

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/23/01885/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of the existing Woodhouse Close Leisure Complex and Library and erection of a replacement Leisure and Community Centre and associated car parking and landscaping (amended description)</b>
<b>NAME OF APPLICANT:</b>	<b>Durham County Council</b>
<b>ADDRESS:</b>	<b>Woodhouse Close Leisure Complex, Woodhouse Lane, Bishop Auckland, DL14 6JX</b>
<b>ELECTORAL DIVISION:</b>	<b>Woodland Close</b>
<b>CASE OFFICER:</b>	<b>Jack Burnett, Senior Planning Officer 03000 263 960 <a href="mailto:jack.burnett@durham.gov.uk">jack.burnett@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The 1.25 hectare (ha) application site is located approximately 900 metres to the south of Bishop Auckland town centre and comprises the existing Woodhouse Close Leisure Complex, the Woodhouse Close library and open land located to the east of it currently used as informal open space. There is an electricity substation located south of the existing Leisure Centre. Access to the site is from Woodhouse Lane to the north with an internal road and associated car parking servicing the centre.
2. The site is surrounded by residential properties on Woodhouse Lane to the north and Watling/Cockton Hill Road to the east, St Mary's Roman Catholic Church to the west, the Auckland Medical Group (and associated Ambulance Station), The School of Podiatry and Bishop Auckland Police Station to the south. More widely, the site is located approximately 9 miles to the southwest of Durham City centre. The A1 lies approximately 642m to the east and South Church Enterprise Park further beyond.
3. The site is not within or adjacent to any landscape designation. An Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan is located 1km to the north east with another 1km to the north west.
4. There are a number of designated heritage assets in the vicinity of the site. The site has a very tight boundary and a large structure of inappropriate design could have a detrimental impact on the setting of St Mary's RC Church but there are a number of options to consider to reduce the impact. There are no designated heritage assets within in the proposed site but there are a number in the immediate vicinity. The Cockton Hill, Bishop Auckland Conservation Area follows Cockton Hill Road immediately opposite the north eastern part of the site. The closest listed building is the Grade II Listed Henknowle Manor Public House 245m to the east and 765m to the east is the Grade I Listed East Deanery. There are others beyond 650m from the site.

645m to the north is the Grade II Listed Bishop Auckland Methodist Church and the Grade II listed Walls, Piers and Gates to Bishop Auckland Methodist Church. 745m to the north is the Grade II Listed Green Tree Public House. 1.7km to the north east is the Grade II\* Listed Auckland Park. St Mary's RC Church is located immediately adjacent to the western boundary of the site and is considered to be a non-designated heritage asset.

5. There are no ecological designations within or immediately adjacent to the proposed site. The closest Site of Special Scientific Interest (SSSI) is 4.5km to the north west at Witton le Wear. The site lies within an identified SSSI Impact Risk Zone relating to the SSSI present in the wider area. There are no Local Wildlife Sites within 1km of the site. The closest being Escomb Pastures LWS 1.1 km to the north west, Brack's Wood LWS 1.2 km to the north east, Eldon Lane Heath LWS 1.9km to the south east and 'Fylands', River Gaunless LWS 1.4km to the south. Etherley Dene and Escomb Pastures Ancient Woodland are over 1km to the north west. Over 1km to the north east are Bracks Wood and Dells Wood Ancient Woodland some of which include Tree Preservation Orders (TPOs).
6. There are no recorded public rights of way within or within the vicinity of the site, nor are there claims for new paths in the vicinity of the site. The closest being Footpath No. 43 (Bishop Auckland Parish) 260m to the north east.
7. The site lies within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The closest watercourse is the River Gaunless some 460m to the east at the closest point. The site lies within a Coalfield Development Low Risk Area and within the mineral safeguarding area for coal as defined in the County Durham Plan.

## The Proposal

8. The application has been submitted for the demolition of the existing leisure centre and library and the erection of a new building bringing both community spaces together. The proposal also includes landscaping and parking.
9. The new centre would comprise the following:
  - 2 x Swimming pools (25m, 6 lane main lap pool and 20m, 4 lane secondary pool) with pool seating, store and mechanical plant.
  - 3 x Fitness studios
  - Wellness studio
  - Studio storage
  - Sauna/Stream Room
  - Wet and dry changing villages
  - Library
  - Café & kitchen
  - Soft play area
  - Public WC facilities
  - Reception area
  - Offices
10. The proposed new 2 storey building would have a footprint of 4,809.0sqm and would be located within the eastern part of the 1.25ha application site on the plots of both the existing leisure centre and library. It would be built to modern standard to ensure the needs of all prospective service users would be met. Access to the new building would be taken into the north-western corner of the leisure centre adjacent to a proposed bus drop off area. The proposed café, entrance space, reception, and main stairs would

be located adjacent to the main entrance. Lifts are also provided opposite the reception area.

11. The building entrance area proposed would be double height. An area for soft play is proposed in the front of the building with the replacement library facility also located on the ground floor. In the eastern section of the ground floor the main pool, learner pool (with viewing area) and associated wet changing facilities would be located. To the rear of the changing rooms a sauna and steam facility would be provided. A plant room is proposed to the rear of the building in the south eastern corner.
12. The proposed first-floor layout includes the main stair landing, positioned next to the entrance of the fitness suite. Adjacent to the elevators, there would be changing facilities, and opposite them, two studios are proposed, each equipped with associated storage. On the upper floor, plans include an office space and a wellness facility situated along the western edge, and additional library space proposed near the landing area. Anticipated foot traffic suggests that most pedestrians would access the site from the north, entering at the north-west corner of the new facility. This entrance would open up to well-landscaped areas, creating a secure path for pedestrians and cyclists. To enhance safety, a new pedestrian crossing would be installed on Woodhouse Lane.
13. The north-west corner of the building would feature an entrance and an external cafe area, designed as a public gathering space. This area would help guide users entering the site to the location of the leisure centre entrance. To further encourage sustainable transportation, cycle parking is proposed to be conveniently located to the north of the building, in close proximity to the entrance, and would benefit from passive surveillance from the building.
14. It is proposed that the leisure centre would be open Monday to Thursday 07:00 to 21:45 hours, Friday 07:00 to 21:00 hours and Saturday and Sunday 07:00 to 17:00 hours. The opening hours for the library, would vary with Mondays being 09:30 to 19:00 hours, Thursdays 09:30 to 17:00 hours and Saturdays 09:30 to 12:30 hours. The library would be closed on Tuesday, Wednesday, Friday, and Sunday. The library hours would be subject to review with the possibility of greater opening hours given the co-location with the leisure centre.
15. Vehicular access to the site would utilise the existing access to the leisure centre off Woodhouse Lane. In addition, there would be access to a service yard to the rear to the new building off Watling Road. The proposed car park would incorporate the existing leisure centre car park and additional car parking would be created on the site of the leisure centre site following demolition. The existing leisure centre car park would remain in use during the construction period, with the additional spaces being provided as part of a later phase of the development following demolition of the existing leisure centre. A total of 89 vehicular parking spaces are proposed comprising 61 standard bays, 23 providing electric vehicle charging, 5 accessible bays. A coach parking layby accommodating 2 coaches would be provided and be located close to the pedestrian entrance.
16. An enclosed, secure cycle store with double tier racks would be provided outside the building entrance to the north which would accommodate 60 cycles. There would be supporting facilities including lockers for each cycle parking space, showers, changing rooms and a drying area.
17. The proposals involve four phases with completion in 2025. In Phase 1, the existing library building would be demolished, and a stormwater sewer would be relocated to align with the back of the footpath. Phase 2 would be the construction of the new

building while ensuring that the existing leisure centre would remain open and access to the existing substation would be maintained and would not be affected by the development. Phase 3 would see the demolition of the old leisure centre, and finally, in Phase 4, the project would be completed with the construction of a new car parking area and landscaping.

