



County Planning Committee

Date Tuesday 30 July 2019

Time 1.00 pm

Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 2 July 2019 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/19/00283/OUT - Land to the north of Newton Park Services, Newton Park, Coatham Mundeville, DL1 3NL (Pages 9 - 46)

Outline planning application (All matters reserved) for an Industrial and Trade Park (Class B1(c)/B2/B8) with ancillary office space, Hotel (Class C1), Pub (Class A4) and Roadside Restaurant and Retail Units (Class A1/A3/A5) with petrol station (sui generis) and associated infrastructure including an electric power station, parking and landscaping.
 - b) DM/19/01084/FPA - Land south of The New Inn Junction along South Road to Mount Oswald and Hollingside Lane to Upper Mountjoy, Durham City (Pages 47 - 76)

Infrastructure works including provision of new footpath route, highways works including new signalised crossing at the Hollingside Lane and South Road junction, and the creation of a car park of up to 215 spaces at Upper Mountjoy
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
22 July 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chair)
Councillor F Tinsley (Vice-Chair)

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley,
I Jewell, C Kay, A Laing, G Richardson, A Shield,
J Shuttleworth, A Simpson, M Wilkes and S Wilson

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 2 July 2019 at 1.00 pm**

Present:

Councillor F Tinsley (Chair)

Members of the Committee:

Councillors J Atkinson, J Blakey, J Clare, K Corrigan, K Hawley, I Jewell, G Richardson, A Shield and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors Kay, Laing, Robinson, Shuttleworth and Simpson.

2 Substitute Members

Councillor J Blakey as substitute Member for Councillor Shuttleworth.

3 Declarations of Interest

Councillors Clare and Corrigan declared an interest in Agenda Item 5(b) as Directors on Business Durham Advisory Board and withdrew from the meeting during discussion of this Item.

4 Minutes

The Minutes of the meeting held on 4 June 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

**a DM/19/01060/OUT - Land to the west of Startforth Park
Startforth DL12 9AL**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application, with all matters reserved other than access, for the erection of up to 210 dwellings and associated infrastructure on land to the west of Startforth Park, Startforth (for copy see file of Minutes).

C Harding, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, and submitted indicative site layout, although the application was in outline and no detailed layout had been provided. The Senior Planning Officer provided the Committee with the following updates:

- Paragraph 47 – the County Durham Plan had now been submitted but no weighting could be given to it.
- Paragraph 70 – the police now agreed that an extension of the 40 mph speed limit would be inappropriate.

Councillor R Bell, local Member was not able to attend the meeting but had submitted the following representation to the Committee:

I support the recommendation to refuse this application.

It does not have the support of local residents who have seen hundreds of houses built in Startforth on the Bowes Road over the last few years, a process not yet over.

The village has no school, pub, or shop to support more houses.

The proposed development would represent a significant encroachment into the countryside, and because of its elevation would be visible from the Castle and a wide surrounding area and spoil many nice views.

Councillor P Estall of Startforth Parish Council addressed the Committee to object to the application, which was both ill-considered and poorly researched. Startforth had no services or amenities, which were all located within Barnard Castle and this development would impact on existing services in Barnard Castle which were already overstretched. The development would result in an extra 200 to 400 cars which would place an increased strain on the County Bridge and would increase congestion. Inaccurate information had been used in the application regarding the access to services in Barnard Castle and no physical research had taken place. The only facilities in the area were in Barnard Castle which was accessed by the single-lane County Bridge and controlled by three-way traffic lights.

Councillor Estall expressed concern that the proposed development would lead to the doubling of the number of dwellings in the village in a period of less than 10 years, since 2011. There were additional concerns regarding the assertions of the developer in relation to the ecological value of the site.

While acknowledging that it was in draft stage only, Councillor Estall informed the Committee that the draft Startforth Neighbourhood Plan stated that no new developments of more than 10 dwellings per site should be considered for Startforth.

Finally, Councillor Estall informed the Committee that Startforth Park was served by a private sewer, and that should incapacity issues arise, residents of Startforth Park would be unacceptably affected.

Councillor Estall asked the Committee to refuse the application.

Councillor J Blissett of Barnard Castle Town Council addressed the Committee to object to the application, which would be to the detriment of Barnard Castle and the surrounding area.

Infrastructure and services in Barnard Castle, for example GP services, were already under severe strain and the proposed development would add to this. There was nothing in the application to address this issue. Additionally, schools in the area were all near capacity, and Startforth school had been closed. Again, there was nothing in the application to address this.

The walk to get to school from the proposed development would involve crossing the A67, which would not be safe.

There were no plans to boost employment in Barnard Castle and the local employer, GSK was losing jobs. As a result there was a fear that Barnard Castle and the surrounding area would become a commuter belt.

The development would lead to an increase in traffic which would lead to major problems, particularly around the County Bridge which was a single lane crossing into Barnard Castle controlled by three-way traffic lights. An increase in the number of vehicles waiting at the traffic lights would lead to increased air pollution.

Startforth had no pub, no shop and no healthcare facilities and the Town Council urged the Committee to refuse the application.

Mrs Selley. Local resident, addressed the Committee to object to the application. There had been two large developments in Startforth with a total of approximately 200 houses and time was needed for these to assimilate. The proposed development site was not an infill site but was an add-on to Startforth and was on land of high agricultural value. The development would have adverse effects on conservation and the development site was home to curlews, tree sparrows, woodpeckers and owls.

The proposed development was not sustainable and would lead to an increase in traffic travelling to Barnard Castle because there was no pedestrian access. There were no adequate bus services into Barnard Castle, and car parking in Barnard Castle was already difficult.

Access to Barnard Castle would be via the County Bridge which was controlled by three-way traffic lights. An increase in queuing traffic would lead to an increase in air pollution.

Facilities in the area were already overstretched and this development would worsen this. The Council had a 6 year housing land supply and Mrs Selley asked the Committee to refuse the application.

The Senior Planning Officer replied as follows:

- The School Places and Admissions Manager had advised there were sufficient primary and secondary school places to accommodate the development;
- The NHS had been consulted on the application and no response had been received whilst the local surgery website stated that new patients were being accepted;
- Northumbrian Water had stated that public sewers were located within the area which the development could potentially be served by.

Councillor Jewell informed the Committee that he considered the application to be outside the boundaries of Startforth and had a significant number of valid objections. Councillor Jewell **moved** that the application be refused.

Councillor Shield considered that only one exit and entrance to the development from the busy A67 to be insufficient. The development was not in a sustainable location and was in an area of high landscape value. The infrastructure for the development, including GPs, transport and schools was inadequate and Councillor Shield **seconded** refusal of the application.

Councillor Wilson informed the Committee that he supported refusal of the application.

Resolved:

That the application be refused for the reasons contained in the report.

Councillors Clare and Corrigan left the meeting.

b DM/19/01316/FPA - Jade Business Park Phase 1 Jade Enterprise Zone Murton SR7 8RN

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 7 units (5 buildings) for B2/B8 industrial use with integrated offices and associated service yards, car parking and landscaping at Jade Business Park Phase 1, Jade Enterprise Zone, Murton (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, site layout and visuals of the proposed units. The Senior Planning Officer informed the Committee that an amendment to the proposed Conditions was necessary to add an extra document plan to the list of approved plans at Condition 2.

Councillor Tinsley informed the Committee that there were no speakers registered to speak on the application, although Mr G Marsden had registered on behalf of the applicant should the Committee have any questions.

Councillor Blakey informed the Committee that she was in agreement with the recommendation that the application be approved. This application was good for the area and good for jobs and would also bring into use a road which had already been constructed but never used. However, she asked whether the opening of the road, which was long and straight, could lead to traffic related anti-social behaviour.

Councillor Atkinson referred to paragraph 124 of the report and asked what further information was required, as mentioned in the paragraph. The Senior Planning Officer replied that further information was required to inform the contaminated land remediation strategy. This requirement was addressed by proposed Conditions 4 and 5 of the permission.

Councillor Shield referred to paragraph 57 of the report which highlighted the shortage of new industrial units and stated that there were good reasons to be confident of early lettings, and Councillor Shield asked what the good reasons were.

