the Green Belt, and there are no very special circumstances sufficient to clearly outweigh the harm to the openness and other harms identified, contrary to Policy 20 of the Durham County Plan 2020 and part 13 of the National Planning Policy Framework, paragraphs 148, 149 and 150.
2. Notwithstanding the proposed regional catchment of the proposed development, the absence of potentially viable opportunities for sustainable transport access is considered reflect a non-sustainable location, contrary to the requirements of Policy 10.p. of the Durham County Plan 2020.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Whilst agreement has not been reached on the principle of development discussions have enabled agreement on a number of topics to allow for focus on the outstanding issues.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- County Durham Landscape Strategy (2008)



Planning Services

DM/21/01404/FPA

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Engineering operations to create a football centre incorporating the creation of 20 No grass pitches (Use Class F2), demolition of existing stable block, creation of new building to provide changing facilities, creation of car parking and widening of existing access track

Date 4th July 2023

Scale NTS