

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION No:</b>	<b>DM/23/02201/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park</b>
<b>NAME OF APPLICANT:</b>	<b>New College Durham</b>
<b>ADDRESS:</b>	<b>New College Durham, Framwellgate Moor, Durham, DH1 5ES</b>
<b>ELECTORAL DIVISION:</b>	<b>Framwellgate and Newton Hall</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>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### Site

1. The 4.55 hectare (ha) application site is located within, and adjacent to, the grounds of New College Durham approximately 2.7km to the north west of Durham City centre and comprises existing car parking within the college grounds and an existing play pitch which adjoins the grounds to the east. Access to the site is taken from the B6532 to the south with a separate entrance for the college located to the south east of the site off Durham Moor.
2. The site is bounded by residential properties on opposite the B6532 to the south and residential properties to the east, including Camsell Court care home. The site is also located north of existing offices at Blackmoor Court and in close proximity to the Sniperley Durham Park and Ride approximately 230m to the southwest. The A167 also runs immediately adjacent to the site, with the nearest junction being located approximately 400m to the south.
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 approximately 250m to the west.
4. There are no designated heritage assets on the site or in its immediate surroundings. The nearest listed structure is the Grade II listed Marquis of Granbury Public House, a former pub, located approximately 290m from the eastern boundary of the site. 200m to the east is the Grade II Listed Marquis of Granby Public House.
5. There are no ecological designations within or immediately adjacent to the proposed site.
6. A public right of way runs through the centre of the site (ref: 1), connecting Dryburn View to a footpath network and surrounding rural bridleways to the north.

7. The site contains small areas of low and medium risk for surface water flooding as identified by the Strategic Flood Risk Assessment. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The site lies within a Coalfield Development Low Risk Area as defined in the County Durham Plan.

## The Proposal

8. The application has been submitted for the removal of existing car parking area associated with New College Durham to be replaced by a proposed All-Weather Grass Pitch (or 'AGP'). The car parking provision would be re-provided to the east of the application site on an existing area of playing field. New lighting would also be included to service both the new car parking and the proposed AGP.
9. The proposed all-weather pitch has been designed to FA and Sport England standards and will be 106m x 70m with additional required runoffs for spectator areas. The main fence around the perimeter of the all-weather pitch will be 3 metres in height.
10. It is noted that the proposed access into the site and the existing belt of mature trees to the south of the site which screen development from the B6532 would be unaffected by proposals. The proposals would also include new landscape planting both intermittently throughout the site and alongside the southeast edge of the site. The proposals also include an attenuation pond to the southeast of the site for drainage purposes.
11. The proposed AGP would be available for use by both members of the College between the hours of 09:00 and 17:00 Monday to Fridays and would be available for wider community use between the hours of 17:00 and 22:00 on weekdays and between 09:00 to 17:00 on weekends. The floodlighting would be turned off by 22:30 on weekdays. It is also proposed that the new car park area would be closed off and the lighting turned off by 20:30 with prospective users of the pitch being able to use the wider College site for parking after 20.30, as per existing arrangements.
12. The Proposed relocated car park to the east will provide 313 parking spaces, including 20 EV charging bays. This will replace the 300 spaces lost due to the location of the new pitch. 8 accessible parking bays will also be available adjacent to the proposed all-weather pitch to the west.
13. The site is accessed by the main access road to the south that connects from a side road leading from the A167. The proposed development will retain this access point, connecting it to the new car park on the east of the site and retaining the existing connection to the bus bay area on the west of the site.
14. This application is being reported to Committee because it involves major development of more than 2 ha.

---

## **PLANNING HISTORY**

---

15. The wider college was founded 1977 and its grounds have been subject to numerous planning applications since, including for modern additions. There has also been a number of applications granted for expansion of additional facilities, creation of new blocks, advertisements and other minor amendments.

---

# PLANNING POLICY

---

## NATIONAL POLICY

16. 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.
17. *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.
18. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive 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.
19. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
20. *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.
21. *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.
22. *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.

23. *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>

24. 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)

25. *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.
26. *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.
27. *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.
28. *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).

29. *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.
30. *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.
31. *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.
32. *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.
33. *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.
34. *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.

35. *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.
36. *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.
37. *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.

#### **NEIGHBOURHOOD PLAN:**

38. 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)*

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

#### **STATUTORY RESPONSES:**

39. *Framwellgate Moor Parish Council* – Comments were received stating that the parish note the concerns of local residents in relation to the parking, lighting and noise issues.
40. *Highway Authority* – Offer no objections from a highways perspective.
41. *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:**

42. *Spatial Policy* – has raised no objections to the proposals. This proposal which seeks to develop new facilities at the existing New College Durham site will need to be considered in the context of the PPS and wider Football Foundation investment proposals in the locality. Officers advise that it will be a matter for the case officer in conjunction with advice from specialist services to determine the impact of the proposal on the locality and existing residents in terms of residential amenity, parking provision and impact on the highway.