The applicant, Mr Marsden, informed the Committee that extensive marketing of this opportunity had been carried out and there was significant demand for the accommodation. There was a keen interest in $\frac{1}{3}$ of the overall development from a 24-hour operation, which would address any security concerns which had been mentioned. There would also be a security presence on site.

Moved by Councillor Shield, **seconded** by Councillor Blakey and

Resolved:

That the application be approved subject to the Conditions, as amended, contained in the report.

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/00283/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application (All matters reserved) for an Industrial and Trade Park (Class B1(c)/B2/B8) with ancillary office space, Hotel (Class C1), Pub (Class A4) and Roadside Restaurant and Retail Units (Class A1/A3/A5) with petrol station (sui generis) and associated infrastructure, parking and landscaping.
NAME OF APPLICANT:	Forrest Park (Newton Aycliffe) Limited
ADDRESS:	Land To The North Of Newton Park Services, Newton Park, Coatham Mundeville, DL1 3NL
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the southern edge of Newton Aycliffe to the south of the County. The site extends to approximately 55.15 hectares (ha) in area and comprises agricultural fields including the farmstead of Hill House Farm. A small portion of the site (2.4ha), adjacent to the A167, has been recently re-graded to create development plateaux's while an electricity substation has been installed. There is a level change across the wider site, with the land falling approximately 15m in a southerly direction. The site is bound by existing industrial and distribution units to the north, the Stockton – Darlington Railway to the west, agricultural fields to the south and a combination of Newton Park Services, A1(M) and the A167 to the east. An existing access taken off the Newton Park Service Road provides vehicular access. The County Council is joint owner of the development company who have submitted the application.
2. A public right of way (Footpath No.8, Great Aycliffe) extends across the site in a south westerly direction from the eastern boundary of the site. A second public right of way (Bridleway No.10, Great Aycliffe) extend from a mid-point on the northern boundary to the south east corner of the site.
3. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas, however on the western boundary of the site is the line of the Stockton and Darlington Railway, which is considered a non-designated heritage asset. The Aycliffe Village Conservation Area containing a number of Listed Buildings,

including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the site. Approximately 420m south of the site is the grade II listed building of Crossing Keeper's Cottage. Approximately 350m south-east of the site, within the administrative boundary of Darlington Borough Council, is Coatham Mundeville medieval village, fishpond and areas of rig and furrow Scheduled Monument and Coatham Mundeville Conservation Area. There are also numerous listed buildings in Coatham Mundeville including Coatham Hall Farmhouse (Grade II), Coatham Hall (Grade II listed) the Foresters Arms (Grade II) and Glebe Farmhouse (Grade II). To the south-west of the site, beyond the Stockton to Darlington Railway, Whiley Hill Farm, Sockburn Farm and Dean Head Farm are all visible on the first edition OS map circa 1860 and are considered non-designated heritage assets.

4. Aycliffe Quarry Local Wildlife Site is located 380m to the north of the site while Cumby Pond Local wildlife site is located 650m to the north west. Whiley Hill Sandpit and Coatham Grange March Local Wildlife sites are located 715m to the south of the.

The Proposal

5. This outline planning application (all matters reserved) seeks permission for the formation of an Industrial and Trade Park (Use Class B1(c)/B2/B8) with ancillary office space, Hotel (Use Class C1), Pub (Use Class A4) and Roadside Restaurant and Retail Units (Use Class A1/A3/A5) with petrol station (sui generis) and associated infrastructure including, parking and landscaping. The site would be developed on a phased basis.
6. The B1(c)/B2/B8 element of the proposal would total a maximum of 158,891sqm of gross internal floorspace. It is indicated that 11 units would be provided ranging from 3,716sqm to 53,280sqm in size, however the unit size would be dictated by market demand detailed in subsequent reserved matters applications. Each unit would have its own service area and staff parking.
7. The trade units would total a maximum of 4,649sqm of gross internal floor space. It is indicated that the 7 units would likely be provided measuring approximately 663sqm in size and incorporate service and parking areas.
8. The erection of a public house up to 622sqm in area and a 60-bed hotel (1600sqm) in size with associated car parking is proposed. The Indicative masterplans locates these elements to the north eastern portion of the site.
9. The scheme also proposes the provision of ancillary roadside retail units at the entrance of the site consisting of 850sqm of combined gross internal floor space of A1/A3/A5 uses with associated car parking. Permission is also sought for a petrol filling station measuring up to 750sqm in area
10. The main vehicular access to the site would be taken off the A167 through a recently installed signalised junction which also serves the adjacent services. This access would lead to an internal estate road network to be determined in subsequent reserved matters application. Pedestrian and cycle access points are indicated along the northern and southern boundary while a connection onto the Stockton to Darlington Railway Line is indicated to facilitate a rail freight interchange from the west of the site.
11. The development has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is not considered to represent EIA development.

12. This planning application is being reported to County Planning Committee because it consists of 10,000sqm or more of commercial floorspace and a site area of greater than 2ha.

PLANNING HISTORY

13. Planning Permission was granted under application reference DM/15/03726/FPA for access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure. This development has been largely completed with the substation erected and site regrading works undertaken.

PLANNING POLICY

NATIONAL POLICY

14. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
16. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
17. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

19. *NPPF Part 7 - Ensuring the Vitality of Town Centres*. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
20. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
21. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
22. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
23. *NPPF Part 12 – Achieving well-designed places* - 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.
24. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
25. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
26. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

27. 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; conserving and enhancing the historic environment; design; ensuring the vitality of town centres flood risk; health and wellbeing; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; 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:

The Sedgefield Borough Local Plan (SBLP) 1996

28. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
29. *Policy E11 – Safeguarding of sites of Nature Conservation Interest –* Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.
30. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
31. *Policy E18 – Preservation and Enhancement of Conservation Areas –* Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.
32. *Policy IB1 – Types of Industry and Business Areas –* Sets out that the Council will normally approve planning applications that maintain in appropriate locations a range of land available for industry and business comprising prestige business areas, General Industrial Area, local Industrial areas and business areas to meet demand.
33. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
34. *Policy TR2 – Public Transport –* Sets to encourage the use of public transport in order to improve accessibility and choice, while ensuring major new developments make appropriate provision for new bus routes and bus stops. While Continuing to promote the use of the Darlington to Bishop Auckland Line and encouraging improvements to passenger facilities for bus and train services.

35. *Policy T3 – Safeguarding Railway Lines* – Sets out that the Council will seek to safeguard existing railway lines from development that might prevent their use for passenger or freight use.
36. *Policy T5 – Movement of Freight* – Sets out that the Council will seek to minimise the adverse effects of heavy goods on communities by, seeking the co-operation of vehicle operators to use defined lorry routes, encourage the carriage of freight and bulky materials by rail and seeking to retain railway lines that can be used for the movement of freight.
37. *Policy T11 – Location of Petrol Filling Stations* – Sets out that Petrol filling stations generate a high number of vehicle movements. New proposals should, therefore, be in locations that are appropriate from the point of view of road safety and residential amenity. Any new petrol station should normally be located in towns and villages to serve the needs of local residents and businesses and to avoid the proliferation of new developments in the countryside. Based on government advice there is an adequate provision of petrol filling stations along the primary routes to serve the needs of through traffic.
38. *Policy T13 – Roadside Facilities At Motorway Interchanges* – sets out that the provision of roadside facilities adjacent to the Aycliffe and Bradbury interchanges will normally be approved, such development should include, petrol filling station, hotel, restaurant facilities and picnic area.
39. *Policy S1 – Town Centres* – seek to maintain and protect the town centres including newton Aycliffe as identified as the major retailing centres in the District. Proposals for retail developments which undermine the vitality and viability of these town centres will be resisted.
40. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside* – Sets out that the Council will seek to promote the safe and attractive and convenient network of footpath, cycleway and bridleway routes by maintaining and protecting existing rights of way and taking opportunities to extend it, create a series of local network throughout the borough that utilise disused railway lines, existing rights of way and new paths.
41. *Policy L20 – Hotels and visitor Accommodation* – Sets out that planning policy will normally be granted for hotels and other visitor accommodation on the edge of towns and villages where the amenity of local residents. Exceptionally new hotels and visitor accommodation may be permitted in the countryside where the development will serve a major representational facility or reuse an existing building. The development should protect highway safety and the environmental characteristic of the area.
42. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
43. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
44. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle

parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.