18. This application is being reported to Committee because it involves major development of more than 1 ha.

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## **PLANNING HISTORY**

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19. The leisure centre and library are over 50 years old. Since that time Planning Permission No. 3/2008/0158 was granted for replacement signage in 2008. In 2015 Permission No. DM/15/01094/FPA was granted for the formation of vehicular access to serve combined sewer overflow. DM/17/03953/AD was approved in 2008 for advertisement consent for the erection and display of non illuminated panel signs attached to the building, window vinyl's and post mounted parking sign.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

20. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
21. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
22. *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.
23. *NPPF Part 6 – Building a Strong, Competitive Economy* – The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
24. *NPPF Part 7 – Ensuring the Vitality of Town Centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

25. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
26. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
27. *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.
28. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
29. *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.
30. *NPPF Part 17 - Facilitating the sustainable use of minerals* – It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

31. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

32. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement’s valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
33. *Policy 9 – Retail Hierarchy and Town Centre Development* – Implements national policy and strives to protect and enhance the following hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county. Bishop Auckland is identified as a sub-regional centre within the County. The Plan will look to support new town centre development across all of the county’s centres that will improve choice and bring about regeneration and environmental improvements. The policy also requires proposals for main town centre uses not within a defined centre to provide a sequential assessment. This reflects advice within the NPPF, paragraphs 87 and 88. For leisure development, the policy adopts the national default threshold of 2,500 sqm for impact assessments.
34. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
35. *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.
36. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* – supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
37. *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).

38. *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 the development can be effectively integrated 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 to an acceptable level.
39. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
40. *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.
41. *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.
42. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
43. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.

44. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
45. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. 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.
46. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
47. *Policy 56 – Safeguarding Mineral Resources* – states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

48. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

49. *Bishop Auckland Town Council* – is in support of this application as it falls in line with National Planning Policy Framework NPPF Part 6 Building a Strong, Competitive Economy, and would help to support NPPF Part 7 Ensuring the vitality of town centres.



Specific queries are raised in relation to the prospective build times and what is being done to reduce the impact on service users.

50. *Highway Authority* – Offer no objections from a highways perspective. Officers provides technical advice and recommends a number of conditions relating to: the implementation of car parking before occupation, the implementation of cycle parking before occupation, the completion of highways works before occupancy and submission/approval of a Construction Management Plan pre-commencement.
51. *Drainage & Coastal Protection (Lead Local Flood Authority)* – raise no objection subject to the imposition of an appropriate condition requiring a detailed surface water drainage design to be submitted to and approved by the Council.

#### **INTERNAL CONSULTEE RESPONSES:**

52. *Spatial Policy* – has raised no objections to the proposals. Officers consider the proposals would not require the undertaking of a sequential assessment in accordance with Policy 9 of the County Durham Plan given the historic use of the site for leisure. Officers advise that it will be a matter for the case officer in conjunction with advice from specialist services to determine if the proposal is compliant with relevant County Durham Plan policies in relation to transport, sustainability, design, amenity, trees and landscape etc. Officers also noted that the redevelopment of the site would comprise a productive re-use of a brownfield site and that the site is located on a main public transport route to the town centre. It is also an established location for the leisure centre, so existing patrons would not be displaced to another site.
53. *Environmental Health and Consumer Protection (Nuisance)* – raise no objection subject to the imposition of conditions to control working hours for construction and demolition, submission and approval of a Construction Management Plan, adherence to noise limits identified within the submitted noise report and details relating to lighting and details of fume extraction systems proposed. Overall, Officers are satisfied, based on the information submitted with the application and with the addition of the aforementioned conditions the development would be unlikely to cause a statutory nuisance.
54. *Environmental Health and Consumer Protection (Air Quality)* – it is considered that the development will not have a significant impact upon air quality. However, it was noted that ensuring a suitable dust management plan, which includes the measures detailed within the submitted air quality impact assessment, are incorporated within a CEMP and secured by condition, a suggested condition is provided within the Nuisance Action Team consultation response.
55. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objections. Officers have confirmed that they are satisfied with the findings and conclusions drawn in submitted reports. Given that a ground gas risk assessment is still required, a phase 2/3 remediation strategy should be provided including site investigation and remediation strategy. Therefore, conditions are recommended for phase 2/3 remediation works and an informative relating to if unforeseen contamination is encountered.
56. *Ecology* – raise no objection. Officers consider the ecological reporting and BNG calculations supporting the application are sound and note that a bat roost was located in the library building to be demolished. Officers advise that the metric submitted with the application does not meet trading rules, but given the scale of the development, the baseline habitats on site and the delivery of a clear Biodiversity Net Gain (BNG), do not believe that is this a significant issue. A net gain of biodiversity has been

achieved in line with the NPPF and Local Plan. Officers advise that that an informative be added to any grant of planning permission advising that a Natural England bat licence should be in place prior to any works directly or indirectly affecting the bat roost are undertaken. Officers also advise that a planning condition requiring a Biodiversity Management and Monitoring Plan is submitted and agreed.

57. *Landscape* – raise no objection. Officers state that the landscape strategy provided is well considered, there are no objections raised. They subsequently advised that full details of hard and soft landscape plans, including elements like street furniture, lighting locations, finishing materials, and construction specifics, must be submitted before any consent is granted. Soft landscaping plans should include a detailed planting plan, specifying soil depths, plant species, numbers, densities, locations, and construction techniques. Existing or proposed utility services that may affect tree planting should be indicated on the plan. Furthermore, a soft landscape management plan, encompassing long-term design objectives, responsibilities, and maintenance schedules for landscape areas, is required. This maintenance plan should cover the initial 5-year establishment period and extend for 20 years, regardless of any phased development.
58. *Landscape (Trees)* – raise no objection subject to imposition of an appropriate landscaping condition. Officers state the proposed development would have a significant impact on existing tree cover as it would require removing the majority of trees on the site, many of which have high amenity value and are prominent within the immediate local area. this therefore potentially conflicts with Policy 40. It is therefore recommended that should the proposed development be approved it includes a high-quality new landscaping scheme to provide substantial replacement tree planting on the site.
59. *Design and Conservation* – raise no objection. Officers advise that the proposed development site lies within the setting of Cockton Hill conservation area, Henknowle Manor Public House (Grade II) and St Mary's RC Church, a non-designated heritage asset with architectural significance, social significance, and prominence in the street scene. It is noted that a heritage section has been included within the planning statement. Officers advise that the applicant has identified harm however this is questionable and would certainly be of the lowest order. Should the case officer consider it necessary to weigh any harm in the public benefit, the Design and Conservation Team would suggest that the proposals provide great improvement in design quality and landscaping in the streetscene and the setting of the conservation area, providing a much improved leisure facility building.
60. Officers also consider that the proposed development positively addresses the immediate site context in both plan and built form. The detailed design and approach to material palette is informed by a detailed analysis of local vernacular and important buildings within Bishop Auckland. The building is animated and the entrance is highly legible from both the vehicular and pedestrian points of access. A condition to confirm the final materials to be used is recommended.
61. *Travel Plans* – raise no objection. Officers advise that a Travel Plan is required to be submitted and included as a condition.