43. *Environmental Health and Consumer Protection (Nuisance)* – raise no objections regarding statutory nuisance subject to the inclusion of conditions requiring the submission and approval of a Construction Management Plan to be approved by the local planning authority, restriction of the proposed usage times and restriction of hours of working during construction.
44. *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 NAT consultation response.
45. *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 & 4 remediation works and an informative relating to if unforeseen contamination is encountered.
46. *Ecology* – raise no objection. Officers consider the ecological reporting and BNG calculations supporting the application are sound. Officers advise that the metric submitted with the application is sound and would demonstrate the delivery of a clear Biodiversity Net Gain. A BNG has been met in line with the NPPF and Local Plan. Officers also advise that a planning condition requiring a Biodiversity Management and Monitoring Plan to be submitted and agreed prior to development.
47. *Landscape* – raise no objection. Officers state that, while there would be some harm to landscape character and to visual amenity, this would reduce in extent during the longer term as the proposed landscape planting scheme develops to maturity. Officers also consider that the proposed landscape mitigation would respond to the requirements of Policy 39 where harm is envisaged, provided that the benefits of the development clearly outweigh the anticipated harm.
48. *Landscape (Trees)* raise no objection subject to imposition of appropriate conditions relating to Tree Protection measures. Officers state the proposed development will have a minor impact on existing tree cover as it will require removing a large number of immature trees on the site. It was considered that the re-provision of landscaping on the eastern side of the boundary would form a suitable replacement for this loss. Following amendments made to the proposed landscaping scheme and the submission of additional details, the final landscaping scheme including planting on the east of the site and within the car parking was considered broadly acceptable.
49. *Design and Conservation* – raise no objection. Officers advise that the proposed development site lies within the existing campus style site of New College. Any development will be read in the context of the site. Officers also state that there is limited intervisibility between the site and the nearest designated heritage asset, the Grade II listed Marquis of Granby Public House. Finally, it is noted that, with regard to the playing pitch, the proposed fence will be visually permeable and is considered an appropriate colour.
50. *Archaeology* – raise no objection subject to imposition of appropriate conditions relating to the approval of, and subsequent works according with, a Written Scheme of Investigation.

51. *Public Right of Way Officer* – raise no objection. Officers note that the application plans suggest that the footpath will be satisfactorily accommodated on the existing legally recorded line, including a safe crossing point where intersected by the vehicle access road into the proposed car park.

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

52. *Sport England* – raise no objection subject to imposition of suggested conditions on the basis of development broadly meeting exception 4 of Sports England Playing Fields Policy and Guidance document. Suggested conditions include obtaining approval for a community use agreement, materials specifications, FIFA quality certification, and a phasing plan for the artificial grass pitch, all in consultation with relevant authorities, to ensure compliance with development plans and policies.
53. *National Highways* – raise no objection.
54. *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:**

55. 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 764 individual properties in the vicinity of the site. A Statement of Community Involvement was submitted in support of the development proposals. The Applicant consulted with the local residents and other key stakeholders, with material being made available both at public exhibitions and online.

#### *Objection*

56. 33 letters of objection have been received from local residents. It is also noted that separate objections were received from both the City of Durham Trust and the County Durham Green Party. The matters raised within these representations are set out below.

#### County Durham Green Party

57. County Durham Green Party have expressed continued objections to the proposed artificial grass pitch and car park expansion, highlighting concerns regarding excessive parking without evidence of necessity, inadequate sustainable travel plans, potential environmental impacts including microplastic pollution, and queries about transparency and consultations with relevant departments, urging reconsideration based on these concerns.

#### The City of Durham Trust

58. The City of Durham Trust has objected to the application based on several grounds:
- Car parking not limited to encourage sustainable transport despite previous evidence of surplus provision.



- Lack of clarity on the impact of the development on local traffic, promotion of sustainable transport, and potential increase in staff or student numbers.
- Unclear design prioritising pedestrian and cycle movements as required by NPPF.
- Insufficient evidence justifying the need for the proposed car park size.
- Inconsistencies between the Planning Statement and Transport Statement, raising questions about projected impacts and lack of robust methodology in the Transport Statement.
- Shortcomings in the Travel Plan submitted as part of application ref: DM/22/02518/DRC, including limited data representation, absence of a clear strategy for modal shift, and insufficient support for cycling.
- Lighting concerns regarding potential light pollution, its impact on the World Heritage Site views, and the need for stricter controls on lighting usage.

59. The Trust requests conditions or revisions, including reducing the car park size, enhancing pedestrian/cycle access, revising the Travel Plan, and imposing controls on lighting design and usage. They highlight specific instances where data provided by the applicant conflicts with past statements about parking capacity surplus and emphasise the need for further evidence and justification for the proposed car park size and traffic impact. Additionally, they stress the need for a more robust Travel Plan with detailed data representation and targeted measures to promote sustainable transport. Finally, they emphasise the importance of minimising light pollution and regulating lighting usage for functional purposes only.

### *Public Comments*

#### Visual Impact

- Residential objections raised regarding the loss of rural views from properties, instead being replaced by car parking.

#### Noise

- Criticism regarding the methodology of the Noise Report not considering other noise sources.
- Issues raised regarding increased noise as a result of the development, particularly in the evening which is stated would be above and beyond the existing level of noise currently associated with the college.

#### Light

- Concerns regarding prevalence of lighting from both floodlighting for the pitch and surrounding lighting for the car park and how this additional lighting would impact on the residential amenity of properties at Camsell Court and Westcott Drive among others.
- Criticism of the efficacy of the covering provided by screening trees in reducing the impact of new light sources.

#### Traffic and Road Safety

- Concerns regarding access traffic congestion.
- Danger of existing B6532 road, citing existing resident concerns with crossing.
- Observation that the access road would run across a public footpath with concern being raised regarding the possibility of accidents occurring.

#### Flood Risk

- Point raised that the development could result in increased flooding from the field.

## Air Quality and Odour

- Concerns regarding location of provided car parking in proximity to residential apartments at Camsell Court in terms of odour.
- Point made that the impacts would be exacerbated by the number of residents at Camsell Court who suffer from chronic chest conditions.