45. *Policy D4 - Layout and Design of new Industrial and Business Development* - Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.
46. *Policy D8 – Servicing and Community Requirements of New Development*. Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
47. *Policy D9 – Art in the Environment*. Encourages the incorporation of artistic elements in development schemes.

NEIGHBOURHOOD PLAN:

Great Aycliffe Neighbourhood Plan Adopted June 2017 (GANP)

48. *Policy GANP CH1 - Landscape Character and Townscape* – Sets out that developments must respect the landscape character of the Parish and its settlements as defined in the Great Aycliffe Heritage and Character Assessment and incorporate features which contribute to the conservation, enhancement or restoration of local features. New development should where appropriate maintain the existing hedgerows trees and woodland, accommodate and provide tree lines avenues and ensure open space is provide within the development to maintain the Beveridge vision for the town.
49. *Policy GANP CH4 – Protecting Heritage Assets* – Sets out that new developments should seek to avoid any significant adverse impacts on heritage assets and the Conservation Area of Aycliffe Village where by nature of their height, scale or bulk, position or poor design or impact on setting.
50. *Policy GANP E3 – Conservation Area of Aycliffe Village* – Sets out that any development in or affecting the setting for the conservation area of Aycliffe village must demonstrate how the proposal preserve and enhances the significance of the conservation area.
51. *Policy GANP E4 – Existing Tree Retention and Removal* – Sets out that proposals for new development will not be permitted that would result in the loss of or damage to trees of high landscape, amenity or biodiversity value. New development proposals should will be expected to have regard to the local distinctive landscape character. Where the removal of trees is proposed essential to the delivery of the site the developer is required to replace at least two trees of similar amenity value. Planting which encourages biodiversity of an area is encouraged.
52. *Policy GANP E5 - Protection of existing trees within new development* – Sets out that developments will be expected to safeguard existing trees where appropriate and integrating them into the design and protecting them during construction.
53. *GANP Policy T3 - Cycle Provision and Walking Routes* – Sets out that major development proposals should be provide or contribute to safe well-lit accessible pedestrian and cycle routes.

54. *GANP Policy CIL 1 - Developer Contributions* – All new developments should provide necessary and appropriate new facilities, relevant and related to the development or contribute to off site facilities.
55. *Policy GANP R3 – Supporting Local Job Opportunities* – sets out that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.

RELEVANT EMERGING POLICY:

The County Durham Plan

56. Paragraph 48 of the NPPF states 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan) <https://www.great-aycliffe.gov.uk/neighbourhood-plan/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

57. *Great Aycliffe Town Council* – Advise that they have no objections or detailed comments on the application.
58. *Highways England* – Offer no objection subject to a condition requiring the review of the operation of the signals on the A167 (before occupation of 80,000sqm of development) to ensure that any queues do not extend within 90m of junction 59 of the A1(M).
59. *Highways Authority* – Advise that the submitted transport assessment suitably assesses the impacts of the development. it is considered that the highway network in the vicinity of the development would operate under stable conditions without mitigation. It is further advised that the parking and delivery arrangements as indicated on the submitted masterplan are considered to be generally acceptable. Scrutiny of any reserved matters application would ensure compliance with relevant car parking standards, particularly in relation to the proposed hotel elements.
60. *Environment Agency* – Offer no objection to the development subject to a condition requiring approval of any underground storage tanks to protect groundwater quality.
61. *Railtrack*- Offer no objection but highlight the potential for recreation use of the rail crossings in proximity of the site by future occupants, however it is acknowledged that

recent improvements have been made to crossings are a result of recent developments. A developer contribution is sought for improvements to Heighington Station towards station facility improvements. Details of surface water, landscaping, fencing and lighting should be approved in consultation with Railtrack to protect rail infrastructure and safe operation of the rail line.

62. *Drainage and Costal Protection* – Advise that the outline drainage strategy to treat, control and attenuated surface water is in general considered acceptable, however a conditional approach to deal with the proposed methods of attenuation and treatment of surface water for each phase through SUDS should be adopted. This should include the final design, maintenance regime and subsequent delivery of the scheme.
63. *Darlington Borough Council* – No response received.

INTERNAL CONSULTEE RESPONSES:

64. *Spatial Policy* – Advise that there are a number of policies that are out of date for determining this application. The policies identified for assessing business development away from the areas defined in Policies IB1, IB2 and IB3 are not saved. In addition it is considered that in the absence of town centre policies that are up to date and provide guidance for the town centre uses proposed in an out of centre location, paragraph 11 is engaged. Whilst the GAMP provides an up to date Plan, the scope of the policies within the document do not provide a sufficient policy suite to provide a full assessment.
65. In light of the above it falls that the policy is considered through paragraph 11 and the presumption in favour of sustainable development. In that regard it is for the case officer to consider whether the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole. Should part 2 of the test be engaged significant weight should be attached to the considerable economic benefits of the proposed scheme in terms of investment into the County and potential job creation.
66. *Design and Conservation* – Advise that the proposed development would not harm the setting of Aycliffe Village Conservation Area. The Stockton and Darlington Railway line lies adjacent to the western boundary of the site and the line falls within the Stockton and Darlington Railway Heritage Action Zone. The proposed development should ensure there is no harm to the setting of the non-designated heritage asset.
67. *Landscape* – Advise that the site is not within a locally or nationally designated landscape. The conclusions of the submitted Landscape and Visual Assessment are considered sound, the site is visible from various locations, particularly the footpaths and bridleways that cross the site, and the A1(M) that passes beside the south eastern corner. There will be significant visual and landscape effects, as would be expected from a development of this scale, resulting from the transformation of an agricultural field, and the loss of the mature trees along the watercourse. Mitigating these effects through screening planting is not straightforward as the site slopes down to the southeast and some new structures will be located above any planting at the bottom of the slope. This makes the preservation of the existing hedgerow and trees along the southern and eastern boundaries particularly important. Whilst more robust structural landscaping in the south east corner of the site would be desirable it would not change the general character or the view of the lower impact of the development to a significant degree.

68. *Landscape (Arboriculture)* – Advise that the proposed development would be harmful and result in the loss of significant mature trees and hedges, particularly those that bound the water course through the centre of the site. Any reserved matters application should minimize loss where possible and retained trees should be protected to BS5837 (2012) for the duration of the development. Adequate provision for the future management of the proposed trees to be planted in the ecological woodland belts is provided to ensure good specimens emerge in the long term. SUDS's areas should not encroach into existing retained vegetation.
69. *Ecology* – It is advised that there is the potential for Great Crested Newts on the north eastern corner of the site, a European Protected Species licence would likely be required to allow trapping and relocation. It is advised that subject to implementing an appropriate mitigation strategy there would be no adverse impact to the protected species and habitat. Whilst the proposed Landscape Masterplan would go some way to compensating for the loss of habitats, in order to fully mitigate the impact of the development and achieving a net biodiversity gain an offsite contribution of £173,668 would be required.
70. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the screening of the impacts on local air quality at the nearest receptors has been undertaken. The calculated levels of nitrogen dioxide and PM10 for the baseline year, 2018, are well below the annual mean objective and this is the same for both with and without the development in the assessment year of 2025. Further, the magnitude of change with and without the proposed development has been assessed as negligible for both pollutants at receptors and the effect on air quality is not significant and a further detailed assessment involving dispersion modelling is not required. It is advised that methods for the suppression of dust and particulates should be adopted during construction.
71. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised, a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required is recommended.
72. *Environmental Health and Consumer Protection (Pollution Control)* – The development, although in outline form, contains a significant number of noise generating elements. Due to the outline nature of the development the submitted noise assessment is unable to consider the noise arising from the proposed development. However the assessment demonstrates acceptable levels in relation to noise arising from the development and that noise would not be prohibitive to the development in principle. Consideration would need to be given to the specific noise and other associated impacts with the proposed uses and construction phase to prevent any significant effect arising, a conditional approach to require the submission of a noise impact assessment to support future applications is recommended. A construction management plan shall also be secured by condition.
73. *Archaeology* – Have advised that trial trenching has been undertaken on site, as a result of this work further evaluation will be required within the indicated phase 6 along with the recording of Hill House Farm prior to demolition. A conditional approach is recommended.
74. *Access and Rights of Way* – Advises that the application affects registered public rights of way including Public Bridleway No 10 Great Aycliffe and Public Footpath No 8 Great Aycliffe, both paths continue across the County Boundary as public rights of way within Darlington Borough. Alternative routes for the bridleway to be relocated to a route through the landscaped area at the east of the site, and the footpath to follow a route largely using the proposed estate roads have been identified. No objection in

principle is made to the proposed diversions, subject to agreeing the details of the routes. There are aspirations for walking and cycling routes to follow the railway as part of the bicentenary celebrations of the Stockton & Darlington Railway in 2025, the proposed link path at the north-west corner of the site, to the bridleway along the northern boundary of the site is welcomed. Bridleway No 10 also runs along the northern boundary of the site and has in recent years been subject to misuse by off road motor vehicles and regular fly-tipping, the surface has become badly rutted and wet, making it unfit for public bridleway use. Improvements to this section of bridleway to aid accessibility of the site and mitigate likely increased use should be secured.

