

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01929/FPA
FULL APPLICATION DESCRIPTION:	Extension and refurbishment of the existing sports centre, erection of associated changing pavilion, 2 no. beach volley ball courts with associated landscaping and infrastructure (revised description)
NAME OF APPLICANT:	Durham University
ADDRESS:	Maiden Castle Sports Centre, Maiden Castle, Durham
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Henry Jones, Senior Planning Officer, 03000 263960, henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area of 13 hectares (ha) and encloses the existing sports facilities south and west of the River Wear at the Maiden Castle site. These facilities are currently in the process of being redeveloped with a rationalisation of playing pitches at the site nearing completion. The site essentially comprises of: a mixture of sports pitches including cricket, football, tennis and hockey pitches; a main sports centre building which is centrally located; pavilion building and boat house; car parking and ancillary infrastructure including floodlighting.
2. Vehicular access to the site is formed off the A177 which runs adjacent to the southern boundary of the site. To the north of the site, beyond the River Wear, further sports pitches are located. To the east, again beyond the River Wear lie agricultural fields. Bordering the site to the north-west is Great High Wood.
3. The site is located on designated Green Belt land and within a locally designated Area of High Landscape Value and forms much of the land on the north side of the A177 which separates Durham City to the west and north from Shincliffe to the east and south.
4. The heritage assets situated within the context of the site and development proposals include but are not restricted to, are; Maiden Castle scheduled monument 70m to the north and west; Durham City and Shincliffe Conservation Areas which border the site to the north, east and south; listed buildings including the Grade II

Boundary Stone just south of the A177 and the Grade II Shincliffe Bridge which is adjacent to the site the south and east. In the wider context the site also forms part of the setting of the Durham Castle and Cathedral World Heritage Site (WHS) with some intervisibility between the sites available 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) abuts the site to the west, Houghall, Maiden Castle and Little High Woods LWS 2 is approximately 620m to the west, Pelaw Wood LWS is approximately 450m to the north and Shincliffe Wood LWS is approximately 1km to the south.
6. Public rights of way run along the site boundaries and within the vicinity of the site namely Footpath Nos. 32, 41, 43 and 54 (Durham City).

The Proposal

7. As originally submitted the application proposed the erection of an extension to the existing sports centre building, erection of a detached tennis centre building and associated landscaping and infrastructure works.
8. During the course of determination of the application amended plans and documents were received. The development proposals in their amended form no longer propose the erection of the tennis centre though now include the provision of beach volley ball courts, a detached changing pavilion and a proposal to upgrade a public footpath. The detail of the proposals in their final amended form is elaborated upon below.
9. At ground floor the proposed sports centre extension would contain a main sports hall which would contain a series of flexible delineated sports courts. The total number of courts which could be utilised at any one time within this main sports hall would be stated as being 12. The remaining areas of the ground floor within the proposed extension would include a 5 lane cricket hall, spectator "bleachers", physio/first aid space, reception spaces, indoor changing rooms, lockers, toilets, storage, servicing and circulation spaces.
10. On the upper level the proposed extension would contain a fitness suite, strength and conditioning space, a dojo, a main court viewing balcony, fitness changing rooms, offices, meeting room accommodation and storage space. On the second floor level an area of plant is proposed.
11. In addition to the proposed accommodation within the extension it is also proposed to amend elements of the internal layout of the existing sports centre. At ground floor it is proposed to extend the existing café area to form a larger café, social learning and club room space. A strength and conditioning suite is also to be formed, changing room areas rationalised whilst a transformer is to be relocated within a rationalised and enclosed plant area. Within the first floor of the existing sports centre building it is proposed to transform an existing gym space into a physiology space, an aerobics studio into a multi-purpose studio, to rationalise some of the office and plant/servicing spaces and create a viewing balcony on west elevation.
12. The maximum height of the sports centre extension would be 11.3m though the extension is proposed to cascade down to lower sections (8.3m and 6.6m) at the connection point with the existing sports centre building. The proposed extension

would run the width of the existing frontage of the sports centre (93m) and would project off to the front of the existing sports centre, towards the A177, by 64m. The elevations to the sports centre extension would be predominantly clad in timber though lower sections up to a height of 2.4m would comprise of a masonry cavity wall with a brickwork overleaf. Sections of curtain walling, fenestration and rendered elements are also proposed. The roof would be covered by single ply pvc and photovoltaic panels are indicated as being situated atop of this. The submitted application states that the existing sports centre building contains 4,772m² of accommodation. The proposed extension would result in an additional 7,944m² of accommodation.

13. To the south-east of the sports centre building it is proposed to erect a detached changing pavilion building and beyond create two volley ball courts.
14. The changing pavilion would contain changing room space, toilets and plant/substation. Externally the proposed changing pavilion would comprise of a 2.4m high masonry wall on each elevation above which an area of clerestory type glazing is proposed to wrap around the building. Above this glazing, timber cladding is proposed with a flat roof. The changing pavilion would have a maximum height of 4.5m, length of 29m and width of 17m. The floorplans show that the changing pavilion would incorporate 373m² of accommodation. It is proposed to enclose the two volley ball courts with 3m high chainlink fencing. The volley ball courts would cover an area of approximately 936m².
15. The application includes a proposal to upgrade Public Footpath No. 41 (Durham City) which links the application site with Green Lane to the north. The proposed upgrade would involve a new macadam surface with a proposed width where practical of 2.5m. It is proposed to erect 41 no. 3.5m high lighting columns along the path.
16. A summary of the site planning history is detailed in the Planning History section to this report. However, it should be noted that elements of proposed development depicted on the submitted plans and referenced within the accompanying documentation have already been granted planning permission. In July 2017 planning permission was granted 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 (application DM/17/00713/FPA).
17. Therefore where the submitted application documents relating to this current planning application reference revised vehicular access and car parking and cycle parking provision for instance, this has already been granted planning permission.
18. Similarly, this current application is accompanied by an Arboricultural Impact Assessment report (AIA) and accompanying plans which present tree and hedgerow removals to facilitate the development. The details submitted propose the removal of a total of 94 individual trees together with hedgerow and tree group removals. Again, however, it should be noted that a large proportion of these removals (56 individual trees and the majority of tree group and hedgerow removals) have previously been agreed as part of the development works approved under planning application DM/17/00713/FPA.
19. To compensate for the tree losses and aid in mitigating the impact of the development the submitted landscaping proposals indicate the provision of 385 new trees. The proposed tree planting comprises of a row of common limes inside of the hedge adjacent to the A177, oak trees planted west of the cricket pitch, an area of

mixed woodland species between the site entrance and the cricket pitch, mixed tree planting adjacent to the boathouse building and mixed woodland planting in areas adjacent to the riverside.

20. The application is being reported to the County Planning Committee as the development comprises of major non-residential development on a site of more than 2 hectares.

PLANNING HISTORY

21. The following planning history relates to the Maiden Castle sports facilities site.
22. DM/17/02697/FPA – the installation of 8no. 15m high floodlights to 3G sports pitch was approved in October 2017.
23. DM/17/00713/FPA – 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.
24. DM/17/00485/AD – the erection of various car park management signs approved May 2017
25. 4/12/01149/FPA – the construction of new synthetic rubber crumb pitch including 3m and 5m high perimeter fencing and floodlighting was approved in June 2013.
26. 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.
27. 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.
28. 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.
29. 4/04/00082/FPA – the provision of hard surfacing, lighting units and feature tree planting on existing car park was approved in March 2004.
30. 4/02/00139/FPA – the erection of water storage tank and associated pump house was approved in March 2002.
31. 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.
32. 4/00/00601/FPA – alterations to main entrance were approved in September 2000.
33. 4/99/00758/FPA – erection of substation and transformer compound were approved in February 2000.
34. 4/99/00523/FPA – provision of sewage pumping station and associated underground piping was approved in October 1999.

35. 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.
36. 4/96/00714/FPA – erection of 8 no. replacement floodlights and columns to existing weather hockey pitches were approved in December 1996.
37. 94/0720 – the erection and display of a temporary advertisement hoarding was approved in October 1994.
38. 4/84/816 – extensions to existing sports centre and new entrance were approved in November 1984.
39. 80/720 - the construction of netball pitch was approved in August 1980.

PLANNING POLICY

NATIONAL POLICY

40. 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’.
41. 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.
42. *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.
43. *NPPF Part 2 – Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
44. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

45. *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.
46. *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.
47. *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.
48. *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.
49. *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.
50. *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>

51. 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; conserving and enhancing the historic environment; consultation and pre-decision matters; design; determining a planning application; ensuring the vitality of town centres; flood risk and coastal change; health and well-

being; land affected by contamination; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

City of Durham Local Plan (CDLP)

52. *Policy E1 – Durham City Green Belt.* Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
53. *Policy E3 – World Heritage Site Protection.* Protection seeks to safeguard the site and setting from inappropriate development that could harm its character and appearance.
54. *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.
55. *Policy E10 – Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
56. *Policy E14 – Protection of Existing Trees and Hedgerows.* Views hedgerows and trees as a valuable resource to be protected when new development is being considered.
57. *Policy E15 – New Trees and Hedgerows.* Tree and hedgerow planting is encouraged.
58. *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.
59. *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 alternatives 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.

60. *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.
61. *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.
62. *Policy E23 – Listed Buildings.* The Council will seek to safeguard listed buildings by not permitting development which detracts from its setting.
63. *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.
64. *Policy T1 – Traffic – General.* States that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
65. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
66. *Policy T20 - Cycle Facilities.* Seeks to encourage appropriately located, secure parking provision for cyclists.
67. *Policy T21 – Walkers Needs.* The Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths are protected; new footpaths are provided; and footpaths are appropriately signed.
68. *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.
69. *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.
70. *Policy R11 – Public Rights of Way and other Paths.* Public access to the countryside will be safeguarded by protecting the existing network of PROW's and other paths from development which would result in their destruction.
71. *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.

72. *Policy Q1 – General Principles – Designing for People.* The layout and design of development should take into account the requirements of users including personal safety and crime prevention and accessibility requirements.
73. *Policy Q2 – General Principles Designing for Accessibility.* The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
74. *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.
75. *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.
76. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
77. *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.
78. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing of foul and surface water discharge. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
79. *Policy U9 – Watercourses.* Requires that development proposals which may directly affect watercourses do not result in flooding, pollution, harm to nature conservation or harm to visual amenity.
80. *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.
81. *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.
82. *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.

83. *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.
84. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.

EMERGING PLAN:

The County Durham Plan

85. 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

86. The pre submission draft of the Durham City Neighbourhood Plan was recently been the subject of the first formal public consultation which closed on 18th December 2017. The Durham City Neighbourhood Forum is currently considering the representations received and these should inform the finalisation of the plan for submission to the council for further public consultation and progression to independent examination.
87. This council has made representations on the pre submission version of the plan and the associated Strategic Environmental Assessment which raises a number of significant issues which will need to be resolved in order that the plan meets the prescribed Basic Conditions. In light of this and given the plan is still at an early stage of plan preparation it has not yet reached a stage where weight can be afforded to it.

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)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

88. *Highway Authority –* Raise no objections. Within the submitted Transport Statement the consultant has undertaken an analysis of likely trip rates associated with the extended sports facility. The estimates in relation to the maximum number of possible attendees at any one time is considered to be accurate. Using the University mode share data yields an approximation of attendee transport mode usage is made with the highest proportion walking to the development. This is

considered accurate. Consideration has also been given to event attendance of a maximum 2000 attendees for larger events. It is stated that such events will take place outside background traffic peak periods. The consultant states that the University will manage ticketing for such events and manage parking accordingly. It is planned to provide 250 parking spaces which would only be fully in demand during the larger events. This is considered acceptable and the Highway Authority are satisfied that demand at such events can be properly managed. However, it is considered necessary in the event of an approval, that a condition is added so as to manage events and it is stated that such events should avoid the peak traffic flow periods.

