

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 April 2008

Page

APPLICATION REF. NO: 07/01124/FUL

STATUTORY DECISION DATE: 3 March 2008

WARD/PARISH: EASTBOURNE

**LOCATION: Darlington Football Stadium, Neasham Road,
Darlington, DL2 1DL**

DESCRIPTION: Hybrid application for outline planning permission for a 100 bed hotel, 1 No. public house, 1 No. coffee shop, 929 m2 office block ancillary to the football club , educational building with internal leisure facilities, football academy, new car parking and internal access provision. Full planning permission for 3 No. training pitches (1 floodlit all weather artificial turf pitches to act as relief car parking), 10 No. indoor six a side pitches, Darlington FC training building, infrastructure, access + car parking and an increased area + volume balancing pond (amended car parking management statement and additional transport assessment plus addendum to transport assessment received 14 December 2007 and amended supplementary environmental information received 24 December 2007) (amended description, amended plans, amended design and access statement, amended impact assessment and needs analysis, amended supplementary environmental information and amended floodlighting information received 21 December 2007, additional information received 29 January and 11 February 2008), (amended description 20 March 2008).

APPLICANT: DARLINGTON INVESTMENTS LIMITED

APPLICATION AND SITE DESCRIPTION

This is a hybrid application for both outline and full planning permission for development at Darlington Football Stadium at Neasham Road. The application site extends to some 14.1 hectares comprising both existing hard standing and car parking to the east and west of the stadium building, excluding the stadium building itself, and agricultural land to the north. The application site is bounded by Neasham Road and the A66 (T) to the south and west

respectively. Public Footpath Number 53 and an existing belt of mature trees dissect the site from west to east, running to the rear of the existing stadium building. Neasham Road Caravan Site also lies immediately to the north west of the application site with the railway line and Brankin Road stables forming the northern boundary of the site, beyond which lies residential development on Firth Moor. Cree Beck runs along part of the eastern site boundary beyond which lies agricultural land.

The application has been amended during negotiation with officers to omit reference to three A3 restaurant uses. The application in its modified form therefore is set out below.

The outline element of the application would take place on land to the east of the stadium and comprises the following:

- 100 bed hotel and associated leisure club
- 1 No. public house
- Coffee shop
- 929m² office block
- Educational building and internal leisure facilities to provide soft play area and children's nursery
- Football academy
- Access and car parking provisions

Details of access have been submitted for consideration at this stage, with the matters of layout, scale, appearance and landscaping reserved for subsequent approval. A Development Proposals Masterplan, axonometric views and a Design and Access Statement have been submitted to provide illustrative

DETAILED APPLICATION

- 3 No. outdoor training pitches (including 1 floodlit, all weather surface pitch)
- Training building incorporating 10 no. indoor six-a-side pitches and changing facilities
- Access, car parking and infrastructure provisions
- Increased area and volume of balancing pond

PLANNING HISTORY

The site has a lengthy planning history, the most recent and relevant of which is set out below:

99/00496/FUL – Construction of 25,000 capacity all seater stadium (EIA application).
GRANTED SUBJECT TO SECTION 106 AGREEMENT 18 September 2000.

01/00079/CONDIT – Variation of ref no 99/00496/FUL (construction of new football stadium) to provide new access to Neasham Road/A66 Roundabout, revised car parking and servicing arrangements, revised location of balancing pond and amended site boundary. GRANTED 18 April 2001.

01/00085/CONDIT – Variation of planning permission reference number 99/00496/FUL (construction of new football stadium) to alter design of main stand. GRANTED 26 March 2001.

02/00625/FUL – Variation of condition (5) of planning permission ref 99/00496/FUL to permit revisions to club shop, supporters bar, lounge bar and two restaurant units. GRANTED 26 September 2002.

03/01098/FUL – Use of stadium car park for holding of car boot fairs. GRANTED 21 January 2004.

03/01116/CU – Use of part of south stand concourse for nightclub (Use Class D2 – Assembly and Leisure) WITHDRAWN.

04/00939/CU – Use of part of stadium for B1 (Office Space) for the Independent Football Commission (IFC). WITHDRAWN.

06/00214/FUL – Application under Section 73 and Section 106B of the Town and Country Planning Act to vary planning conditions and Section 106 legal agreement of planning permission reference number 99/00496/FUL dated 15 June 2000 to permit ancillary uses at football stadium and revised capacity constraints and off site highway works. MINDED TO APPROVED SUBJECT TO SECTION 106 (not yet completed).

06/00728/CU – Change of use from office to physiotherapy treatment unit and exercise rehabilitation gymnasium. GRANTED 22 September 2006.

07/00587/FUL – Hybrid application for outline planning permission for 100 bed hotel, 4 no. restaurants, 1 no. public house, 1 no. farm shop and café, 929 sq m office block, educational building with internal leisure facilities, new car parking layout and internal access provision and detailed planning permission for 5 no. training pitches (1 with floodlighting and 2 with all weather multi-surface pitches to act as relief car parking), 10 no. indoor six-a-side pitches, Darlington FC training building, infrastructure, access and car parking and increased area and volume balancing pond. WITHDRAWN 11 October 2007.

PLANNING POLICY BACKGROUND

Land Use Planning Policy Framework

National Policy:

Planning Policy Statement 1: Delivering Sustainable Development and PPS1 Annex: Climate Change (PPS1)

Consultation Draft Planning Policy Statement 4: Economic Development (Draft PPS4)

Planning Policy Statement 6: Planning for Town Centres (PPS6)

Planning Policy Guidance 13: Transport (PPG13)

Circular 5/2005: Planning Obligations

Regional Spatial Strategy:

Regional Planning Guidance for the North-East (RPG1): especially Policies DP1 (Sequential Approach to Development), DP2 (Sustainability Criteria), TC1 (Town Centres), TC3 (Function of Centres), LD1 (Urban Commercial Leisure Development), SR1 (Sport and Recreation), SR3 (Sport and Recreation in the Green Belt and Urban Fringe), T1 (Location of Development).

Draft Regional Spatial Strategy for the North-East (RSS) (Further Proposed Changes February 2008): especially Policies 2A (Climate Change), 3 (The Sequential Approach to Development),

5A (Connectivity and Accessibility), 7 (The Tees Valley City Region), Policy 13 and paragraph 13.2 (Brownfield Mixed Use Locations), 16 (Culture and Tourism), FPC 60 (Key Employment Locations), 24 (Delivering Sustainable Communities), 25 (Urban and Rural Centres), 27 (Out-of-centre Leisure Developments)

Saved Tees Valley Structure Plan (TVSP) Policies (especially Policies STRAT1 (Spatial Strategy), TC3 (A Hierarchy of Centres)

Local Policies:

Saved Borough of Darlington Local Plan (BDLP) Policies, especially Policies E2 (Development Limits), R11 (Artificial Turf Playing Pitch); R20 (New Sports and Recreation Development), R24 (Leisure Facilities), EP7 (Office/Business Park Development) EP13 (Office Development Elsewhere), EP15 (Development Outside Employment Areas), S18 (Food and Drink Uses Outside the Town Centre), TO4 (Hotels and Guest Houses), T2 (Highways and Transport Management – New Development).

Particular attention is drawn to Planning Policy Statement 6: Planning for Town Centres (PPS6). This encompasses a range of ‘main town centre uses’ that include the public house, hotel and office elements of the outline proposal. The Government’s key objective here is to promote and enhance the vitality and viability of town centres by, amongst other things, focusing development in them and encouraging a wide range of services, accessible to all.