75. *Sustainable Transport* – Advise that bus stops are located 350m from the edge of the site, however parts of the site are in excess of 1km away and therefore inaccessible by public transport. Framework and detailed travel plans should be secured by condition.
76. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation
77. *Heritage Action Zone Project Manager* – Raise no objections, confirming that the application site is outwith of the Heritage Action Zone itself.

NON-STATUTORY RESPONSES:

78. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is currently low, advise is offered on the proposed layout whilst recognising that the application is at an outline stage.
79. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
80. *Northern Gas Networks* – Offer no objections to these proposals are raised, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the applicant of the works should directly discuss requirements in detail.
81. *Visit County Durham* – Offer support for the application, highlighting that the expansion of the county's business parks will not only attract overnight visitors from contractors in the short term The development will in the medium and long term prompt more sustainable overnight business tourism, increase visitor expenditure and sustain local visitor economy businesses and employment.
82. *Business Durham* – Set out that Forrest Park is one of the key employment sites in County Durham, well located with proximity to Junction 59 of the A1(M) and on the very successful Aycliffe Business Park. The lack of suitable, modern premises for employment uses is a brake on the economy of County Durham and I am happy to support the planning application.

PUBLIC RESPONSES:

83. The application has been publicised by way of press notice, site notice, and individual notification letters. No letters of objection have been received from neighbouring business or residents.
84. *Friends of the Stockton and Darlington Railway* – Offer support in principle of the development of the site of employment purposes and the employment and economic

benefits the development would bring. The proposed access for cyclists and pedestrians is welcomed, however it is considered that the Heritage Trail Route through the site is unsatisfactory and would not create an attractive and stimulating rail heritage experience. The S&DR Historic Environment Audit 2016 recommended that the Heritage Trail be located next to the eastern site of the active railway as part of the link between Millennium Way and to the north and Cotham Lane to the south. It is considered that scope exists to run a path between the railway line and the proposed unit 6. The County Durham Plan Pre-Submission Draft supports the creation of a landscape corridor between the development and the railway, it is considered that the development would be contrary to these policies and that at a national level due to the tourism, green infrastructure and historic impacts in this respect. It is however recognised that development of the most western portion of the site could take a significant amount of time. A conditional approach to safeguard a future route with consultation to the rail heritage board is endorsed. It is suggested that the developers should contribute to the upgrading of the existing bridleway as far as millennium way as this would provide sustainable access to the site.

85. *CPRE* – Do not offer objections to the proposed employment site, however the proximity of the site to the Stockton and Darlington Railway is highlighted. The County Durham Plan proposes a policy to protect this as a heritage asset. It is noted that this length of railway remains operational, however the historical significance of this line should be taken into account. Concerns are raised regarding the proximity of the one of the units to the railway line which will significantly harm the setting of the railway. The development should provide a public route to the railway line though the site to link up with existing routes. An engineering solution could be provided to provide access over any potential railway connection.
86. *Bishop Auckland Cycling Club* – Advise that the club is neutral to the merits of the proposal and supports the provision of a cycleway through the proposed employment site. Concerns are, however, raised that there is no route which follows the line of the railway. Recently a combined walking and cycle route has been provided alongside the railway from Newton Aycliffe station to Locomotion at Shildon. This is an excellent cycle route and is very popular. It has the advantage of being a direct line of communication between two important locations. The proposed County Durham Plan recognises the heritage importance of the Stockton and Darlington Railway. The potential significance of a recreational route that follows such an important heritage asset needs to be fully taken into account. The proposed site however is at present greenfield and so undeveloped land and it is considered that its design should fully take into account the proposals for the recreational route alongside the Railway.
87. *Durham Bird Club* – Advise that the Breeding Bird Survey notes a number of farmland and other birds that are currently causing major concern because of their decline in numbers. The Survey shows 6 pairs of breeding Lapwing and 1 pair of breeding Curlew on this site, it is now extremely rare for these birds to breed in lowland areas. The recommendations for mitigation are noted, while these are welcome, they are unlikely to help any of the species mentioned above. Even if the habitat is suitable, the fact that it is so close to development is likely to deter many of these species. Paragraph 170 of the NPPF states that planning policies should contribute to and enhance the natural and local environment. It also recognises the wider benefits of Natural Capital. In view of the findings in the Breeding Bird Survey, we represent that the development should provide suitable habitat on or off site of lowland breeding birds.

APPLICANTS STATEMENT:

88. The proposed development comprises an Industrial and Trade Park with ancillary office space, a 60-bed hotel, a pub, a roadside restaurant and retail units, with a petrol station and associated infrastructure, at Forrest Park, Newton Aycliffe, County Durham.
89. The proposed development of £69.8 million development value will deliver circa 163,000sqm of employment space which will significantly contribute towards the Council's employment land requirements during the period from 2016-2035 whereby it has been identified that there is a need for 105ha of B1(c)/B2 uses and 60ha of B8 uses.
90. The proposals also support the Council's overarching vision to create an 'altogether better' Durham; which has a key aim of creating a 'altogether wealthier' Durham by improving the economic performance of the County as a whole. This priority is also a central theme of the emerging County Durham Plan and is also reflected in DCC's Sustainable Community Strategy and Regeneration Statement, which sets out an aim to attract employment of national significance, specifically within the A1 economic market area, which includes the Forrest Park Site.
91. In accordance with the above vision, the proposed development will result in significant job creation during the construction and operational phases, in-turn significantly benefitting the local economy. It is estimated that the entire 8-year construction period will create approximately 96 FTE direct construction jobs and 75 indirect jobs. Considering these figures, the construction phase will see an additional one-off benefit of £21.2 million in employee salaries paid over this period.
92. Once operational, the proposed development is anticipated to create approximately 3,132 FTE new jobs. In terms of the value to the local economy as a result of this job creation, based on the average salaries of comparable workers in the North East in the relevant employment sectors, it is expected that the 3,132 FTE positions will bring a benefit of circa £83 million per annum to the local economy. The operational development will offer further economic benefits through the generation of additional business rates income, which would be retained by DCC. This is predicted to be circa £2.3 million in payable business rates, based on a total rateable value of circa £4.8 million.
93. In addition to the economic benefits, the proposed development will also retain and realign the existing ecological corridor and watercourse running through the site, as well as introducing additional species rich planting to support biodiversity on site. Furthermore, the site is sustainably located and will assist the Council in meeting its objective to reduce the number of trips made by private car and will encourage the use of sustainable modes of transport when travelling to the site. The proposals also seek to assist in delivery of a footpath and cycleway route as part of the Stockton and Darlington Railways Heritage Route.
94. Substantial work has been undertaken in preparing the proposals for the site, including pre-application meetings with the LPA and a public consultation with key stakeholders and residents. The Applicant and design team has worked with all parties cooperatively throughout the design and planning process, including local residents, businesses, community groups and other key stakeholders; taking on board a wide cross section of views to ensure the delivery of a successful sustainable development.
95. In summary, the proposed development contributes to all three dimensions of sustainable development, delivering substantial benefits socially, economically and environmentally and is therefore considered to fall within the definition of sustainable development, on which the NPPF encourages planning authorities to take a positive approach.

PLANNING CONSIDERATIONS AND ASSESSMENT

96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape and visual impact, heritage impact, highway safety and access, ecology, amenity/pollution, flooding and drainage, layout and design, other issues and planning obligations.