89. Pedestrian facilities to the site have been considered within the Transport Statement. It is known that pedestrian facilities along the A177 are sub-standard and that any increase in demand has the potential to lead to pedestrians walking along the A177 carriageway with, in turn, the potential significant road safety issues. To address this matter the applicant has proposed to upgrade an existing footpath alongside the River Wear and Maiden Castle Woods. This would assist in dispersing pedestrians demand to and from the site.
90. The applicant has presented a report 'Woodland Path upgrade' in which it is set out how the footpath link to the city centre via Maiden Castle Woods can be upgraded to be a more attractive utilitarian user option than the A177. Given this potential upgrade the Highway Authority consider the demand from pedestrians could be acceptably dispersed such that there will be no net increase in pedestrian traffic demand on the A177 and the footway could therefore continue to be used at its present levels. It is advised that a condition is added to any approval requiring the construction of the woodland footpath including lighting is undertaken prior to occupation of the new development. Cycle parking provision is considered acceptable.
91. *Historic England* – Raise no objections. The Maiden Castle site is situated between Old Durham across the River Wear to the north and the historic borough of Elvet. It is a remnant of the agricultural land that surrounded the city at its founding and is one of a number of remarkable survivals that extend right up to the heart of the City and site falls within the setting of Durham City and Shincliffe Conservation Areas, Maiden Castle scheduled monument and the Durham Castle and Cathedral World Heritage Site. The character of this stretch of land has been diluted somewhat by past development. Development of the proposed scale will have a harmful effect on the heritage assets which is defined as being less than substantial harm and as a result this harm must be balanced against the public benefits of the proposal having regards to NPPF paragraphs 132-134.
92. *Coal Authority* – Raise no objections. Originally submitted comments raised no objections subject to the imposition of a condition to undertake intrusive investigations and as necessary implement remedial works. The Coal Authority have assessed the site investigation results submitted since these comments and following exchanges the Coal Authority have accepted that the intrusive investigation demonstrates that the site is or can be made safe and stable for the development and no request for a condition requiring further investigation is made.
93. *Drainage and Coastal Protection* – Raise no objections. With regard to the effect on the functional flood plain, and constructing new buildings within a flood plain, the Environment Agency advice and recommendations should be adhered to. Originally inadequate information was considered to accompany the application in respects to the drainage proposals for the development and further submissions in respect to drainage layout plans, and exceedance flood route plans, together with hydraulic

calculations for all new drainage infrastructure proposals for the development were requested. Following further submissions the principle of the drainage solution for the site is accepted, however, some further detailed design is still necessary namely level detail.

94. *Northumbrian Water* – Raise no objections. The development should be implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
95. *Sport England* – Raise no objections subject to the entering into of a community use agreement under condition. The amended scheme with resultant loss of the tennis centre is regrettable.
96. *Environment Agency* – Raise no objections subject to the development being implemented in accordance with the amended Flood Risk Assessment and mitigation measures contained therein namely that no development be undertaken within 5m of the Environment Agency flood bank. Advisory comments are provided for both the applicant in respect to the potential requirement for an environmental permit in respects to flood risk activities and the Local Planning Authority in respect to the extent of its remit.

INTERNAL CONSULTEE RESPONSES:

97. *Landscape* – Raise no objections however it is confirmed that the proposals lie within an Area of High Landscape Value and would entail the loss of some trees and the development would have some localised but significant adverse landscape and visual effects. The development proposals as originally submitted comprised of a building complex in contrast to the existing more physically discrete “pavilion” structures. The proposals as amended with the tennis centre omitted would remain of a scale which would still result in some significant effects but would not entail as much of a “step change” in character. The overall magnitude of the effect on the character of the local landscape within around 1km of the site is described as being medium - high immediately post-development, reducing to medium over time with the mitigation currently proposed. The amended landscape proposals provide for additional tree planting along the A177 and adjacent to the riverside. Both these amendments would help in assimilating the development though there remains scope for adjustments and more robust planting. The development would result in some loss to the openness of this part of the Green Belt, the amendments made to the scheme reduce the quantum of the development and thereby some of how the openness of the Green Belt is perceived to have been impacted upon. In respect of how the development impacts upon the purposes of the Green Belt it is considered that any areas of conflict that could result from the development would emerge from the creation of some sprawl, some erosion of the separation between Durham and Shincliffe and impact upon the special setting and character of Durham City. The amendments have reduced the magnitude of any of these conflicts.
98. The extent to which the proposals would conflict with relevant policies dealing with landscape and visual matters and the weight that should be attached to that is a matter for the planning balance. It is considered, however, that there would be a degree of conflict with CDLP Policy E10 due to some adverse impact upon the AHLV and potentially E14 due to the tree loss.
99. *Environment, Health and Consumer Protection (Light, Noise and Dust)* – Raise no objections subject to the imposition of conditions. The submitted lighting report is considered acceptable and the development should be constructed and maintained in accordance with the submitted lighting engineering report. A construction

management plan and dust management plan have been submitted, however, there are some areas of insufficient detail such as the vibration and noise controls to be undertaken during the proposed piling works as a result a condition is recommended.

100. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. In respect to the construction phase of the development a qualitative assessment of the impact of dust emissions on surrounding receptors has been undertaken and this identifies the need for a dust action plan. This can be conditioned. In respect to the operational phase of the development an air quality assessment has been undertaken which identifies that the impact of boiler plant at the site would be insignificant. As the development would result in an a change in the volume flow of Light Duty Vehicles (LDVs) of more than 100 movements on the existing flows at locations within or linked into the Durham City Air Quality Management Area (AQMA) a further detailed Air Quality Assessment (AQA) was necessary. This identifies that some increase in the levels of nitrogen dioxide would occur with instances of moderate and slight adverse impacts at a minority of receptors. However, the magnitude of change would be now more than 1% change in relation to the Air Quality Assessment Level.
101. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections, however, a condition will be required in the event of an approval principally as gas protection measures will require devising and implementing.
102. *Design and Conservation* – Raise no objections as such, however, consider harm would occur to heritage assets. The significance of the area in relation to the conservation areas is the areas historically open and relatively undeveloped nature, located on the flood plain and riparian in character; being within the setting of the scheduled monument of Maiden Castle, and in views towards the WHS, albeit acknowledging that the historic rural nature of the land has been somewhat diluted by development and clutter. The proposed development is such that even with landscape mitigation the development would impact on the significance of the designated assets, particularly in medium to long range views and those from the adjacent road, where the scale of the development will be particularly intrusive. The amendments to the proposals have resulted in a marked reduction in the scale and massing of the proposed development and a bolstering of the landscape screening. The result is that the overall impact of the proposals on the significance and setting of heritage assets has been reduced but harm still remains. The harm to heritage assets is considered to be less than substantial and this harm must be weighed against the public benefits of the development in the planning balance. Consideration could be given in further developing the overall aesthetic and conjoining the changing facilities with the main block to reduce further clutter.
103. *Ecology* – Raise no objections. The submitted reports confirm that the existing site is of generally low ecological value with no Priority Habitats present and only limited opportunity for protected species. However, mitigation measures are proposed within the submitted reports to reduce the potential for impacts upon adjacent areas of high value habitat – for example woodland and the River Wear. It is recommended that the mitigation measures contained within the various submitted ecology reports be conditioned.
104. *Access and Rights of Way* – Raise no objections. There are no recorded Public Rights of Way through the site itself. There are however Public Footpaths close to the site in particular Public Footpath nos. 41, 42 and 54 Durham City which border the site to the east, north and west. The proposed improvements as detailed within

the submitted woodland path upgrade report are welcomed and would enhance Public Footpaths nos. 41 and 42.

105. *Sustainable Travel* – Raise no objections to the development overall but do recommend that a number of improvements to pedestrian and cycle routes in the vicinity of the site should be undertaken. An amendment to the travel plan is also requested.
106. *Sustainability* – Raise no objections subject a condition being added to any approval which seeks to embed energy reduction measures.
107. *Archaeology* – Raise no objections with no requirement for any conditions.
108. *Employability* – Raise no objections. The submitted targeted recruitment and training proposals are acceptable.

PUBLIC RESPONSES:

109. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents. A total of 25 letters have been received, with 24 letters of objection and 1 letter which raises points of support but some concern also.

Objection

Principle of the Development/Green Belt

- The development represents harmful, inappropriate development in the Green Belt for which very special circumstances cannot be demonstrated – the circumstances outlined relate to the business need and status of the University and these are not special circumstances
- Other more suitable sites should be explored first and examples are cited at Gilesgate and Dragonville
- Relevant City of Durham Local Plan Policies in regards to the Green Belt are in accordance with the NPPF

Visual, Landscape and Heritage Impacts

- Intrusive visual impact on an attractive route into the City which does not respect the World Heritage Site setting it is situated within
- Existing built development at the site is appropriately set-back from the road
- Harm to Maiden Castle ancient monument
- The proposed buildings are blandly designed
- The proposal to plant so as to screen the development demonstrates that the buildings are inappropriate in their setting and the landscaping proposals will in themselves affect the openness and rural feel of the landscape
- The development will compound existing visual harm caused by the developments in situ and approved

Highways Issues

- Concerns in relation to significant increases in vehicle and pedestrian traffic, the considered inadequacy of the footpath between the site and the City is highlighted
- The submitted Transport Statement is considered to provide a misleading impression of the number of visitors to the site
- Concerns are expressed in regards to whether the parking and ticket arrangements for high profile events are adequate and that cars may park on the grass verges along the A177 all the way to Shincliffe Village
- Concerns are raised that key events would be occurring during rush hour periods

Ecology

- The influx of new visitors to the site will disturb diverse wildlife
- Light intrusion along the river

Residential Amenity

- Events held at the weekend will affect local residents who can expect peace at the weekend
- Green spaces are vital for public health and wellbeing and the proposal will encroach into a green space
- Harmful impacts upon air quality as a result effects of more cars and coaches
- Visual intrusion of the proposed external pitch lighting, a condition necessitating that any lights are switched off at 10pm would be a significant help, potential so to would be the more modern light fittings

Flood Risk and Drainage Issues

- The site is located within the floodplain and the development meets none of the exceptional circumstances within which development should occur at the site and the development should be refused on this basis
- There is the potential for deep piling engaging with the artesian water

Other Issues

- The economic benefits of the development are disputed, it is difficult to envisage who, local, will use services and facilities
- The community engagement is described as wholly inadequate and fails the Councils model, much consultation effort has been spend with sporting bodies who are bound to support the proposals whilst the public have not been so engaged
- Excessive quantities of paperwork have been submitted by the applicant placing an inordinate burden on officers as well as such submissions seeking to convince on the merits of the scheme through the quantity rather than quality of the submission whilst local residents cannot compete with the technical and financial resources put into the application by the applicant
- Some of the arguments around community benefit are similar to an inducement of support
- The applicant has deliberately submitted a larger scale proposal and then reduced it through amendments in order to gain approval
- There is the potential for sports facilities, organisations and funds to be drawn into this hub to the detriment of other settlements

- Queries are raised in regards to what types of events the University has planned within the development
- Reference is made to Durham University falling in environmental sustainability performance tables and they should seek to protect the Green Belt and its habitat
- Concerns regarding the potential undermining of the site by the Hutton coal seam