Proposals for these uses outside existing centres must meet tests that:

- assess the need for, and identify the appropriate scale of, the development;
- apply a ‘sequential’ approach to site selection;
- assess the impact of the development on existing town and other centres; and
- assess accessibility by a choice of means of transport.

The ‘sequential’ approach involves the identification of available sites for main town centre uses in the following order:

- locations in appropriate existing centres where suitable sites are likely to become available to meet the identified need;
- edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then
- out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport.

Applicants are required to consider the degree to which the constituent elements of a proposal can be accommodated separately.

Context

The Council granted planning permission for the new stadium for Darlington Football Club in this greenfield location on the edge of the town, as an exception to development plan policy, in view of its special locational requirements (Borough Local Plan Policy E2 directs most new development to locations within development limits).

The football club has been in discussions with the Council about proposals for new development at the site, to sustain the viability of the football club.

In this application, the applicants have responded to shortcomings in the earlier withdrawn application that officers had highlighted, by removing some elements, reducing the scale and scope of some of the others, and providing additional information.

The removal of the original bowling alley element is particularly important. This is a facility that should be provided in the town centre, and the limited developer and operator interest suggests that this is very unlikely to happen if permission is granted to develop elsewhere.

The removal of 3 No. restaurants in the amended description to this application is also important, as together with the proposed public house, these would have been likely to become attractions in their own right, competing directly with those in the town centre. The modification of the application in this way was considered vital to enable positive negotiations with regard to the application to progress.

Strategic Land Use Planning Policy Comments

These comments are presented as they relate to material planning considerations pertaining to the maintenance of a viable football club, the detailed planning application elements, and those elements that are only presented as outline at this stage.

The benefits of a viable Darlington Football Club

The Club has been an integral part of Darlington's social and economic life for over a century. It is a significant contributor to local pride and identity, and the publicity surrounding the Club, as a member of the Football League, helps to raise awareness of Darlington regionally and nationally. The Club's activities provide direct and indirect employment to the benefit of the Borough generally, and, more specifically, the stadium is located in a part of the Borough experiencing relatively high levels of deprivation.

1. Detailed planning application elements

The detailed elements of the application could potentially help to bring additional benefits. The proposed enhanced facilities for players and their training, co-located with the stadium, could help recruitment and retention of promising players. Along with the proposed six a side pitches, they also offer the potential for building on and developing the Club's outreach work. All of this could also assist in securing the club's aspirations to play at a higher level.

The contribution that this could all make to participation in active recreation by young people is substantial, with consequential benefits to community wellbeing and regeneration aspirations throughout and beyond the Borough.

Although difficult to quantify, most if not all of these potential benefits have the potential to be considered as material planning considerations.

The elements of the current application for which full details have been submitted will also function directly in conjunction with the operation of the stadium. In view of this functional relationship with the stadium, the proposed indoor and outdoor pitches, and the training building for Darlington Football Club are acceptable in this location (a planning condition would be

appropriate to require levels of use of the sports pitch facilities by the local community and by community groups).

2. *Outline planning application elements*

The main planning policy issues raised by this application relate to these elements, where the functional relationship with the operation of the football stadium are less clear. These issues revolve around the following questions:

- What are the requirements in financial and operational terms to achieve and maintain viability, and to what extent can additional development contribute towards meeting these requirements?
- What will be the impact of the development on the vitality and viability of Darlington town centre and other centres, and on regeneration proposals elsewhere in the area?

The answers to these questions need to be considered having regard to national, regional and local planning policies that direct the proposed uses towards sustainable urban locations.

The requirements to achieve and maintain viability

As part of the submission the club has submitted the argument that there is a substantial ongoing revenue account deficit, and that income from the main outline elements of the application proposal will be necessary to make up the shortfall. In considering this, the Council will need to investigate matters including:

- the day-to-day costs of running and maintaining the stadium, and those parts of the current proposal for which details are included as part of the current application (these should be relatively easy to quantify and predict)
- income and expenditure related to the performance of the Club in the Football League (these are potentially subject to substantial variation and far more difficult to predict)
- accounting provisions for capital servicing, and for depreciation.

The Council's consideration would also need to take into account the possibility that, however successful the Club might be in the future, the size of the catchment population and competition from nearby clubs will preclude attendances reaching the capacity of the stadium.

The planning concept of 'enabling development' normally relates to development that is required, often as an exception to planning policy, as a 'one-off' contribution towards the capital necessary to implement a desired proposal, e.g. to build a stadium. It is not normally applied to revenue support. However, the elements of the current proposals for which detailed permission is being sought together with some of the elements for which outline permission is sought (see comments below) could be considered to assist the operation of a sustainable and viable football club.

The impact of the proposed development

There are potential sites for offices and hotels, some already with planning permission, in the town centre, the town centre edge, Central Park, and allocated employment areas, in that order. These are all preferable locations in the context of national, regional and local planning policy. The applicants have not provided any robust information that indicates that these sequentially preferable sites will not come forward. There are already proposals for hotels of the scale

proposed, at Central Park, elsewhere adjacent to the A66(T), and at Durham Tees Valley Airport. Notwithstanding the applicants' claims of a shortage of accommodation in the area, and without prejudice to the findings of a recently commissioned study of hotel accommodation in the Tees Valley, there must be some doubt that there is sufficient demand or developer interest for all to be implemented, in the immediately foreseeable future at least. It could be argued therefore that the development of this site first could jeopardise the early development of preferred sites elsewhere e.g. Central Park, Morton Palms. Further, the potential hotel proposed at Central Park is a key element of regeneration and redevelopment proposals that has substantial public sector support at the regional and sub-regional level in published strategies and committed funding, and will be a key element of the Council's emerging spatial development strategy, to be outlined in the Council's emerging Local Development Framework Core Strategy.

The application makes clear that the 929sqm of office space would be used solely for ancillary office uses associated with the operation of the football club together with the recreational and educational elements that form the detailed planning application elements. Provided that this is the case, and that this is secured in any grant of planning permission, then the sequential approach considerations need not apply, and this element of the proposal could be considered acceptable.

The proposed public house element, as for the hotel, is contrary to planning policy, in particular PPS6: Planning for Town Centres, because it has not been supported with evidence to show that sequentially preferable locations are not available, or that any proposed schemes in the pipeline will not be coming forward.

The remaining uses proposed raise fewer impact issues:

- the educational day centre and classroom is proposed to function in close partnership with a training provider and the club's own Football and Community programme
- the proposed nursery and soft play centre, would be acceptable provided it is ancillary to the stadium and the educational day centre. There would some concerns about this if this was to develop into a self-contained commercial destination in its own right, and some controls need to be implemented through any grant of planning permission to ensure that its 'ancillary' nature is specified.
- the proposed cafe, proposed to be used by those visiting the educational day centre, would be acceptable provided it is an integral part of the educational day centre building as opposed to being sited in a free-standing building, and again, its use remains 'ancillary', rather than being a destination in its own right.

Conclusion

To conclude:

1. The detailed elements of the application (indoor six-a-side pitches, training pitches, training building and infrastructure, access and parking do appear to have functional linkages to the operation of the football club, and as such would be acceptable uses in this location. This functional linkage should be secured as part of any grant of planning permission, and should include a community use agreement for the outdoor and indoor pitches. The potential benefits of the indoor and outdoor pitches and the training building for Darlington Football Club are material considerations that weigh in favour of this proposed development, by contributing to a viable football club. The educational day centre and classroom (outline elements) can be considered similarly.

2. In isolation, the hotel element of the proposed development is contrary to planning policy, as the applicant has not demonstrated that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres. Furthermore, if allowed, it could jeopardize the implementation of other proposed hotels of a similar scale in more sequentially preferable locations, including that proposed at Central Park, a flagship sub-regional regeneration and redevelopment scheme.