## Encroachment

- Concern raised regarding potential encroachment of trees closer to the residential curtilage of respondents. Subsequent queries raised regarding the future maintenance of these trees.

## Other

- Criticism that 21 days was insufficient time to allow for residents to respond.
- Multiple residents were of the view that the College have sufficient playing pitch provision and that the proposals would be in excess of need.
- A general preference was observed from residents at Camsell Court for the pitch and car park locations to be switched.
- A small number of residents suggested that an alternative site suggested would be better suited for being the location for development.
- Concerns regarding the loss of amenity green space which contains the current pitch.
- It is stated that the proposals would increase antisocial behaviour.
- Concerns was raised that the proposals would result in additional littering surrounding the college.
- Query raised regarding whether an alternative landing site has been appointed for the air ambulance which is claimed to have used the site in emergencies.

*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:**

60. The Proposed Development seeks to remove the existing car parking provision to the south of the College site to allow for the construction of a new all-weather artificial grass pitch (AGP). The car park will be relocated to the east of the Site on the existing grass playing field and will consist of 313 parking bays in total, replacing the car parking lost where the pitch will be located along with an additional 13 spaces, 20 of these are Electric Vehicle charging bays. Both the AGP and the car park will benefit from new state of the art lighting which will be directed on the pitch and car park, ensuring minimal light spill. The proposed all-weather pitch will be used for curriculum activities from 09:00 to 17:00 Monday to Friday and will be available for community use in the evenings and on weekends, the timings for which will be conditioned.
61. The sports curriculum operates in a very competitive market and the College's current facilities are below average compared to others nearby. The current lack of suitable outdoor facilities limits timetabling options and is impacting on the student experience. The College's reputation for outstanding teaching, a diverse offer and positive progression routes, as well as investment in specialist resources to support learning has assisted in maintaining a strong foothold amongst the competition, but this is now starting to show signs of decline with recruitment in sport showing a decline year on year. In order to continue hosting the Football Development Centre in partnership with Newcastle United Foundation and Spennymoor Town Football Club, the College currently transports students to Consett Football Club and also pays for the hire of the facility. The Proposed Development would remove this requirement and would

enhance timetabling options all year round by providing more options for teaching during the winter period, which at present is limited to the Sports Hall which already has a high demand from other sporting and curriculum activities.

62. The proposed AGP will significantly enhance the facilities available and can attract new students whilst also enhancing the College's community engagement offer by providing additional opportunities for community use.
63. The proposals are located on a site which is in an established educational use and is not allocated land. An Open Space, Sport and Leisure Assessment was undertaken in accordance with paragraph 103 of the National Planning Policy Framework (NPPF) and Sport England Playing Fields Policy. It was concluded within the assessment that the proposed all-weather pitch will deliver a significant benefit for sporting use to both curriculum users of the College and to the community which cannot be achieved from the current playing field. It is also important to note that Sport England are in support of the proposals.
64. Prior to submission of the application, the Applicant carried out a public consultation exercise to inform local residents of the proposals. Similarly, the Applicant has responded to concerns raised from local residents during the application process. Key concerns have been related to proximity from residential properties, impacts from noise and lighting, and drainage. It has been demonstrated through the application that the proposals are located a sufficient distance from properties at Camsell Court (31m at the closes point) and Westcott Drive (86m at the closest point).
65. In addition, the landscaping proposals will provide a buffer for the AGP and car park with the planting of a wide variety of trees to screen and filter views. In order to address concerns raised regarding disruption from the car park, the Applicant has agreed that the replacement car parking area and lighting will be closed off and turned off from 20.30 to reduce the potential for disturbance. Any lighting associated with the AGP will be turned off by 22.00 on weekdays and 17.30 on weekends. Furthermore, the lighting proposed will be of a high-quality, designed to minimise light spill with the lighting focused on the pitch.
66. It has also been demonstrated as part of the application that appropriate drainage will be put in place. Attenuation for surface water is proposed in the form of a permeable sub-base beneath the proposed pitch and the use of permeable paving in the car parking areas. The proposed attenuation pond will also assist with surface water run-off. The submitted Drainage Strategy concludes that the proposed strategy is appropriate and will not cause any increase in flood risk on the site or in the surrounding area. Subsequently there has been no objections from consultees.
67. The formal consultation exercise comprised of sessions held within the College, meetings with County and Parish Councillors setting out the proposals and the College also attended a local community forum held at Camsell Court where members of the community attended to comment and ask questions. As a result of this exercise local residents asked the College to consider swapping the locations of the pitch and car park as proposed. This has not been progressed despite the cost savings this would produce for the College, it was felt that the lighting and noise issues would be more difficult to manage under the proposal put forward by residents which could lead to additional challenges and complaints from them over the longer term. The proposals put forward to the Planning Committee as set out does not give rise to these same concerns.

68. Overall, as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

69. 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, 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 / Identified Need for Sporting Facilities

70. 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.
71. 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.
72. 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.
73. The proposal is for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park. The proposed development would seek

to provide an improved, formalised sports provision to address a current lack of this type of provision within the local area. The pitch would also be available for use by the wider community.

74. Paragraph 102 of the NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
75. Policy 6 of the CDP 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.
76. The application site is not allocated for leisure use within the CDP but benefits from an established use as part of the wider New College site for educational use. 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 car park associated with the college, and it is considered that the site's educational use is an established and prevailing land use.

