

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/17/02697/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Installation of 8no. 15m high floodlights to 3G sports pitch
<b>NAME OF APPLICANT:</b>	Durham University
<b>ADDRESS:</b>	Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE
<b>ELECTORAL DIVISION:</b>	Durham South
<b>CASE OFFICER:</b>	Henry Jones, Senior Planning Officer, 03000 263960, <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site forms part of the concentration of Durham University sports facilities at Maiden Castle. Work has recently commenced on the reconfiguration and rationalisation of pitches, floodlighting, car parking and access at the site (Planning Permission No. DM/17/00713/FPA). This wider site contains: a grass cricket pitch, pavilion building, boat house, a main sports centre building; football pitches; hockey pitches; tennis courts; running track and to the north and east of the River Wear, rugby pitches.
2. The application site itself comprises only the land upon which the 8 floodlight columns are proposed to be erected. The floodlights are proposed to light a pitch immediately south of the River Wear which is surrounded by a running track. Under Planning Permission No. DM/17/00713/FPA this pitch gained planning permission for an upgrade from a grass pitch to a 3G pitch astroturf pitch.
3. Vehicular access to the wider Maiden Castle site is gained via the A177 which runs to the south. To the east of the Maiden Castle site beyond the River Wear lie agricultural fields. Bordering the site to the north-west is Great High Wood.

4. The application site lies within the designed Green Belt and within a locally designated Area of High Landscape Value. The heritage assets situated within the context of the site and development proposals include but are not restricted to; Maiden Castle scheduled monument approximately 180m to the north; Durham (City Centre) and Shincliffe Conservation Areas (approximately 50m to the east at their closest points); listed buildings include the Grade II Boundary Stone off the A177 approximately 180m to the west and Grade II Shincliffe Bridge approximately 450m to the south. Old Durham Gardens, a Grade II listed registered Park and Garden of Special historic Interest is located approximately 350m to the north. In the wider context the site also forms part of the setting of the Durham Castle and Cathedral World Heritage Site (WHS) (approximately 1.2km to the north-west), especially in views on the approach to Old Durham around the historic Kepier Estate.
5. In terms of designated ecological sites a number of non-statutory sites are within relatively close proximity. Houghall, Maiden Castle and Little High Woods Local Wildlife Site 1 (LWS) is approximately 130m to the north-west, Houghall, Maiden Castle and Little High Woods LWS 2 is approximately 850m to the east, Pelaw Wood LWS is approximately 450m to the north and Shincliffe Wood LWS is approximately 1.3km to the south.
6. No registered public rights of way are within the bounds of the application site though a number are located within the vicinity namely Footpath Nos. 32, 41, 43 and 54 (Durham City) which run adjacent to the river and through Great High Wood.

#### The Proposal

7. The 8 floodlight columns proposed would be situated just inside the running track so as to light the 3G pitch with four floodlight columns either side (north and south) of the pitch itself.
8. As originally submitted the application proposed that each floodlight would be 20 metres (m) in height. However, during the course of the application the floodlight columns were amended to a height of 15m. Atop of the columns the lights themselves would comprise LED light housings of which a maximum of four are proposed to be affixed to each column. The floodlighting columns would be constructed of galvanised steel and this would be their finished appearance.
9. The application is being reported to the Central and East Planning Committee following a request on material planning grounds by a Member of the Council.

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## **PLANNING HISTORY**

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10. The following planning history relates to the Maiden Castle sports facilities site.
11. DM/17/01929/FPA – for the extension and refurbishment of the existing sports centre and the construction of a new tennis centre with associated car parking, landscaping and infrastructure is currently pending consideration
12. DM/17/00713/FPA – for the reconfiguration and resurfacing of three sports pitches including the erection of associated floodlight columns and enclosures, hard and soft landscaping, and revised access arrangement and car park layout was approved in July 2017.
13. 4/12/01149/FPA - for the construction of new synthetic rubber crumb pitch including 3m and 5m high perimeter fencing and floodlighting was approved in June 2013.

14. 4/09/00860/FPA - the erection of detached boat-store building, embankment steps and river landing, realignment of flood levee bund and riverside footpath, with hard and soft landscaping works and tree planting was approved in December 2009.
15. 4/08/01073/FPA - the proposed construction of synthetic rubber crumb rugby pitch including erection of floodlights and 3.0m high perimeter fence was approved in February 2009.
16. 4/08/00408/FPA – the proposed erection of new sports facility building consisting of main cricket/fencing hall and ancillary rowing tank with connecting covered link to a new boat house was withdrawn in September 2008.
17. 4/04/00082/FPA – the provision of hard surfacing, lighting units and feature tree planting on existing car park was approved in March 2004.
18. 4/02/00139/FPA - the erection of water storage tank and associated pump house was approved in March 2002.
19. 4/00/00791/FPA - internal alterations to form mezzanine floor and replacement of section of external glazing to north elevation of building was approved in December 2000.
20. 4/00/00601/FPA - alterations to main entrance were approved in September 2000.
21. 4/99/00758/FPA – erection of substation and transformer compound were approved in February 2000.
22. 4/99/00523/FPA – provision of sewage pumping station and associated underground piping was approved in October 1999.
23. 4/98/00201/FPA – provision of extensions & alterations to sports centre to enlarge indoor surface, form new offices, fitness gym, main entrance, provision of additional all weather hockey pitch, fences, floodlights, parking and landscaping was approved in July 1998.
24. 4/96/00714/FPA – erection of 8 no. replacement floodlights and columns to existing weather hockey pitches were approved in December 1996.
25. 94/0720 – the erection and display of a temporary advertisement hoarding was approved in October 1994.
26. 4/84/816 – extensions to existing sports centre and new entrance were approved in November 1984.
27. 80/720 - the construction of netball pitch was approved in August 1980.