Principle of Development

97. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (SBLP) and Great Aycliffe Neighbourhood Plan (GANP) are the statutory development plans in force and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
98. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
99. As the GANP was adopted after the publication of the Framework, its policies are considered consistent with the framework.

Employment Land

100. Relevant to this application site is SBLP Policy IB1 which sets out that planning applications that maintain in appropriate locations a range of land available for industry and business purposes will be supported. This is to ensure that land is made available to assist the expansion of existing companies, facilitate inward investment and encourage new businesses. The policy identifies different types of employment sites that should be provided and relevant locational criteria each site should meet. The site lies outside of any designated employment site designated in the SBLP, effectively in the open countryside. SBLP IB4 sets criteria for when the development of an identified large single user site is proposed outside of a designated site. However, it is considered that this policy is not relevant to this proposal, as it would provide a broad range of uses on a speculative basis, rather than a large single user. Other policies that relate to the development of industrial and business development outside of designated industrial estates do not form saved policies of the SBLP. GANP Policy R3 sets out that in order to develop and sustain the economy of Great Aycliffe, support

will be given to the development of employment activities, in suitable and appropriate locations.

101. Paragraph 80 to 83 of the NPPF set out that policies and decisions should help create the conditions in which businesses can invest, expand and adapt with significant weight being placed on the need to support economic growth and productivity. The NPPF also sets out that planning policies should set criteria, or identify strategic sites, for inward and local investment to match the strategy and to meet anticipated needs over a plan period. It further states that planning policies should be flexible enough to meet needs not anticipated in the plan, while planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for clusters or networks storage and distribution operations at a variety of scale and in suitable accessible locations.
102. In this context, it is considered that SBLP Policy IB1, due to its generally positive approach of promoting that a range of employment land is made available to respond to specific needs is consistent with the NPPF. However, the evidence base which informs the economic strategy of the SBLP and therefore this policy, is not based on up to date information and does not reflect the current employment needs of the County. This policy is therefore considered out of date. However, due to its consistency with the NPPF it can still be afforded substantial weight in the decision-making process. GANP Policy R3 leaves the allocation of employment land to other policies within the SBLP or the emerging County Durham Plan and is, therefore considered not to be out of date and should be afforded significant weight in the decision-making process.
103. The employment allocations that were identified in the SBLP have been reviewed within the County Durham Employment Land Review 2018 (ELR) which also considered potential new sites and also an employment land requirement for County Durham through to 2035. This document forms part of the evidence base for the emerging CDP and is considered a material consideration to this application. The document identifies that whilst the County has an oversupply of employment land there are areas of the County where demand for land and premises is stronger, particularly along transport corridors including the A1(M). The ELR therefore makes recommendations on the deallocation of sites but also the potential for new allocations. The application site has been assessed and scores highly against the assessment criteria, it is therefore recommended for allocation within the CDP for B1, B2 and B8 uses. This is reflected in the Pre-Submission Draft January 2019.
104. Overall development of the site for industrial/commercial uses would accord with SBLP policy IB1 and GANP policy R3 which are considered consistent with the NPPF. Policy IB1 of the SBLP is considered out of date due to the age of information that informed the economic strategy of the plan and the policy. However, the County Durham Employment Land Review 2018, the most up to date evidence in relation to employment land and need within the County, recommends allocation of the site in the CDP for B1, B2 and B8 uses.

Retail / other uses

105. In addition to the industrial/employment uses, the development proposes non-B class uses, including up to 850m² of Use Class A1 (shops), A3(food and drink) and A5(hot food takeaway, a 750 m² petrol station (Sui Generis), a 622m² public house (Use Class A4) and a 60-bed hotel (approx. 1500sqm in area) (Use Class C2).
106. Policy S1 of the SBLP sets out that the role of town centres including Newton Aycliffe will be promoted and protected by granting planning permission for further shopping,

leisure and recreation uses within or on the edge of town centres and granting planning permission which lead to the improvements. Policy S1 sets out that town centres, including Newton Aycliffe will provide the main locations for major retail and town centre developments will help regeneration of these towns and ensure that the countryside is protected from unnecessary development. Elements of the development are main town centre uses, including the shop, certain food and drink uses, the public house and hotel. However only the hotel, due to its floor space exceeding 1000sqm would be classed as a major development. This element would, therefore, conflict with Policy S1, representing a major town centre use outside of the established town centre.

107. SBLP Policy S1 is partly consistent with the NPPF as it seeks to locate town centre uses within existing centres and seeks to protect the vitality and viability of town centres and district centres. However, Policy S1 does not adopt the sequential test requirements for town centre developments to the same extent as the NPPF, with no distinction made between a town centre or edge of centre location made nor the requirement in some instances for an impact assessment to be undertaken. The economic strategy which underpins Policy S1 is not based on up to date information and therefore is considered out of date. Reduced weight should be afforded to policy in the decision-making process
108. Policy L20 of the SBLP sets out that planning permission will be granted for hotels and other visitor accommodation within or on the edge of towns. However exceptionally new hotels and visitor accommodation may be permitted in the countryside if the development would serve a major recreational facility, be part of a range of services for the motorist providing the site is adjacent to a primary route or make use of an existing building. Subject to scrutinising the specific impacts of the development, it is considered that the siting of a hotel on the site would comply with SBLP Policy L20 as it would be part of a range of services adjacent to a site recognised in the Local Plan (under policy T13) as being appropriate to serve motorists of the A1(M), while also being located on the edge of Newton Aycliffe. Policy L20 is not fully consistent with the NPPF, as it defines a hotel as a main town centre use and should be subject to the sequential/impact tests where appropriate. It is also considered that the economic and tourism strategy that underpins Policy L20 is also based on historic information and therefore is considered out of date. Policy L20 should, therefore, be afforded reduced weight in the decision-making process.
109. SBLP Policy T11 sets out that planning permission for petrol filling stations will normally be granted for sites within towns and villages in appropriate locations to serve the needs of local residents and businesses and avoid the proliferation of new development in the countryside. The policy in its supporting text sets out that there is adequate provision of petrol filling stations along the primary routes (including the A167) in the former Borough. The erection of a petrol filling station on the site would conflict with Policy T11 of the SBLP being sited on the A167 primary route and in the countryside. Policy T11 of the SBLP is considered broadly consistent with the NPPF, focusing development in existing settlements, however the NPPF promotes a more flexible approach to site selection and requires that planning policies respond to market need. The strategy of limiting petrol filling stations on primary routes is also based on historic information and, therefore, it is considered out of date. Policy T11 should therefore be afforded reduced weight in the decision-making process.
110. No specific policies relate to town centre developments in the GANP, but the supporting text identifies that retail proposals that come forward to improve the retail provision on offer within the Parish will be approved, regardless of its location, as long as it has met the sequential testing required by the NPPF and any other relevant planning policy. The GANP goes onto state that proposals that offer support services,

including retail and food, for businesses and employees on Aycliffe Business Park will also be approved as long as any wider requirements have been met.

111. In assessing this element of the proposal against the NPPF, Paragraphs 86 to 87 set out the requirements for the application of a sequential test to planning applications for main town centre uses. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The Planning Practice Guidance provides further guidance on the sequential test and advises that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
112. In this respect, the applicant has identified that the public house, hotel and roadside retail units are fundamental to the business model of the site, to serve an ancillary function to occupiers of the estate and provide funding to enable further infrastructure works, facilitating the development. The applicant has undertaken a sequential assessment to identify sites capable of accommodating the Proposed Development in its entirety. The search has focused on centers within the Newton Aycliffe area however there are no sites which meet the size requirements to accommodate the Proposed Development and therefore no sequentially preferable sites. The NPPF establishes that out-of-centre sites can be considered in such circumstances, with preference given to accessible and well-connected site. On this basis, the proposal is in full accordance with the sequential approach outlined in Paragraphs 86 and 87 of the NPPF and having regards to the further advice contained within the PPG including consideration of the requirement to demonstrate flexibility.
113. Furthermore, it is considered that in this instance the proposed town centre uses are justified in this location as they will support existing motorway services and provide ancillary facilities to support the wider functioning of the employment site. Locating these facilities within the town centre would not meet the locational requirements of the proposed uses away from the A1(M) junction and the employment sites they are intended to serve. This would also necessitate trips from the site to the town centre for employees, likely by private car due to distances, to access food and retail outlets. Furthermore, the delivery of these elements early in the development with provide cash flow to enable the delivery of the initial infrastructure which has a high upfront cost.
114. Paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment. If there is no locally set threshold, the default threshold is 2500sqm of gross floorspace. Whilst the emerging CDP sets a proposed threshold for 1500sqm of food retail and 1000sqm for non-food retail neither have been adopted by the Council. In this respect the application proposes up to 850sqm of roadside retail alongside a 622sqm public house, the definition of a hotel falls outside of 'retail and leisure' (tourism) and therefore the proposal would not therefore not trigger the requirement for an impact test.