77. With regard to Criteria b) the site is part previously developed land, part informal community leisure use, 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 Framwellgate Moor.
78. With respect to criterion c) the application site includes an area of public open space with recreational value in the form of a play pitch and this space would be lost as a result of the development. While the development would therefore result in a loss of open space which has recreational value per criteria c, it is considered that the re-provision of a modern, formalised play pitch that is available for year-round community use as part of the development would constitute more than sufficient compensation for this loss which would improve the recreational value of the facility.
79. With respect to criterion d) the new pitch development would be seen within the context of the surrounding college campus. Therefore, the nature of the development would be appropriate with regards to the location and function of the area of Framwellgate Moor associated with the College. Additionally, the extra parking falls within the settlement form of Framwellgate Moor and forms an appropriate extension to the campus of New College Durham.
80. Criteria e) and f) relate to transport and access. The site is located within the campus site for New College Durham, with surrounding uses being primarily residential. Both of these uses are well served by existing bus stops in the vicinity. The site is serviced internally by the 51-bus route and has an additional bus stop outside the entrance to the College. The site would continue to have immediate vehicular and pedestrian access from the B6532 to the south. In addition, given the proposals would re-provide all of the existing car parking provision alongside a small 4% uplift, there would be adequate parking provision for users of the campus which would not have an adverse impact on the highway network.
81. The development, through the provision of new, high quality community recreational space, would maintain and improve the community value of the existing play pitch for a longer period of time, with proposed lighting allowing it to be used during non-daylight hours. Therefore, with respect to criteria g) the development would be a direct improvement over the existing outdoor play pitch currently present on the site which would extend the vitality and value of the community facility and would therefore gain positive weight in accordance with criteria g).
82. The development would provide modern high-quality play facilities for the local community, as well as carefully considered drainage and green energy systems on partially previously developed land currently occupied by parking associated with the College. The proposals would therefore be in accordance with criteria h), i) and j).
83. CDP Policy 6 also requires developments to accord with all other relevant development plan policies. 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.
84. The above policy is in accordance with Paragraph 102 of the NPPF which states that Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the

assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. The County Durham Playing Pitch Strategy (PPS) represents this assessment for the purposes of this application.

85. As the proposals would result in the loss of open space, and subsequent harm to green infrastructure, Policy 26 requires the development to demonstrate other benefits which would clearly outweigh this loss in order to be acceptable. Sport England have been consulted as part of the consideration of the development and consider that the application would be acceptable under Exception 4 of the Sport England Playing Fields Policy and Guidance Document. Additionally, within their response, Sport England also consulted the Football Association (or 'FA') to understand the sporting value of the proposed AGP.
86. The PPS, which was undertaken in 2019, indicated that there was a shortfall of ten full size AGP pitches for football across the county. Within their response, the FA reiterate this position, going further to state that, when reviewed alongside 2022/23 season affiliation data, the shortfall has instead increased to twelve full size AGP pitches for football. More specifically, the application site is contained within the Central sub-area when the FA considers there to be a shortfall of six full size AGP pitches. It is therefore clear that there is a pressing need for additional provision of formalised sporting facilities, both Countywide and in a more local context.
87. The provision of an AGP as part of this development would therefore provide a meaningful contribution toward addressing this shortfall and should subsequently be afforded significant positive weight on this basis. It is therefore considered that the loss of existing open space to facilitate development would be clearly outweighed by the provision of a new AGP and would be acceptable per the requirements of Policy 26.
88. In summary it is considered that the development of the application site would accord with CDP Policies 6 and 26 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. Additionally, it is considered that the benefits of the provision of a new, AGP pitch would both re-provide the existing play provision and demonstrably outweigh the loss of the existing open space in accordance with Policy 26.

#### Residential Amenity

89. Paragraph 180 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 191 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 192 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 193 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).

90. 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.
91. The site is surrounded by residential properties to the east and south. The nearest residential properties are located to the south and east of the site at St Cuthbert's Avenue and Camsell Court respectively and opposite the B6532 at Westcott Drive (with built development being separated by approximately 15m from Camsell Court, 35m from St Cuthbert's Avenue and 90m from Westcott Drive). The proposed new carpark would be located on the eastern part of the site opposite properties associated with Camsell Court. The carpark would be partially screened by proposed landscaping.

#### Visual Impact

92. The proposed development would be located immediately adjacent to existing properties at Camsell Court and St Cuthbert's Avenue. The proposals would result in a significant change of character to the existing play pitch which currently adjoins these dwellings. It is accepted that this would result in an impact on the visual amenity of these existing properties and would result in a small amount of harm on this basis.
93. While this harm is noted, the degree of this visual impact would not be considered to be "unacceptable" per the specifications of Policy 31 in this instance and would therefore not result in a conflict with the CDP.

#### Noise

94. A Noise Survey Report has been submitted in support of the application. Regarding the construction phase of development, the report presents the results of a noise survey undertaken at the site and sets noise limits for during the construction phase of development.
95. 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 Camsell Court and Westcott Drive (p 6.1.2). 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.
96. Environmental Health and Consumer Protection (Nuisance Action) officers advise that a condition should be applied restricting the time of works to the following times:

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.

97. A pre-commencement condition was also separately recommended for the submission and approval 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.
98. Conditions relating to each of the above matters have been included within this officer's recommendation.
99. In terms of noise associated with the operation of the proposals, the noise modelling assessment found that, based on the proposed sports pitches and car parks being fully occupied, any increase in noise levels at the noise sensitive receptors will range from negligible to minor adverse.
100. Environmental Health Nuisance officers broadly agreed with the methodology and conclusions of the noise report, but suggested a number of conditions to ensure that the use of the pitch would be sufficiently managed to prevent unacceptable impacts on the amenity of neighbouring residents. A condition has subsequently been included within this recommendation which restricts the hours of use to Monday-Friday 0900 to 2130hrs and Saturday and Sunday to 0900 to 1700hrs.