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## PLANNING POLICY

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### NATIONAL POLICY

28. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
29. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
30. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
31. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
32. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
33. *NPPF Part 9 – Protecting Green Belt Land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

34. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
35. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
36. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

37. 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; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, and use of planning conditions.

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

#### **LOCAL PLAN POLICY:**

The City of Durham Local Plan 2004 (CDLP)

38. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
39. *Policy E3 – World Heritage Site Protection.* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
40. *Policy E6 – Durham City Centre Conservation Area.* States that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.
41. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.

42. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.
43. *Policy E16 – Nature Conservation – the Natural Environment.* Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
44. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
45. *Policy E19 – Wildlife Corridors.* Seeks to protect the value and integrity of landscape features which contribute to existing wildlife corridors and create new wildlife corridors as opportunities arise.
46. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.
47. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
48. *Policy E24 – Ancient Monuments and Archaeological Remains.* Ancient monuments and other nationally significant archaeological remains and their settings will be preserved in situ and damage would not be permitted. Archaeological remains of regional and local importance will be protected in situ and where preservation in situ is not justified by, ensuring that in areas where there is evidence that significant archaeological remains exist, or reasons to pre-suppose they exist, pre-application evaluation or archaeological assessment will be required and requiring as a condition of planning permission, that a programme of archaeological investigation, recording and publication has been made.
49. *Policy R8 – New Recreational Facilities.* States that new recreation facilities will be approved subject to the acceptability of their appearance, accessibility and car parking provision and subject to the proposals according with other relevant Local Plan policies.
50. *Policy R10 – Recreation and Leisure in the Countryside.* States that new recreation facilities will be approved in the countryside subject to specific criteria being met including that such development is not detrimental to; the openness of the Green Belt areas of high landscape value; heritage assets; public rights of way; the local road network or; the amenities of neighbouring residents.

51. *Policy C3 – University of Durham.* This policy supports proposals by the University which amongst other criteria strengthen its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life.
52. *Policy Q5 – Landscaping General Provision.* Sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
53. *Policy Q6 – Landscaping – Structural Landscaping.* States that all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
54. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
55. *Policy U10 – Natural Flood Plains.* Proposals shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere unless it can be demonstrated by way of sequential test that there is no alternative option available at lower risk, there will be no unacceptable risk of flooding, there will be no unacceptable increase in risk of flooding elsewhere and appropriate mitigation measures can be put in place to minimise the risk of flooding which can be controlled by planning condition.
56. *Policy U11 – Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
57. *Policy U12 – Development near Contaminated Land.* Measures must be undertaken which would be sufficient to stop contaminants leaches or gases penetrating the site and accumulating in buildings and structures which could be harmful gases should be prevented from migrating into surrounding land.
58. *Policy U13 – Development on Unstable Land.* States that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.
59. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

## EMERGING PLAN:

### The County Durham Plan

60. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

### Durham City Neighbourhood Plan

61. Although the Durham City Neighbourhood Planning Forum has been established, and a Neighbourhood Area defined, which includes the application site, no draft Neighbourhood Plan has yet been formally consulted on and therefore no weight can be attributed to the plan at this stage.

*The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (City of Durham Local Plan)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

62. *Sport England* – Offers support to the proposal. It is noted that outdoor sports lighting provides an important way of extending the use and the overall value of outdoor sports facilities. Winter daylight can be as short as 7 hours a day and can restrict opportunities for outdoor sports to short periods during the weekends. Such development can allow people to train or play evening matches 7 days a week, all year round.
63. *Coal Authority* – Raises no objections. Though the application site lies within the designated development high risk area the development is considered to meet one of the exempted developments which requires no coal mining risk assessment submission.
64. *Historic England* – Raise no comments but advise that the views of the Councils special heritage advisers be sought.

## INTERNAL CONSULTEE RESPONSES:

65. *Landscape* – Raise no objections though some localised adverse effects on the character of the landscape including the designated Area of High Landscape Character and a degree of impact upon the openness of the Green Belt are considered likely to occur. The proposed floodlights would add some additional visual clutter to the wider site and detract to a degree from the character in some views. This would be most noticeable in those views where the taller floodlight columns are not currently particularly evident for example from the A177 to the west. The amendment to the application so as to reduce the height of the floodlighting columns from 20m to 15m would have a discernible effect on their appearance particularly in middle and longer distance views. The impacts of the development and its cumulative impact with existing and recently approved development at the site would be reduced with a considered landscaping scheme.
66. *Design and Conservation* – Raise no objections, however, conclude that some less than substantial harm to heritage assets would be likely to occur as a result of the development. The significance of the area in heritage terms is highlighted. The site is historically open and relatively undeveloped on a flood plain adjacent to the River Wear. The site forms part of the setting to the scheduled monument of Maiden Castle, Durham City and Shincliffe Conservation Areas and farther afield the World Heritage Site. It is acknowledged that this rural character has been somewhat diluted by development clutter. However, it is stated that the proposed flood lighting would potentially add to this clutter with a minor degree of harm likely to the setting of the two conservation areas and Maiden Castle scheduled monument. This harm must be weighed against the public benefits of the development.
67. *Ecology* – Raise no objections. The submitted application shows that though the floodlighting is likely to modestly raise the levels of light in one area of the River Wear closest to the proposed floodlights, the impacts are not such that objections are raised to the potential impacts upon commuting bats and otters. Under the redevelopment of the pitches and floodlights (under planning permission DM/17/00713/FPA) the lighting levels overall along the river are to reduce. A condition is requested that the floodlights are switched off at 10pm which would further reduce any impact. The implementation of landscaping adjacent to the river could further limit any light spillage into the river.
68. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections considering that the area where the floodlighting is proposed is unlikely to be affected by any land contamination. However, it is advised that an informative be attached to any approval so as to advise the applicant that there remains some risk that unanticipated contamination could be encountered when works occur.
69. *Environment, Health and Consumer Protection (Light, Dust, Odour and Noise)* – Raise no objections. Attention is focused upon the potential for harmful light spillage from the floodlights but it is considered that the development is not likely to lead to any adverse impact.