3. In principle, the proposed office space would be acceptable, provided that its use is limited to those ancillary to the operation of the football club and the recreational and educational elements that form the detailed planning application elements.

4. In isolation, the proposed public house is contrary to planning policy, as the applicant has not demonstrated that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres.

5. The proposed café, nursery and soft play centre would be acceptable, provided that their primary function is limited to supporting the other proposed (and existing) uses on the site, rather than constituting destinations in their own right.

In making a decision on this application as a whole, careful consideration will need to be given as to the relative weight that should be given to the material planning considerations that pertain to the viability of the football club and those that arise out of the application of national, regional, strategic and local planning policy.

The other matters relating to the determination of this application relate more specifically to development control and are referred to in the forthcoming sections of this report

RESULTS OF CONSULTATION AND PUBLICITY

The following section of the report outlines the responses received from both statutory and neighbour consultees.

Environment Agency

Objects to the proposed development on the grounds that the Flood Risk Assessment (FRA) and drainage strategy provided are acceptable in principle, but the following additional information is required before the agency can be satisfied that the development will not cause or exacerbate flooding elsewhere:

- *Confirmation that the balancing pond will be sized to accommodate 1:100 storm volumes while maintaining existing discharge rates to Cree Beck;*
- *The 'flood pond' referred to in the FRA is a balancing pond installed to attenuate run-off from the Firth Moor housing estates. This pond should therefore be retained or the same volume accommodated elsewhere in the development adjacent to Cree Beck.*

(Revised comments) - Based on the information provided in the flood risk assessment and drainage strategy, and the supplementary information provided in January 2008, the Agency now removes their initial objection to the proposed development, subject to a planning condition being placed on any planning approval:

Natural England

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law subject to the imposition of planning conditions relating to bats and breeding birds.

Natural England broadly welcomes the proposals in the Ecology plan provided with the consultation, to retain existing wildlife corridors and mature trees and hedgerows, and also to develop new wildlife areas to encourage new populations, We would advise that the developer consults closely with a suitably qualified ecologist when undertaking such proposals, notably the proposed 'new habitats'.

Ramblers Association (Darlington Group)

Footpath 53 as a footpath in the urban fringe appears to be well used but not abused, as is often the case in such locations. The route, passing along a fine corridor of mature trees, shrubs and hedging is a valuable asset for the general public. Note the applicants' plans showing the public right of way as a bridleway. If the application is approved we wish the following to apply:

- *That if the public right of way is changed to a bridleway the informal path is also given bridleway status to connect with Hurworth Bridleway No. 2;*
- *If the above is decided, the applicant could improve the section alongside and at grade with the A66 by installing close-boarded fencing to alleviate the noise pollution. In addition tree and shrub planting would improve the area;*
- *As the applicants' plans show 3 vehicular crossings of the public right of way, we would expect these to be constructed to give priority and safety to users of the public right of way.*

CPRE

Object to the proposals for the following reasons:

- *The description of the application does not make mention of a bowling alley, although the accompanying documentation does. If one is proposed we object in the strongest possible terms, as it can in no way be construed as football related.*
- *There is a conflict within the documentation regarding the Education Centre. One the one hand it is said it is not known what NVQs are to be studied, on the other there is mention of collaboration with Darlington College to help with the oversubscribed sports course. If non-sporting courses were proposed we would object. We note that the hotel is planned to be a training hotel and so hospitality courses may be acceptable provided they are in support of the training hotel.*
- *Concerned at the effect of the 3 restaurants [now removed from the application] and tearoom on the other catering establishments in the area. The viability of the other facilities in the area should not be compromised.*
- *Object to building materials being dealt with at the reserved matters stage. This is a large set of buildings in a prominent position on a site, which should never have been developed in the first place. The brash, white superstructure of the stadium is totally out of place and contrary to the muted tones should in the artist's representations of the original application. Such a significant development in such a significant location should be detailed in the colour scheme with the materials to be used.*
- *It is noted that the boundaries of the application do not include the tree belt in the proposals, but the proposals will have an effect and there should be a thorough assessment and management plan covering the tree belt to ensure its future. The tree belt is valued and used by local people. It is particularly notable for the mature under storey.*

- *The current development has a major impact on the local road network, which frequently proves unable to cope. The additional impact of the new proposals brings concerns of the situation becoming even worse.*
- *The current development has a major impact on the area with problems of parked cars on event days. The additional impact of the new proposals brings concerns of the situation becoming even worse.*
- *With many people we have a wish for Darlington to have a strong and active football club. With many we wish the stadium had been built somewhere more appropriate. However it was built where it was built and must now suffer the consequences. Do not consider that the residential amenity of those living nearby should be affected detrimentally for a development, which should never have been built where it is in the first place, and which was supposed to be for football related use only.*

Durham County Council Archaeology Section

No objections to the proposed development.

Sport England

Sport England wishes to support the application subject to the imposition of conditions.

Highways Agency

(Original comments) – There are a number of outstanding issues regarding the documents supporting the application of the Darlington Community Sports Village and Education Centre (DCSVEC) that need to be resolved. These include:

- *Amendments to the Travel Plan; and*
- *Amendments to the Car Parking Management Strategy.*

These amendments have now been agreed with the Highways Agency, who now raise no objections to the proposal, subject to appropriate conditions being attached to any approval. (These are included within the recommendation section.)

One North East

The proposed development falls within the following notification criteria: all retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development of over 10 hectares and/or 2500m² floor space. It is understood that the application is a resubmission of a previously withdrawn application and that the current application differs from the withdrawn submission, in that the tea room, farm shop and coffee house and been replaced by a café, the restaurants have been removed and the proposed car wash has been omitted. The resubmission is also accompanied by amongst other things, an addendum to the planning statement and a hotel bed space gap analysis study. One North East has an interest in a number of sites and proposals, which are considered to be of relevance to the wider assessment of the application, which include the expansion Durham Tees Valley Airport, Central Park and a joint venture with Darlington Borough Council to deliver 32,500m² of office space at Morton Palms. While One North East does not have any objection in principle to the proposal there is concern that the proposal has the potential to undermine established regeneration objectives. The Agency would therefore urge the Authority to carefully consider the cumulative impact of the B1 office and hotel elements of this proposal in the context of existing sites, permissions and regeneration schemes. If minded to approve, the Local Planning Authority must be satisfied that this proposal would not result in the saturation of the B1 office or hotel markets, which would be likely to have an adverse impact upon the regeneration objectives. The Darlington Hotel Bed Space Study accompanying the application relies on somewhat dated information. The

Northeast England Accommodation Study provides more up to date information. The Regional Economic Strategy promotes the need for quality of place within existing and proposed development. The Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of the site. The application should also provide details regarding the provision of renewable energy measures within the site.

North East Assembly

Should the local authority not be fully satisfied that the town centre uses proposed could not be accommodated in a more sequentially preferable location, [The application has now been amended to remove the majority of town centre uses] it is considered that the development proposal would not be in general conformity with the objectives of RPG1 policies DP1, TC1 and TC3 and the RSS proposed changes policies 3 and 25. This issue is highlighted as a matter for the local authority to consider in determining the application.

Hurworth Parish Council

No comments to make.

CE Electric UK

Provide details of all known Northern Electric apparatus in the area.

Northern Gas Networks

No objections to the proposals, however there may be apparatus in the locality that may be at risk during construction works.

Durham Constabulary (Force Architectural Liaison Officer)

There are no objections raised.

Eastbourne Community Partnership

Members are happy to endorse this application for planning permission. After discussions with the club we are very pleased that the club listened to our concerns and have appeared to address every one of them with this revised application.