110. *Campaign to Protect Rural England (CPRE)* – Raise objections. CPRE recognise that Maiden Castle is the hub of the University’s sports facilities and that these are a significant factor in attracting students to the City as well as the requirement for them to be suitable to hold major events. CPRE, however, does not believe that all sports facilities have to be on a single site and some evidence is submitted that Oxford and Cambridge similarly have sports facilities spread across several sites. It is stated that the relevant CDLP Green Belt Policy E1 is not out of date having regards to the outcomes of recent Supreme Court and High Court decisions. Applications for development that are inconsistent with the policies within the CDLP should be refused unless material consideration indicate otherwise. It is emphasised that, whether this proposal is for “sustainable development” or not, the provisions of paragraph 14 of the NPPF makes it clear that the presumption in favour of such development does not apply in this case, if only because the site is in the green belt or affects designated heritage assets.
111. The proposal represents inappropriate development in the Green Belt but the applicant considers that the impact upon openness is small citing the “Turner” High Court Judgement. It is considered that the applicant has misrepresented the Turner Judgement in this regard and further support for the view of CPRE is cited in the “Boot” High Court Judgement. It is noted that the application seeks to demonstrate very special circumstances but it is considered that these matters need very careful consideration and CPRE are unconvinced that the case has been made. Further consideration should be given to disaggregating the proposals and the former Gilesgate School is cited as a site which could potentially accommodate the tennis facilities.
112. The applicant includes the testimonies of Sports bodies and organisations to lend the necessary support to the development but clearly such bodies will support improved sporting facilities.
113. Reference is made to the sensitivity of the site and its context in heritage terms. The potential impact upon the World Heritage Site is identified as the principal heritage concern. Citing relevant court judgements it is highlighted that a decision maker must give considerable importance and weight to any finding of harm to a heritage asset. A photograph is enclosed taken from Old Durham which is considered to demonstrate how the application site and the Cathedral form part of the general visual panorama. CPRE also highlight that the current design approach is unacceptable and a more visually appropriate design approach is needed.
114. The amendments made to the development will result in a lessened impact from that previously proposed. However, the amendments have not removed the concerns with respects to impacts upon the Green Belt or heritage assets.
115. *Whinney Hill Community Group* – Raise objections. The submitted Transport Statement provides a disingenuous portrayal of transport and pedestrian accessibility issues. The footpath on the A177 leading down from the Mount Joy roundabout is not designed for the volume of traffic it has to cope with today and this will be even more evident when all of the new users of Maiden Castle are taken into

account. The proposal to improve the public right of way as an alternative will not solve the issue as it is located in a different location. If public footpaths are to be improved then other footpaths in the vicinity of the site should also be improved and not just the single footpath identified. Pedestrian congestion is outlined such as that which occurs by travelling students on Whinney Hill. Little or no consideration has been given to Houghall College and cumulative transport related issues with that site and its recent redevelopment proposals. Assurances are sought that the applicant will pay for any highways improvement works and not the Council.

116. Concerns in regards to matters of flood risk are raised with reference made to past flood events in the area and it is stated that buildings should only be sited on the floodplain in exceptional circumstances which is not the case here.
117. The development will not maintain or enhance the approach towards the City and will not preserve the openness of the Green Belt. The proposed landscaping approach to plant and permit the roadside hedge to grow in order to screen the development is an admission of the visual impact of the buildings.
118. Objection to the proposed name of the development site is raised which shows no real consideration to residents and the traditions of the area. No consideration to the impact of the development upon local residents is given. Criticism of the applicant's public consultation is made. Concerns are expressed over noise and air pollution resulting from the development during both the construction and operational phases. It is highlighted that Whinney Hill and Hallgarth Street are residential areas and both have 7.5 ton weight limit and assurance is sought that construction vehicles will not breach this. Clarification is sought in regards to proposed working hours for the construction period. The applicant cites the support of various sporting bodies and groups but such groups will support any improvements to facilities. The scale of the economic benefits of the development is disputed.
119. *Elvet Residents Association* – Raise objections. The views of the Durham City Neighbourhood Forum and City of Durham Trust are agreed with. Main objections relate to the impact upon the Green Belt and Area of High Landscape Value, increase in traffic on the A177 and increase in pedestrian footfall.
120. *City of Durham Trust* – Raise objections. The development is inappropriate development which will affect the openness of the Green Belt. The applicant's argument that the area is already compromised and that this should be taken into account is disputed and reference is made to case law and appeal decisions which are considered to support this stance. The development would fail to preserve the setting and special character of the City and emphasis is placed on the intention of the Green Belt allocation in this area to retain permanently the openness of the floodplain for sports field use. The proposal would have an adverse effect on the landscape of the area (which is an Area of High Landscape Value). In views from Old Durham Lane the proposal is in the setting of the World Heritage Site. The proposed extension to the existing building is a disproportionate addition over and above the size of the original building. The increase in floorspace is such that should the Local Planning Authority be minded to approve the application it will require consultation with the Secretary of State.
121. The necessary very special circumstances have not been proven. Durham University is not a specialist sports college such as Loughborough nor offers a specialist degree course combining sport with another discipline. The University's ranking and reputation are not based upon sport. The testimonies of sports bodies should be given little weight. Alternative sites have not been investigated

thoroughly, Gilesgate Sports College or land at Dragonville are cited as potential alternatives and the alleged need for all sports facilities to be located on a single site is not proven and reference is made to other sports facilities which exist on other parts of the University estate/campus. The applicants reliance on other cases and precedents are discredited. The applicants very special circumstances are based upon an aspiration rather than a need. The applicants assertion that the proposal supports sustainability having regards to Chapter 8 of the NPPF is disagreed with and reference is made to paragraph 14 and footnote 9 of the Framework. Cycle and pedestrian provision is inadequate and the proposed solution of an upgrade of the public footpath is not an acceptable alternative.

122. Objection is raised to the piecemeal and phased nature of proposals and application submissions by the University at the Maiden Castle site with further criticism that the applicant seeks larger scale proposals and then amends to smaller scale proposals in order to gain approval. Amendments submitted in this application include the provision of a changing pavilion, raising the query as to where site users would have changed under the previous version of the development.
123. Transport proposals are considered to be inadequate, pedestrian and cycle movements to and from the development are unsatisfactory. Concerns are raised with regards to parking during higher profile events, should the scheme be approved the University should be required to provide a direct bus from Howlands and other locations.
124. *Durham City Neighbourhood Planning Forum* – Raise objections. The draft Neighbourhood Plan has completed its Regulation 14 public consultations and now carries appropriate weight to be taken into consideration in the determination of planning applications.
125. Reference is made to those forms of development within the Green Belt which the NPPF confirms do not constitute inappropriate development in the Green Belt. The proposed development is considered to fall into none of these exceptional categories. The proposal represents inappropriate development in the Green Belt and no very special circumstances warrant its approval. The assertion that the applicant makes that the degree of loss of openness is limited is considered to be of no assistance in overcoming the fundamental objection set by the NPPF and case law is referenced which is considered to support this view. The testimonies of support for the enhanced sports facilities come from national, regional, local and community sports bodies but this is to be expected and these are not endorsements of the development in the Green Belt. The applicant's reliance on other cases identified to support the proposals are not considered to lend support to this development and should be discredited. The arguments put forward by the applicant that sports facilities must be located on a single site is not agreed with. Many prestigious Universities in the UK do not have sports facilities on a single site this includes Cambridge and Oxford. It is highlighted that the removal of the proposed tennis centre in itself demonstrates that not all sports proposals by the University need to be on a single site.
126. The sequential assessment accompanying the application is criticised. Some alternative sites are considered wholly inappropriate whilst others are too readily discounted such as a site at Dragonville whilst no reference is made to the vacant site that was Gilesgate Sport College.
127. The application is considered to misinterpret the NPPF in respect to the meaning of sustainable development – Paragraph 14 sets out how to apply this and Green Belt policies represent specific policies which indicate development should be restricted.

128. The Durham City Neighbourhood Planning Forum consider that the development would result in landscape harm, harm to the setting of the Durham City including its World Heritage Site.
129. Pedestrian and cycle connections are poor and the alternative public footpath improvement represents a longer route. The submitted Transport Statement is considered to underplay the traffic impacts of the development. Concerns are raised regarding traffic issues during higher profile events with cars likely to park on the A177 causing problems from Whinney Hill to Shincliffe Village. The applicants public consultation and Statement of Community Engagement is criticised, is considered to fail to record accurately public objection whilst also failing the Council's model.
130. The Durham City Neighbourhood Planning Forum also submit concerns with regards to the some of the culture/behaviours which can exist in sport at Durham University. Submissions are made which it is considered highlight some concerns within the University itself in regards to the existence of such culture amongst the sporting fraternity. This is cited as another reason why the very special circumstances case for the development is considered to be unacceptable.

Support

- The significant investment in sport which is an important facet of University life and life in general is wholly supported
- The proposed design of the development has sought to address Green Belt and Conservation Area sensitivities

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:

131. 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.
132. 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 community.
133. The Site is recognised in the Masterplan as being a key gateway/arrival point into Durham City and therefore is a key frontage for the University. The University is seeking to invest £29.5 million in Maiden Castle Sports for this phase of development, as it is recognised as a strategic site of sporting excellence. The University want to ensure that its facilities are more attractive to host major external sporting events that will raise the profile and generate new income.

134. A planning application has already been approved for the first phase of the development, under reference DM/17/00713/FPA (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) ('the Phase 1 planning application'). The objective of the entire project is to provide a new high class, state-of-the-art, fit for purpose venue for Durham University Sport at Maiden Castle which will provide indoor and outdoor playing surfaces, strength and conditioning facilities, fitness suite, performance and monitoring facilities, offices, catering facilities, student learning zones and upgraded infrastructure, including improved car and coach parking.
135. The Proposed Development will bring wider benefits to the area, providing improved sports facilities which will benefit not only the University but also the wider community. Maiden Castle already acts as a hub for community sport, hosting over 15 community clubs and 2,000 local residents on a weekly basis. Extending the facilities on the existing Site builds on the very strong reputation Maiden Castle already has as a hub for community engagement within the city and local area. Hosting community groups, students and staff in one environment creates a unique culture with young children rubbing shoulders with Olympians and students actively engaging with members of the local and regional community.
136. This phase of redevelopment will increase community use by 457 hours per week in sports such as (inter alia) cricket, squash, martial arts, badminton, indoor hockey, basketball, netball and fitness classes.
137. Substantial work has been undertaken in preparing the proposals for the Site, including pre-application meetings with the LPA and fundamental design amendments in response to the comments from the LPA, Historic England and key stakeholders. Since the original submission and based on feedback received, the application has been revised to remove the tennis centre and to include additional landscaping to reduce the overall impact of the proposals and to enhance the visual appearance of the site.

PLANNING CONSIDERATIONS AND ASSESSMENT

138. 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; highways impacts; flood risk and drainage and residential amenity and pollution. Other matters are also considered.

The Principle of the Development

Whether Inappropriate Development in the Green Belt

139. 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”.

140. 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 principle, in the Green Belt. As a result of the partially NPPF consistent nature of Policy E1, it is considered that it can only be attributed a moderate amount of weight in the decision making process.
141. Though the nature of the development relates to some of those exceptional circumstances identified at Paragraph 89, for example by reason of involving the provision of outdoor sports facilities (bullet point 2) and involving an extension to a building (bullet point 3), the development overall clearly does not meet any of the defined exceptions. As a result the development would constitute inappropriate development in the Green Belt. The development is therefore 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.

Degree of Harm to the Green Belt

142. Though the NPPF is clear that the harm caused by inappropriate development in the Green Belt should be given substantial weight, consideration should be given to the extent of the harm.
143. A number of factors are capable of being relevant, in a specific case, when considering the impact of a development upon 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.
144. The existing application site is to an extent built up with the existing sports centre, ancillary buildings, car parking, sports pitch enclosures and lighting all having to an extent a diluting impact upon how open this part of the Green Belt is.
145. Nevertheless, the size and scale of the development proposed under this application is significant and would entail a substantial loss of openness.
146. The application has been amended during the course of the determination of the application most significantly the originally proposed tennis centre building was omitted. The proposed tennis centre comprised of a 3,678m² of accommodation with a height of 10.3m. The tennis centre coupled with the proposed sports centre extension would have resulted in a notable step-change in the character of the site altering it from containing singular pavilion buildings to a much larger building complex. This would be appreciated in both near views from the A177 and riverside paths, and in middle distance views from public vantage points on higher ground to the north and east.
147. The omission of the proposed tennis centre has reduced the impact of the development upon the Green Belt. It has been replaced with a detached changing pavilion and enclosed volley ball courts but the resultant impact upon the openness

of the Green Belt would be of a reduced magnitude. The site would appear less of a large building complex under the current scheme as that originally proposed.