## PUBLIC RESPONSES:

70. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. A total of six letters have been received.

## Objection

71. *Durham City Trust* – Raise objections. Objection is raised to the assessment of the impact of the development upon the openness of the Green Belt that is submitted within the application documents. The application is considered to spend a disproportionate amount of time on sustainability and heritage assets at the expense of a thorough investigation concerning Green Belt. Attention is drawn the considered misquoting of relevant sections of the NPPF within the application and assessments of the character of the site described within the submitted planning statement and heritage statements are considered to conflict with one another. Examples of appeal decisions which are considered to support the views of the City of Durham Trust and disprove those views submitted within the application are provided. It is added that applications at Maiden Castle have been submitted in an inappropriate piecemeal fashion. The proposals for the floodlights and sports pitches should be considered together.
72. A letter of objection has been received from a local resident which states that the floodlights will harm the Green Belt, the landscape and the historic approach into the City. Reflected light and glow during the dark would adversely affect the World Heritage Site.

## Concern

73. A letter of concern has been received by a local resident which states that no objections are raised to the flood lighting as such but any further encroachment into the Green Belt is objected to.
74. *Durham World Heritage Site Coordinator* – Raise no objections as such but raise concern that the application contains no analysis of the night-time impacts on the setting of the World Heritage Site (WHS). Though it is acknowledged that Maiden Castle and Whinney Hill are likely to provide screening there is the potential that the height of columns and intensification of the light would impact on the generally dark setting of the WHS. Differing weather conditions could also influence the potential impacts. Reference is made to the WHS Management Plan which identifies that part of the significance of the WHS is derived from its visual presence in contrast with the darkness of the river, riverbanks and sky.
75. *Cllr Brown Member for Nevilles Cross* – Raises concern with regards to the potential impacts of the development upon the Green Belt and requested that the application be heard at committee as a result.

*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/applicationDetails.do?activeTab=documents&keyVal=OM4M9KGDLUH00>*

## APPLICANTS STATEMENT:

76. This proposed development will support the delivery of one of the first elements of Durham University's proposed Estate Masterplan (2017-2027) which has been developed in consultation with Durham County Council and a wide range of stakeholders in an integrated and carefully planned approach; to enable the University to continue its success as a world leading institution and to maximise benefits to the local area. The University boosts the UK economy by £1.1 billion a year and supports nearly 14,000 jobs, including almost £650 million and more than 10,000 jobs in the north east.

77. The floodlighting will contribute to the objective for facilitating sustainable growth and improved student experience through enhanced sports facilities. These enhanced sports facilities will support the University in its aspiration to be ranked number one in Europe for 'Wider Student Experience'. The development will also significantly improve accessibility and usage for members of the public.
78. The proposed development is for the installation of 8no. 15m high floodlights associated with the recently approved 3G pitch at Maiden Castle Sports Park, which gained permission for the reconfiguration and resurfacing of the external pitches in July 2017. The proposed lighting scheme has been sensitively designed to limit light spill to the surrounding areas through the use of appropriate luminaires with high quality optics and careful positioning to minimise the impact on the surrounding ecology, landscape and world heritage site. Luminaires will utilise the latest LED technology to reduce light spill, power consumption and optimise the efficiency of the lighting.
79. Maiden Castle Sports Centre is a strategic site in the University's Masterplan, recognised as a site of sporting excellence, therefore the University want to ensure that its facilities are more attractive to host major external sporting events that will raise the profile of the University and generate new income. The proposed floodlighting for the 3G pitch plays a vital role in ensuring that the use of the 3G pitch is maximised, allowing the pitch to be used during the evening and in poor light. Maximum use of the 3G pitch will encourage participation and will accommodate increased number growth and capacity - around 60% of the time allocated during weekend and post 6pm (weekdays) will be for College Sport.
80. The 3G pitch will accommodate the requirements from students transferring to Durham from Queen's Campus in Stockton who currently have access to a floodlit all-weather pitch on site. The University would not be able to accommodate this increased number growth and would face major capacity issues without the 3G pitch and the associated floodlighting. The 3G pitch will host a number of sports; primarily football, American football, ultimate frisbee and lacrosse and will be available to both the University and the community. The most significant improvement to community sport provision as a result of the 3G pitch and the floodlights will be in football. It is also noted that the running track around the 3G pitch will benefit from the floodlighting, allowing for additional training and events.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; landscape and visual impacts; heritage impacts; ecology; residential amenity and pollution; and flood risk and drainage. Other matters are also considered.