Conclusion on principle of development

115. The development of the site for industrial/commercial uses would accord with SBLP Policy IB1 and GANP Policy R3 which are considered consistent with the NPPF. Policy IB1 is, however, considered out of date due to the age of the evidence which informed it. The hotel element of the proposal would conflict with Policy S1 representing a major town centre use outside of a town centre, but would comply with Policy L20 of the SBLP which sets out justification for such development in the countryside. The petrol filling station element of the development would conflict with Policy T11 representing

development in the countryside. However, in the round these policies are considered out of date.

116. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole

117. There are a range of Development Plan policies which are relevant to the location of the development in principle, however, it is considered that the majority of these are out of date and the acceptability of the development must, therefore be considered in the context of Paragraph 11(d) of the NPPF as set out above.

Locational Sustainability of the Site

118. SBLP policies D1 and D3 sets out that developments should be served by public transport routes thus ensuring that they are accessible to all sections of the community and helping to create a form of development that is sustainable. Roads in large scale developments should be designed to accommodate buses while safe and direct footpath links should be provided to bus-stops. SBLP Policies L9 and T1 also promotes safe and attractive footpaths and cycleway networks while requiring that new routes should be provided to serve new developments to encourage journeys by foot and by bicycle, while safe and convenient pedestrian routes to bus stops are important for using public transport. SBLP Policy T2 sets out that major new developments should make appropriate provision for new bus routes. This is replicated in GANP Policy T3 which sets out that major development proposals should provide or contribute to safe, well-lit, accessible pedestrian and cycle routes.

119. It is considered that policies D1, D3, L9, T1 and T2 of the SBLP are broadly consistent with the NPPF. The NPPF at paragraph 103 sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this, paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment.

120. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot,

bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.

121. In terms of accessing the development by walking, it is recognised that the development is located on the edge of the settlement and inherently large scale industrial/ commercial areas are separated from residential areas. Based on relevant guidance, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what employees could be expected to walk, taking into account topography and desirability of routes. The majority of existing residential areas of Newton Aycliffe lie beyond this walking distance other than residential areas of Aycliffe Village, Coatham Mundeville and Brafferton.
122. In terms of access by bus, there are existing bus stops located on the A167 (north and south bound) which provide access to frequent services (up to 4 per hour) to the centre of Newton Aycliffe, Darlington, Spennymoor and Durham. Relevant guidance sets out that 400m is the maximum distance people will likely walk to access a service. In this respect the bus stops in question are located approximately 350m from the edge of the site. However, the overwhelming majority of the development would lie beyond this distance, indicating that future employees would be discouraged from using bus to access large parts of the site. In recognition of this limitation of the site the applicant has offered to fund a bus service at a cost of £100, 000 from the site to the centre of Newton Aycliffe, incorporating a link to the train station. This would be brought into service once there is an acceptable quantum of employees on the site and funded for a two-year period after which the service would hopefully become self-sustaining. It is recommended that this is secured through a S106 legal agreement.
123. Relevant guidance sets out that cycling is considered to be a viable alternative mode of transport to that of the private car for journeys up to 5km. In this respect, the residential areas within the southern part of Newton Aycliffe would fall within this catchment. However, it is recognised that the topography of Newton Aycliffe (relatively flat/gently undulating) and the existing cycle network would likely mean that the majority of the residential areas within Newton Aycliffe would be reasonably accessible by cycling. It is, however, recognised that existing bridleways within close proximity of the site are in poor condition which may discourage their use, and there are no specific cycle paths on the A167 into the site. In order to improve the accessibility of the site for cyclists it is proposed to upgrade the existing PROW network leading back from the site to Millennium Way. A cycle route would also be provided across the development site. A separate condition relating to detailing the routing of footpath no.8 and Bridleway no.10 (Great Aycliffe) through the application site is also proposed.
124. In terms of access by rail, Heighington Station lies an approximately 1350m walking distance to the north of site which provides an hourly service to Bishop Auckland and Darlington. Although this distance is above the 800m that guidance suggests people would walk to a train station, it is considered likely that a proportion of future employees could access the site by walking or cycling from the rail station, particularly due to the above-mentioned improvements. The proposed bus link would also improve accessibility to the rail station from the site.
125. In relation to the A1/A3/A5 uses, the proposed hotel and petrol filling stations, these are not considered to represent destinations but rather than to either serve future employees of the site and to supplement the current offering of the existing services which attract passing trade from the A1(M), A167 and Aycliffe industrial estate. The provision of facilities on the site would provide a retail and food option for future employees, negating the need to travel to the town centre, by private car due to distance involved and nature of the trips.

126. Taken in the round, whilst recognising the inherent limitations of the accessibility of the site due to its scale and location, even taking into account proposed off site conditions to improve pedestrian and cycle links, to Heighton Aycliffe Station and the provision of a temporary bus route, a residual impact would remain in this respect of accessibility of the site. Although this would not result in policy conflict with relevant SBLP and GANP policies, the proposal is not considered to full accord with paragraphs 103 and 110 of the NPPF in this respect. This adverse impact should be taken into account in the planning balance.

Landscape and Visual Appraisal

127. SBLP Policy E1 normally requires that landscape features fit into the landscape scheme for any development in the southern and eastern lowland landscape character areas. SBLP Policy E15 sets out that landscape features, including trees and hedgerows should be retained in the layout of the developments. SBLP Policies D1 and D4 requires developments to take account of the sites natural features while providing adequate landscaping. These policies are considered consistent with Parts 12 and 15 of the NPPF which sets out that good design is indivisible from good planning while also recognising the intrinsic character and beauty of the countryside and requiring that development is sympathetic to its landscape setting.
128. GANP Policy CH1 sets out that developments must respect the landscape character of the parish as defined in the Great Aycliffe Heritage and Character Assessment. New development should, where appropriate, maintain the existing landscape features and provide tree lined avenues to maintain the Beveridge vision for Newton Aycliffe. GANP Policy E4 sets out that proposals for new development will not be permitted where it would result in the loss of high landscape value trees, where tree removal is required, essential to the delivery for the site, trees of similar amenity value should be replaced on a 2 for 1 basis. GANP Policy E5 sets out that where trees are to be retained, they should be adequately protected.
129. The northern part of the application site is identified within the Durham County Council Landscape Strategy as a Landscape Conservation Priority Area where the landscape strategy for the site is broken down jointly into the conserve and restore and restore and enhance priorities. The southern portion is identified as a Landscape Improvement Priority Area where the landscape spatial strategy is to conserve and enhance. The site is identified in the Great Aycliffe Heritage and Character Assessment, southern landscape buffer character area. This assessment identifies that there are elements of the area that are particularly sensitive to change relating to rural characteristics and screening of the urban edge. It is suggested that in order to manage change in this area, there should be focus on retaining screening of the urban edge and to retain a landscape buffer to the existing Business Park and to prevent coalescence with the A1(M), retain the framework of mature vegetation and wooded horizons and reinforce roadside vegetation at the junction of the A167 and A1(M) roundabout to enhance the initial gateway into Aycliffe Village and Newton Aycliffe.
130. The applicant has submitted a Landscape and Visual Appraisal, which assesses the landscape and visual effects of the proposed development within a zone of theoretical visibility extending to around 5km. The report concludes that during the construction phase the landscape impacts of the development would be significant, however these effects would be temporary, intermittent, and of a short-term duration. In regard to the more permanent impacts of the operational development, the site itself would undergo a change in character with the introduction of industrial units, other buildings and road infrastructure creating a manmade appearance. In relation to the visual effects, it is concluded that there would be significant impacts to the users of Bridleway 10 and Footpaths 8 and 36 which run along the northern boundary and down the eastern

boundary of the site and from residential properties to the south of the site. The visual impacts of the development would be reduced over time on these receptors due to proposed mitigation planting. The impact on the visual receptor of the A1(M) is categorised as being moderate with large industrial units being visible in views, however existing roadside vegetation would help screen the development.