Results of Local Consultation

Notification letters were sent to 1051 individual properties. The application was also publicised by 6 site notices posted on and around the site and by an advertisement in the Darlington and Stockton Times. In response to this consultation, 10 letters of objection have been received which raise the following issues:

- *The application site is on land outside the Darlington Local Plan.*
- *Darlington Borough Council is committed to creating nature reserves. The loss of mature hedgerows and trees, should the development be allowed, would outweigh the benefits of the locally created reserves.*
- *The size and type of development is not suitable next to the A66.*
- *There is very limited access to the site.*
- *The site is congested with a decreased amount of car parking. The proposed use of the pitches for parking, if the need arises, does not equate to the area lost to parking.*
- *There are sufficient hotels in Darlington to account for the football clubs needs. Indeed a further hotel is being proposed at Morton Park. Any income gained by the football club from the hotel would be a loss to Darlington's established hotels.*

- *The Tawny Owl and Copper Beech are within easy walking distance of the football ground. There are a number of bars within the precinct of the stadium.*
- *If the local education authority has highlighted a need for an extra nursery within the vicinity, then it is their responsibility to ensure that it is built in a suitable location for all residents.*
- *The restaurant within the stadium complex should be sufficient for all the clubs needs.*
- *One of the original reasons offered for relocating the football club was to remove it from a residential area. This new development, along with the proposed dwellings opposite the club, if allowed, puts it back within a housing complex.*
- *The increased volume of traffic will be horrendous both during and after construction.*
- *The railway bridge near the proposed development is too narrow even for the traffic we have now. Some traffic will use the bypass but most will use Neasham Road.*
- *The area used to be 'green belt' land and some countryside should be kept. The football club have got their building so please let us have what is left of the countryside on our doorstep. I do not want to live on an industrial estate.*
- *There are already several public houses and restaurants in this area and there are plenty of empty buildings in the town centre which could be used as offices. Why do we have to lose more countryside?*
- *When the ground was built in the first instance we were given assurances that no hotels etc would follow. Here we are with concerts being scheduled and hotels being considered.*
- *The A66 and Neasham Road were never built to carry the heavy load of traffic it was carrying even before the football stadium was built. The dangers on match days are there to see.*
- *The amount of traffic this development would create, plus the traffic noise, which we already have to put up with, adjacent to a residential area, is very disturbing.*
- *The additional noise and light pollution would be additional to match days and any other events that are held at the stadium and would be there 24 hours a day, 7 days a week.*
- *I was hoping that this land would become a nature reserve.*
- *Planning permission for the stadium was granted on the basis that it was used for football. Most of this application does not relate to football.*
- *The promise that the stadium would only ever be used for football has been cynically broken so often with so many other functions now allowed that football plays only a very minor part.*
- *If permission is now granted for these further developments this site will be a business park in all but name.*
- *The only honourable thing the Council can do to regain a small measure of credibility is to put a complete embargo on any further development on this site.*
- *The proposal will have essentially the same impact as the previously withdrawn application would have had.*
- *In the 1990s an application to move the cattle market to a site over the road from the football stadium was turned down because it would have resulted in an unwelcome intrusion into the countryside and would have set an inappropriate precedent for the development in the open countryside.*
- *The present green belt, tarnished as it now is by the far greater intrusion of the football stadium, is still very much appreciated and used daily by residents. Please do not deprive them of this.*
- *It is common knowledge that the club would not be in such a dire financial situation if its ground had been developed wisely; say at the Feethams site, in a manner befitting its position in the football league.*

- *The club's present difficulties are the result of the ill-advised decision to build an enormous new stadium, was beyond what was needed, away from all the town centre conveniences of its previous location.*
- *It would be unforgivable to compound this error now by allowing the club and other interested parties to destroy the rest of this part of the town forever in a financially motivated attempt to make good the losses, which have resulted directly from that first bad decision. Two wrongs do not make a right; they make an even bigger, uglier wrong.*
- *Football in Darlington is a minority interest, with average crowds at the 25,000-seater stadium usually between 3 and 4,000 including away supporters, out of a population of 80,000 or more.*
- *Perfectly adequate training pitches and indoor six-a-side pitches could be developed at the Feethams site where its users would better appreciate a more central location.*
- *The proposed development would block the wooded footpath, which at present is well used and runs along the present football ground boundary.*
- *The development will also entail the destruction of the existing trees and bushes through which the footpath runs.*
- *Understand that the application is planning to remove public footpath no. 53 that runs down the back of the north of the stadium and crosses the A66.*
- *How can vehicles be allowed to cross in 3 different places, a bridleway or public footpath that is used by children, cycles, dog walkers and horses?*
- *This is an historic footpath which marks the carriageway up to the Pease Manor House on Hurworth Moor and the trees planted there are not indigenous but were brought back from abroad especially for the Pease family to line the drive back up to the big house.*
- *There are 18 oak trees that have been marked for sometime with red circles. Why?*
- *The application does not say that they plan to remove many, if not all of these huge trees and most of the shrubbery underneath in order to create the Boulevard.*
- *Note from the drawings that the club are intending to 'assume' ownership of the land up to the entrance of the caravan site. The last planning application only saw that land within the car park railings as being their land, not the woodland edging the entrance to the caravan site.*
- *Darlington Borough Council, in granting planning permission for many pop concerts, are now going to allow the football club to remove the only 'noise reduction' cover (the foliage from the high trees) that we hoped would reduce the noise between the stadium and local homes.*
- *The removal of the trees will result in the caravan site looking directly at the grey stadium and floodlit football pitches between the site and the stadium.*

One letter of representation has been received which raises the following issues:

- *I feel that this development, with adequate access can only be a good thing for the town. The use of the facilities for school children in Darlington especially after school will fill a gap currently missing and could reduce criminal activity amongst this age group.*

PLANNING ISSUES

Planning Policy

The planning policy issues are outlined and explained within the Planning policy background section towards the beginning of the report.

Visual Impact

As previously stated this is a hybrid application, being part detailed and part outline. The outline application has all matters, other than access reserved for future consideration and as such it is not relevant to consider the visual impact of the outline element of the application at this stage. Appropriate consideration of this matter will be given to these matters at the reserved matters stage. This section of the report will therefore consider the visual impact of the elements of the detailed application, specifically the 3 outdoor training pitches, one of which will be floodlit, the indoor soccer centre incorporating the indoor six-a-side pitches and changing facilities, together with the proposed access, car parking and infrastructure provisions and alterations to the existing balancing pond.

Policy E29 (The Setting of New Development) requires new development, including alterations and extensions to existing buildings, to respect the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features, including gardens and other open spaces which contribute to the character of the setting, and not to materially detract from the appearance of its surroundings. Policy E16 (Appearance from Main Travel Routes) also states that the appearance of the Borough from the main road network, the railway lines, the Teesdale Way and the proposed recreation routes will be maintained and enhanced by requiring new development to respect its setting, and to incorporate landscaping, which makes a positive contribution to the appearance of its surroundings. Policy E7 (Landscape Conservation) states that development which is acceptable in principle under Policy E2 and development on the edges of built-up areas will be required to respect the character of its landscape setting in terms of its siting, design, materials, landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality.

The proposed indoor soccer centre, outdoor training pitches and associated access, parking and infrastructure provisions are to be located on land to the north east of the existing stadium building. This land is currently undeveloped and in agricultural use. A belt of mature trees runs in a north-west to south-easterly direction adjacent to the existing public footpath number 53, immediately to the north of the existing stadium. The railway line forms the northern boundary of the site, beyond which lies residential development on Firth Moor. Brankin Road Stables lies immediately to the south of the railway line and Neasham Road Caravan Site also lies immediately to the north west of the application site. Cree Beck runs along part of the eastern site boundary beyond which lies agricultural land. The A66 (T) lies to the south east of the site.