#### Lighting

101. Details in relation to external lighting have been submitted with the application including a proposed lighting layout and a review of lux levels across the extent of the site area.
102. The information submitted has been reviewed by Officers in the Environmental Health and Consumer Protection (Nuisance Action) who have concluded that, given the detail submitted in relation to the lighting impact and subject to the imposition of suggested conditions, the lighting of the operational phase is not considered to negatively interfere with neighbouring amenity.

#### Air Quality/Dust

103. 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. It was noted within this report that due to the lack of a meaningful increase to journeys as a result of development, an air quality assessment of vehicle emissions is not required and that the remit of report relates only to the demolition and construction phases.
104. The assessment identifies that during the construction phase, there is the potential for dust soiling effects associated with fugitive emissions from the site. Assuming good practice control measures are implemented, the residual effect associated with dust soiling during the construction phase is deemed to be not significant.
105. 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.

### Summary

106. There would be some disturbance to residential properties during construction, but this can be mitigated through the use of appropriate conditions and the correct implementation of a construction management plan. This disturbance would be time limited and necessary to provide new sporting facilities.
107. Residents living around the campus will currently experience some disturbance from the existing campus and associated users, but this is to be expected and residents will be accustomed to this. Additionally, it was noted that the current residents of Camsell Court were largely in favour of an amended version of the siter layout which placed the proposed AGP adjacent to the properties, with the existing car parking to remain as existing. While this position is noted, it is considered that this arrangement would have resulted in significant impacts to existing amenity, both in terms of noise from the increased usage of the pitch and through the shorter distances between the lighting columns associated with the AGP and residential properties. As such, while the layout of the site is ultimately at the discretion of the applicant in this instance, it is felt that the current layout is more suitable in terms of residential amenity.
108. 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 arrangements. And while there would likely be some impact in terms of visual intrusion resulting from the built development, 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 therefore 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

109. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 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.
110. The proposed development would continue to utilise the existing vehicular access from the B6532 to the south. The entry point comprises an already established vehicle access and circulation within the Site. The development also involves the demolition of 300 parking spaces with the subsequent reprovision of circa 313 spaces on the existing field to the east of the site. The reprovision of the car parking area aims to ensure that the appropriate amount of car parking space is maintained for users and visitors of the College campus. The car parking would provide 313 no. car parking spaces, including 20 no. electric car charging points.
111. A Transport Statement (TS) has been submitted in support of the application which provides a full and robust assessment of the transportation impacts of the development proposal and to identify any mitigation measures that are required, as necessary. The statement concludes that the proposed development will not significantly impact the highway network, as it aligns with guidelines and policies at both local and national

levels. It affirms that the infrastructure can accommodate anticipated traffic and ensures safety for all users without necessitating major mitigation measures. The report concluded that the development meets safety and transport policy requirements outlined in the 2021 National Planning Policy Framework (NPPF) and would be acceptable.

112. The Council as Highways 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 Highways Authority in relation to the internal layout, with the Authority stating that, during daytime hours, when the college is at its busiest, the pitch would predominately be used by those already at the college. The pitch would be available for community use outside of college hours, but this would be outside of peak hours on the local highway network, and outside of peak demand for parking at the college. Officers subsequently conclude that the development would not have a significant impact on the local road network and is acceptable in Highways terms.
113. It is noted that The City of Durham Trust queried matters relating to parking and access as part of representations submitted to the application. The trust states that car parking has not been limited to encourage the use of other sustainable transport method despite prior evidence of surplus provision. Due to the nature of the car parking use for the college being highly variable and having high peak usage alongside the proposed AGP's peak journey times being different from those of the college, the retention of a broadly similar car parking provision versus that existing (104%) is considered to be an appropriate response in this instance.
114. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion. Based on the above, it is considered that the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

#### Layout and Design

115. 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 135 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.
116. Given the site is currently used for education purposes, impacts on landscape character would be based on any visual effects within the site, particularly from Public Footpath's 1 and 2, and from surrounding residential properties. The proposed development would require the removal of small trees from the existing car park and would impact upon the existing hedge in the centre of the site to establish the access road to the new car park.
117. Design and Conservation officers raise no objections advising that the proposed development lies within the existing campus style site of New College. Any development will be read in the context of the site. Officers state further that the design of the car park includes tree planting which will visually improve the impact of parked

cars. With regard to the playing pitch, the proposed fence will be visually permeable and is considered an appropriate colour.

118. In response to CDP Policy 29 it is not considered that the development would detract from the character and townscape of the surrounding area and would provide modern sporting facilities which would be an appropriate addition to the existing New College Durham Campus.
119. 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

120. Criteria f of Policy 6 of the CDP 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. Policy 21 of the CDP 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. Policy 29 of the CDP 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 109 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 114 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 116 amongst its advice seeks to facilitate access to high quality public transport.
121. The proposed development would be located on a site currently serving as the New College Durham campus and is surrounded by residential properties. The site is currently easily accessed off pedestrian accesses on the B6532 and Durham Moor. These accesses would be unaffected by development and would remain accessible during, and following the completion of, the proposals.
122. The College campus site benefits from existing strong public transport connections, having bus stops both within the site and immediately outside the primary entrance on the B6532. It is therefore clear that the proposed AGP would be commensurate with the existing use of the site and would benefit from these existing sustainability transport connections.
123. In conclusion the development would benefit from, and continue to promote, accessibility by a range of sustainable transport methods in accordance with CDP Policies 6 criterion f, 21 and 29 and Part 8 Paragraphs 102 and 107 and Part 9 Paragraphs 112 and 114 of the NPPF.