## The Principle of the Development

### *Whether Inappropriate Development in the Green Belt*

82. The application site is located within the Green Belt. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 85 that the Green Belt serves five purposes. At Paragraphs 89 and 90 it states that the construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at Paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in “very special circumstances”.
83. CDLP Policy E1 relates to the Green Belt in general and, in similarity to NPPF Paragraphs 89 and 90, establishes the forms of development that are considered appropriate. However, Policy E1 is considered only partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt. As the Policy is partially consistent with the NPPF it can be attributed some weight in the decision making process.
84. The NPPF establishes that one of the exceptional circumstances when the construction of new buildings in the Green Belt is not inappropriate (and thereby acceptable in principle in the Green Belt) is “the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”.
85. The applicant’s view is that the development proposal would preserve the openness of the Green Belt, would not constitute an inappropriate form of development in the Green Belt and that the proposal meets the above quoted exception and as a result that no very special circumstances case is required for the development.
86. Public responses to the application include those which strongly contest this stance, the inference being that the development is not preserving the openness of the Green Belt.
87. A number of factors are capable of being relevant, in a specific case, when considering whether a development impacts upon the openness of the Green Belt. The openness of the Green Belt has a visual dimension to it but a development can cause no visual intrusion but still impact upon openness by reason for instance that land is no longer free of built development. A prominent consideration can also be how built up the Green Belt is now and how built up it would be if development occurs.
88. The floodlight columns themselves would be slender structures. They would be located within the bounds of a running track rather than located on a part of the Maiden Castle site where no form of development has occurred previously. Therefore, the degree of land taken up by the development and the degree to which the proposal would affect land previously unaffected by development would be minimal.

89. During the course of the application the height of the proposed floodlights has been reduced from the previously proposed 20m to 15m so as to reduce the potential impacts upon the openness of the Green Belt as well as any visual, landscape and heritage impacts. This revised height is commensurate with the floodlights which have served hockey pitches on the site and that which was approved under the recent application (DM/17/00713/FPA) to reconfigure these pitches.
90. In terms of the impact of the proposed floodlights upon the perception of the openness of the Green Belt it is considered that there are many vantage points that the floodlights would not affect this perceived openness. In views from the south in the vicinity of Shincliffe Bridge for example the presence of existing sports building, collection of pitch enclosures and floodlights are all in the foreground. Similarly, in some views from the north-east such as when crossing the pedestrian footbridge over the River Wear the floodlights would be set against a backdrop of the main sports building, the pitch enclosures and other floodlights.
91. These are examples of views where any contributory affect that the proposal would have upon the perception of openness of the Green Belt is considered to be negligible.
92. However, the floodlights are located in a part of the site where currently no permanent lighting columns are in situ though temporary lights, of far less height than that proposed are utilised. Views of the site in the area are dynamic and change as a viewer moves around. The proposed floodlights would appear as more significant structures than the current floodlights in some views, for instance if the viewer were to be on the A177 to the west. Due to the height of the floodlights there is a risk that they would “pop-up” in some views where currently the degree to which the site is built-up cannot fully be perceived. It is also likely that after dark when the floodlights would be on, that due to the lights being set at a greater height and likelihood of the pitch being used more often, due to its upgrade to a 3G pitch, that the lighting of the pitch would be more frequent and therefore more noticeable than at present and in turn a change to the appearance of the site at night-time is likely to occur.
93. As a result, officers conclude that a minor impact upon the openness of the Green Belt is likely to occur from the proposed floodlights. As a result the openness of the Green Belt is not likely to be wholly preserved as required under Paragraph 89 of the NPPF. The development would therefore constitute inappropriate development in the Green Belt. The NPPF advises that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should be given substantial weight. Notwithstanding this, the extent of the impact upon the openness of the Green Belt is considered to be minor.
94. In respect to facilities for outdoor sport and recreation, NPPF Paragraph 89 also requires that for a development to not constitute inappropriate development, in addition to preserving the openness of the Green Belt, the development must also not conflict with the purposes of including land within the Green Belt.
95. Paragraph 80 of the NPPF sets out that there are five purposes of the Green Belt:
- To check the unrestricted sprawl of large built- up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment
  - To preserve the setting and special character of historic towns; and,
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

96. The justification to CDLP Policy E1 highlights that of all the purposes for including land within the Durham City Green Belt the need for the designation so as to aid in preserving the special character of Durham City is of particular importance. The impact of the development upon heritage assets is considered in more detail elsewhere in this report. However, the conclusions of Design and Conservation are that due to the potential contribution that the development would make to the visual clutter at the site some minor heritage harm including to the setting of Durham (City Centre) Conservation Area is likely to occur.
97. As a result it is considered that there is a minor degree of conflict with the fourth purpose of the Green Belt – to preserve the setting and special character or historic towns. As a result, this is a further reason why the development is considered to not wholly meet the requirements of Paragraph 89 of the NPPF.
98. No conflict is identified with regard to the remaining purposes of including land within the Green Belt. The development proposed would be restricted to the bounds of the existing built-up areas of the Maiden Castle site. There would be no new development poorly related to or detached from that which is existing. No conflict with regards to the Green Belt purposes of checking sprawl, preventing encroachment into the countryside or the preventing the merging of neighbouring towns would result. As the development seeks to contribute further to existing sport and recreation development which is already in situ and established at the site there is no conflict with the purposes of seeking to encourage the recycling of derelict and other urban land.
99. Nevertheless, in what is a fine balance, officers consider that the development does constitute inappropriate development in the Green Belt and as a result the development is only acceptable where very special circumstances exist. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### *Very Special Circumstances*

100. As stated the applicant considers that the development does not constitute inappropriate development in the Green Belt. However, mindful that the Local Planning Authority may arrive at a differing conclusion, the submitted Planning Statement seeks to justify the purposes and benefits that the proposed floodlights would bring. Wider benefits of the 3G pitch itself are also described but it should be noted that the pitch itself already has planning permission under application DM/17/00713/FPA and therefore any very special circumstances which exist must relate to the floodlighting of the pitch rather than the pitch as such.
101. The applicant explains that without floodlights the use of the 3G pitch would be far more limited especially in winter months. The benefit of the 3G pitch overall to meet a growing student and sport participation population of the University would not be fully realised. There would therefore be benefits to Durham University sport.
102. In terms of the wider community, the submitted Planning Statement includes an appendix of letters of support from sports clubs and sporting associations. It should be noted that much of the content of these letters of support relates to the wider facility proposals at Maiden Castle, such as those being proposed under Planning Permission No. DM/17/01929/FPA and are not specific to this application. Some of the submitted letters of support do, however, reference the benefit of night-time and winter usage of the pitch and therefore the benefits which the floodlights would bring.