#### **EXTERNAL CONSULTEE RESPONSES:**

62. *Police Architectural Liaison Officer* – has provided comments based on the principles of 'Crime Prevention through Environmental Design' intended to help create a safe and crime free development. Following the receipt of additional information from the applicant to address these comments the Police Architectural Liaison Officer advises

that they are content with the response and recommends that Secured by Design is achieved on the proposed development.

#### **PUBLIC RESPONSES:**

63. Prior to submission of the application the applicant consulted with the local residents and other key stakeholders, with material being made available both at public exhibitions and online. The majority of responses were positive and supportive of the proposals with the majority of respondents agreeing that the leisure centre needs upgrading. A Statement of Community Involvement outlining this was submitted with the application.
64. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification letters as part of the planning procedures. Notification letters were sent to 279 individual properties in the vicinity of the site.
65. 1 letter of support has been received from a local resident. The resident stated that fully supported the development, expressing a desire for the development to start as soon as possible.

*The above is not intended to repeat 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/search.do?action=simple&searchType=Application>

#### **APPLICANTS STATEMENT:**

66. The proposed development seeks approval for the demolition of the existing Woodhouse Close Leisure Complex, including existing library, and the erection of a replacement Leisure and Community Centre and associated car parking and landscaping. The new building will provide a range of sport and community facilities, including swimming pools, gym, studios, community café, soft play, wellness hub and dedicated Library space. The new facility aims to be a place where you can be active physically and mentally, somewhere which provides opportunities to learn and develop, and a site to improve health, wellbeing and social interaction. The current facilities will remain open until the new centre is operational to ensure continuity of service.
67. The current leisure centre is more than 50 years old and plant infrastructure is far beyond its anticipated lifespan. In particular, the main pool plant and small pool plant are in poor condition, require significant works to address issues and will struggle to meet modern standards. The condition beyond the reception area is also relatively poor, and significant redecoration and modernisation would be necessary to meet current customer standards and expectations.
68. The Leisure Transformation Programme has a clear strategic direction to support economic recovery from the Covid-19 pandemic, as well as providing a platform to develop health, social and community capital and a major opportunity to contribute to the council's commitment to environmental sustainability and a low carbon future. This aligns to Sports England's Uniting the Movement vision, with the wider programme aims helping to address the 'five big issues' that have the greatest potential for preventing and tackling inequalities in sport and physical activity.
69. The new facility at Woodhouse Close, Bishop Auckland will significantly contribute to the overall programme aims. The age and condition of the existing building is prohibitive to encouraging broader reaching physical activity engagement and cannot support the delivery of a sustainable low carbon future. Bringing together

complimentary services like the leisure and library provision will be beneficial for the local community, support local economic prosperity and assist in meeting broader community health, social and wellbeing aspirations.

70. The proposals will help achieve the key targets of the County Durham Plan (adopted 2020) to support communities and meet the needs of all people, by promoting social inclusion, providing or maintaining social, cultural, sport and recreation facilities, and improving personal health and well-being.
71. The Proposed Development has been designed to address the sustainability requirements as set out in the County Durham Plan. The building will be assessed against the BREEAM 2018 and other BREEAM assessment fully fitted criteria to achieve a BREEAM Very Good rating. A BREEAM pre-assessment meeting with the design team concluded that 62.73% of the credits could be targeted which exceeds the 55% threshold to achieve a BREEAM Very Good rating.
72. Overall, the Proposed Development is considered to be acceptable when assessed against local and national planning policy and therefore, the application should be approved without delay.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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73. 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 development, recreational amenity, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage, other matters and public sector equality duty.

### The Principle of the Development

74. 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 relevant to this proposal and are 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.
75. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
76. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
77. The proposal is for the construction of a new consolidated leisure centre and library building to replace the two separate existing buildings with associated landscaping, access and parking. The existing leisure centre is over 50 years old, and the facilities are in poor condition requiring significant works to meet modern standards. The proposed development would maintain and improve the existing leisure facility for the local community to accommodate for existing residential growth and future projected growth in the area and is part of the Council's Leisure Transformation Programme.
78. Paragraph 92 of the NPPF emphasises the importance of planning policies and decisions should aim to achieve healthy, inclusive and safe places plan positively for the provision and use of shared spaces, community facilities to enhance the sustainability of communities and residential environments. In essence, the redevelopment of these existing community uses on this site will maintain and improve wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
79. CDP Policy 6 states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

- g) does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
  - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j) where appropriate, it reflects priorities for urban regeneration.
80. The application site is not allocated for leisure use within the CDP but benefits from an established use as a community site for both a leisure centre and a library. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, having regard to criterion a), the application site is currently occupied by the existing leisure centre and library, and it is considered that leisure and community uses are established and prevailing land use. The use of the land has therefore been demonstrated to be compatible with the existing adjacent land uses, subject to the new location of specific facilities such as landscaping, parking and access and lighting.
81. With regard to criterion b) the site is predominantly previously developed land with intermittent public open space which is located within the built up area of Bishop Auckland, with a clear boundary that is already surrounded by other, existing development. Development at the site would therefore not lead to ribbon development or coalescence with other settlements as the extent of development is contained within the built up area of Bishop Auckland.
82. With respect to criterion c) the application site includes informal public open space with minor recreational value and while this space may be inaccessible for a period of the development, it would ultimately be re-provided and not result in any net loss. The inclusion of formalised public open space within the site would ultimately improve the recreational value and the proposed planting and landscape features would add ecological value. Continuing the use of the site for leisure and community use would maintain the character in the locality.
83. With respect to criterion d) the scheme presents an opportunity to provide a cohesive redevelopment of the leisure facilities, replacing aged buildings with high quality, contemporary replacements. The development would provide a consolidated, modern centre with the proposed building having a rectangular plan form. The building would be largely single storey with two storey elements on the west. While the final details of materials would be confirmed by condition, the general proposed palette for the building includes Traditional Brickwork (Ibstock, Birtley, Waterstruck Brick), Rainscreen cladding, perforated rainscreen cladding and other feature materials at the entrance and in the form of feature brickwork within the cladding.
84. Criteria e) and f) relate to transport and access. The site is located within a primarily residential area and with existing bus stops in the vicinity. The nearest bus stop is located 200m to the west of the current site entrance on Woodhouse Lane. There is also a bus stop located on Cockton Hill Road to the east which would increase the number of available bus routes to serve the site. The site would continue to have immediate pedestrian access from Woodhouse Lane. In addition, there would be adequate parking provision for staff and buses and would not have an adverse impact on the highway network.