148. The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of the Green Belt are their openness and their permanence.
149. 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.
150. 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 both Historic England and Design and Conservation are that the development would result in some harm to designated heritage assets and this would include some harm to the setting of Durham City Conservation Area and Durham Castle and Cathedral World Heritage Site (WHS). As a result, some harm to the setting and special character of Durham City would occur and thereby there is some conflict with the particularly relevant fourth purpose of the Green Belt.
151. In regards to the remaining purposes of the Green Belt it is considered that some sprawl would occur as a result of the development. The sports centre extension in particular would spread the visual impact of the site and bring the impact of buildings closer to the A177 and be more prominent from this public vantage point. The improvements to Public Footpath No. 41 would include the erection of 3.5m lighting columns. This would have an urbanising effect upon the route and is again an example of an impact of the development which it is considered constitutes some sprawl.
152. In respect to purpose two, the application site together with the land at Houghall College on the opposite side of the A177 effectively separates the settlements of Durham City and Shincliffe. Development is established at the site with the main sports centre, car parking, sports pitches, lighting and fencing having been in situ for some time. The erection of the sports centre extension, changing pavilion and volley ball courts would not encroach beyond the bounds of the existing built-up areas of the site and Durham City and Shincliffe would not merge. However, due to the scale and impact of the sports centre extension in particular and to a degree the extent of landscape planting proposed to mitigate the impacts of the development, the sense of openness between Durham City and Shincliffe would be partially eroded.
153. In respect of purpose three, as the sports centre extension, changing pavilion and volley ball courts proposed would not encroach beyond the bounds of the existing built-up areas of the site they would not encroach into the countryside. However, to a degree, the urbanising effects of the lighting along Public Footpath No. 41 would.
154. Finally, in respect to the fifth purpose, the development would contribute further to existing sport and recreation development which is already in situ and established at

the site. However, in proposing the buildings in the Green Belt rather than within an existing built up area the development is not contributing to urban regeneration, by encouraging the recycling of derelict and other urban land. Elsewhere, this report considers the appropriateness of other sites to cater for the development.

155. Overall, though the existing nature of the site, being not wholly free from built development helps, to a degree to assimilate the development into the Green Belt, it is clear that a development of the nature and scale proposed would have a substantial impact (and thereby harm) upon the Green Belt. As a result, in order to clearly outweigh this degree of harm, the very special circumstances must be strong and clear and must be capable of clearly outweighing this and any other harm.

Very Special Circumstances

156. The arguments put forward in favour of the development, despite its proposed siting in the Green Belt, are principally contained within the submitted Green Belt Justification Statement (GB Statement) though are touched on and covered elsewhere in the application documentation including the submitted Planning Statements and Design and Access Statements. These documents have been updated during the course of determination of the application to reflect the amended proposals. Below is a discussion upon the existence of the very special circumstances (VSC) case and focuses upon the key factors which drive the case for the development.
157. The VSC case is presented within the GB Statement under a series of topics/headings those being;
- i) the absence of alternative sites;
 - ii) the need for the proposed development;
 - iii) justification for the individual components of proposed development;
 - iv) policy and stakeholder support; and
 - v) unrivalled benefits
158. In respect to i) the application is accompanied by a sequential assessment which has been amended during the course of the determination of the application. The purpose of the assessment is to present whether sequentially preferable and deliverable alternative locations for the development exist. The sequential test searched for potential alternative sites for the development and the search focused upon sites within a 20 minute walk to any Durham University facility, sites contained within the County Durham Open Space Needs Assessment (OSNA) (which identifies recreational land across the County) and any Durham University owned land (also within the specified walking distance). Such an approach to the search area is considered appropriate. The submitted sequential assessment considers 28 sites in detail. The assessment concludes that there are no reasonably available alternative sites in a sequentially preferable location which can accommodate the development.
159. The assessment is considered to demonstrate an absence of sites which would be clearly sequentially preferable and appropriate for the development. Many sites are not sequentially preferable by reason of also being in the Green Belt. Some sites are unavailable/not on the market and others would have planning and/or site constraints which would likely render the development problematic at the location.
160. In addition, consideration has been given to flexibility in terms of the functional requirements of the development and the potential for disaggregation. The need for both the sports centre extension and tennis centre to be located at the Maiden

Castle site has been challenged by officers during the course of the determination of the application with concern raised with the extent of overall harm which would be caused to the Green Belt from the originally submitted proposal.

161. As previously discussed, the development proposal has been amended with the indoor tennis centre now removed from the scheme. The application, in its amended form, considers whether there is further scope to amend or disaggregate the development. The application considers that further omission of elements or disaggregation of the development would be inappropriate. The application considers that the principal reasons for this revolve around; the disadvantages of further disaggregating facilities and resultant failure to develop and capitalise on the benefits of a hub of sporting facilities and; that alternative sites face significant challenges including in respects to locational sustainability and planning constraints including Green Belt designation (as per the sequential test discussion above).
162. The removal of the tennis centre has reduced the impact of the development upon the Green Belt. Officers agree that there would be clear disadvantages to disaggregating the development further as, the provision of the facilities in the form of an extension to the existing sports centre is appropriate from a functional point of view. The extension can build upon and rationalise the facilities which already exist at the site. To locate the facilities elsewhere would effectively result in the two University sports centres of similar functions in different locations and would not to the same extent capitalise on the benefits of a hub at the one site. It is noted that public objection to the development reference that other Universities adequately function without a single sports hub. However, officers consider that there would be functional benefits of doing so and this contributes to the benefits of a sports centre extension at the site as oppose to another facility elsewhere.
163. In regard to parts ii) and iii) of the VSC case and the considered need for the development and its individual components the GB Statement highlights the significance of Durham University and its learning, research and economic benefits that it brings to the region. In respects to the need for the development emphasis is placed upon the increase in student numbers in the City as a result of growth and relocation of students from Queens Campus in Stockton. The current sports provision is stated as being at capacity and the University's growth and loss of current facilities at Queens Campus needs to be addressed.
164. The submitted justification highlights that in sport, in each of the last five years Durham has been ranked second in the British University and Colleges Sport (BUCS) League Table and in 2015 was recognised as the Times and Sunday Times Sports University of the Year. In 2014 the Times and Sunday Times league table placed extra-curricular activities at Durham as number one in the country. The GB Statement highlights that other leading institutions are investing heavily in similar facilities and therefore essentially Durham must respond in order to maintain its success. Furthermore, should facilities not keep pace with the growth of the University then the need to accommodate greater student participation at the existing facilities could have a negative impact upon the existing levels of community use. The GB statement also highlights that the proposed facilities will contribute to the strategic aims of the University such as increasing levels of participation in sport and sustaining and building upon its place as a hub of community sport.
165. Attention is focused upon the benefits not only to student participation in sport and their experience whilst at University but to the non-student, wider community. It is highlighted that this use is not restricted to sporting clubs but also as part of outreach schemes to more vulnerable and disadvantaged groups and the Durham and Chester-le-Street School Sport Partnership. The GB Statement highlights that a

key benefit of the proposal is that current community use of the existing facilities on site would increase. The increase in facilities would enable more community usage throughout the year rather than concentrated to that outside the term time when students are not using the facilities as frequently, though existing holiday camp programme usage would be enabled to increase as well.

166. It is stated that the design of the sports hall and capacity of up to 2,000 spectators would provide a facility which is capable of hosting sporting franchises such as Durham Palatinates basketball team (formerly Wildcats who competed in the top flight of British basketball), hosting the British School Games or British University Championships.
167. The GB Statement explains that Durham University Cricket is one of only six MCC funded Centres for Cricket Excellence in England and Wales. The remaining five centres of excellence have either built or have plans to develop bespoke indoor cricket facilities. The GB Statement explains that the proposed indoor cricket centre would help to ensure that Durham University retains facilities befitting of its centre for excellence status. The indoor cricket centre would also provide accommodation for Indoor Cricket (the specific sport) and would form only the second such facility in the County.
168. The proposed development would provide new martial arts, boxing and fitness suite accommodation. The GB Statement explains that the University is targeting growth in martial arts and it is stated that the development of the proposed dojo would be the only such purpose built facility in the County.
169. Aside from the sports facilities themselves the GB Statement also highlights the benefits which would emerge from the ancillary accommodation to be provided. One of the most notable identified benefits is that the proposed extensions would provide additional sport laboratory space. At present, the Durham University Sports Degree is a BA. The GB Statement explains that the provision of the proposed laboratory space would enable the degree to diversify into sports science. The sports laboratory space would also be available for use by the public as well and be potentially accessible by the likes of the Durham Institute for Sport so conditioning programmes and advice can be provided for athlete development. The improved café space proposed would provide better provision for parents/guardians to utilise whilst children engage in sport and would increase the catering facilities to help in hosting larger scale events. The GB Statement explains that the proposed changing pavilion would replace existing changing rooms which no longer meet modern standards and are designed to meet the Sport England standards of 1.6m² per user.
170. Under part iv) stakeholder support for the scheme is evidenced by the applicant with the inclusion of letters of support from National Governing Bodies and local sports clubs/user groups including Badminton England, Basketball England, British Basketball League, England Hockey. The GB Statement also highlights that support for the proposal can be drawn from a range of national and local policy and guidance and this includes; the Planning Practice Guidance in particular regard to promotion of healthy communities; CDLP Policy C3; Durham Tourism Management Plan 2012-2016; Durham County Council Sport and Leisure Service Strategy 2011-2014 with particular reference the schemes potential to assist in increasing sport and leisure participation.
171. The final topic which forms the VSC is v) entitled unrivalled benefits. This repeats some of the benefits highlighted elsewhere in the report but also focuses on the considered economic benefits that Durham University brings and how the proposed development would contribute to this. It is stated that ten full time additional

positions would be created within the extended Sports Park Facility Team. It is stated that the development represents a £29.5 million investment which will support expenditure in the wider local economy. The submitted Planning Statement which also accompanies the application also references further economic benefits of the scheme and states that the development would create 88 direct jobs and 133 indirect jobs during the construction period.

172. It is important to note that some of the beneficial impacts identified within the application relate to development which has already gained planning permission under previous applications for the pitch rationalisation and erection of floodlights. Some references to community use for example would emerge as a result of the provision of the replacement pitches and floodlights not the proposals which form this application. Examples would include the increased use of external pitches for lacrosse, football and rugby. The increases in such participation would result due to the existing planning permissions which have been granted not this proposal. As a result weight cannot be attributed to references to this or the letters of support which directly relate. During the course of the application the GB Statement has been amended so that it more clearly identifies the benefits which would emerge from this proposed phase of the development as oppose to previous development.
173. In order to help quantify the community usage increases which would emerge the GB Statement highlights that present community user usage of the sports centre facilities on site equates to 133 hours per week and that the new development would enable this to grow to around 590 hours per week.
174. Part 8 of the NPPF seeks to promote healthy communities. The NPPF promotes positive planning for the provision of sporting venues and draws attention at Paragraph 73 to the contribution that high quality sport and recreation facilities can make to the health and well-being of communities. Advice within the Planning Practice Guidance (PPG) builds upon this and highlights that decision making processes should consider the health and wellbeing of communities. Development proposals can support vibrant and healthy communities and the benefits which can emerge from development which makes physical activity easy to do. Evidence such as that contained within the Council's published Sports and Leisure Service Strategy highlights that County Durham has suffered from above the national average ill-health and obesity levels coupled with below the national average sport and physical activity participation levels. State of the art and more accessible sports facilities within the County would provide more opportunity for participation.
175. It is therefore principally the benefits to both the University and the wider community which form the case for the very special circumstances which are necessary for the development to gain planning permission. It is considered that the benefits which would result from the development would be extensive and the VSC overall is considered robust. A condition can ensure that a community use agreement is entered into, based upon the submissions made under the application, which would detail more precisely the nature of the community use and bind the University to delivering the provision.
176. However, 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.
177. It is noted that public objection to the submitted application includes a concern that there is a potential risk that sports facilities, organisations and funds will be drawn to this hub to the detriment of other settlements. However, officers consider that the

development proposals would build upon existing University and community involvement in sport and wider options for participation.