103. Within their letter of support accompanying the application, the Rugby Football Union make specific reference to the benefits of additional floodlit training provision at the site. Durham City Rugby Football Club Ltd reference the benefits that full use of a 3G pitch would provide during winter weather.
104. The application makes specific reference to Durham Women's Football Club who compete in the FA Women's Super League (FA WSL 2). If the women's team is to progress and be promoted then it would be necessary to ensure that the pitch they play on meets the necessary standards for WSL 1 and this requires a floodlit pitch.
105. Specific reference is also made to Shincliffe Juniors who are a football club in the local community who utilise facilities at Maiden Castle. Shincliffe Juniors propose to use the pitch during the evenings and the floodlighting would be necessary to ensure this can occur during the winter months. The application also cites the beneficial impact that the floodlights would have on the training that Durham City Harriers and Athletics Club can undertake.
106. In its consultation response Sport England has offered support to the proposal emphasising the benefit that floodlights have to increasing participation in sport.
107. Under planning permission DM/17/00713/FPA, which granted planning permission for the rationalised pitches including the 3G pitch that the floodlights would serve, there is a requirement for a community use agreement to be entered into which would involve consultation with Sport England. This agreement would ensure and define the community use of the 3G pitch.
108. It is acknowledged that temporary floodlights have been utilised to light the pitch (which is to be upgraded to the 3G pitch). Therefore some lighting permitting usage after dark has been facilitated previously. However, understandably, the University wishes to replace this temporary solution for a permanent one of a higher standard which will floodlight the pitch to an appropriate standard for the long term.
109. It is these benefits to providing lighting to the pitch and widening the participation levels of the pitch in respects to both the University and wider community which form the case for the very special circumstances which would be necessary for the development to gain planning permission. The final planning balance of all considerations cannot be undertaken until all material considerations have been assessed and this is considered in detail later in this report.

#### *Provision of the Floodlights to serve the Sports Pitch*

110. As the proposal is sought by the University and relates to the provision of sport and recreation facilities CDLP Policies C3 and R10 are considered to be relevant to the development. CDLP Policy R8 relates to the location of new facilities and does not refer to any ancillary developments to serve existing facilities. As a result Policy R8 is not strictly applicable to the development.
111. CDLP Policy C3 seeks to support proposals by the University which amongst other criteria develop its role as a major social, sports and recreational asset and its contribution to the local economy and cultural life. The provision of the floodlights would accord with these aims by improving the sports provision at the site both for University and through public use as a result of the community use of the facilities. Policy C3 is considered fully consistent with the NPPF and can be attributed weight in the decision making process.

112. CDLP Policy R10 relates to recreation and leisure facilities in the countryside and covers essential minor facilities which serve such facilities. The Policy essentially encourages such development provided that specific criteria are met relating to; visual impact; impact upon the Green Belt (discussed above); impacts upon the ecological, natural and historic environment; impacts upon public rights of way or other recreational routes; residential amenity; impact upon best and most versatile agricultural land; and highways matters. Consideration of many of these specific impacts is made elsewhere in the report, as necessary. Policy R10 states that essential minor and recreational facilities include small changing rooms, unobtrusive spectator accommodation for outdoor sport or small stables. As a result the proposed floodlights are not listed as one of the forms of ancillary recreational developments which the Policy supports in principle. In addition, as the development would not wholly preserve the openness of the Green Belt officers conclude that there is a degree of conflict with the Policy. Policy R10 is considered only partially consistent with the content of the NPPF and whilst it may be attributed some weight in the decision making process it is considered that this should not be full weight.
113. Part 8 of the NPPF seeks to promote healthy communities. In doing so Paragraph 70 states that planning decisions should plan positively for community facilities including sports venues whilst at Paragraph 73 it is stated that access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The proposed floodlights would contribute to the standard of the sports facilities at the site for the use of both the University and wider community groups and the development is considered to draw support from this NPPF guidance.

#### Landscape and Visual Impacts

114. Though the above discussion considers the impact of the development in the context of the Green Belt, consideration must also be had to the acceptability of the development in more general landscape and visual impact terms.
115. The application is accompanied by a Landscape and Visual Summary and four visualisations from selected viewpoints. It should be noted that the summary statement relates to the original 20m high flood lights though the accompanying visualisations have been updated during the course of the application so as to present the impact of the 15m floodlights. The summary statement highlights that the proposed lighting columns would be higher than the temporary lights which surround the pitch though similar in height to other floodlights at Maiden Castle. Due to the height of the floodlights proposed it is considered that a degree of differing night-time light impact upon the landscape would occur though the floodlights would not be introduced to an area which is fully dark at the moment. Though some additional landscape and visual effects would occur these are not stated as being significant.
116. The application is also accompanied by an external lighting scheme design note which identifies the impacts of light spill at night-time. The applicant has also supplied additional commentary with regard to the potential for skyglow or upward light output ratio (ULOR). This is the amount of waste light emitted directly above a light. As a result of technological enhancements the proposed floodlights (together with those already approved under Permission No. DM/17/00713/FPA) would produce significantly less skyglow than the existing floodlights on site. This would help to mitigate the impact of night-time impacts of the new floodlights.