The tree belt would be partially affected by the proposed development to create a boulevard-style access road from the existing stadium site to the site of the proposed development. There are also a number of hedgerows, which will be affected by the proposed development. An Arboricultural Impact Assessment and Environmental Information report have been submitted with the application and the impact of the proposed development on existing trees, hedgerows and other landscape features on the site will be considered at a later stage in this report. Similarly the impact of the proposed development on the public rights of way network will also be considered under a separate section of this report.

The proposed indoor soccer centre is the largest and most significant element of the detailed application in terms of its scale and massing and in turn its likely impact on the character and appearance of the surrounding area. The building is to be built directly to the rear of the stadium building and is to measure 129 metres by 70 metres under a pitched roof 14.7 metres in height to the ridge, accommodating 10 indoor 6-a-side football pitches. A small lean-to structure will adjoin its northern side to provide changing room facilities and a bar. This structure will

measure 52 metres by a maximum of 18.2 metres under a mono-pitched roof, 7 metres in height at its greatest point. The walls of the main building are to be clad with brick above which will be a palette of grey coloured steel panels. The roof and gable ends of the building will be white PVC coated polyester cladding. The lean-to structure will be clad with a mixture of brick with render above under a grey roof. A car parking area for 233 vehicles, including 9 disabled spaces, will be provided immediately to the north of the building.

The proposed soccer centre will be clearly visible from the caravan park to the west, the stables, railway line and residential development on Firth Moor to the north and from footpath number 53 to the south. The three proposed training pitches are to be located to the east of the soccer centre. The synthetic, floodlit training pitch is to be located immediately to the east of the soccer centre with the two grass pitches being located close to the northern and eastern site boundaries. In terms of visual impact, the proposed outdoor pitches will largely been seen against the backdrop of, and in the context of, the proposed soccer centre. The number of outdoor pitches has been reduced from five to three, primarily to allow the retention of more landscape features on the site, but also to create more space for on-site ecological mitigation works.

This reduction in the number of pitches also has the effect of lessening and softening the visual impact of this part of the development against the eastern site boundary beyond which lies agricultural land. A number of existing boundary hedges are to be retained around two of the proposed outdoor pitches as well as additional tree and landscape planting. The eastern boundary, alongside Cree Beck is to be enhanced with tree planting and the creation of newt habitat areas. The area of agricultural land to the east of the application site is to be the subject of a number of landscape improvement and enhancement works to off-set the loss of biodiversity on the application site. The details of this will be considered at a later stage in this report. While the development as a whole, particularly the soccer centre, will be readily visible from the A66 (T), albeit seen in the context of the existing stadium building, the visual impact of the development will have a softer appearance as a result of the reduction in the number of pitches and the proposed landscape and ecological mitigation works, when approaching the site from the east along the A66 (T).

Impact on Residential Amenity

As set out in the previous section of this report, the application site is bounded by residential properties at Firth Moor and on Neasham Road Caravan Site to its northern and western sides respectively. Once again, as this is a hybrid application, this section will consider only the impact of the proposed indoor soccer centre and outdoor pitches on the amenity of nearby residential properties, being the subject of the detailed application. Consideration of those elements the subject of the outline application will be given appropriate consideration at the reserved matters stage.

Local Plan Policy H15 (The Amenity of Residential Areas) states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character with the quiet enjoyment of dwellings and gardens in particular. Policy E48 (Noise-Generating/Polluting Development) states that permission will not be granted for development which, by reason of the emission of noise or other pollutant, would be materially harmful to the amenities of existing or proposed residential or other pollution-sensitive areas.

The nearest properties on the eastern edge of Neasham Road Caravan Site will be some 15 metres away from the gable end of the proposed indoor soccer centre. With a depth of 70 metres

and a maximum height of 14.7 metres to the ridge, the proposed centre is likely to have an impact on the amenities of the occupants of the caravan site in terms of loss of light and overbearing impact, given the considerable size and scale of the building. To the rear of the soccer centre is a parking area, which will also be a minimum of 15 metres away from the caravan park. The application proposes that trees will be planted around the perimeter of the soccer centre and car park and while this will minimise, to an extent, the effects of the car park, such landscaping measures will be unlikely to adequately mitigate against the impact of the building itself. The position of the building has been amended following the re-submission of the application with the gable end now facing the caravan site, rather than the full length of the building itself. Consultation letters were sent to the occupants of the caravan site however no responses have been received from any of the site occupants.

At its nearest point, the proposed car park and soccer centre building will be approximately 70 and 95 metres away from the properties on Firth Moor, to the north of the railway line, respectively. Although the proposed building and associated car parking will be visible from these properties, at these distances it is not considered that activity levels associated with either element would adversely impact upon the amenities of these properties in terms of noise nuisance or disturbance so as to warrant refusal of the application on these grounds.

The proposed training pitch will be approximately 50 metres to the south of the nearest houses on Firth Moor, separated by the railway line. Once more at this distance any activity associated with the use of the pitches is unlikely to adversely affect the residential amenities of these properties. Only one of the pitches is to be floodlit and this is to be located to the south of the group of pitches, adjacent to the eastern gable end of the proposed indoor soccer centre. While the proposed floodlighting has the potential to impact upon the amenities of nearby properties, in reality any impact on the caravan site is likely to be minimised by the presence of the soccer centre and on the properties to the north on Firth Moor in view of the distance away from the proposed floodlight pitch (in excess of 150 metres away). Nevertheless the Environmental Health Officer has considered the submitted details and requests that planning conditions requiring the submission of details of the floodlighting and limiting the use of the floodlights to no later than 9 pm on weeknights have been suggested in order to safeguard the residential amenities of these properties.

The Environmental Health Officer has also requested that conditions be imposed on any planning permission granted, restricting the hours of construction activities and requiring the submission of a dust action plan to further safeguard residential amenity during the construction phase. Although exact details of the elements of the outline application have not been provided at this stage, the Environmental Health Officer has suggested a number of conditions requiring the submission of information regarding ventilation from any food preparation areas, control of fumes and refuse storage to ensure that such uses do not unacceptably impact upon the amenities of any nearby residential properties.

Traffic and Highway Safety Issues

Access and egress to the site will be from the existing points on Neasham Road. This arrangement has been supported by the submission of a traffic assessment a travel plan and a car parking management strategy.

The Highways Agency has considered the submitted information in detail and has requested additional information be provided in respect of the Travel Plan and Car Parking Management Strategy. The applicants have undertaken this to their satisfaction subject to the imposition of appropriate conditions, which appear within the recommendation section of the report.

The Council's Traffic Manager has also commented on the application and concludes that there are no highway objections to the proposal. In terms of traffic impact, he is satisfied that the proposed changes to the Masterplan will result in a reduction to trip generation and the impact on the local highway network will not be significant. A number of planning conditions are attached to secure improvements to cycling and walking provision around the site. Certain matters are also the subject of obligations under Section 106 of the Town and Country Planning Act 1990 to secure improvements to public transport facilities within the vicinity of the site more particularly the a subsidy to improve the bus service on Neasham Road [see below] and other off-site highway improvements.

The Council's Transport Policy Section has also considered the application and consider that the proposed development is to be located at the periphery of the urban area where the existing provision to access the site by sustainable travel is limited. The Interim Travel Plan goes some way towards redressing the balance, In particular it is considered that the developer should provide financial support for the improvements to Service 14/14A for a 5 year period, and a financial contribution towards relocating two existing bus stops nearer the site to be within acceptable walking distances for the facilities provided and improvements to an existing footway within the site.