178. Public opposition to the development includes the specific objection that the applicant has included the testimonies of Sports bodies and organisations to lend the necessary support to the development but that clearly such bodies will support any form of improved sporting facilities. Whilst officers acknowledge that sporting bodies will naturally offer support to improved sports facilities it does not take away from there being beneficial impacts of these improved sporting facilities which contribute to the VSC case the applicant is seeking to demonstrate.

Other Matters affecting the Principle of the Development

179. Aside from matters pursuant to the Green Belt there is also a need to consider the acceptability in principle of the facilities proposed being located at the site in respect to other relevant CDLP Policies and planning guidance.
180. As the proposal is sought by the University and relates to the provision of sport and recreation facilities CDLP Policies C3, R8 and R10 are considered to be relevant to the development.
181. CDLP Policy C3 seeks to support proposals by the University which amongst other criteria strengthen its academic and research presence, develop its role as a major social, sports and recreational asset and further its contribution to the local economy and cultural life. The provision of the proposed sports facilities 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.
182. The justification to CDLP Policy R8 states that there is an identified demand for specialist recreation facilities. The Policy is generally supportive of the provision of new recreational facilities subject to criteria relating to visual impact, accessibility and highways issues and compliance with other relevant CDLP Policies including E1. Though the justification to CDLP Policy E1 references that VSC can be made for Green Belt development, the development does not accord with the requirements of the policy text itself (due to constituting inappropriate development in the Green Belt) and therefore in turn the proposal is considered to be in some conflict CDLP Policy R8. CDLP Policy R8 is not fully consistent with the content of the NPPF. The NPPF highlights that the more intensive sport and recreation land uses are main town centre uses which should be considered in the light of the sequential approach to site selection with the focus on town centre locations first. No such approach is contained within CDLP Policy R8 and as a result the Policy should only be attributed a moderate amount of weight in the decision making process.
183. CDLP Policy R10 relates to recreation facilities in the countryside and also 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 openness of 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. However, as the development would not preserve the openness of the Green Belt 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 only be moderate.

184. The applicant discounts the alternative sites on a variety of reasons, principally; on the grounds that the sites and/or local centres are too far from University facilities; the sites have been redeveloped; the sites are unsuitable for instance by reason of their size or other planning constraints or; the site is unavailable for use. The assessment is considered to demonstrate an absence of sites which would be clearly sequentially preferable and appropriate for the development. As discussed in respects to the Green Belt sequential assessment, flexibility has been exhibited with the tennis centre removed and as discussed disaggregation of the sports centre extension from the existing sports centre at the site would have functional disadvantages.
185. Therefore the principle of the development is in some conflict CDLP Policies R8, and R10.

Landscape and Visual Impact

186. 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.
187. The application is accompanied by a Landscape and Visual Appraisal (LVA) which has been updated during the course of the application the objective of which was to set-out the potential visual and landscape impacts of the development with the aid of visual representations.
188. The application site lies within a locally designated Area of High Landscape Value (AHLV) to which CDLP Policy E10 applies.
189. Landscape officers advise that in terms of physical impacts on the landscape the development would entail the loss of some trees which have intrinsic value in themselves and contribute to the screening and assimilation of existing sports site. In general terms it is considered that the development would have some localised but significant adverse landscape and visual effects.
190. The development proposals as originally submitted comprised of a building complex in contrast to the existing more physically discrete "pavilion" structures. The proposals as amended with the tennis centre omitted would remain of a scale which would still result in some significant effects but would not entail as much of a "step change" in character. The overall magnitude of the effect on the character of the local landscape within around 1km of the site is described as being medium - high immediately post-development, reducing to medium over time with the mitigation proposed.
191. The mitigation proposed comprises of a landscape scheme with the submitted plans proposing the planting of up 385 new trees comprising of a row of common limes inside of the hedge adjacent to the A177, oak trees planted west of the cricket pitch, an area of mixed woodland species between the site entrance and the cricket pitch, mixed tree planting adjacent to the boathouse building and mixed woodland planting in areas adjacent to the riverside. The landscape proposals have been amended on more than one occasion to seek to bolster the mitigation and address the requests of Landscape Officers to do so. The landscape proposals seek to strike a balance between adding sufficient vegetation to help screen and assimilate the buildings and maintaining a degree of visual openness which would be in character with the

current relatively open floodplain which the site forms part of, character which would be harmed if more dense perimeter planting was deployed. As a result though, the effectiveness of the screening of the proposed planting is more limited than if this balance was unnecessary to strike.

192. Landscape Officers consider that whilst it would be preferred to further bolster the landscape provision adjacent to the riverside, the proposals would nevertheless help in assimilating the development. In more filtered views such as those from Mill Lane and the A177 towards Shincliffe Bridge the visual effects of the development would be of a lower magnitude.
193. In more open views where the new buildings would be seen in close visual association with existing buildings and structures closer to the viewer the visual impacts would be more significant such as the footpath routes in the vicinity of the river and sections of the A177.
194. The design and material palette proposed for the sports centre and changing room pavilion are considered acceptable. The materials palette would be visually recessive and complementary to the buildings already at the site. The proposed buildings are simple box like structures but their form follows their function which is considered appropriate. The cladding proposed to much of the elevations is to be articulated with the use of varying depths and lengths of timber. This, it is considered, would provide an attractive and recessed aesthetic. Again the form of the volley ball courts necessarily follows their function including the erection of fencing to their surround. The design and aesthetic of the elements of the development is considered acceptable.
195. CDLP Policy E10 seeks to protect areas of landscape value and states that development should be resisted which would have an unacceptable adverse impact upon the landscape quality or appearance of the AHLV and remains respectful of its landscape setting.
196. Having regard to the scale and impact of the proposed development and the content of the comments of the Landscape officer in regards to the magnitude of landscape and visual impacts which would result from the development (even factoring in the mitigation) it is considered harmful impacts upon the landscape setting of the site and AHLV would result from the development in some conflict with CDLP Policy E10. CDLP Policy E10 is considered partially consistent with the content of the NPPF and can be attributed moderate weight in the decision making process.
197. CDLP Policy E14 relates to development which affects trees and hedgerows and in part seeks to ensure that proposals retain important trees and hedgerows wherever possible and replace trees and hedgerows of value which are lost. The footprint of the proposed building necessitates tree loss and this could only be avoided with a significant reduction in scale or alterations to the layout. Compensatory planting is considered substantial and as result the development is considered compliant with CDLP Policy E14.
198. The application is accompanied by an external lighting scheme design note. Though the note references the proposal to erect building mounted perimeter lighting no further details are provided. The note instead provides detail on the lighting to pitches, car parking and circulation spaces. However, these elements already have planning permission. It is considered a condition can agree the final proposed lighting scheme for the buildings proposed.

199. The upgrade to Public Footpath No. 41 would involve the erection lighting and this would contribute to the visual and landscape impacts of the development including in terms of light spillage during darkness. The design of the proposed lighting is such that average light spillage is anticipated to be 2 lux which would minimise the impacts of the lighting.
200. Overall, the development would result in some adverse landscape and visual impacts and as a result bring the development into some conflict with CDLP Policies E10, R8, and R10. Due to the harm to the AHLV it is considered that the development would, to an extent, fail to protect or enhance a valued landscape having regards to Paragraph 109 at Part 11 of the NPPF. The compensatory landscape proposals comply with CDLP Policies E15, Q5 and Q6 which each seek to mitigate the impact of major developments through landscaping schemes. These policies are considered fully consistent with the content of the NPPF and can be attributed their full weight in the decision making process. Matters relating to heritage are discussed below but in pure design terms the proposals are considered acceptable and subject to final material choices (which can be conditioned) the proposed development would, it is considered exhibit, a good standard of design in accordance with relevant sections of the Part 7 of the NPPF.

Heritage Impacts

201. The site lies within a location where heritage assets are within close proximity. The heritage assets situated within the context of the site and development proposals include but are not restricted to; Maiden Castle scheduled monument to the north; Durham City and Shincliffe Conservation Areas which border the site to the north, east and south; listed buildings including the Grade II Boundary Stone off the A177 to the west and Grade II Shincliffe Bridge to the south. In the wider context the site also forms part of the setting of the WHS, especially in views on the approach to Old Durham around the historic Kepier Estate.
202. The application is accompanied by a Heritage Statement which has been amended during the determination of the application which concludes that the development will not unduly affect the significance of any heritage asset.
203. However, both Historic England and Design and Conservation Officers consider that the development would result in less than substantial harm to heritage assets.
204. The principal significance of the area in heritage terms relates to the historically open and relatively undeveloped nature of the land, forming part of 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. Both Historic England and Design and Conservation acknowledge that some of this character has been somewhat diluted by development clutter and that development in this landscape has been established for some time. Historic England highlight in their comments that the intensification of the development will have a harmful impact on the green and open characteristics of the area which contribute positively to the significance of the assets. However, the proposals would result in a deepening of existing impacts rather than an introduction of new impacts and the level of harm is described as minor. It should be noted that these detailed comments from Historic England relate to the scheme as originally submitted which was larger in scale and impacts have reduced as a result of the amendments.

205. It is understood that the harm referred to by Historic England and Design and Conservation relate to all the designated heritage assets within which the site is considered to be in the setting – therefore Maiden Castle, the WHS and Durham (City Centre) and Shincliffe Conservation Areas.
206. CDLP Policy E3 seeks to protect the WHS and its setting. As some minor harm to land forming its setting has been identified the proposal is in some conflict with the Policy. Policy E3 also requires proposals to accord with other relevant CDLP Policies including E1 which, as already discussed, some conflict exists. Both the Castle and Cathedral ranges are individually listed as well (Grade I) and therefore the harm to the setting of the WHS is considered to extend to harm to the setting of Castle and Cathedral as listed buildings. This would bring the development into conflict with CDLP Policy E23.
207. Again, due to the minor harm considered to result to Durham (City Centre) and Shincliffe Conservation Areas and Maiden Castle scheduled monument there is considered to be in some conflict with CDLP Policies E6, E22 and E24.
208. CDLP Policies E6, E22, E23 and E24 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 tests 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.
209. The NPPF also highlights at Paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Furthermore, in respect to listed buildings, the Local Planning Authority has a statutory duty imposed upon it under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, when considering whether to grant planning permission for a development.
210. In regards to matters of archaeology, the application is 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. These reports have previously supported planning application DM/17/00713/FPA for the playing pitch rationalisation. Archaeology have raised no concerns or objections and 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.
211. Consideration of the weight to be attributed to the public benefits of the proposal against the heritage harm is provided in the conclusions to this report.

Ecology

212. The application is accompanied by an ecology report and otter survey which have been amended during the determination of the application together with a woodland path upgrade report which incorporates a bat survey report. The ecology 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. All designated ecology sites within 2km of the site are non-statutory Local Wildlife Sites. The submitted ecology report considers that the development proposals would cause no impacts upon any designated sites.