85. The proposed development would comprise the re-provision and regeneration of a facility which has begun to fall into disrepair. The development, through the provision of new, high quality community space, would maintain and improve the community value of the existing leisure facility for a longer period of time. Therefore, with respect to criterion g) the development would be a direct improvement over existing leisure facilities at the site which would extend the vitality and value of the community facilities and would therefore gain positive weight in accordance with criterion g).
86. The development would provide modern high quality leisure facilities for the local community, as well as energy efficient buildings with carefully considered drainage and green energy systems on previously developed land currently occupied by community facilities in accordance with criteria h), i) and j).
87. CDP Policy 6 also requires developments to accord with all other relevant development plan policies. CDP Policy 9 requires proposals for main town centre uses not within a defined centre to provide a sequential assessment. This reflects advice within Paragraphs 87 and 88 of the NPPF. For leisure development, the Policy adopts the national default threshold of 2,500 sqm for impact assessments.
88. The proposed development would comprise a Town Centre Use as defined within the NPPF, both through its Leisure Use and through the inclusion of a café and gym facilities. In applying the requirement of CDP Policy 9, the location of the site and the fact that the existing leisure centre is operating from there is another significant consideration. Whilst the site is situated outside of Bishop Auckland's town centre boundary, it is co-located with other complimentary uses including the library. Since a leisure centre is a main town centre use it would ordinarily trigger the need for a sequential assessment. However, as the site currently has the leisure centre located there, it was not considered necessary for the applicant to undertake a sequential assessment to justify development of a new leisure centre on this out of centre site.
89. The town centre first approach as set out in Part 7 of the NPPF, which is also reflected in CDP Policy 9, states that main town centre uses should be located primarily in town centres, then in edge of centre locations, and that out of centre sites should only be considered if no other suitable sites are available. However, in this case, the redevelopment of an existing site for the same use, which improves the quality of the existing provision, is considered to be acceptable in principle. It would be unreasonable to expect the leisure centre to relocate to the town centre rather than redevelop the existing site with a like-for-like modern facility replacing the aging building.
90. In summary it is considered that the development of the application site would accord with CDP Policy 6 as it is considered well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report.
91. It is also considered that the proposals are also supported by CDP Policy 9 through the provision of a higher quality community facility versus the existing on the site.

#### Recreational Amenity

92. Part 8 of the NPPF seeks to promote healthy communities. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed

development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

93. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
94. As stated above prior to submission of the application the applicant consulted with the local residents and other key stakeholders with the majority of respondents agreeing that the leisure centre needs upgrading. A Statement of Community Involvement has been submitted with the application.
95. There are a number of benefits to the proposed development as set out in this report, and it is well recognised that sport has the power to contribute positively to vital social outcomes and health priorities.
96. The proposed development would result in the demolition of the existing leisure centre and loss of informal open space but the positive redevelopment of the site. This would be for the provision of the new leisure centre and community building which would provide enhanced community facilities compared to those existing facilities to the benefit of local residents. Subject to the site being developed in accordance with the proposed site plan and submission of detailed hard and soft landscaping plans it is considered that the proposal would not conflict with CDP Policy 26 and Part 8 of the NPPF.

#### Residential Amenity

97. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
98. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.



Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

99. The site is surrounded by residential properties on all sides. The nearest residential properties are located opposite on Woodhouse Lane approximately 30m to the north and Watling Road approximately 30m to the to the east. The proposed new carpark would be located on the western part of the site opposite St Mary's Roman Catholic Church.

#### Noise

100. A Noise Survey Report has been submitted in support of the application. The report presents the results of a noise survey undertaken at the site and sets plant noise limits for the proposed air source heat pump at the new Bishop Auckland Leisure Centre during the operation phase of development. The assessment recommends that plant noise limits should be implemented and that resulting noise arising from the use of the air source heat pumps has been assessed and would indicate a low impact is likely subject to the implementation of the noise limits.
101. As such the development is in alignment with the NPPF and Noise Policy Statement for England aims and includes all the sensitive areas surrounding the site within the investigation, including the properties on Woodhouse Lane. With regard to construction noise, given that at this stage in the development, building services plant specifications are unavailable, rated noise limits are proposed for the cumulative impact of future plant noise at the nearest noise-sensitive receptors.
102. Environmental Health and Consumer Protection (Nuisance Action) Officers note that the submitted report concentrates upon Air Source Heat Pumps, and no other potential sources of noise associated with the operation of the facility. Officers therefore recommend a condition which sets noise levels emitted from all fixed plant and machinery on the site.
103. Environmental Health and Consumer Protection (Nuisance Action) Officers advise that a condition should be applied restricting the time of works. Officers advise that no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. Officers also advise that no internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.
104. Environmental Health and Consumer Protection (Nuisance Action) also recommend submission of an appropriate Construction Management Plan, which should consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed.
105. In addition, planning conditions would require the submission and approval of a Demolition Management Plan which, amongst other matters, control the hours of demolition.

## Lighting

106. No details in relation to external lighting have been submitted with the application. Given the likelihood of the proposed development requiring external lighting as part of the construction and demolition phases as well as during operation of the completed development, details can be required through condition.
107. Environmental Health and Consumer Protection (Nuisance Action) Officers raise no objection to the proposals subject to the imposition of a relevant condition controlling final lighting impacts.

## Air Quality/Dust

108. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. The assessment identifies that the proposals have the potential to cause air quality impacts at sensitive locations during the construction phase. These may include fugitive dust emissions and road traffic exhaust emissions from construction vehicles travelling to and from the site during operations.
109. During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site as a result of demolition, earthworks, construction and trackout activities. This has been assessed in accordance with the IAQM methodology. It is advised that, assuming good practice dust control measures are implemented, impacts would be minimised throughout construction. During the operational phase of the development there is the potential for air quality impacts as a result of traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the relevant screening criteria. This has been assessed against the screening criteria provided within relevant IAQM guidance. Due to the low number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant. As such, mitigation to reduce potential effects is not considered necessary.
110. Environmental Health and Consumer Protection (Air Quality) Officers have considered the proposals and raise no objections to the conclusions drawn in respect of potential nuisance or air pollution. However, they also state that the construction phase has the potential, without adequate mitigation measures being incorporated into that phase, could have a significant impact upon sensitive receptors. As such, the aforementioned condition relating to the approval of a Construction Management Plan contains a requirement for a Dust Management Plan to ensure no unreasonable impacts would result.

## Odour

111. A café with kitchen is proposed. Environmental Health and Consumer Protection (Nuisance Action) Officers recommend a condition requiring full details of any proposed fume extraction system to be submitted to and approved by the Council.

## Summary

112. There would be some disturbance to residential properties during construction and demolition operations, but these can be mitigated through appropriate conditions and implementation of a Construction Management Plan. This disturbance would be time limited and necessary to provide new community facilities.

113. Environmental Health and Consumer Protection (Nuisance Action and Air Quality) Officers raise no objection subject to appropriately worded conditions. In addition, they are satisfied, based on the information submitted with the application and with the addition of the aforementioned conditions the development would be unlikely to cause a statutory nuisance.
114. Residents living around the centre will currently experience some disturbance from the existing facilities and associated users, but this is to be expected and residents will be accustomed to this. Overall, it is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment in notable excess from the existing. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 29 and 31 and Part 15 of the NPPF.