The applicants' agents have been notified of the comments of both the Highways Agency and the Council's Transport Policy Sections .

Ecology and Nature Conservation

Natural England has commented on the application on the basis of the additional information provided in the form of the Supplementary Environmental Information and revised Ecology Plan. On the basis of the information provided Natural England advises that the proposal is unlikely to have an adverse effect in respect of species protected by law, subject to a condition requiring that the development is undertaken in accordance with mitigation proposals submitted in respect of bats and breeding birds. Although Natural England originally objected to the proposals the subject of the previously withdrawn application on the basis that insufficient information had been provided in respect of the impact of the development on great crested newts and water voles, they are satisfied that the additional information provided now clarifies the situation with regard to these species.

Comments of DBC Countryside

The ecological survey, carried out by E3, covers the main areas of concern that the countryside section may have regards any effects the development will have on the areas ecology. The conclusion of the report is that the site has no areas affected that are of a high ecological importance although the survey does describe the fairly wide corridor of semi mature woodland as important in the local context.

There are already proposed mitigations and guidance received from Natural England regarding the presence of Great Crested Newts.

The tree belt, just to the north of the development site has been identified as an important wildlife corridor for a number of species, particularly for bats within the latest plans and has been agreed to enhance and increase this habitat feature.

The loss of what is an extensive area of urban fringe greenspace and mixed use farming needs significant mitigation in order to satisfy the new guidance in PPS9 and the new guidance on

Local Authorities duty to pay regard to biodiversity. In order to ensure that this guidance is met, the Council should in a situation like this, where there is significant loss to the green environment of potentially, very valuable land, both for recreation and biodiversity, ask the developer to propose how the development will deliver a green infrastructure element that allows for positive medium to long term gains for biodiversity and access to the countryside. The latest plans have addressed this to some degree, but show a lack of off-site measures, regarding lost biodiversity and greenspace. Off site mitigation and countryside access measures are to be part of a 106 agreement which would be attached to any permission and are considered to be a satisfactory mitigation measure.

The following are approximate costings for necessary habitat creation works to mitigate for proposed development.

Costs for establishment of each habitat type:

- Woodland = £45,000
- Ponds/Wetland = £15,000
- Scrub/Hedge = £14,000
- Grassland/Wildflower = £5,000

Total = £79,000

(The above includes all necessary tree protection/fencing.)

An essential element to any habitat creation scheme is the appropriate aftercare in ensuring successful establishment.

The time period involved in establishing a viable and successful habitat is best served over a long period. It is therefore recommended that a 20 year programme of maintenance and management be used in this case.

Maintenance/management costs for newly created habitats = £2000/annum.
= £40,000 in total.

The overall financial contribution therefore to ensure that satisfactory mitigation is in place for habitat protection and maintenance is £119000

Comments of the Council's Tree Officer

As previously noted in the report an important range of existing broadleaved trees runs in an east/westerly direction through the site, many of which are considered to be worthy of formal protection. To allow for the internal access road links to be constructed, 17 trees within this group will have to be removed to facilitate this.

If the development was to be approved, It is recommended that a five year management plan with tree planting within the retained tree corridor, would be beneficial to the woodland by improving the longevity and species content and the planting of the baron areas within this corridor by planting British natives, Beech (*Fagus sylvatica*) English Oak (*Quercus robur*) Sessile Oak (*Quercus petraea*) Small Leaved Lime (*Tilia Cordata*) Large Leaved Lime (*Tilia platyphyllos*) Ash (*Fraxinus excelsior*) Hornbeam (*Carpinus betulus*) Hazel (*Corylus avellana*) Hawthorn (*Crataegus monogyna*) Midland Thorn (*Crataegus oxyacantha*) Common Alder

(Alnus glutinosa) Yew (Taxus baccata) Holly (Ilex aquifolium), Field Maple (Acer campestre) Wild Cherry (Prunus avium), trees to be containerized extra heavy standards.

The developer should fund these tree works. This matter is the subject of an appropriate planning condition.

It is of paramount importance that the root area of the trees is completely protected from damage by compaction, severance, or from material spillage. This will only be possible through the installation of protective fencing in accordance with BS5837 2005. It is recommended that this fencing is put into position prior to any further works on the site (demolition or development), and that the extent of this protection is inspected by a Council Officer prior to work commencing. This fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supporting by a weldmesh wired to the uprights and horizontals to dissuade encroachment.

Subject to a satisfactory re-planting exercise being undertaken, there are no objections from an arboricultural viewpoint.

Impact on the Public Right of Way Network

Public Footpath Number 53 dissects the application site in a north-west to south-easterly direction to the rear of the existing stadium building. In order to access the proposed soccer centre and training pitches to the north east of the stadium it will be necessary to create three vehicular crossing points at various sections over the existing footpath, connecting to a central boulevard which will provide vehicular and pedestrian access to the soccer centre and training pitches.

Local Plan Policy R12 (Access to Open Land and Countryside) states that public access to open land and the countryside will be encouraged by maintaining and extending the existing network of public rights of way and other paths.

The application also proposes that the footpath be upgraded to bridleway status. The Council's Rights of Way Officer has no objection to the proposed upgrading of the footpath within the site, subject to the works being carried out to an approved specification. The Rights of Way Officer has also recommended that the bridleway be extended outside of the application site, adjacent to the A66 (T) to connect up with Bridleway No 2 which runs in a north – south direction to the east of Firth Moor. This will be secured by Section 106 Agreement and will require payment of a commuted sum of £45000 for the construction of the new bridleway, the planting of new hedgerow and structure planting adjacent to the new bridleway. The extension of the bridleway and associated planting would also form part of the package of off-site ecological mitigation works which are to be carried out on land to the east of the application site, and mentioned earlier in the report.

Concern has been expressed regarding the crossing of the proposed bridleway by vehicles to access the proposed pitches to the north east of the stadium building. The Rights of Way Officer has stated that at each of the three crossing points, the bridleway must have priority over the access roads and the level of the bridleway must not change. A condition requiring the submission of a traffic management scheme within the site to deal with these issues is suggested should planning permission be granted.

The Ramblers Association have raised no objection to the application, subject to a number of improvements to the existing rights of way network being secured. The extension of the

bridleway outside of the application site and the improvement of the existing footpath through the site to bridleway status giving priority to users of the bridleway over vehicles are to be secured via appropriate planning conditions and obligations. The suggestion that the extension to the bridleway outside of the site, adjacent to the A66 (T) be screened by a close-boarded fence to limit traffic noise from the A66 (T) is noted, however such a measure is not considered to be acceptable from a visual impact point of view. Additional planting associated with the bridleway and off-site ecological mitigation works should provide something of a buffer for users of the bridleway from the adjacent A66.

A number of concerns have been expressed regarding the amenities of users of the existing rights of way network. Footpath Number 53 is presently bounded on one side by an existing belt of mature trees, beyond which lies open countryside to the north-east. Although the existing stadium building lies to the south of the footpath, as a result of the proposed development, the right of way will be bounded on both sides by development. However, the existing tree belt is to be retained and a package of planting and other ecological improvement works are proposed both within and off the site. Furthermore the upgrading of the footpath to bridleway status and the extension of the bridleway off-site to link up with bridleway number 2 to the east should improve facilities for users of the rights of way network so as to off-set any concerns regarding the impact of the proposed development on the existing right of way.

Flooding and Drainage Issues

The application proposed to increase the size and volume of the existing balancing pond on the site to accommodate the proposed additional surface water drainage arising from the proposed development. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted with the application.