117. The application site lies within a locally designated Area of High Landscape Value (AHLV) to which CDLP Policy E10 applies. Essentially Policy E10 states that development that would have an unacceptable adverse impact upon the AHLV will be resisted.
118. Landscape officers raise no objections to the development though consider that some localised adverse effects on the character of the landscape including the designated AHLV would be likely to occur. Landscape officers consider that the proposed floodlights would add some additional visual clutter to the wider site and detract to a degree from the character in some views. This would be most noticeable in those views where the taller floodlight columns are not currently particularly evident, for example from the A177 to the west.
119. Further consideration in respects to the visual impacts of the development in respect to heritage assets is provided below.
120. Under Permission No. DM/17/00713/FPA so as to mitigate the impacts of that development, including tree losses to facilitate those works, a landscaping scheme is required. Works in relation to that planning permission have commenced and therefore the landscaping proposals pursuant to that scheme will require implementation. Landscape Officers advise that the impacts of the development and its cumulative impact with existing and recently approved development at the site would be reduced with a considered landscaping scheme. It is therefore considered appropriate to include a condition requiring a landscaping scheme to be implemented should planning permission be granted.
121. In conclusion, some localised landscape and visual impacts would occur as a result of the development. Overall it is considered that these impacts would not be of such an extent that they would result in an unacceptable adverse impact upon the AHLV. As a result the development is considered to be compliant with CDLP Policy E10 and landscape and visual impacts of the development overall are considered acceptable and compliant with the relevant sections of CDLP Policies E10, E15, R10, Q5 and Q6. These Policies are considered either fully (E15, Q5 and Q6) or partially (E10, and R10) consistent with the NPPF and can be attributed weight in the decision making process. The proposal is also considered to be compliant with relevant sections of Parts 7 and 11 of the NPPF.

#### Heritage Impacts

122. As explained in the description of the site and proposals section of this report heritage assets are within relatively close proximity to the Maiden Castle site.
123. The application is accompanied by a Heritage Statement. The Heritage Statement concludes, overall that the development would not unduly affect the significance of heritage assets and effects overall will be negligible with no conflict with relevant CDLP Policies.
124. Historic England has raised no objections nor does it offer any detailed comments on the application and instead defer judgement to the Council.

125. Design and Conservation officers conclude that some less than substantial harm to heritage assets would be likely to occur as a result of the development. The principal significance of the area in heritage terms relates to the historically open and relatively undeveloped nature area of land on a flood plain, which is riparian in character and forms part of the setting to the scheduled monument of Maiden Castle promontory fort, the WHS and Durham (City Centre) and Shincliffe Conservation Areas.
126. Design and Conservation officers acknowledge that this rural character has been somewhat diluted by development clutter. However, it is stated that the proposed flood lighting would potentially add to this. Design and Conservation officers consider that some minor harm would occur to the setting and therefore significance of Durham and Shincliffe Conservation Areas and the promontory fort at Maiden Castle. Design and Conservation officers advise that this harm must be weighed against the public benefits of the development.
127. The Durham World Heritage Site Coordinator has raised a specific concern in regards to the potential impacts of the lighting upon the setting of the WHS.
128. As also referred to in the landscape discussion above the applicant has advised that the proposed floodlights would be far more effective at reducing sky glow or upward light output ratio than the floodlights currently on site. Though the new floodlights would therefore involve a permanent lighting solution for the 3G pitch with likely greater usage this would be mitigated by the lighting to be installed at the site emitting less “waste light”. Coupled with the distances between the WHS and the application site and screening afforded by intervening landscaping and land uses it is considered that the lighting impacts of the development would not result in any light intrusion to the extent that it would result in any distracting or harmful impacts upon the setting of the WHS.
129. With the setting of the WHS considered to be preserved, the development complies with CDLP Policy E3. This Policy is considered consistent with the NPPF and can be attributed full weight. No harm to listed buildings would occur as a result of the development in accordance with CDLP Policy E23 and having regard to the statutory duty imposed on the Local Planning Authority under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. CDLP Policy E23 is considered only partially consistent with the NPPF but can be attributed some weight.
130. The less than substantial harm to Durham (City Centre) and Shincliffe Conservation Areas and Maiden Castle scheduled monument is considered to be in some conflict with CDLP Policies E6, E22 and E24. However, these Policies are considered to be more restrictive than the NPPF in that they do not permit flexibility in decision-making where harm is found to the heritage assets, with no public benefit test referenced as per the NPPF. As a result the Policies are not fully consistent with the NPPF and this affects their weight in the decision making process. The NPPF requires at Paragraph 134 that where less than substantial harm to a designated heritage asset results from a development then this should be weighed against the public benefits of the proposal, including securing its optimum viable use. This matter is addressed in the conclusions of this report.

131. With respect to the potential for archaeological deposits beneath the ground the approved application DM/17/00713/FPA, which encapsulated the land subject to this proposal, was accompanied by a geophysical survey and archaeological evaluation report which presents the results of trial trenching. No features of archaeological significance were found following the carrying out of trial trenching. Archaeology officers raised no objections to that application adding that there was no requirement for any conditions in the event of an approval. No further submissions are considered necessary in regards to the potential for beneath ground archaeological deposits having regards to CDLP Policy E24 and the advice contained within Part 12 of the NPPF.