#### Access and Traffic

115. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
116. The proposed development would continue to utilise the existing vehicular access from Woodhouse Lane. The entry point comprises an already established vehicle access and circulation within the Site. A new pedestrian access to the site would be also provided from Woodhouse Lane. The provision of the extended car parking area aims to ensure that the appropriate amount of car parking space is provided for future visitors, service users and employees. The car parking would provide 130 no. car parking spaces, including 18 passive and 9 active electric car charging. The coach layby has been subject to swept path analysis which demonstrates the coach can access and egress the site in a forward gear.
117. During demolition and construction, the access off Woodhouse Lane to the east of St Mary's Roman Catholic Church for pedestrian and general access would be retained. The new car parking would be completed within Phase 4 of the construction phase alongside the new landscaping.
118. A Transport Statement (TS) has been submitted in support of the application, providing a full and robust assessment of the transportation impacts of the development proposal. Details are provided of the proposed development, site access and parking, coach parking, delivery and service arrangements. The TS has considered the trip generation of the proposed facility and concluded that, given there is an existing leisure centre facility on the site, when considering the trip generation of the existing facility against the proposed, the net increase in trips is minimal, and so the impact on the local highway network would be negligible.
119. The Highway Authority has considered the application having regard to the internal road arrangement for the new site, alongside vehicular and cycle parking provision and electric vehicle charging spaces. Servicing arrangements and the proposed uses have also been assessed. No objection is raised by the Highway Authority in relation to the internal layout, with the Highway Authority commenting that the proposal is acceptable as per the existing arrangement for the existing leisure centre.

120. Subject to works to the adopted highway being carried out, via an agreement under Section 184 or 278 of the Highways Act 1980, and subject to appropriate conditions, the Highway Authority raise no objection to the proposals. Section 184 or 278 works would be formation of new vehicular accesses, and the closure and reinstatement as footpath of existing accesses. Officers identify that planning conditions would be required to ensure the laying out of the proposed highways works, provision EV charging points, provision of car parking and cycle parking are implemented prior to first occupation of the development. In addition, an informative requiring the Stopping up of existing Highway under Section 247 of the Town and Country Planning Act 1990 would be required, relating to stopping up an area of adopted footpath within the development site.
121. It is considered that the proposals have been appropriately assessed through the TS and it has been concluded that the development would not result in harm to the safety of the local or strategic highway network, and would have a negligible impact on traffic movements on the road network. Subject to the conditions set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

#### Layout and Design

122. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. 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.
123. The proposed building would have maximum dimensions of 11.8m in height, 61m in length and 56.7m depth. The height of the proposed new building is the same as the existing leisure centre building present and would be positioned a sufficient distance from the nearest residential dwellings (approximately 30m from opposite properties at Watling Road and Woodhouse Lane). The building would have a lower total height of 7.8m at its point closest to adjoining properties on Watling Road, reducing the visual impact of the development further. This distance is proposed to ensure that the privacy of the residential properties is retained, and daylight/sunlight impact is reduced to the minimum and at the same time allows the construction of the proposed development whilst some of the current facilities remain operational. The building incorporates design elements from the local vernacular of Bishop Auckland and has dynamic, modern facades which front adjacent public open spaces.
124. Given the site is currently used for leisure and community purposes, impacts on landscape character would be based on any visual effects within the site and surrounding residential properties. There are existing trees on site on the southern site edge and near to the existing library which are prominent and provide a degree of amenity value within the immediate vicinity of the site. The trees on the southern boundary would be retained and the trees sited near the existing library would be lost to facilitate the erection of the new building.
125. Durham Constabulary Police Architectural Liaison Officer initially made a number of comments and recommendations based on the principles of 'Crime Prevention through Environmental Design' and intended to help create a safe and crime free development. The comments related to: defining parking areas with floor markings and signage;; applying the BPA Safer Parking 'Park Mark' Scheme; providing well-lit external areas

with column or wall-mounted luminaires; using STS 201/202 or equivalent for external doorsets; incorporating laminate glass or STS 204 security rating for ground floor windows; implementing a monitored intruder alarm system; ensuring lockable and security-rated internal doorsets; using electronic access control systems where appropriate; and establishing full site security during the construction phase to prevent theft of equipment and tools. Additionally, secure cycle parking with galvanized steel construction and Sold Secure Bronze or LPS 1175 standards is recommended, focusing on natural surveillance and safety.

126. Design and Conservation Officers raise no objections advising that the proposed development positively addresses the immediate site context in both plan and built form. The detailed design and approach to material palette is informed by a detailed analysis of local vernacular and important buildings within Bishop Auckland. The building is animated and the entrance is highly legible from both the vehicular and pedestrian points of access. Pursuant to the above, while the material palette was generally found to be acceptable, the implementation of a condition requiring details and sample for consideration was recommended.
127. With regard to CDP Policy 29 it is considered that the development would positively contribute to the character and townscape of the area and would create a modern building capable of providing and accommodating up to date leisure and community needs.
128. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

#### Locational Sustainability of the Site

129. CDP Policy 6 Criterion f requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
130. The proposed development would be located on a site currently occupied a leisure centre and library building and is surrounded by residential properties in a residential area. The site is currently easily accessed off pedestrian accesses along Woodhouse Lane. These accesses would effectively be consolidated into a single formalised access to the new, singular building and would continue to form pedestrian access into the building. The existing vehicular access into the western car park would be retained and the internal car park expanded to serve the identified car parking need of prospective users.

131. In addition, the site is well served by bus stops along Woodhouse Lane to the west and Cockton Hill Road to the north. These bus stops provide consistent services to adjoining villages and Durham city.
132. An Interim Travel Plan has been submitted with the application outlining the management and development of any final Travel Plan, including targets, monitoring, and the role of the Travel Plan Coordinator. It also describes how a proposed development would be accessed by different modes of transport, assesses its accessibility by sustainable travel methods, and details sustainable travel initiatives and key actions to achieve the plan's objectives. The Council's Sustainable Travel Team raise no objection to the application but have recommended that a condition be included alongside any approval which requires the submission and approval of a final travel plan.
133. In conclusion, subject to the inclusion of a travel plan via condition, the development would promote accessibility by a range of methods in accordance with CDP Policies 6 criterion f, 21 and 29 and Part 8 Paragraphs 98 and 103 and Part 9 Paragraphs 108 and 110 of the NPPF.

#### Renewable Energy

134. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
135. The applicant has submitted a Sustainability Assessment which has assessed the development against the Building Research Establishment Environmental Assessment Method (BREEAM) 2018 "other BREEAM" assessment fully fitted criteria. The Assessment has demonstrated that the building would achieve a 'very good' BREEAM rating. The scheme includes air source heat pumps to generate heating and hot water and includes charging points for prospective users utilising electric vehicles.
136. CDP Policy 33 requires all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent). The submitted documents demonstrate that the proposed scheme is able to achieve a 'very good' BREEAM rating and therefore the proposal would accord with CDP Policy 33 and Part 14 of the NPPF.

#### Contamination and coal mining risk

137. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

138. A Preliminary Phase 1 Investigation (Desk Study) was carried out and subsequent Site Investigations (Phase 2) were undertaken to inform the proposals. The phase 1 report undertook initial analysis and concluded by recommending Site Investigations be undertaken, and detailing the methods of monitoring and analysis which would be appropriate. The phase 2 report was subsequently undertaken on this basis and concluded that the site's contamination levels are unlikely to pose a risk to current and future users due to its proposed commercial use. The report subsequently states that if odorous, brightly coloured, or suspected contaminated areas are encountered during work, operations should stop until investigation results determine if remediation is needed. Controlled waters are not at risk. For utilities, elevated phenol and pH levels mean avoiding PVC and copper pipes, opting for clean trenches for all services. Subsurface concrete should meet DS-1 ACEC (Class AC-1) standards.
139. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required.
140. Environmental Health and Consumer Protection (Contaminated Land) Officers have considered the information submitted and raise no objections in respect of land contamination. Officers advised that given that ground gas protection measures are required, a phase 3 remediation strategy should be provided including ground gas protection measures proposed. Officers therefore recommend conditions to require investigation of potential areas of ground contamination.
141. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals with appropriate mitigation would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

#### Flooding and Drainage

142. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
143. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
144. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to

flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific Flood Risk Assessment (FRA).