Separate foul and surface water sewer systems will be provided to serve the proposed development. There are no surface water sewers nearby and therefore connection to public sewers is not suitable in this instance. Surface water will be discharged into Cree Beck at the existing Greenfield run-of rate, however in order to achieve the permitted discharge rates, surface water flows generated by the new development will have to be attenuated on site. Consequently it is proposed to resize the existing balance pond on the site to attenuate the new development. Foul water will be discharged into the existing public sewers.

The FRA states that the Environment Agency (EA) has no historic records of the site flooding due to a watercourse. The EA records also indicate that the proposed site lies wholly within Flood Zone 1, with a less than 0.1% chance of flooding. However the FRA does identify that there some localised flooding does occur on the site, where one of the grass training pitches is to be sited. The FRA recommends that the pitch level be set at 300mm above the existing ground level to prevent flooding affecting the pitch. It is also recommended that the finished floor levels of the more vulnerable elements of the development, the nursery and hotel, be set at 600mm above the existing ground level.

The Environment Agency has been consulted on the application and although originally objected to the application, following the submission of additional information by the applicants' agent regarding the increase in the size of the balancing pond, the Agency now has no objection to the application subject to a planning condition requiring that the development be carried out in accordance with the findings and recommendations set out in both the FRA and the Drainage Strategy. Northumbrian Water has also been consulted on the application but has not responded to the consultation.

Community Use Agreement

Sport England has commented on the proposed indoor and outdoor football pitches, the subject of the detailed planning application. They have raised no objection to the proposed development, subject to the imposition of a number of planning conditions should permission be granted. One such condition requires that the synthetic pitch and grass pitch be the subject of a Community Use Agreement, which will ensure that the facilities are available for use by the wider public and not exclusively for the club itself.

Statement of Community Involvement

As the application falls within the category of major development the Council's Statement of Community Involvement (SCI) guidelines state that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application in the form of an SCI. The application provides the results of a survey undertaken by the club in connection with the proposed development, together with a selection of comments taken from the survey. The results of the survey itself and the selection of comments provided indicate that the majority of respondents are in favour of the proposed development.

The SCI guidelines however require that in submitting a SCI as part of a planning application an explanation of the work done to involve the community should be set out in the statement providing details of the extent of the area consulted, including a list of properties and businesses contacted; a list of interest or pressure groups or other organisations contacted; where any event was held and how long it lasted; a summary of all the comments received and the issues raised; details of the comments which have resulted in amendments to the scheme and what those changes are, and which comments have not, and why and highlighting any criticism by groups or individuals about the process you used to consult. With the exception of the survey results, the guidelines have not been adhered to in this instance. However the guidelines are advisory only and an application cannot be refused, neither can the applicants be required to undertake further consultation work, on the basis that they have not been adhered to.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The application has been submitted on behalf of Darlington Football club with the justification that the development will contribute it's the long term financial position

The application is in hybrid form, that is, some elements are in outline i.e:

- 100 bed hotel and associated leisure club
- 1 No. public house
- Coffee shop
- 929m2 office block
- Educational building and internal leisure facilities to provide soft play area and children's nursery

- Football academy
- Access and car parking provisions

The remaining elements are in detail i.e:

- 3 No. outdoor training pitches (including 1 floodlit, all weather surface pitch)
- Training building incorporating 10 no. indoor six-a-side pitches and changing facilities
- Access, car parking and infrastructure provisions
- Increased area and volume of balancing pond

It has been argued that the detailed elements of the application (indoor six-a-side pitches, training pitches, training building and infrastructure, access and parking) do appear to have functional linkages to the operation of the football club, and as such would be acceptable uses in this location. In addition to ensure that the facilities are used as widely as possible any permission should include a community use agreement for the outdoor and indoor pitches. The potential benefits of the indoor and outdoor pitches and the training building for Darlington Football Club are material considerations that weigh in favour of this proposed development, by contributing to a viable football club. The educational day centre and classroom (outline elements) can be considered similarly.

Furthermore, in isolation, the hotel element of the proposed development is contrary to planning policy, as the applicant has not demonstrated that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres. Furthermore, if allowed, it could jeopardize the implementation of other proposed hotels of a similar scale in more sequentially preferable locations, including that proposed at Central Park, a flagship sub-regional regeneration and redevelopment scheme.

In principle, the proposed office space would be acceptable, provided that its use is limited to those ancillary to the operation of the football club and the recreational and educational elements that form the detailed planning application elements.

In isolation, the proposed public house is contrary to planning policy, as the applicant has not demonstrated that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres.

The proposed café, nursery and soft play centre would be acceptable, provided that their primary function is limited to supporting the other proposed (and existing) uses on the site, rather than constituting destinations in their own right.

In making a decision on this application as a whole, careful consideration has been given as to the relative weight that should be given to the material planning considerations that pertain to the viability of the football club and those that arise out of the application of national, regional, strategic and local planning policy.

On balance it is considered that although certain elements of the submitted scheme do not strictly comply with planning policy, the proposal as a package, which secures other environmental improvements and mitigation will nevertheless provide a level of support to Darlington Football Club, which has been an integral part of Darlington's social and economic life for over a century. It is a significant contributor to local pride and identity, and the publicity surrounding the Club, as a member of the Football League, helps to raise awareness of

Darlington regionally and nationally. The Club's activities provide direct and indirect employment to the benefit of the Borough generally, and, more specifically, the stadium is located in a part of the Borough experiencing relatively high levels of deprivation.

RECOMMENDATION

THAT MEMBERS ARE MINDED TO GRANT PLANNING PERMISSION IN BOTH OUTLINE AND DETAIL SUBJECT TO THE FOLLOWING:

A. THAT THE ASSISTANT CHIEF EXECUTIVE [REGENERATION] BE AUTHORISED TO ENTER INTO AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. Commuted sum for off-site habitat creation
2. Commuted sum for off-site improvements to bridleway network
3. Commuted sum for enhancement of public transport facilities (raised kerbs and shelters at 2 bus stops on Neasham Road and any other adjustments to existing bus drop-off lay-by to enable it to be used as a bus stop).

B. THE FOLLOWING CONDITIONS:

- 1) TIME LIMITS (Outline standards to be attached to Outline permission) (Detailed standards to be attached to Detailed permission)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) B9 Fencing, Walls, Enclosure
- 5) B10 Test Panel of Materials
- 6) E1 Submission and Implementation
- 7) E9 Tree Protection (During Development)
- 8) J5 Wheel Washing Facility (Details)

NATURAL ENGLAND CONDITION

- 9) No development shall take place unless in accordance with the mitigation detailed within the protected species report (Darlington Football Club, Darlington Community Sports Village & Educational Centre, Supplementary Environmental Information, May 2007, including at Appendices 3, 4 and 5A Phase 1 Habitat Survey; A Bat Tree Risk Assessment & Breeding Bird Survey by E3 Ecology Ltd vR03; vR01 & vR01 respectively) including, but not restricted to provision of mitigation in advance and undertaking confirming surveys in advance of any tree felling.

REASON - To conserve protected species and their habitat.

SPORT ENGLAND CONDITIONS

- 10) Prior to commencement of the development/use hereby permitted:
- (i) A detailed assessment of ground conditions of the land proposed for the proposed grass pitches shall be undertaken (including drainage and topography) to identify constraints which could affect playing pitch quality; and
 - (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the grass playing pitches will be provided to a quality (which is also capable of accommodating managed community use) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement of the remainder of the permitted development.

REASON – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England.

- 11) The grass playing pitches shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note ‘Natural Turf for Sport’ (Sport England, March 2000).