131. The Council's Landscape Section advise that the conclusions of the Landscape and Visual Appraisal are broadly sound. It is advised that there will be significant visual and landscape effects, as would be expected from a development of this scale, resulting from the transformation of an agricultural field, and the loss of the mature trees along the watercourse. The effectiveness of mitigation through screening would be reduced as the site slopes down to the southeast and some of the proposed structures would be located above any planting at the bottom of the slope. It is advised that the preservation of the existing hedgerow and trees along the southern and eastern boundaries is particularly important in mitigating the effects of the development. It is advised that although more robust planting in the south east corner may increase the visual density of the structural land this would not change the general character of the view or lower the impacts of the development to a significant degree. It is advised that there should be a requirement that a detailed landscaping scheme to be submitted as a reserved matter based on the masterplan/landscape strategy of the outline application. This would need to detail the quantum and timing of replacement trees.
132. The development would have a significant impact on the landscape character of the site and this part of Newton Aycliffe, and would result in the loss of landscape features, including some mature trees of amenity value, contrary to policies E1 and E15 of the SBLP and policies CH1 and E4 of the GANP. The scheme does propose mitigation planting in accordance with policies D1 and D4 of the SBLP, however due to the nature of the site and scale of the development this would not fully mitigate the impact of the development and residual harm would remain at a significant adverse level. This harm and identified policy conflict needs to be weighed in the planning balance.

Heritage Impact

133. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance. Policy GANP CH4 sets out that new developments should seek to avoid any significant adverse impacts on heritage assets and the Conservation Area of Aycliffe Village or impact on setting. These policies are considered broadly consistent with the NPPF in this respect, however it is recognised that Part 16 sets out that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme.
134. These policies reflect the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
135. The heritage assets within closer proximity of the site and thereby requiring consideration to be given to the impacts of the development in this instance include the line of the Stockton and Darlington Railway located on the Western Boundary of the site and which is considered a non-designated heritage asset. The Aycliffe Village Conservation Area containing a number of Listed Buildings, including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the

site. Approximately 420m south of the site is a Crossing Keeper's Cottage, Grade II Listed Building. Approximately 350m south-east of the site is Coatham Mundeville medieval village, fishpond and areas of rig and furrow Scheduled Monument and Coatham Mundeville Conservation Area. There are also numerous listed buildings in Coatham Mundeville including Coatham Hall Farmhouse (Grade II), Coatham Hall (Grade II listed) the Foresters Arms (Grade II) and Glebe Farmhouse (Grade II). To the south-west of the site, beyond the Stockton to Darlington Railway, Whiley Hill Farm, Sockburn Farm and Dean Head Farm are all visible on the first edition OS map circa 1860 and are considered non-designated heritage assets.

136. In reviewing the development proposals, the Council's Design and Conservation officer advises that due to the existing topography, vegetation and plan form of the area, there is limited indivisibility between the site and Aycliffe Village Conservation Area. Therefore, there would be no adverse impact on the setting of the conservation area and associated listed buildings in this respect.
137. The Stockton and Darlington Railway line lies adjacent to the western boundary of the site. The line falls within the Stockton to Darlington Railway Heritage Action Zone. It is advised that the proposed development should ensure that there is no harm to the setting of this non-designated heritage asset. Paragraph 197 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The importance of the Stockton to Darlington to Darlington Railway is highlighted within the emerging County Durham Plan, where policy 47 broadly seeks to protect the significance of the asset seeking to promote the legibility and interpretation of the route while safeguarding access alongside the route.
138. In considering this matter, it is noted that this section of the line is still operational as a functioning railway and therefore is considered less sensitive to development than other parts of the route that are no longer in use and survive at various levels of preservation with no functioning railway. Whilst recognising the outline nature of the application, based on the submitted indicative masterplan, the proposed large unit to operate a rail freight interchange would directly influence the line and its setting. However, this is not considered to represent a scale of harm that would result in conflict with Policy GANP CH4 or paragraph 197 of the NPPF given the active use of the railway. It could also be reasonable to conclude that an industrial use would be reflective of the historic use of the railway. The introduction of a railway freight interchange would help also ensure the continued active use of the railway a benefit recognised by policy 47 of the CDP and SBLP Policies T3 and T5.
139. Objections have been raised by the Friends of the Stockton and Darlington Railway, Bishop Auckland Cycling Club and CPRE regarding the failure of the development to safeguard a route directly alongside the railway line. Specific reference is made to the requirements of policy 47 of the CDP in this respect. In considering this matter, while the objections and concerns of relevant groups are respectfully noted, the safeguarding of a specific route along the eastern site of the railway line through the development site needs to be balanced against the potential sterilisation of the proposed rail freight interchange. This is because the two uses may prove incompatible and may require a costly engineering solution to achieve an appropriate crossing. Furthermore, given the outline nature of the application the layout of this element of the development site may change to reflect the needs of a future user. It is also understood that there is an ambition to open a cycle/walk way along the length of the route by 2025. It is considered likely that this element of the development may not have been brought forward in this time frame, while other route options in this area are

still under consideration. In addition, and as set out above no weight can be afforded to policy 47 due to the status of the CDP at this stage.

140. Notwithstanding this, the submitted masterplan has identified a route through the development site which would facilitate a north south connection, at this stage routed away from the direct line of the railway. The position of this route may be altered once the development progresses and end user identified, with the potential to facilitate a route directly adjacent to the railway line. A conditional approach is recommended to allow further consideration and secure a suitable route.
141. The zone of visual influence mapping included within the Landscape and Visual Impact Assessment shows that there is currently some intervisibility between the site and the Grade II listed Crossing Keeper's Cottage and the designated heritage assets in Coatham Mundeville and Brafferton. No comments have been received from Darlington Borough Council to provide an assessment of the potential impact on the setting of the heritage assets within their area, however it is considered that due to the separation from the site caused by the A1M there would be no harm to relevant heritage assets in this respect.
142. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The site has been evaluated through trial trenching. The Council's Archaeology Officer advises that as a result of this work, further evaluation will be required within the indicated phase 6, along with the recording of Hill House Farm prior to demolition. A conditional approach is recommended to ensure that appropriate evaluation and recording is undertaken before the commencement of development within these areas of the site.
143. Overall, it is considered that the development would not adversely impact or detract from the character and appearance of any identified heritage asset. The development is, therefore, considered to comply with SBLP Policy E18, GANP Policy CH4 and Part 16 of the NPPF in this respect.

Highway Safety and Access

144. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. SBLP Policy D4 sets out that the layout and design of all new industrial and business development will normally be expected to accommodate traffic generated by the development without causing danger or inconvenience to other road users. Policies D3 and D4 are considered compliant with the NPPF which also seeks to ensure that developments provide a safe and suitable access to the site while seeking to protect highway safety and cumulative impacts on the road network.
145. It is proposed that the main vehicular access to the site would be taken off a recently upgraded signalised junction on the A167, which also serves the existing uses of the adjacent of the motorway services. Internal to the site, it is indicated that there would be a series of estate roads leading to different phases of the development. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concluded that the development would have an acceptable impact on relevant junctions.
146. In reviewing the proposals, the Highway Authority advise that the submitted TA suitably assesses the impacts of the development. Taking into account the projected

loading of the development, it is advised that the highway network in the vicinity of the development would operate under stable conditions without mitigation. It is further advised that the parking and delivery arrangements as indicated on the submitted masterplan are considered to be generally acceptable. Scrutiny of any reserved matters application would ensure compliance with relevant car parking standards, particularly in relation to the proposed hotel elements.