145. The site is entirely located within Flood Zone 1 and within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The closest watercourse is River Gaunless approximately 505m to the east.
146. A FRA and Drainage Philosophy have been submitted in support of the application. The FRA identifies that the whole of the site is in an area classified as being at 'Low' risk of flooding from all forms. The Drainage Philosophy Report document details how the surface water and foul water will be discharged from site. The document concludes that, it is deemed necessary to discharge the surface water to an existing sewer, as the previously mentioned discharge methods were not feasible.
147. The proposed surface water drainage plan aims to restrict discharge rates close to greenfield levels. The greenfield runoff calculation in suggests a rate of 3.3 l/s, with a minimum discharge rate of 3.5 l/s due to orifice diameter considerations. The final rate would be determined with Northumbrian Water through design development. The plan includes drainage philosophy, attenuation features, and swales within the site. A Microdrainage calculation indicates the need for approximately 675m<sup>3</sup> of attenuation. Permeable paving in the private car park will treat surface water flows, and the system would adhere to Building Regulations Part H, ensuring separation from foul water. Additionally, the proposal involves diverting a Northumbrian Water surface water sewer to connect to the proposed system at a restricted rate of 3.5 l/s.
148. The Lead Local Flood Authority has no objection to the proposal subject to a condition requiring precise details of the surface water management scheme. A condition pursuant to this has been included within the recommendation.
149. It is therefore considered that, subject to a suitable condition, the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

#### Landscape and Trees

150. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
151. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value (AHLV) will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.



152. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
153. The site is not within any landscape designation. At its closest point the AHLV is located approximately 920m to the north west of the site. The proposed development would not impact upon the AHLV.
154. Indicative landscaping details, Tree Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted in support of the application.
155. A landscaping strategy has been provided to show indicative hard and soft landscaping within the site, including pathways and planting. Landscaping would predominantly be trees and greenspace located around the site with some designated soft social spaces. Planting would be used to ease way finding through the public spaces on the site and highlight accesses and egresses, particularly towards the periphery of the site.
156. Landscape Officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. As stated above, details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings.
157. Existing vegetation would be retained where possible although the proposed development would require the removal of 18 trees and the removal of hedgerow to allow facilitate the siting of the new centre. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme and appropriate protection measures put in place for the protection of retained vegetation.
158. Tree Officers consider that the trees on the site would provide amenity value and are prominent within the immediate local area and that, without appropriate mitigation or replacement, development would potentially conflict with CDP Policy 40.
159. Landscape and Tree Officers both advise that subject to the imposition and agreement to an appropriate condition they have no objection to the proposal. The proposed condition requires the preservation of existing trees, hedges, and shrubs with specified protective measures, a comprehensive soft landscaping plan with precise details on plant species, numbers, layouts, and planting techniques. This plan should also account for topsoil levels, temporary soil storage as per DEFRA guidelines, and a clear timeline for implementation. Furthermore, the establishment maintenance regime should cover watering, weeding, mulching, and tree stake management for a five-year period to ensure the vitality of the greenery. The condition extends to enclosing elements, street furniture, and street lighting placements, as well as specifying materials, colours, finishes, and fixings for external finishing. Lastly, it requires a

detailed strategy for the perpetual management, maintenance, and accessibility of all open spaces.

160. A further condition requiring the protection set out in the Tree Protection Plan to be implemented prior to construction work to avoid any potential damage would be imposed should planning permission be granted.
161. The proposed development would result in the loss of some trees, but this would be mitigated through replacement planting across the site along with the opportunity to enhancements to the site as part of the development of the site. Details of this replacement planting would be agreed through condition. In addition, there would be appropriate protection of retained trees throughout the construction process. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

## Ecology

162. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
163. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
164. There are no relevant ecological designations within or immediately adjacent to the proposed site. Some 950m to the north west is Escomb Pastures Local Wildlife Site (LWS). 1km to the north east is Brack's Wood LWS and Ancient Woodland.
165. An Ecological Appraisal and Biodiversity Net Gain Assessment have been submitted in support of the application.
166. The Appraisal provides an analysis of baseline conditions for the site and an assessment of habitats and species on the site. The site comprises a mixture of different habitats including buildings, hard standing, grasslands and lines of trees. Habitats on site are considered to be of up to local value. There is potential for the national priority species hedgehog, to be present within the site on occasion. The site

provides opportunities for a small range of foraging and nesting birds within scrub, trees and grasslands and is considered to be of up to local ornithological value, supporting a relatively typical range of species. The assessment found a singular bat roost within the existing leisure centre. The assessment recommends a set of measures to address potential impacts on wildlife, including avoidance, mitigation, and compensation strategies. These measures include avoiding or limiting external lighting to protect bats, ensuring means of escape for mammals in open excavations, and safeguarding retained trees. Hand removal and supervision by an ecologist are advised for features around bat roosts, with precautionary methods for other structures. Nesting bird season should be respected, with checks by ecologists. Additionally, landscape planting should feature berry and fruit-bearing species, species-rich coarse grassland, and native scrub. The plan also entails installing bird boxes and bat roosting features and adhering to a Construction Environmental Management Plan during works.

167. The report also recommends that demolition works should not proceed without a Natural England licence. This recommendation is reflected in the advice of the Council's Ecology Officers.
168. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 4.0. The metric advises that the baseline site provides 1.66 habitat units and 0.14 hedgerow units. Post development, and taking into account the habitat creation set out in the paragraphs above, the site would provide 2.06 habitat units and 1.27 hedgerow units equating to a net gain of 0.4 units or 23.9% for habitat and 1.16 units or 831.4% for hedgerow. It was noted by the Council's Ecology Officers that, while the submitted metric does not meet trading rules, given the scale of the development, the baseline habitats on site and the delivery of a clear BNG, this was not believed to be a significant issue in this case.
169. In respect of the three derogation tests contained in the Regulations, the demolition would be critical for the delivery of the proposed leisure and community centre development as the land is required for the provision of the new main centre building and therefore, completion of the approved development as a whole. The development is therefore of overriding public interest and would protect public health and safety.
170. Leaving the existing library building would not provide sufficient space within the wider site for the proposals and no alternative sites have been identified. There is therefore no satisfactory and suitable alternative to the demolition of the existing library building. Finally, the loss of the single bat day roost is unlikely to adversely affect the favourable conservation status of the species. The Council's Ecology Officers have raised no issues in relation to bats and considers that there would be no impediment to a Licence being granted. Accordingly, it is concluded that the derogation tests would likely be satisfied. Replacement roost provision is likely to be required as part of the Licence. Night bat roosting features would be incorporated into the proposed structures, the exact specification would be agreed with Natural England as part of the Licence. The Council's Ecology Officers consider that the bat survey work is sound, but that demolition should not proceed until a Licence is in place.
171. The Council's Ecology Officers have no objection to the current application for construction of the consolidated leisure centre and library, including the demolition of the existing buildings. They advise a Biodiversity Management and Monitoring Plan (BMMP) that covers a 30 year period from the date the habitats were created is needed. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements. A condition is regarded as a suitable mechanism in this case as the Council is the Applicant.