## Ecology

132. The application is accompanied by an ecological report the scope of which included a desk based assessment and Phase 1 Habitat Survey site assessment. The report included consideration of the potential to affect protected species and potential impact upon statutory and non-statutory designated ecological sites in the vicinity of the site. These include Houghall, Maiden Castle and Little High Woods Local Wildlife Site 1 (LWS) (approximately 130m to the north-west), Houghall, Maiden Castle and Little High Woods LWS 2 (approximately 850m to the east), Pelaw Wood LWS (approximately 450m to the north) and Shincliffe Wood LWS (approximately 1.3km to the south). The report concludes that no impacts would occur upon these designated sites.
133. The submitted report concludes that the European Otter are likely to be present within the River Wear and the river is also likely to provide a commuting and foraging corridor for bats.
134. The submitted ecology report highlights that the lighting has been designed to be ecologically sensitive so as to ensure that the lights are switched off overnight when not in use and that light spillage is limited along the river bank and woodland edges so that this bat and otter corridor is not adversely affected. Though the ecology report advises in respects to the timing of tree works having regards to the potential for nesting birds, no tree works are proposed under this application.
135. The submitted external lighting scheme design note includes plans depicting the predicted lighting levels in different areas at night and adjacent to the site including the river corridor.
136. The design note shows that light levels will modestly rise in an area of the River Wear closest to the location of the proposed floodlights.
137. Ecology officers have raised no objections. The impacts of the modest increase in lighting in one area of the River Wear are not such that objections are raised to the potential impacts upon commuting bats and otters. Under the redevelopment of the pitches and floodlights (under planning permission DM/17/00713/FPA) the lighting levels overall along the river are to reduce from existing. As requested a condition that the floodlights are switched off at 10pm, which would further reduce any impact and a landscaping condition under which additional planting adjacent to the river can be explored to further limit any light spillage into the river, can be added in the event of an approval.

138. As a result no objections are raised to the development on ecological grounds. As no adverse impacts upon any European Protected Species (EPS) are considered to result from the development there is no requirement to assess the likelihood of a EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012).
139. The development is considered compliant with CDLP Policies E16, E18 and E19 and Part 11 of the NPPF. These Policies are considered either fully (E16 and E19) or partially (E18) consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with the relevant sections of Part 11 of the NPPF.

#### Residential Amenity and Pollution

140. By virtue of its Green Belt location the Maiden Castle site benefits from its relative detachment from neighbouring built development including residentially occupied sites. The East Durham College Houghall Campus is situated on the opposite side of the A177 and this site contains rooms which can be residentially occupied by students and this campus is located approximately 280m to the south-west of the application boundary. Concentrations of residential properties are located farther from the site boundary at the nearest parts of Whinney Hill and Shincliffe (approximately 600m to the north-west and south-east respectively).
141. Environment, Health and Consumer Protection officers have provided comments on the application. Attention is focused upon the potential for harmful light spillage from the floodlights and the development has been considered against the advice contained within the relevant adopted Technical Advice Notes (TANs). The development would comply with the thresholds contained within the TANs and it is considered that the development is not likely to lead to any adverse impact upon any residential receptors.
142. Officers concur with these views and consider that the proposed floodlights will not result in any unacceptably harmful amenity or pollution impacts.
143. In respects to matters of potential site contamination Environment, Health and Consumer Protection officers have stated that the area where the floodlighting is proposed is unlikely to be affected by any land contamination. However, there remains a risk that unanticipated contamination could be encountered when works occur. As a result an informative is recommended on any planning permission.
144. Officers raise no objections to the development on the grounds of any potential harm to the amenity of nearby occupiers, site users or on general pollution and nuisance grounds. The development is considered compliant with relevant parts of CDLP Policies R10, U5, U11 and U12. These Policies are considered either fully (U11 and U12) or partially (R10 and U5) consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with the relevant sections of Part 11 of the NPPF.

#### Flood Risk and Drainage

145. The application site is located adjacent to the River Wear and the site is located within Flood Risk Zone 3b (the functional flood plain).

146. In some instances where development is sought within zones of higher flood risk an application must pass a sequential test the purpose of which is to ensure that a sequential approach is followed to steer where possible new developments to areas with the lowest probability of flooding. In addition to the sequential test, in some instances, a further exception test must also be passed the purpose of which is to require an application to further demonstrate that flood risk to people and property will be managed satisfactorily by proving that the development will be safe for its lifetime and that the development has wider sustainability benefits to the community which outweigh the flood risk.
147. However, the sequential and exception tests do not apply to minor developments and the proposed erection of floodlighting comprises minor development.
148. Given the nature of the proposal no foul and surface water disposal implications are considered to arise.
149. As a result the development is considered acceptable from a drainage and flood risk perspective and compliant with CDLP Policy U10. This Policy is considered partially consistent with the content of the NPPF and can be attributed weight in the decision making process. The development is considered compliant with relevant sections of Part 10 of the NPPF.

#### Other Issues

150. As the proposal relates to the erection of floodlighting there are considered to be no direct highways implications of the development. Under the approved application DM/17/00713/FPA consideration was given to a revised access and car park to serve the rationalised pitches including the 3G pitch to which the floodlights are proposed to serve. No highways objections are therefore raised.
151. The application site is located within the Coal Authority defined Development High Risk Area however the Coal Authority have confirmed that the development is considered to meet one of the exempted developments which requires no coal mining risk assessment submission. No objections are therefore raised to the development with regards to matters of coal mining legacy or land stability having regards to NPPF Part 11 and CDLP Policy U13. This Policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision making process.
152. The submitted external lighting scheme design note confirms that the luminaires to be utilised will utilise the most energy efficient LED lighting technology possible. This is considered compliant with CDLP Policy U14 which seeks to encourage energy efficient materials and methods of construction. This policy is considered consistent with the NPPF and can be attributed weight in the decision making process.
153. Public objection received in respects to the application raising concern at the piecemeal nature of the submissions for development by Durham University and that the proposed floodlights and sports pitches should be considered together. A rationalising of the sports pitches at Maiden Castle has already been approved under Permission No. DM/17/00713/FPA. There is another pending application (DM/17/01929/FPA) at Maiden Castle relating to the extension and refurbishment of the existing sports centre and the construction of a new tennis centre.