213. The submitted ecology report, supported by the survey work, concludes that the European Otter is likely to be present within the River Wear and the river and the wooded context of the site means that the area is likely to provide commuting and foraging corridor for bats. The report considers that no buildings or trees within the site are likely to support bat roosts. Trees on site may also support nesting birds.
214. Key elements of these mitigation measures include, in respects to otters, that no construction activities to be undertaken within 10m of the River Wear's edge and any exposed trenches and ditches capped at the end of the day and in respects to nesting birds that shrub and tree clearance occurs outside of the bird nesting seasons unless an ecologist has undertaken a checking survey first. In respects to bats and otters the submitted reports emphasise the need for a sensitive external lighting scheme. The previously approved developments at Maiden Castle which permitted the rationalising of the pitches and erection of floodlighting contained sensitive lighting schemes and a specific condition which requires the approved floodlights which serve the 3G pitch to be switched off between the hours of 10pm and 6am.
215. The proposed upgrade to the Public Footpath No. 41 incorporates lighting. As a result the application is accompanied by a bat survey report to consider bat activity in the vicinity of the route and consider the implications of the lighting. The lighting has been designed to be ecological sensitive incorporating the LED lights; lighting directed to reduce spill; lighting levels kept low as practicable (average of 2 lux anticipated) and that the lights are turning off at certain periods. As further mitigation it is also proposed that bat boxes erected within the woodland. The results of the lighting upgrade are described as being minor negative upon the foraging of bats.
216. It is noted that amongst the public objection to the development on ecological grounds that a concern is raised with regards to the influx of new visitors to the site and that this will disturb diverse wildlife.
217. However, Ecology Officers have raised no objections to the submitted reports or impacts of the development. This relates to the specific impacts of the development proposals upon protected species and no expression of concern of a general harm caused by visits to the site is raised. As a result no objections are raised to the development on ecological grounds. The presence of a protected species is a material consideration. With regards to European Protected Species (EPS) under the requirements of the Habitats Regulations it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless works are carried out with a benefit of a licence from Natural England. The Habitat Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. As no adverse impacts upon any EPS are considered to result from the development there is no requirement to assess the likelihood of an 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 2017.

218. 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.

Highways Issues

219. The application is accompanied by a Transport Statement (TS) and Travel Plan (TP) which have been amended during the course of the determination of the application.
220. It should be noted that revised access and car parking arrangements for the site have already been approved as part of planning application DM/17/00713/FPA which also proposed the rationalisation of sports pitches at the site. These revised arrangements entail the formation of a separate vehicular access and egress, an improvement in safety terms from the previous single access/egress point. The revised access and egress points would be located immediately next to one another and in a location approximately 35m farther to the south-east than the existing position.
221. No change in overall parking provision results with the revised car park with provision for 250 car including 16 coach parking spaces. However on the existing site all car parking spaces are not delineated and would so in the rationalised design and the overflow areas would be provided on reinforced grass. Cycle parking provision was also agreed as part of the previous planning permission with parking for 74 cycles proposed. The upgrade of an existing pedestrian/cycle access onto the A177 via the car park was also approved with a wider entrance and surface.
222. The submitted TS predicts occupancy levels when facilities are operating at maximum capacity (excluding specific major events). This occupancy is stated as being 368. The TS then determines the modal split of visitors to the site. The predicted trips include that 70% of student visitors would walk to the site with 54% of staff arriving in a single occupancy car. Trip generation based upon the modal split is then presented. The TS predicts a total in any hour of 368. The majority of all student visits to the site are predicted to be via sustainable transport options with 297 of the 368 predicted to be student visits via walking, cycling and public transport.
223. It should be noted that the above trip generation is for the standard occupancy levels of the development. As the University aims to bring high profile events to the site with a maximum capacity of 2000 total visits to the site would in such circumstances be greater. The submitted TS confirms that the University are to devise event management measures for such events. Events would be ticketed which would limit the number of cars which could travel to the site and particular control would be necessary at the peak traffic times.
224. In respect to public transport bus stops are located adjacent to the application site on the A177 with frequent services including to and from Durham City centre and the site is considered to be well served in this regard.
225. In respect to pedestrian and cycle accessibility, the route of the A177 between the western edge of the site and the roundabout at Whinney Hill is compromised in its nature with no footpath on sections to one side of the carriageway whilst on the other the footpath is raised with a wooded embankment to one side and retaining wall to the other. The submitted TS includes a pedestrian comfort analysis and this confirms the compromised nature of the route for pedestrians.

226. The Highway Authority has raised no objections to the development. The trip generation predictions contained within the submitted TS are considered accurate. No objections or concerns are raised that the previously approved access and car parking revisions cannot cater for this proposed development. The Highway Authority is satisfied that demand at the major events with up to 2,000 capacity can be properly managed but it will require the devising of a management plan for the events and this can be conditioned in the event of an approval.
227. It is noted that Sustainable Travel officers, in the knowledge of the sub-standard nature of the pedestrian and cycle routes along the A177 recommend that improvements should be made in this regard. However, the Highway Authority note that due to the constraints posed by the A177 and adjacent wooded embankments any significant improvements to this pedestrian/cycle link would be impracticable to deliver. As an alternative the planning application proposes an improvement to the Public Footpath No. 41. This upgrade would be suitable for both pedestrians and cyclists. The upgrade would entail a new macadam surface with a proposed width where practical of 2.5m. It is proposed to erect lighting columns along the path, provide filter drainage where necessary and provide directional signage.
228. The proposal to upgrade Footpath No. 41 would assist in dispersing pedestrian and cycle movements to and from the site and as a result the Highway Authority raise no objections on the grounds that pedestrian or cycle movements on the A177 would increase to a point of creating an objection on highway safety grounds. Access and Rights of Way welcome the improvement.
229. Sustainable Travel Officers have welcomed much of the content of the revised travel though some requests for further alterations are made. In such circumstances it is considered necessary in the event of an approval to require agreement to be reached under a condition.
230. Public objections to the development on highways related issues include the specific request of assurance that the applicant will pay for any highways improvement works and not the Council. The access, car parking and footpath improvements are to be implemented by the applicant. It is also highlighted that Whinney Hill and Hallgarth Street are residential areas and both have 7.5 ton weight limit and assurance is sought that construction vehicles would not breach this. Construction vehicles would be required to abide by relevant existing highway restrictions.
231. Overall, no objections to the development are raised in respect to highways related matters with the development considered compliant with relevant parts of CDLP Policies T1, T20, T21, R8, R10, R11 and Q2. These Policies are considered either fully (Q2, T20, T21 and R11) or partially (T1, R8 and R10) consistent with the content of the NPPF and can be attributed weight in the decision making process. Though an applicable Policy, T10 is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. As a result the Policy is attributed very limited weight in the decision making process. Regardless, having regards to the comments of the Highway Authority that parking provision is considered acceptable, the development is considered largely compliant with the Policy.

Flood Risk and Drainage

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

some smaller areas within Zones 3a, 2 and even 1 in the very far west of the site. The application is accompanied by a Flood Risk Assessment (FRA) which has been amended during the course of the determination of the application.

233. NPPF Paragraph 101 advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. To this end the application is accompanied by a sequential test which has been amended during the course of the determination of the application. The sequential test approach and content is similar to that already discussed in respects to Green Belt land and the availability of town centre sites. Again the sequential test searched for potential alternative sites for the development and the search focused upon sites within a 20 minute walk to any Durham University facility, sites contained within the County Durham Open Space Needs Assessment (which identifies recreational land across the County) and any Durham University owned land (also within the specified walking distance). Such an approach to the search area is considered appropriate. The submitted sequential test therefore focuses upon 28 sites and whether they constitute suitable, developable and deliverable alternative sites. The submitted sequential test concludes that there are no reasonably available alternative sites in a sequentially preferable location which can accommodate the development. Again, the assessment is considered to demonstrate an absence of sites which would be clearly sequentially preferable and appropriate for the development. Furthermore, there would be clear disadvantages to disaggregating the development from the existing site. The extension can build upon and rationalise the facilities which already exist at the site. To locate the facilities elsewhere would effectively result in two University sports centres of similar functions in different locations and would not to the same extent capitalise on the benefits of a hub at the one site.
234. The NPPF also advises that unless overriding reasons direct otherwise the most vulnerable development should be located in the areas of the application site subject to the lowest flood risk. The majority of the application site falls within Flood Zone 3b limiting the areas of the site which are at less risk of flooding. Areas closest to the existing sports centre which is sought for extension fall within Flood Zone 3b. To avoid Flood Zone 3b would involve the detachment of the building with the functional disadvantages which this would bring and its siting elsewhere on the site which has been utilised for other purposes such as outdoor pitches. Furthermore, in some areas of the site where the land is less susceptible to flooding the building simply would not fit such as the small area of Zone 1 to the west. The areas of the land less susceptible to flood risk are also situated closer to the A177 and situating the building in this location would heighten the harmful impacts in landscape and visual terms and perceptual impacts upon the openness of the Green Belt.
235. The NPPF advises at Paragraph 102 that if the Sequential Test is considered to have been passed the Exception Test can be applied if appropriate.
236. In order to satisfy the Exception Test a development must show that the development will provide; i) wider sustainability benefits to the community that outweigh the flood risk and ii) demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.
237. Though not stated in the NPPF itself, the PPG advises that the Exception Test should only be applied in certain circumstances. In the case of indoor sports centre facilities proposed the PPG advises that the development should not be permitted.

238. Nevertheless the application is accompanied by an Exception Test. In respect to the first test on wider sustainability benefits much of the considered benefits which the application highlights is aligned with that which forms the basis of the VSC case in respects to the development in the Green Belt. The benefits cited in the Exception Test include but are not restricted to benefits that the new and improved facilities will bring both to the University and wider community. Emphasis is placed upon the benefits that the development can bring to providing more opportunities for physical activity and in turn physical and mental well-being.
239. The second part of the Exception Test requires the development to be safe for its lifetime without increasing risk elsewhere and where possible reduce flood risk overall.
240. The FRA explains that the proposed buildings have been designed to be of flood resilient construction and would permit water to enter the buildings and act as flood water storage rather than be impenetrable and cause the floodwaters to divert elsewhere and potential cause harm. The elevations to the building are to be designed to include perforation to permit the water to enter. The building is designed as far as practicable so that should it be flooded the impact of the water upon it is reduced through its material specification i.e. no permanent damage is caused, structural integrity is maintained, and drying and cleaning are facilitated. Safety measures include that all electricity services terminate 1200mm above the floor level.
241. In terms of management of the site, the applicant has confirmed that the existing Maiden Castle site has flood warning and management measures in place and that these would be elaborated upon for the specific development proposed. Measures incorporated include flood barriers, evacuation measures and furniture movement measures.
242. Though set against the Environment Agency maps the site is predominantly located within Flood Zone 3b the site is separated from the River Wear by an existing flood bank which provides in practical terms provides protection against a predicted 1 in 100 year event. As a result the site is more protected than its flood zone designation suggests. For flood waters to enter the site and ultimately the buildings, the existing flood bank would be required to be either breached or overtopped, though clearly in a more extreme event this could occur.
243. The site benefits from its relative isolation from other built development. Should the site flood it is site and University land and development which would suffer from this. The submitted application documentation includes correspondence with the Environment Agency who describe the potential for any increase in flood risk elsewhere as minimal. Flood waters should remain on the site and thereby not increase the risk of flooding elsewhere. The Environment Agency has raised no objections to the development on flood risk grounds.
244. With regards to surface water disposal the application documents present that this will be disposed of via a filter drainage system and outfalls discharging into the River Wear. The discharge of the waters is to be controlled at the equivalent of the greenfield run-off rate. Drainage and Coastal Protection officers are satisfied in principle with the surface water disposal strategy and again that an increase in flood risk off site should not occur as a result of the development. However, they do state that no final drainage design strategy which includes site levels have been submitted and therefore it is considered that in the event of an approval, final details would require agreement.