#### Renewable Energy

124. 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.

125. The site includes the provision of 20 no electric vehicle charging spaces as part of the re-provided carparking area. The proposals would therefore result in a net increase in the provision of electric vehicle charging spaces and would gain subsequent support from Policy 33 in this regard.

#### Contamination and coal mining risk

126. Part 15 of the NPPF 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.
127. A Preliminary Phase 1 Investigation (Desk Study) was carried out alongside a brief Coal Mining Risk Assessment. The phase 1 report undertook initial analysis and concludes that there is a low risk of significant contamination on the site based on historical site development and recorded activities. The site was concluded to be categorised as a low-risk zone for coal mining-related issues. No further risk assessment for hazardous ground gases was deemed necessary due to the absence of proposed buildings.
128. The phase 1 report emphasises the need for specific investigative works before the proposed development to confirm ground conditions, contamination levels, and the location of underground utilities, ensuring safety and suitability for the intended project.
129. 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 the Phase 1 report has identified the need for further site investigation a contaminated land condition should apply to any final positive recommendation. Officers therefore recommend 2no. conditions to require investigation of potential areas of ground contamination.
130. It is considered that, subject to the imposition of appropriate conditions, 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

131. 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 180 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.

132. Paragraph 173 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.
133. 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).
134. 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.
135. A FRA and Drainage Strategy have been submitted in support of the application. The FRA identifies that the site wholly located in Flood Zone 1, that EA surface water flood risk mapping indicates that the site predominantly has low risk of surface water flooding and that EA mapping also indicates that the site is not at risk of reservoir flooding. The report concludes that flood risk will not increase as a result of development.
136. The drainage strategy provided looks to align with Building Regulations H3 (The SuDS Hierarchy) by prioritizing surface water management strategies. The plan aims to divert surface water through infiltration, direct discharge to watercourses, or, due to infeasibility and lack of nearby watercourses, to the public sewer. While maintaining the site's topography, minor adjustments would facilitate the construction of a football pitch and additional drainage to mitigate isolated surface water flood risk areas.
137. Covering around 1.7 ha of drained area, the proposals target a restricted runoff rate of about 7.5 l/s, employing various SuDS measures like permeable sub-base, paving, and a pond/wetland. To maintain water quality, SuDS are incorporated, assessed as lower-risk via the Simple Index Method (CIRIA C753). Maintenance plans, the responsibility of the landowner or appointed maintenance company, ensure the surface water drainage system's regular upkeep. The system is designed to handle a 1 in 100-year event + 45% climate change allowance, with provisions for informal flood flow storage during extreme events. MicroDrainage calculations support the proposed design, though finalization requires adjustments aligned with detailed designs, specific drainage plans for the pitch, and landscaping. A planning condition may be necessary for the final drainage design before development.

138. Following further correspondence with the applicant, the Lead Local Flood Authority has no objection to the proposals, subject to a condition requiring precise details of the final surface water management scheme to be submitted and agreed with the Local Authority prior to ground clearance or remediation works. A condition pursuant to this has been included within the recommendation.
139. 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

140. Paragraph 180 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.
141. 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.
142. The site is not within any landscape designation. At its closest point the AHLV is located approximately 267m to the west of the site. The proposed development would not impact upon the AHLV.
143. A landscaping specification has been provided to show hard and soft landscaping within the site, including pathways and planting. Landscaping would predominantly be trees and greenspace located around the site. Planting would be used to ease way finding through the public spaces on the site, highlight accesses and egresses, and screen the development from surrounding residential areas.
144. Landscape Officers have considered the proposals and raised no objections in-principle. However, officers note that there would be some harm to landscape character and to visual amenity, in particular to residents who neighbour the site to the east and south. Officers do note further that the extent of this impact would reduce during the longer term as the proposed landscape planting scheme develops to maturity. The proposed landscape mitigation would respond to the requirements of Policy 39 where harm is envisaged, reducing the extent of the harm.
145. 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.

146. Existing vegetation would be retained where possible although the proposed development would require the removal of 11 notable trees and the removal of hedgerow to allow facilitate the siting of the pitch and carpark, including the new access. 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.
147. Subject to correspondence between the applicant and the local authority and subsequent amendments made, Tree Officers have raised no objection in relation to the proposals and agree with the arboricultural recommendations for tree management and protection.
148. 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 has also been imposed as part of this recommendation.
149. In conclusion, the proposed development would result in a degree of landscape impact on surrounding residents and users of the Public Footpaths present on-site, though the extent of this harm would be reduced both short term and long term by the inclusion of additional planting to screen the development. 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. 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

150. Paragraph 186 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.
151. 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.