172. The proposed development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of a roosting bat during the demolition and construction process, the net increase in biodiversity value through landscaping would adequately mitigate any residual harm. It is considered that the proposed development with suitable mitigation would not adversely impact upon any nationally or locally protected sites or protected species. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

## Cultural Heritage

173. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
174. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
175. There are no designated heritage assets within the proposed site. Although the site is not within a Conservation Area, the Cockton Hill Conservation Area is located opposite the application site to the north. There are no designated heritage assets within the proposed site. The closest listed building is located to the east, this being the Grade II Henknowle Manor Public House approximately 337m to the east. The site is also located in close proximity to St Mary's RC Church, a non-designated heritage asset with architectural significance, social significance, and prominence in the streetscene.
176. A Planning and Heritage Statement has been submitted which includes a Heritage Assessment. The Assessment considers the impact of the proposed development upon the setting of nearby heritage assets. The Heritage Assessment states that the proposed building would be located further east than the existing building which would reduce impact on the non-designated asset, St Mary's Church. Whilst it would be more prominent in views from the south end of the Cockton Hill Conservation Area it would be read as part of the existing built environment and the landscaping to the site boundaries will help to soften the appearance of the building in views. Furthermore, the Heritage Assessment states that the proposals would provide a high-quality new building which has been sensitively designed to sit comfortably within the setting. The document concludes that the impact of the proposed development on the identified heritage assets would be negligible and it is not necessary for the harm to be weighed against public benefit.
177. Design and Conservation Officers have reviewed the impact of the proposal on the heritage designations. Design and Conservation Officers have noted that the applicant

has identified harm, but have stated that this is questionable, and any harm would be of the lowest order. Design and Conservation Officers subsequently state that the proposals provide great improvement in design quality and landscaping in the streetscene and the setting of the conservation area, providing a much-improved leisure facility building. The detailed design and approach to material palette is informed by a detailed analysis of local vernacular and important buildings within Bishop Auckland. The building is animated and the entrance is highly legible from both the vehicular and pedestrian points of access.

178. The impact of the proposed development has been assessed by the applicant and Officers to be negligible. Paragraph 202 of the NPPF requires less than substantial harm to heritage assets to be weighed up against the public benefits of a proposal. In terms of public benefits, the proposals provide great improvement in design quality and landscaping in the streetscene and the setting of the conservation area, providing a much improved leisure facility building. Furthermore, the proposals offer many positive benefits to the built environment including replacing aged buildings with a modern purpose-built community facility. On this basis, and conscious of the wider community benefits of the provision of a higher quality, modern leisure and community facility than currently exists, and benefits to health and wellbeing it is clear that even in the instance there was any impact on assets, this would ultimately be offset by the clear public benefit in this instance.
179. As discussed above, there are public benefits that would arise as a result of the proposed development, and these are considered to be sufficient to outweigh the identified less than substantial heritage harm. It is considered that, subject to conditions, the proposal would not conflict with CDP Policy 44, Part 16 and paragraph 202 of the NPPF and the Listed Building Act.

#### Other matters

180. Bishop Auckland Town Council queries the impact of proposals on service users. The phasing proposed as part of this development but would allow for a continuous leisure offer for local residents, as the proposed centre will be fully constructed prior to the eventual demolition of the existing centre. Although the library would be demolished, temporary library provision would be provided during the works.
181. CDP Policy 27 addresses with utilities, telecommunications and other broadcast infrastructure and supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site, then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. It is the applicant's responsibility as the bill payer to procure the broadband solution from their chosen ISP (Internet Service Provider) but the infrastructure would be installed to allow the installation. The development would not conflict with CDP Policy 27 and Part 8 of the NPPF.
182. The site lies within the mineral safeguarding area for coal as defined in the County Durham Plan. CDP Policy 56 advises 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 or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless certain criteria apply. This includes criteria a) that states it can be demonstrated

that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. In relation to the safeguarded mineral, information submitted with the planning application indicates that the Brockwell seam lies at depth (137 metres below ground level) and as such it is considered that the safeguarded coal is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.

#### Public Sector Equality Duty

183. 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. The building would be accessible and built to modern standard to ensure the needs of all prospective service users would be met.
184. In this instance, Officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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### **CONCLUSION**

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185. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
186. The proposed development would provide a modern, efficient leisure and community services on a site currently accommodating such uses in need of repair. Dated facilities would be replaced resulting in a significant enhancement to the sporting and leisure offer in Bishop Auckland offering health and wellbeing benefits. Overall, the proposed development would provide a significant benefit to the community, be sustainable and well designed, and in keeping with and complementary to its surroundings.
187. Consideration has been given to the principle of the development and the impact of the proposals in terms of recreational amenity, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage, other matters. The development has been assessed against relevant development plan policies and material considerations and, subject to conditions where appropriate, the impacts are considered to be acceptable.
188. The proposed development has generated little public interest, with one letter of support having been received.
189. The proposed development is considered to accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

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### **RECOMMENDATION**

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190. That the application is **APPROVED** subject to the following conditions:

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

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

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.

*Reason: To ensure the development is carried out in accordance with the approved documents.*

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

- Site Location Plan 21010 - GT3 - 00 - 00 - DR - A - 08-9001 – Rev P1
- Proposed Site Plan N1075-ONE-ZZ-XX-DR-L-0001 P07
- Proposed South and West Elevation 21010 - GT3 - 00 - ZZ - DR - A - 08-0005 - Rev P2
- Proposed North and East Elevation 21010 - GT3 - 00 - ZZ - DR - A - 08-0004 - Rev P2
- Site Sections 21010 - GT3 - 00 - XX - DR - A - 08-0001 - Rev P2
- Roof Plan 21010 - GT3 - 00 - 02 - DR - A - 08-2000 - Rev P2
- Level 01 Plan 21010 - GT3 - 00 - 01 - DR - A - 08-1000 - Rev P2
- Level 00 Plan 21010 - GT3 - 00 - 00 - DR - A - 08-0000 - Rev P2
- Biodiversity Net Gain Assessment
- Design and Access Statement
- Drainage Philosophy Report
- Ecological Appraisal
- Planning and Heritage Statement
- Transport Statement
- Noise Survey Report
- Air Quality Assessment
- Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 21, 26, 27, 29, 31, 33, 35, 36, 39, 40, 41, 43, 44, 56 of the County Durham Plan and Parts 2, 6, 7, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.*

4. No demolition shall commence until a Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority for the demolition of the library and leisure centre. The Demolition Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
4. Designation, layout and design of construction access and egress points.
5. Details for the provision of directional signage (on and off site).

6. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
7. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
8. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
9. Routing agreements for demolition traffic.
10. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
11. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
12. Management measures for the control of pest species as a result of demolition and/or construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on same Construction and Open Sites" during the planning and implementation of site activities and operations. The approved Demolition Management Plan shall also be adhered to throughout the demolition period and the approved measures shall be retained for the duration of the construction works.

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

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



10. Routing agreements for construction traffic.

11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Management measures for the control of pest species as a result of demolition and/or construction works.

14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

6. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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

7. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed 53dB LAeq (1 hour) between 07.00-23.00 and 37dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019.