245. In respect to matters of drainage, foul water flows to emerge from the development are proposed to be disposed of via connection to the main sewerage system. Northumbrian Water have raised no objections.
246. In conclusion, officers are satisfied having regards to the Exception Test that wider sustainability benefits to the community that outweigh the flood risk have been demonstrated and that the development can be designed so as to be safe for its lifetime without increasing flood risk elsewhere. Given the site has an existing flood protection bund, the site benefits from a degree of flood protection and despite the land being located within Flood Zone 3b, for water to flow and be stored on site during times of flood it has to be in times of a flood event worse than a 1 in 100 year event.
247. In the circumstances and despite the flood zones which cover the site and relative vulnerability of the development officers do not object to the development on flood risk or drainage grounds. It is considered that the development would not result in an unacceptable flood risk and the development is considered compliant with CDLP Policies U8a, U9 and U10 and Part 10 of the NPPF. These policies are considered either fully (U8a) or partially (U9 and U10) consistent with the content of the NPPF and can be attributed weight in the decision making process. It is noted that public concerns in respects to flood risk and drainage raise concern that there is the potential for deep piling engaging with the artesian water. Whilst with any intrusive ground works there is the potential for residual risk officers consider that there is no substantive evidence that this will be a problem likely to be encountered. There is an onus upon the developer to ensure that adequate ground investigation and assess of risk in this regard is undertaken.

Residential Amenity and Pollution

248. By reason of its Green Belt location the application 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 100m to the south-west of the application boundary. Concentrations of residential properties are located farther from the site boundary at the nearest parts of Shincliffe (approximately 115m to the south-east) and Whinney Hill (approximately 200m to the west.) The development subject to the application are farther still from these areas and properties.
249. As a result of the distances involved to properties beyond the application site and despite the significant scale of some of the development proposed, no objections are raised with regards for any potential for the development to cause any harm by reason of an invasion of privacy, loss of light, outlook or creation of any overbearing features.
250. Environment, Health and Consumer Protection officers raise no specific concerns with regards to the potential for noise as a result of the operational phase of the development. Officers similarly raise no concerns in amenity terms in this regard. It is acknowledged that public concerns in respects to amenity include concerns in relation to events being held which will affect them including at a weekend when they can expect "peace". Given the separation distances to neighbouring sensitive receptors and even accounting for the potential for some crowd noise during the more high profile events officers consider that the levels of disturbance would not be such that would warrant an objection on amenity grounds. Some disturbance could occur including from the general increase in comings and goings in the vicinity of the site, however, it is considered that this would not be to an unacceptable extent.

251. The application is accompanied by an air quality assessment (AQA). The development is proposed to incorporate an energy centre comprising of combined heat and power unit (CHP) and gas boilers and radiant heaters. The AQA considers the potential impacts of emissions from these units and concludes that they would be insignificant.
252. The AQA also considers the potential impact of increases in traffic and the associated changes in nitrogen dioxide and particulate matter concentrations. This includes impact upon the established Air Quality Management Area (AQMA) in Durham City. The AQA presents that the impact of the traffic emissions from the operational phase of the development is predicted to be negligible at all but three considered receptors where either a moderate or slight adverse impact is predicted. These three receptors are all on the edge of the AQMA at the junction of New Elvet, Hallgarth Street and Church Street. To help reduce these impacts further the AQA recommends mitigation measures most notably in the form of a travel plan.
253. Environment, Health and Consumer Protection officers have raised no objections. Whilst the operational phase of the development would locally increase existing levels of nitrogen dioxide within the AQMA it would be to a very minor degree and mitigation measures such as a travel plan would help to mitigate this. With regards to the construction phase of the development in order to reduce the potential impacts of dust Environment, Health and Consumer Protection officers recommend a Dust Action Plan which can be conditioned.
254. To reduce the potential impacts of the construction phase of the development upon sensitive receptors in the vicinity of the site a construction management plan should also be devised as recommended by Environment, Health and Consumer Protection officers.
255. Environment, Health and Consumer Protection officers have raised no objections to the submitted lighting design note. However, this note essentially covers in detail lighting which has already gained planning permission. Officers consider that though a condition is necessary to agree final lighting on the proposed build itself neither this nor the lighting proposed to Footpath No. 41 would be of a nature or impact which would harm any sensitive receptors.
256. In respect to matters of potential land contamination Environment, Health and Consumer Protection officers advise that a condition will be required in the event of an approval principally as gas protection measures would require devising and implementing at the site.
257. In respects to matters of land stability and coal mining legacy the Coal Authority have confirmed that coal seams which have been worked in the past underlay the site and may have been worked at outcrop close to the surface of the site. The Coal Authority therefore originally submitted comments stating that no objections are raised but that a condition would be necessary so that an intrusive investigation and as necessary remedial measures be undertaken. Subsequently the applicant submitted the results of an intrusive investigation with the view of removing the need for any condition. The Coal Authority has accepted that the intrusive investigation demonstrates that the site is or can be made safe and stable for the development and no request for a condition requiring further investigation is made.
258. Overall, officers raise no objections to the development on the grounds of any potential harm to the amenity of nearby occupiers or site users nor having regards to the potential for pollution, nuisance or safety concerns. The development is

considered compliant with relevant parts of CDLP Policies R8, R10, Q1, U5, U11, U12 and U13. These Policies are considered either fully (Q1, U11, U12 and U13) or partially (R8, 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.

Other Issues

259. The application is accompanied by a Sustainability and Energy Consumption Statement. The application states that a commitment to an 18% improvement over Building Regulation requirements for carbon and energy reduction measures is targeted together with a BREEAM “Excellent” rating. In order to achieve this it is in part proposed to located solar photovoltaics atop of the roof of the sports centre extension, however, final design is not resolved at present and as a result it is proposed that a condition be attached to any planning permission to resolve the final carbon and energy reduction measures proposed. In this regard the proposed development is considered compliant with CDLP Policy U14 (which is considered fully consistent with the content of the NPPF) and Part 10 of the NPPF.
260. CDLP Policy Q15 seeks to encourage the provision of artistic elements in the design and layout of proposed development and is considered an applicable policy to the development. The NPPF is silent on art though is supportive of creating well-designed spaces. Where such elements are not proposed in the development Policy Q15 seeks a financial contribution in lieu of this would be expected.
261. Having regard to the Community Infrastructure Levy (CIL) Regulations and advice contained at NPPF Paragraph 204, planning obligations ensured via a S106 legal agreement should be; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.
262. Public art provision is not necessary to make the development acceptable – the development can remain acceptable without either public art installations on site or indeed offsite contributions. Such an obligation would fail to meet the CIL Regulations.
263. Public objection to the development includes objection to the community engagement exercises undertaken by the applicant. The application is accompanied by a Statement of Community Involvement and this details that a public exhibition was held together with a letter and leaflet drop. Ultimately the pre-application consultation with the public and stakeholders is not a statutory requirement though is welcomed as good practice. The applicant has undertaken consultation and reported their considered findings within the application. Officers consider that no objections can be raised to the development itself on the merits or otherwise of this consultation exercise.
264. Public objection to the development includes that in relation to the proposed name of the development site. However, it is considered that this is not an issue which can be attributed any significant weight in planning terms.
265. Public objection received in respects to the application raise concern at the piecemeal nature of planning application submissions for development by Durham University. 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.

266. The Durham City Neighbourhood Planning Forum submit specific concerns with regards to the some of the culture/behaviours which can exist in sport at Durham University. Submissions are made which it is considered highlight some concerns within the University itself in regards to the existence of such culture amongst the sporting fraternity. This is cited as another reason why the very special circumstances case for the development is considered to be unacceptable. Officers would not wish any planning permission for sports development to have any condoning effect of any alleged unacceptable cultures or behaviours amongst the Durham University sporting fraternity. However, equally officers consider that any organisation has the potential to include members and users who could at times act irresponsibly. Officers consider on the basis of the evidence before them that the potential for this does not undermine the case put forward by the applicant or the potential benefits that the development would bring.

CONCLUSION

267. 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.
268. 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.
269. 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 the recreation Policies R8 and R10 though again these policies are only partially consistent with the NPPF.
270. Informed by the views of Landscape officers the extent of adverse landscape impacts is such that it would come into conflict with CDLP Policy E10 which seeks to protect Areas of High Landscape Value. CDLP Policy E10 can be attributed moderate weight in the decision making process having regards to its degree of consistency with the NPPF.
271. The identified less than substantial harm to the WHS, Durham (City Centre) and Shincliffe Conservation Areas and Maiden Castle would bring the proposals into some conflict with CDLP Policies E3, E6, E22, E23 and E24. Whilst it is considered full weight can be attributed to Policy E3 the remaining applicable heritage policies

are considered to have some clear inconsistency with the NPPF and their weight must be reduced. 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.

272. The heritage harm includes harm to designated heritage assets of the highest significance and assets on which the LPA has a statutory requirement to have special regard to the desirability of preserving their setting and this must also be factored into the balance. However, the degree of harm to all heritage assets is considered minor – as referenced in the comments of Historic England. The public benefits of the proposal are represented in the VSC case in respects to the Green Belt. The benefits which would result from the extended and improved facilities both to the University users and community users are considered significant and outweigh the less than substantial harm in heritage terms.
273. Remaining CDLP Policies are considered to be complied with including those relating to the key material planning considerations of ecology, highways issues, flood risk, residential amenity and pollution. Though as detailed in the report there is some conflict with PPG advice in relation to flood risk issues and some minor adverse impact would occur to air quality within the established AQMA.
274. The overall planning balance is considered to rest upon whether the very special circumstances case in support of the inappropriate development in the Green Belt clearly outweigh the harm to the Green Belt and any other harm. The other harm in this instance relating to the aforementioned heritage, landscape and visual harm, the impact upon air quality and to an extent the harm caused to the exposure of the development to flooding.
275. Any harm to the Green Belt must be attributed substantial weight and though some mitigating factors aid the extent of this, the development is of a nature and scale that the harmful impact is substantial and includes some conflict with the purposes of the Green Belt. Similarly the scale and nature of the development would result in some significant adverse landscape and visual effects albeit these will be localised.
276. However, officers consider that there are clear and convincing very special circumstances which apply to the development. The development once completed would provide a state of the art sports facility and sporting hub to facilitate both sporting excellence and opportunities for participation at local and community level. Such facilities will contribute significantly to the University and contribute to its efforts to remain a world renowned and leading University. The significant concern within some public responses that the facilities are not ones of absolute need for the University are noted as are the comments that the University does not struggle to recruit without these facilities. However, there are risks to any organisation of “standing still” and if the University is to maintain its success then it is likely that this will in part depend upon a continued and concerted effort to ensure that its offer in all departments is as competitive as possible. As highlighted throughout the report the benefits would extend beyond the University users to the community. Access to and participation in sport can make a significant contribution to the health and well-being of communities and evidence suggests that County Durham’s health and participation in healthy sporting activities is in need of improvement.
277. Overall, it is considered that the benefits of the development are considered to amount to very special circumstances which do clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm identified that would result from the development.

278. 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. As the development consists of inappropriate development in the Green Belt which includes the provision of buildings of 1,000m² or more any resolution of approval must be referred to the Secretary of State via the National Planning Casework Unit for their consideration on whether to call in the application for their determination.