152. There are no relevant ecological designations within or immediately adjacent to the proposed site.
153. An Ecological Impact Assessment and Biodiversity Net Gain Assessment have been submitted in support of the application.
154. The Assessment presents recommendations for ecological impact avoidance, mitigation, and enhancement measures concerning the proposed development. It identifies the site's proximity to nationally and locally designated wildlife sites (SSSIs and LNRs), affirming no anticipated direct or indirect impacts due to the development's nature and distance from these areas. Pollution prevention measures are suggested to safeguard specific local designated sites (LNRs) like Pity Me Carrs and Framwellgate Moor Carrs.
155. Regarding habitats and flora, the report advocates for the retention of trees and hedgerows where possible, emphasising implementing Root Protection Zones if development affects these features. It outlines forthcoming requirements for a Biodiversity Net Gain (BNG) assessment, indicating the need for a 10% biodiversity gain through new landscaping. Additionally, it highlights the importance of retaining the most valuable habitat—hedgerows—and conducting habitat assessments for a comprehensive BNG evaluation. The report also addresses protected species such as badgers, bats, birds, and hedgehogs, recommending specific strategies to prevent disturbance or harm during construction, including sensitive lighting strategies, bird nesting season precautions, and methods for safeguarding hedgehogs during site clearance.
156. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 4.0. The metric advises that the baseline site provides 17.48 habitat units and 1.26 hedgerow units. Post development, taking into account the habitat creation set out in the paragraphs above, the site would provide 20.36 habitat units and 2.61 hedgerow units equating to a net gain of 2.88 units or 16.48% for habitat and 1.35 units or 106.82% for hedgerow. The Council's Ecology Officers agree with the conclusions regarding the baseline habitats on site and the delivery of a clear BNG.
157. The Council's Ecology Officers have no objection to the current application for construction of the new AGP and the relocated carparking, including the demolition of the existing hardstanding. 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.
158. The proposed development would provide biodiversity enhancement to the site. It is considered that the proposed development with suitable mitigation would not adversely impact upon any nationally or locally protected sites or protected species and accordingly, there is no need to consider the application of the derogation tests. 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

159. 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.

160. 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.
161. There are no designated heritage assets within the proposed site nor is the site located within a Conservation Area or the setting of such. The closest listed building is located to the east, this being the Grade II Marquis of Granby Public House approximately 215m to the east. Design and Conservation Officers have reviewed the impact of the proposal on the heritage designations and have raised no objections.
162. It is considered that the proposal would not conflict with CDP Policy 44, Part 16 and paragraph 208 of the NPPF and the Listed Building Act.

#### Public Sector Equality Duty

163. 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.
164. In this instance, Officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

---

## **CONCLUSION**

---

165. 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.
166. The proposed development would provide a modern, play pitch to be used both by the existing students at New College Durham and by the wider community. The loss of the existing play pitch on the field to the east of the campus would be replaced by a formalised provision with a resulting in a significant enhancement to the sporting offer in Framewellgate Moor and the wider County.
167. 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 and other matters.

168. The proposed development has generated a notable degree of public objection, with 33 no. letters of objection having been received, including letters from the County Durham Green Party and The City of Durham Trust. The contents of these objections have been considered as part of the decision-making process in this instance, both relating to material matters and other matters.
169. 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 campus context surroundings and would be in accordance with Policies 6 and 26 of the CDP, alongside providing a facility to respond to an evidence need for AGP provision in the region and county. Notwithstanding the above benefits, it is acknowledged that the proposals would result in a degree of harm to both residential amenity, resulting from visual impact per Policy 31, and landscape impacts from short range views from the public footpaths per Policy 39.
170. Undertaking the required 'planning balance' of the merits of the scheme against its harms per the adopted Development Plan, the proposals are considered to be acceptable subject to the proposed mitigations and other suggested conditions within the recommendation below.

---

## **RECOMMENDATION**

---

171. 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:

DR-A-1001 (REV P1)	EXISTING SITE PLAN
Location Plan	DR-L-0102 (REV P4)
Planting Plan - Shrubs	DR-E-63-0001 (REV P02)
Planting Plan - Trees	DR-E-63-0002 (REV P01)
Site Sections	DR-L-0100 (REV P1)
Landscape GA Plans	DR-L-2100 (REV P7)
Existing Site Information	DR-L-2700 (REV P2)
External Lighting - Lux Levels	DR-L-7001 (REV P3)
Proposed Lighting Layout	DR-L-7002 (REV P4)
Proposed Lighting Layout Showing Location	DR-E-40-0001 (REV P01)
Landscape Specification	NCDMG-RYD-XX-XX-SP-L-0001-D2-P3
Typical Details - Planting Bed In Car Park	NCDMG-RYD-00-ZZ-DR-L-4801-D2-P2
Planting plan - trees	NCDMG-RYD-00-ZZ-DR-L-7001-D2-P5
Tree Pit Details	NCDMG-RYD-00-ZZ-DR-L-4802-D2-P1

Arboricultural Impact Assessment prepared by The Environmental Partnership
Biodiversity Net Gain Assessment prepared by the Environmental Partnership
Biodiversity Metric Calculation Tool prepared by The Environmental Partnership
Drainage Strategy prepared by Jasper Kerr
Ecological Impact Assessment prepared by The Environmental Partnership
Noise Assessment prepared by NJD Environmental Associates
Planning Statement prepared by DPP
Transport Statement prepared by iTransport Planning

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

4. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

oA Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014. The mitigation measures detailed within Table 4 of the air quality assessment prepared by NJD Environmental Associates reference NJD23-0046-002R, dated July 2023 and published on the planning portal on 24 July 2023 must be incorporated into the dust action plan.

oDetails of methods and means of noise reduction; this must include the mitigation measures detailed within the Noise Assessment prepared by NJD Environmental Associates Ltd reference NJD23-0046-001R dated July 2023 and published on the planning portal on 24 July 2023.

oWhere construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

oDetails of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

o Designation, layout and design of construction access and egress points;

o Details for the provision of directional signage (on and off site);

oDetails of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

oDetails of provision for all site operatives for the loading and unloading of plant, machinery and materials

oDetails of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

o Routing agreements for construction traffic.

oDetails of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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

oDetail 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.

5. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary facilities (changing rooms, toilets and car parking) and include details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy. Informative: Guidance on preparing Community Use Agreements is available from Sport England.

<http://www.sportengland.org/planningapplications/>

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 21 and Part 15 of the National Planning Policy Framework.

7. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority]. The phasing shall detail the timescale for the completion of commencement of use of the artificial grass pitch in relation to the loss of playing field to the approved car park. Development shall be undertaken in accordance with the approved phasing plan.

Reason: To ensure the development accords with playing Policies 6 and 26 of the CDP and Paragraph 103 of the NPPF.

8. Use of the artificial grass pitch shall not commence until: (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and to accord with the County Durham Plan.

9. No development shall commence until details of the construction and materials of the artificial grass pitch, and the floodlighting product specification have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with requirements of Policies 6 and 26 of the County Durham Plan.

10. The use of the proposed development shall be restricted to between the following hours and shall not be used at any other time:

*Proposed Pitch*

Monday to Friday: 0900 - 2130hrs

Saturday and Sunday: 0900 – 1700hrs

*Pitch Lighting*

Monday to Friday 0900 - 2200hrs

Saturday and Sunday: 0900 – 1730hrs

*Car Parking*

All days: 0700 – 2000hrs

*Car Park Lighting*

All days: 0700 – 2030hrs

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

11. 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.

12. No development shall commence 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 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. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework (NPPF). Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

15. 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 and monitoring shall take place in complete accordance with the approved details.

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.

16. 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 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.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

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

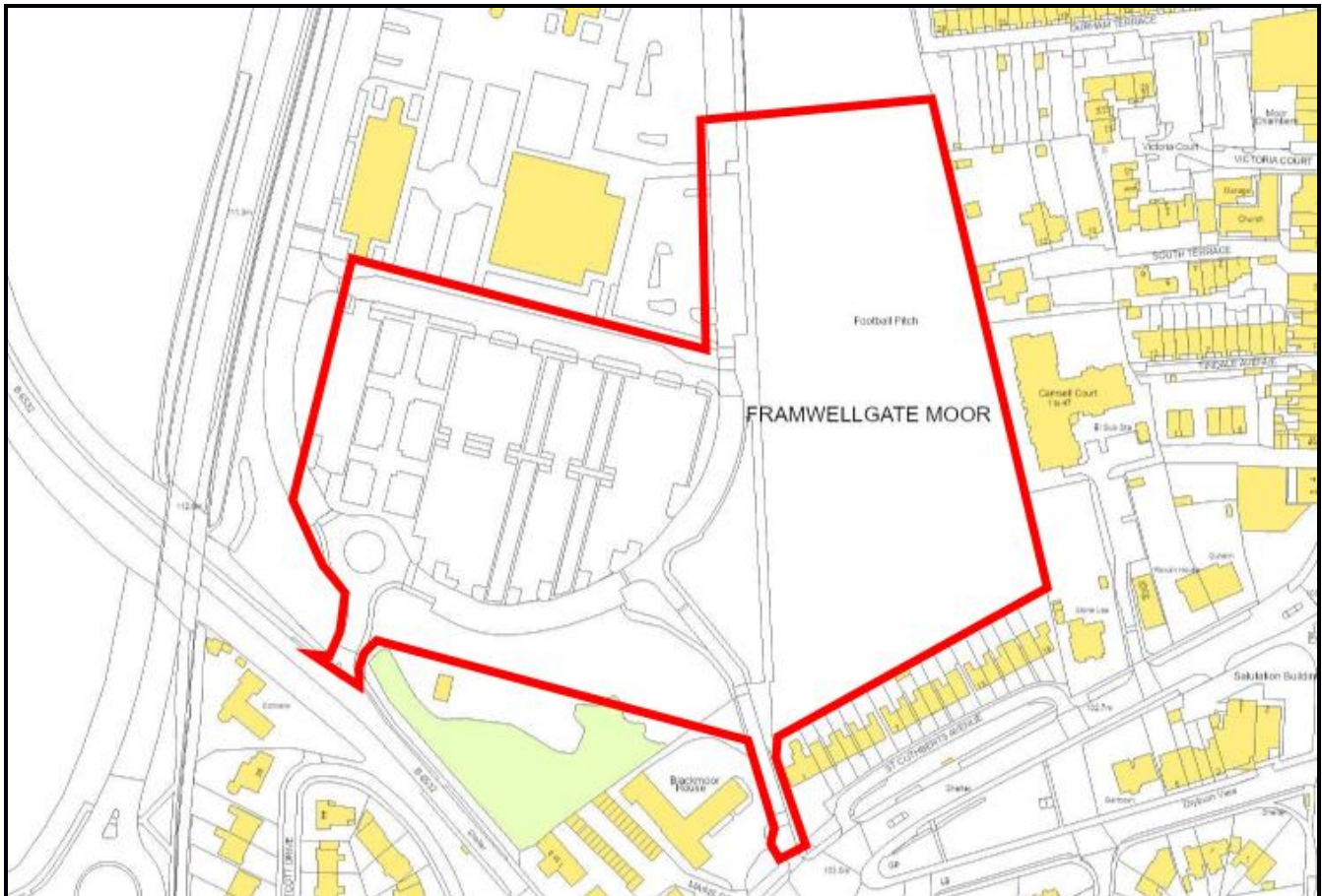
---

## **BACKGROUND PAPERS**

---

- Submitted application 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/23/02201/FPA**

Full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park

New College Durham, Framwellgate Moor, Durham, DH1 5ES

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of His Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2023

**Comments**

**Date** January 2024

**Scale** Not to Scale