154. Whilst acknowledging the concerns raised it is acceptable in principle for the applicant to apply for separate planning permissions for the various phases of development which they may seek. Each application should be considered on its own merits. However, this does not negate the ability of the LPA to raise any concerns over cumulative impact if there are considered to be such issues. In this instance there are considered to be no specific cumulative issues of this proposal with the committed development under application DM/17/00713/FPA which officers would raise objection to. The determination of application DM/17/01929/FPA will have to take into account the approval of the floodlights proposed under this application if that consent is forthcoming.

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## **CONCLUSION**

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155. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (CDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the CDLP should be applied dependent upon the degree of consistency with the NPPF.
156. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. In this instance it is considered that the CDLP is not absent, silent or out of date having regards to the nature of the development and the relevant policies against which it should be assessed. In such instances Paragraph 14 of the NPPF advises that the presumption in favour of sustainable development means that development proposals which accord with the development plan should be approved without delay (unless material planning considerations indicate otherwise). Likewise, and in accordance with Paragraph 12 of the NPPF, development which conflicts with a development plan should be refused unless, again material planning considerations indicate otherwise.
157. The proposals would come into conflict with some CDLP Policies. The development is identified as being inappropriate development in the Green Belt and is therefore in conflict with CDLP Policy E1. Policy E1 is only partially consistent with the content of the NPPF and cannot be attributed full weight. In turn the development would also conflict with Policy R10 though again this policy is only partially consistent with the NPPF. The NPPF advises that where the development constitutes inappropriate development in the Green Belt the development will only be acceptable where very special circumstances exist. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
158. The identified less than substantial harm to Durham (City Centre) and Shincliffe Conservation Areas and Maiden Castle would bring the proposals into some conflict with CDLP Policies E6, E22 and E24. However, again these Policies are not fully consistent with the content of the NPPF and cannot be attributed full weight. The NPPF at Paragraph 134 establishes a test to be applied in those instances where less than substantial harm to a designated heritage asset would occur and requires that the identified harm should be weighed against the public benefits of the proposal.

159. The degree of harm to the heritage assets is considered to be very minor, worsening to a minor degree, visual clutter at the wider Maiden Castle site which in turn results in the setting of the heritage assets not being preserved. The development would result in public benefits. The development of a permanent floodlighting solution to the revised 3G pitch would improve the standard and the sports facilities at the site. This long term floodlighting solution would enable use of the pitch after dark, particularly in winter months when pitch usage is most affected and ensure participation levels are maximised both by University students and by particular community user groups some of which have furnished the applicant with letters of support in this regard. Sport England has also submitted comments in support of the proposal, emphasising the benefit that floodlighting brings to sport participation. Officers consider that these benefits outweigh the minor heritage harm identified.
160. With regards to the Green Belt, the very special circumstances must outweigh the harm to the Green Belt and any other harm. In this instance the other harm (in addition to that arising by reason of inappropriateness) is identified as that which would occur to heritage assets outlined above. Whilst accepting that any degree of harm to the Green Belt must be attributed substantial weight, in this instance it is considered the level of harm to the Green Belt, by reason of the impact upon openness and impact upon the setting and character of the Durham (City Centre) and Shincliffe Conservation Areas, and Maiden Castle scheduled monument, that the Green Belt provides in this location, is very limited.
161. The benefits which the provision of a permanent floodlighting solution to the 3G pitch would provide are considered to amount to the very special circumstances which clearly outweigh the potential harm by reason of inappropriateness and other harm identified that would result from the development.
162. As a result and having regard to the content of the CDLP and on the balance of all material planning considerations, including comments raised in the public consultation exercise, it is considered that the proposals are acceptable and approval is recommended.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents and any recommendations and mitigation measures contained therein:

Plans:

3G Sports Pitch General Arrangement Drawing LD-PLN-201 M received 26.09.2017

Documents:

Ecology Report DurUni\_MaidenCastle\_Eco4.1

*Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E1, E3, E6, E10, E16, E18, E19, E22, E23, E24, R10, C3, Q5, Q6, U5, U10, U11, U12, U13 and U14 and Parts 7, 8, 9, 10, 11 and 12 of the NPPF.*

3. No construction works or related activities including site deliveries shall take place outside of the following hours;

7.30am to 7.30pm Monday to Friday (inclusive) and 8am to 5pm on a Saturday.

No works shall occur on any Sunday or Bank/Public Holiday.

*Reason: In the interests of the amenity of nearby occupiers having regards to CDLP Policy U5 and Part 11 of the NPPF.*

4. Notwithstanding any reference otherwise, including within the submitted Ecology Report DurUni\_MaidenCastle\_Eco4.1, the floodlights hereby approved shall be switch off/not illuminated between the hours of 10pm and 6am on any day.

*Reason: In the interests of mitigating the impact of the lighting upon the protected species which utilise the adjacent River Wear having regards to CDLP Policy E16 and Part 11 of the NPPF.*

5. A scheme of proposed soft landscaping works must be commenced within the first available planting season following the completion of the development and in accordance with a landscape scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

Details of all soft landscaping including planting species, sizes, layout, densities, numbers

Details of planting procedures or specification

Finished topsoil levels and depths

Details of temporary topsoil and subsoil storage provision

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Details of the long term management proposals and details of the timescales of the implementation of the entirety of the landscaping proposals as approved.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the landscaping scheme shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Thereafter the development shall be implemented in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to CDLP Policies E10, E15, Q5 and Q6 and Parts 7 and 11 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to support this application 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. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- City of Durham Local Plan 2004
- Statutory, internal and public consultation responses.



**Planning Services**

DM/17/02697/FPA

Installation of 8no. 15m high floodlights to 3G sports pitch, Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE

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**Date** October 2017

**Scale** Not to scale