On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

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

8. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

9. Prior to the commencement of development, a detailed landscaping scheme for soft and hard landscaping must be provided to include specifications for all new tree planting and establishment maintenance in accordance with British Standard 8545:2014 Trees - From nursery to independence in the landscape - recommendations.

This scheme must include the following:

- Trees, hedges and shrubs scheduled for retention, including method of protection.
- Details of soft landscaping including all plant species, sizes, layout, densities, numbers, stock size and type.
- Details of planting methods and specification for all soft and hard landscaping, including construction methods where applicable, eg tree pits in hard landscaped areas.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision in accord with DEFRA Code of Practice for the sustainable use of soils on construction sites 2009
- The timeframe for implementation of the landscaping scheme.
- Details of the establishment maintenance regime including all watering, weeding, mulching, tree stake management and replacement for any trees and other plants that fail to flourish within the first 5 years.
- Details of all enclosing elements, street furniture and street lighting locations.
- Details of external finishing material including finished levels and all construction details confirming materials, colours, finishes and fixings.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

*Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 6, 29, 39, 40 and 41 and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that suitable replacement planting is agreed prior to removal of trees.*

10. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

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

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

*Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

11. Prior to the first use of the development, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

12. No construction works shall be undertaken until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

13. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

14. Prior to commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) covering a 30-year period from the date the habitats were created shall be submitted to the Local Planning Authority for approval in writing. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements.

*Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the Biodiversity Management and Monitoring Plan must be devised prior to the development being implemented.*

15. No development above damp-proof course shall be commenced until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

16. Details of the external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

*Reason: To ensure precise lighting proposals having regards to residential amenity and biodiversity having regards to Policies 6, 29, 31 and 41 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

17. Prior to first occupation of the development hereby approved, a scheme indicating the layout of the carpark, in addition to a timetable of works shall be submitted to and agreed in writing by the Local Planning Authority. The proposed carpark shall then be laid out and ready for use in accordance with the agreed timetable and shall be retained for use in perpetuity thereafter.

*Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.*

18. Prior to first occupation of the development hereby approved, a scheme indicating the locations of the 9no. active and 18no. passive electric car charging points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with charging points installed to an agreed timetable. The charging points shall be retained for use in perpetuity thereafter and maintained.

*Reason: In order to encourage sustainable means of travel in accordance with County Durham Plan Policy 21 and Part 9 of the NPPF.*

19. Prior to first occupation of the development hereby approved, a scheme indicating the locations of all cycle parking points across the site shall be submitted to and agreed in writing by the Local Planning Authority, with the cycle parking points installed to an agreed timetable. The cycle parking points shall be retained for use in perpetuity thereafter and maintained.

*Reason: In order to encourage sustainable means of travel in accordance with County Durham Plan Policy 21 and Part 9 of the NPPF.*

20. The development hereby approved shall be carried out in full accordance with the recommendations set out in the submitted Ecological Appraisal June 2023 V2 by OS Ecology.

*Reason: In the interests of biodiversity in accordance County Durham Plan Policies 41 and 43 and Part 15 of the National Planning Policy Framework.*

21. Prior to installation full details of any fume extraction system, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current EMAQ/DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems and DW172: specification for kitchen ventilation systems shall have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the granting of planning consent and shall be operated at all times when cooking is being carried out on the premises.

*Reason: In order to protect amenity in accordance County Durham Plan Policies 29 and 31 and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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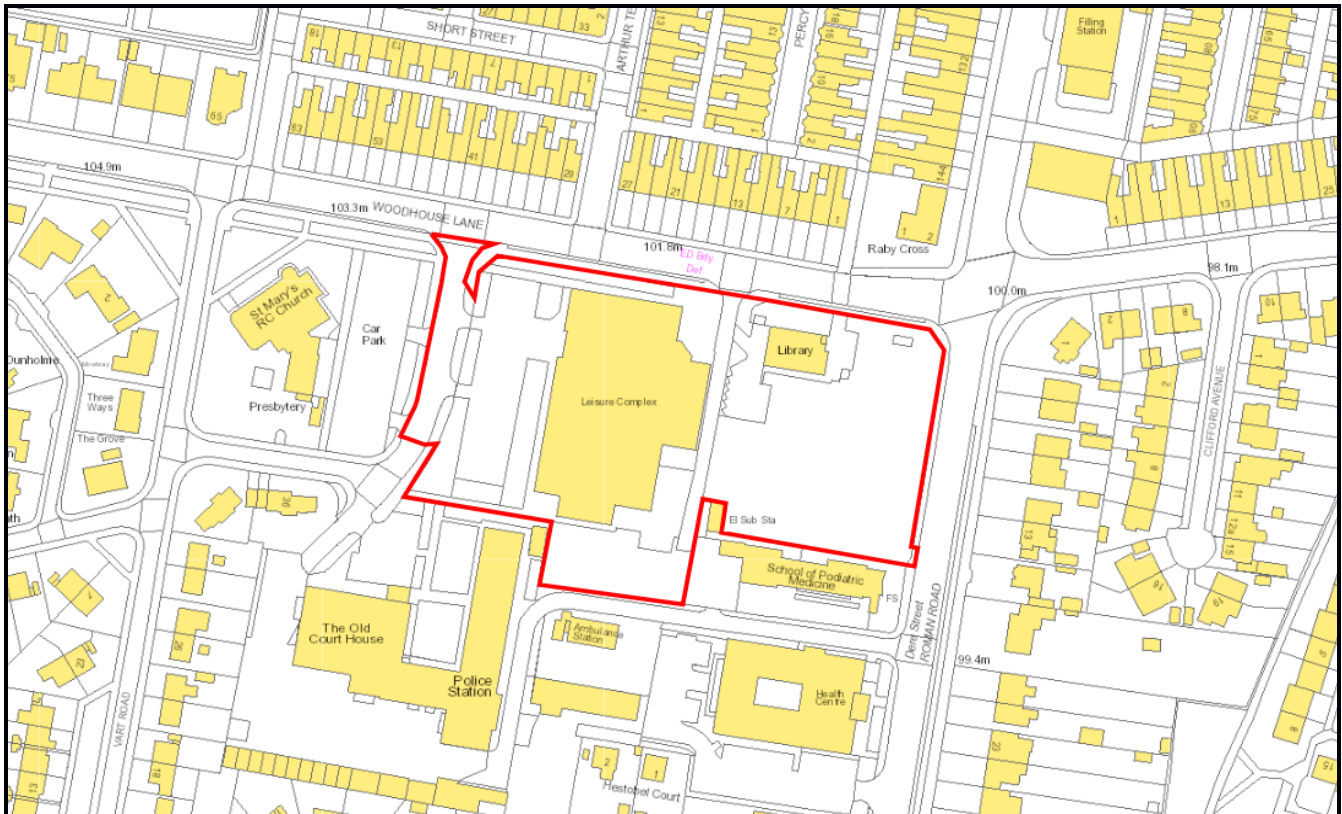
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2023)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



**Planning Services**

**DM/23/01885/FPA**

Demolition of the existing Woodhouse Close Leisure Complex and Library and erection of a replacement Leisure and Community Centre and associated car parking and landscaping (amended description) –  
 Woodhouse Close Leisure Complex,  
 Woodhouse Lane, Bishop Auckland, DL14 6JX

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**Comments**

**Date** November 2023

**Scale** Not to Scale