REASON – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England

- 12) Prior to the commencement of the development details of the construction, drainage, surfacing, layout and enclosure of the Synthetic Turf Pitch which shall comply with Sport England guidance ‘A Guide to the Design, Specification and Construction of Multi Use Games Areas (MUGAs) including Multi-Sport Synthetic Turf Pitches (STPs) ‘Access for Disabled People 2002) and the FA’s guidance ‘Artificial Grass Part 2 – Their Design Specification and Construction’, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The STP shall be constructed in accordance with the approved design and layout details.

REASON – To ensure that the playing surfaces are fit for purpose and constructed to the standards set out by Sport England

- 13) Prior to the commencement of the use a Community Use Scheme for the Synthetic Turf Pitch and grass pitches shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access, and management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

REASON – To ensure that Community benefit is secured following completion.

DBC ECO CONDITIONS

- 14) Prior to the use hereby permitted commencing details of the external lighting shall be submitted and agreed in writing with the Local Planning Authority, together with an assessment of the impact on nearby sensitive properties. All lighting will need to be

arranged so as not to shine directly towards any sensitive properties and to be shielded to prevent light spillage beyond the site boundary.

REASON – To protect the amenities of nearby residential properties.

- 15) The floodlighting associated with the sports pitches hereby permitted shall not be operated between the hours of 21.00 and 09.00 Monday-Friday and 17.00 and 09.00 Saturday and Sunday.

REASON - To protect the amenities of nearby residential properties.

- 16) J2 Contamination

- 17) Prior to the commencement of the development a scheme for controlling dust shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall include information on measures to be taken to suppress dust emissions, monitoring procedures and relevant contact details. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To protect the amenities of the neighbouring dwellings.

- 18) Construction activities (including demolition, land preparation and foundation works) shall be restricted to between the hours of 08.00 and 18.00 on weekdays, 08.00 and 13.00 on a Saturday and not at all on a Sunday or a Bank Holiday, unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that nearby residential properties are not adversely affected by noise, vibration and dust emissions.

- 19) D4 Refuse Storage (Details to be Submitted)
20) D18 Control of Fumes
21) D19 Ventilation Equipment (Details Required)

ENVIRONMENT AGENCY CONDITIONS

- 22) Development shall proceed only in accordance with the findings and recommendations of the flood risk assessment and drainage strategy (including supplements provided January 2008).

REASON – To reduce the risk from flooding.

HIGHWAYS/TRANSPORT POLICY/HIGHWAYS AGENCY CONDITIONS

- 23) Prior to the commencement of development Anti-skid surfacing on the Neasham Road/A66 roundabout and all legs of roundabout shall be carried out to the satisfaction of the Highways Authority.

REASON - In the interest of highway safety.

- 24) Prior to first use or occupation of any part of the development, the required transport infrastructure (as set out in the Interim Travel Plan document Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4 prepared by SAJ Transport Consultants) shall be provided to the satisfaction of the Local Planning Authority and Highways Agency.

REASON – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- 25) For as long as the site is occupied, the developer shall implement the measures and procedures set out in the Interim Travel Plan (Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4 prepared by SAJ Transport Consultants). Any proposed changes to this document shall be submitted to and approved in writing by the Local Planning Authority and the Highways Agency.

REASON – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- 26) For as long as the site is occupied, the developer shall implement the measures and procedures set out in the Car Parking Management Statement (Darlington Community Sports Village & Education Centre Car Parking Management Statement, March 2008 ref JN0111-Rep-0004.3 prepared by SAJ Transport Consultants). Any proposed changes to this document shall be submitted to and approved in writing by the Local Planning Authority and the Highways Agency.

REASON – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- 27) As set out in the Interim Travel Plan document (Darlington Community Sports Village & Education Centre Interim Travel Plan, March 2008 ref JN0111-Rep-0002.4, prepared by SAJ Transport Consultants), a detailed travel survey shall be undertaken within six months of first occupation and on an annual basis (at the same time of year) for as long as the development remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency within one month of their completion. Where the agreed person trip generation, mode share targets or outcomes are not achieved within specified timescales, the Travel Plan Co-ordinator shall then review, update and submit the Travel Plan to the Local Planning Authority and Highways Agency for approval within two months of the completion of the surveys. The updated Travel Plan shall be implemented within one month of the date of the Local Planning Authority's and Highways Agency's approval.

REASON – In the interests of minimising the use of the private car, promoting the use of sustainable modes of transport and reducing the traffic impact of the development in accordance with the Planning Policy Guidance Note 13 'Transport'.

- 28) Prior to commencement of development works on the site, details of improvements to the A66/Neasham Road junction, as illustrated in principle on Wardell Armstrong drawing 34476-HA278-002, shall be submitted to and approved in writing by the Local Planning

Authority. The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

REASON – In the interest of safety and the free flow of traffic on the A66 and its junctions.

- 29) Prior to first use or occupation of any part of the development, the required improvements to the A66/Neasham Road junction (as set out in Condition 28) shall be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

REASON – In the interest of safety and the free flow of traffic on the A66 and its junctions.

- 30) Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 28 and 29) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

REASON – In the interest of safety and the free flow of traffic on the A66 and its junctions.

COUNTRYSIDE/RIGHTS OF WAY CONDITIONS

- 31) Prior to the commencement of development, details regarding the crossing of the proposed bridleway by vehicles to access the proposed pitches and facilities to the north east of the stadium building shall be submitted. These details shall demonstrate that the bridleway has priority over the access road and the level of the bridleway does not change.

REASON - To help safeguard the safety of pedestrians and cyclists.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The detailed elements of the application (indoor six-a-side pitches, training pitches, training building and infrastructure, access and parking) do appear to have functional linkages to the operation of the football club, and as such would be acceptable uses in this location. In addition to ensure that the facilities are used as widely as possible the permission includes a community use agreement for the outdoor and indoor pitches. The potential benefits of the indoor and outdoor pitches and the training building for Darlington Football Club are material considerations that weigh in favour of this proposed development, by contributing to a viable football club. The educational day centre and classroom (outline elements) can be considered similarly.

Furthermore, in isolation, the hotel element of the proposed development is contrary to planning policy, as the applicant has not demonstrated fully that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres.

In principle, the proposed office space would be acceptable, provided that its use is limited to those ancillary to the operation of the football club and the recreational and educational elements that form the detailed planning application elements.

In isolation, the proposed public house is contrary to planning policy, as the applicant has not demonstrated that the site is sequentially preferable, in accordance with national policy set out in PPS6: Planning for Town Centres.

The proposed café, nursery and soft play centre would be acceptable, provided that their primary function is limited to supporting the other proposed (and existing) uses on the site, rather than constituting destinations in their own right.

In making a decision on this application as a whole, careful consideration has been given as to the relative weight that should be given to the material planning considerations that pertain to the viability of the football club and those that arise out of the application of national, regional, strategic and local planning policy.

On balance it is considered that although certain elements of the submitted scheme do not strictly comply with planning policy, the proposal as a package, which secures other environmental improvements and mitigation will nevertheless provide a level of support to Darlington Football Club, which has been an integral part of Darlington's social and economic life for over a century. It is a significant contributor to local pride and identity, and the publicity surrounding the Club, as a member of the Football League, helps to raise awareness of Darlington regionally and nationally. The Club's activities provide direct and indirect employment to the benefit of the Borough generally, and, more specifically, the stadium is located in a part of the Borough experiencing relatively high levels of deprivation.

INFORMATIVE

Natural England

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Highways

The applicant is advised that works are required within the public highway and contact must be made with the Highways Manager (contact Mr A Ward 01325 388743) to discuss this matter.

The applicant is advised that contact must be made with the Highways Manager (contact Mrs P Goodwill 01325 388760) to discuss naming and numbering of the development.