RECOMMENDATION

That the application be **APPROVED** subject to;

The referral of the application to the Secretary of State via the National Planning Casework Unit; and in the event of the application not being called in, the Head of Planning be authorised to determine the application

and

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:

Landscape Masterplan DUMC-00B-S1-XX-DR-L-0105 Rev P02 received 17 January 2018

Proposed South Elevation DUMC-SPA-01-ZZ-DR-A-02-1001-S4-P1 Rev P1 received 16 January 2018

Proposed Roof Plan DUMC-SPA-01-RF-DR-A-01-1001-S4-P1 Rev P3 received 16 January 2018

Proposed West Elevation DUMC-SPA-01-ZZ-DR-A-02-1003-S4-P1 Rev P1 received 16 January 2018

Proposed East Elevation DUMC-SPA-01-ZZ-DR-A-02-1002-S4-P1 Rev P1 received 16 January 2018

Elevations 3389-FBA-00-XX-DR-A-00_10-58 Rev P1 received 9 January 2018

General Arrangement Elevations Sheet 1 DUMC-SPACE-02-XX-DR-A-02-0001-S4-P2 Rev 2 received 16 January 2018

Proposed Level 00 Floor Plan DUMC-SPA-01-00-DR-A-01-1001-S4-P1 Rev P1 received 9 January 2018

Proposed Level 01 Floor Plan DUMC-SPA-01-01-DR-A-01-1001-S4-P1 Rev P1 received 9 January 2018

Proposed Level 02 Floor Plan DUMC-SPA-01-02-DR-A-01-1001-S4-P1 Rev P1 received 9 January 2018

Fencing Beach Volleyball Courts LD-DET-602 A received 1 December 2017
Pavement Buildups and Kerb Details Sheet 1 3389-BHE-XX-00-DR-C-0270 Rev C01
Received 1 December 2017
External Wall Section & Elevation 5 3389-FBA-00-ZZ-DR-A-00_10-66 Rev P1
External Wall Section & Elevation 3 3389-FBA-00-ZZ-DR-A-00_10-64 Rev P1
External Wall Section & Elevation 2 3389-FBA-00-ZZ-DR-A-00_10-63 Rev P1
External Wall Section & Elevation 1 3389-FBA-00-ZZ-DR-A-00_10-62 Rev P1

Documents:

Air Quality Assessment 035953 Revision 01 dated 19 January 2018
Risk Assessment Form HS&E-FRM-H03-03 Issue 06 Rev N 00
Woodland Path Upgrade 6959-LD-REP-020
Otter Survey DurUni_MaidenCastle_Otter 2.2
Flood Risk Assessment & Drainage Strategy 035953 dated 28 November 2017
Ecology Report DurUni_MaidenCastle_Eco4.2
Arboricultural Impact Assessment DurUni_MaidenCastle-AIA1.2 received 1
December 2017
Employment and Skills Plan dated April 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E1, E3, E6, E10, E15, E16, E18, E19, E22, E23, E24, T1, T21, R8, R10, R11, C3, Q1, Q2, Q5, Q6, Q15, U5, U8a, U9, U10, U11, U12, U13, U14 and Parts 2, 4, 7, 8, 9, 10, 11 and 12 of the NPPF.

3. No development shall take place until a Phase 3 Contaminated Land Remediation Strategy detailing the proposed remediation and verification works required has been first submitted to and then approved in writing by the Local Planning Authority. If the Phase 3 requires gas protection measures then a verification plan will be require submission detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out so as to ensure mitigation of the risk to the buildings and the people who occupy them.

Thereafter a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority prior to the development hereby approved being occupied/brought into use. If integrity testing of the membrane(s) was required a verification pro forma should be included in the submission.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11. Required to be a pre-commencement condition as the investigation of the potential contamination must be undertaken prior to the occupation of the buildings.

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A 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;
- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors’ compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan 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: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to City of Durham Local Plan Policy U5 and Part 11 of the NPPF. Required to be a pre-commencement condition and the details of the construction management statement must be agree before works on site commence.

5. No development other than preliminary enabling works relating to tree removal, tree protection, formation of site access and setting up of site cabins/welfare facilities shall take place until details of the disposal of surface waters from the site utilising a Sustainable Urban Drainage system (SuDS) has been submitted to and approved in writing by the Local Planning Authority. Said surface water disposal scheme should accord with the hierarchical approach to surface water disposal. The surface water disposal scheme shall include but not necessarily be restricted to the following;
 - Detailed designs of drainage and SuDs features, infrastructure and any associated works and landscaping
 - Full details of all surface water run-off rates and discharge rates to any watercourse
 - Full details of the management and maintenance proposals/regime

The development shall thereafter be completed in accordance with the approved scheme. The approved scheme shall be managed, maintained and operated in accordance with the approved details and in perpetuity.

Reason: To ensure adequate surface water disposal measures for the development in the interests of reducing the risk of flooding having regards to Part 10 of the NPPF.

6. No development other than preliminary enabling works relating to tree removal, tree protection, formation of site access, setting up of site cabins/welfare facilities and the formation of foundations/piling shall take place until full details, including samples and sample panels, of all external materials to be used in the formation of the buildings/extensions hereby approved have been first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development must be completed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area having regards to CDLP Policies E6, E10, R8 and R10 and Parts 7 and 11 of the NPPF.

7. No development other than preliminary enabling works relating to tree removal, tree protection, formation of site access and setting up of site cabins/welfare facilities shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. The submissions shall include as necessary detailed plans of renewable energy features for example photovoltaic panels to be erected on the building. Thereafter the development shall be completed and managed in accordance with the approved details.

Reason: So as to ensure that energy consumption minimisation measures are incorporated into the development having regards to City of Durham Local Plan Policy U14 and having regards to Planning Practice Guidance Paragraph: 009 Reference ID: 6-009-20150327.

8. No external lighting proposed to be cited on the external elevations of any of the buildings/extensions hereby approved shall be erected until full details of the type, position and angle of the lighting and details of illumination levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the approved details.

Reason: So as to control the light emissions from the external lighting to serve the development in the interests of visual amenity and so as to avoid any harmful light pollution impacts having regards to City of Durham Local Plan Policies E3, E6, E22, E23, E24 and U5 and Parts 7, 9 and 11 of the NPPF.

9. The proposed buildings/extensions hereby approved shall not be occupied/brought into use until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement shall include details of pricing policy, hours of use, access by non-college/University users/non-members, management responsibilities and shall include a mechanism for review.

The Community Use Agreement shall be based upon the community use targets and proposals included within the Green Belt Justification Statement V2 received 17 January 2018.

The approved Community Use Agreement shall be implemented upon the commencement of the use of the development and thereafter the approved

Community Use Agreement must be implemented and adhered to so long as the buildings/extensions are in use/occupation.

Reason: To ensure that the community use benefits which form part of the Very Special Circumstances Green Belt case are implemented having regards to City of Durham Local Plan Policy E1 and Part 9 of the NPPF.

10. The proposed buildings/extensions hereby approved shall not be occupied/brought into use until a Major Events Management Statement has been submitted to and approved in writing by the Local Planning Authority. The Major Events Management Statement must include full details of measures to be incorporated so that the transport and visiting arrangements of those events with the potential to result in occupancy of the development at full capacity (attendances of approximately 2000) can be adequately managed. Such measures may include the following;

- Details of ticketing arrangements
- Details of car parking restrictions/limitations
- Restrictions of events to certain hours so as to avoid peak traffic periods

Thereafter the events must be implemented in accordance with the approved details.

Reason: In the interests of highway safety having regards to City of Durham Local Plan Policies T1 and having regards to Part 4 of the NPPF.

11. The buildings/extensions hereby approved must not be brought into use/occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be completed in accordance with the details contained within the approved travel plan and the actions contained therein implemented.

Reason: In the interests of promoting sustainable travel options and reducing potential impacts upon air quality having regards to Parts 4 and 11 of the NPPF.

12. The buildings/extensions hereby approved shall not be occupied/brought into use until the improvements to the woodland path/Public Footpath 41 (Durham City) as detailed within the Woodland Path Upgrade Report 6959-LD-REP-020 have been completed including all surface improvements and erection of lighting.

Reason: In the interests of the provision of adequate pedestrian and cycle provision to serve the development having regards to Part 4 of the NPPF.

13. The buildings/extensions hereby approved shall not be occupied/brought into use until a final flood response/flood management plan as referenced within the Flood Risk Assessment and Drainage Strategy report 035953 Revision 02 dated 28 November 2017 has been first submitted to and then approved in writing by the Local Planning Authority. Thereafter the development shall be managed in accordance with the approved scheme.

Reason: In the interests of ensuring that the development is safe from flood risk having regards to CDLP Policy U10 and Part 10 of the NPPF.

14. A final 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.

15. 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.

16. Notwithstanding details on the submitted plans, the car park within the site to serve the development must be implemented so as to include the provision of 2 parking spaces dedicated to electric vehicles and equipped with the necessary electric vehicle charging points/equipment.

Reason: In the interests of reducing the potential impacts of the development upon air quality having regards to Part 11 of the NPPF.

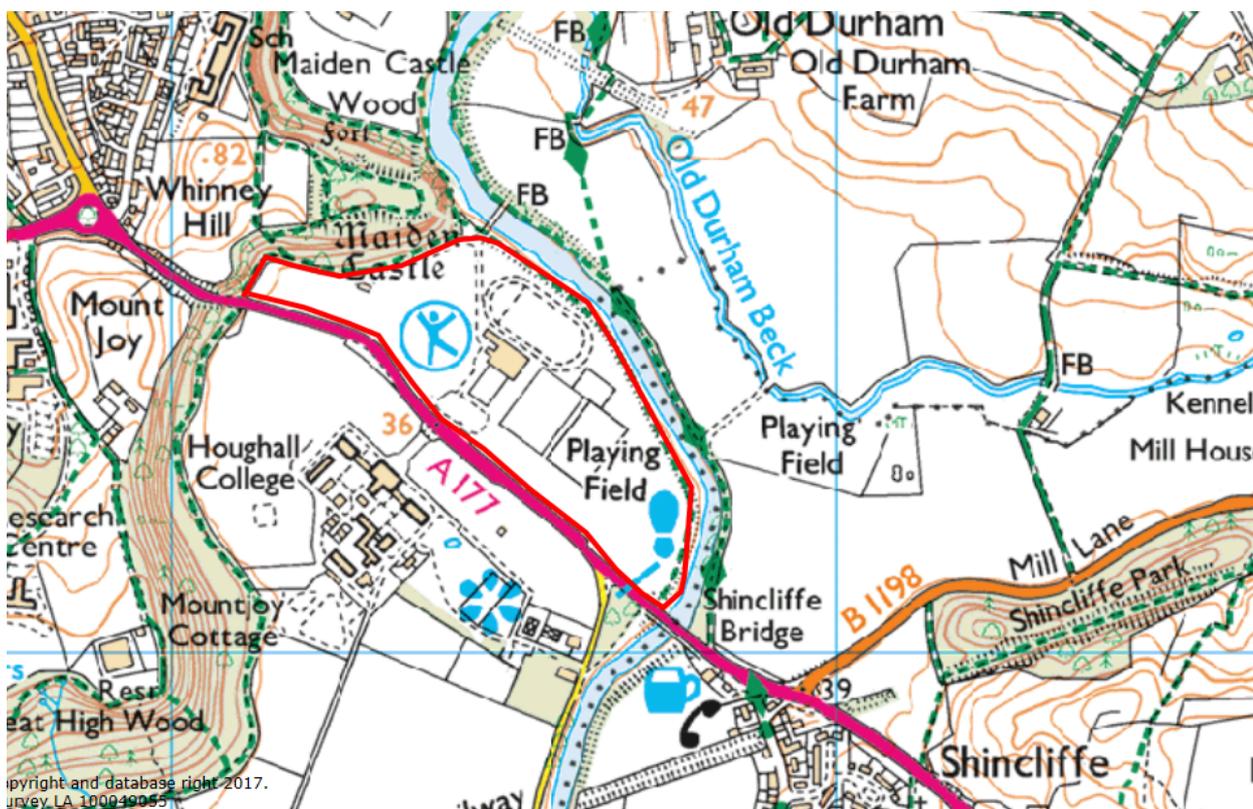
STATEMENT OF PROACTIVE ENGAGEMENT

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.)*

BACKGROUND PAPERS

- 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.



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Planning Services

DM/17/1929/FPA

Extension and refurbishment of the existing sports centre, erection of associated changing pavilion, 2 no. beach volley ball courts with associated landscaping and infrastructure (revised description)

Maiden Castle Sports Centre, Maiden Castle, Durham

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Date February 2018

Scale Not to scale