147. Highways England offer no objections to the development regarding the impact on the development on the operation of the adjacent A1(M) junction 59, subject to a condition requiring the review of the operation of the signals on the A167 (before occupation of 80,000sqm of development) to ensure that any queues do not extend within 90m of junction 59 of the A1(M). A condition to this effect is recommended.
148. Network Rail offer no objections but highlight the potential for recreational use of the rail crossings in proximity of the site by future occupants, however it is acknowledged that recent improvements have been made to crossings as a result of recent developments. A developer contribution is sought for improvements to Heighington Station towards station facility improvements. Details of surface water, landscaping, fencing and lighting should be approved in consultation with Railtrack to protect rail infrastructure and safe operation of the rail line. Conditions to cover these matters are recommended.
149. With regards to the request for a contribution towards Heighington Station, planning obligations can only be sought to make the development acceptable in planning terms. In this respect no evidence has been provided to identify that the development would have a quantifiable adverse impact on the station that would require mitigation.
150. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP policies D3 and D4 and Part 9 of the NPPF in this respect.

Ecology

151. Policy E11 of the SBLP seeks to ensure that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated that there are reasons for the development that would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects. Policy E11 is considered consistent with Part 15 of the NPPF which also seeks to ensure that developments protect and mitigate harm to biodiversity interests, while also seeking to ensure a net biodiversity gain. Accordingly, the policy should be afforded full weight in the determination of the planning application.
152. In this respect, the site is located approximately 380m south of Aycliffe Quarry Local Wildlife Site, while Cumby Pond Local wildlife site is located 650m to the north west. Whiley Hill Sandpit and Coatham Grange March Local Wildlife sites are located 715m to the south of the. An ecological assessment has been submitted in support of the application which assesses the developments impacts of ecological interests.
153. The presence of a pond to the north of the site and the possibility for Great Crested Newts to utilise the site for terrestrial habitat is highlighted. It is also identified that the site is used by breeding birds, several species of which are of conservation interest

including UKBAP and Durham BAP species such as Curlew, Skylark and Yellowhammer.

154. In terms of bats, the submitted reports and data indicates that there is a low probability of roosts being present on most of the site and bats use the site for foraging, although some of the trees on the southern site boundary have a high roost potential. The submitted masterplan indicated that these trees would be retained. Mitigation measures including the submission of further survey work in support of any reserved matter application (recognising the time limited nature of survey work and the likely timing of reserved matters applications), appropriate landscaping and controlling the lighting of the site are recommended.
155. In terms of Great Crested Newts, the pond to the north of the site would be unaffected by the development, however, in applying a risk-based approach there may be a loss of terrestrial habitats, depending on the final site layout. A programme of trapping and translocation to remove any newts from the development site before different elements of the development is proposed.
156. Under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England which is normally obtained after planning permission has been granted. When deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS) the regulation contain three "derogation tests" which must be applied by Natural England. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.
157. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under Regulation 9(3) and also be satisfied that these three tests are met and that Natural England is likely to grant a protected species license when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their function.
158. In applying the three tests, the development is considered necessary in the public interest delivering sufficient supply of employment land to meet an identified need. In terms of satisfactory alternatives, employment at this location aligns with strategic policy at a national level. The "do nothing" approach should be considered, and it would be an alternative for development to not occur at the site, albeit the above-mentioned contribution to the delivery of employment land would not occur. In respects to the third test, the conservation status of the species would not be negatively impacted upon as the principle habitat would remain and would support the population. Overall, it is considered that Natural England would grant an EPS licence in respect of Great Crested Newts.
159. The development would displace breeding birds on the site. Although some onsite habitat would be created in order to mitigate the developments impact in this respect and in order to ensure a net bio-diversity gain an offsite contribution of £173,668 is offered for offsite habitat creation. Further mitigation measures in relation to the timing of site clearance and landscape features to be delivered on site is proposed. A conditional approach to secure this is recommended.

160. Subject to delivering the above mitigation and subject to further review of the reserved matters application, the Council's Ecology Officer raises no objections to the application. The development would not have an adverse impact on designated ecology sites or species especially protected by law while achieving the NPPF aims of a net biodiversity gain. The development is, therefore, considered to comply to SBLP Policy E11 (consistent with the NPPF) and Part 15 of the NPPF in this respect.

Amenity/Pollution

161. SBLP Policy D1 requires that the design and layout of development has no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This policy is considered compliant with Parts 12 and 15 of the NPPF which requires that a good standard of amenity for existing and future users, whilst seeking to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

162. The application is supported by a noise impact assessment which highlights that there are a number of noise sensitive receptors in the vicinity of the site, including the farmsteads of Whiley Hill Farm and Sockburn Farm located approximately 260m to the south west of the application site. Although the noise climate is relatively high to the eastern and northern portion of the development site due to existing industrial and commercial operations and the location of the A1(M), the western boundary is comparatively quieter. The development has the potential, therefore, to impact on these receptors.

163. Due to the nature of the application and the unknown end use of potential occupiers the Council's Environmental Health and Consumer Protection Officer (noise) advises a conditional approach to require the submission of a further assessment at reserved matters stage detailing noise mitigation measures if required. This would be principally focused on external plant or potential noisy external operations. It is advised that the recommended noise levels to be achieved at sensitive receptors would not result in onerous restrictions on future occupiers and would provide adequate levels of amenity.

164. Furthermore, in order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts and a condition limiting working hours on site. Subject to the imposition of such a condition, construction related impacts could be mitigated.

165. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report, which identifies that there is a low risk of contaminants being present on site, but further site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 assessment is acceptable and recommends a conditional approach to further land contamination investigations, including site sampling, in accordance with Part 15 of the NPPF.

166. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however, advised that the development required screening against the Stage 2 indicative criteria for requiring an Air Quality Assessment (>500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows). In this instance screening has been undertaken and the target levels for air pollution would be well below the mean objective for relevant targets for when the development is brought into use. It is therefore advised that no further assessment on the impacts of air quality is

therefore required in this instance. Methods for the suppression of dust and particulates should be adopted during construction to be secured by condition.

167. Overall, subject to conditions the development would comply with SBLP Policy D1 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in amenity or increase the risk of pollution for surrounding sensitive receptors and future occupants.

Flooding and Drainage

168. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be undertaken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
169. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge at greenfield run off rates. The scheme also proposes the implementation of porous paving, would help restrict runoff to greenfield rates and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach once a layout in a reserved matters application is developed Drainage and Coastal Protection officers offer no objections to the development or the overall initial drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.
170. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the final drainage layout. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
171. The Environment Agency offer no objections to the development, subject to a condition requiring details of any underground storage tanks to submitted for approval, in order to protect ground water quality.
172. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Layout and Design

173. SBLP Policies D1, D3 and D4 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.

174. In this respect the application is in an outline form, however based on the indicative master plan it is considered that the proposed development could be accommodated on the site and an appropriate layout could be achieved subject to review of a reserved matters application.
175. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning condition.
176. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality industrial/commercial development in accordance with SBLP Policies D1, D3 and D4, and Part 12 of the NPPF.

Other Issues

177. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 55ha of agricultural land. A site-specific investigation into the land classification does not accompany the application, however Natural England classification maps for the North-East region identify that approximately 7.8ha of the site is classified as grade 3a, best and most versatile agricultural land which would be lost. However, this does not preclude the land from development, but is a factor to consider in the determination of the application in the planning balance. It is considered that 7.8ha of Best and Most Versatile land is not significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
178. It is intended to bring forward the development on a phased approach, which in the main will be led by market demand. Accordingly, it is recommended that conditions controlling detailed elements of the development are drafted on this basis. Given the likely build out time and reflecting the speculative nature of large parts of the development site, a time limit of 15 years for the submission for all reserved matters applications is considered proportionate and appropriate in this instance.

Planning Obligations

179. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval. This requirement would be in accordance with GANP Policy R3 and Part 1 of the NPPF and assist in addressing the recognised limitations of the accessibility of the site. The applicant has expressed a willingness to enter into such an agreement.

CONCLUSION

180. The development of the site for industrial/commercial uses would accord with SBLP Policy IB1 and GANP Policy R3 which are considered consistent with the NPPF. Policy IB1 is however considered out of date due to the age of the evidence which informed it. The hotel element of the proposal would conflict with policy S1 representing a major town centre use outside of a town centre but would comply with policy L20 of the SBLP which set out justification for such development in the countryside. The petrol filling

station element of the development would conflict with policy T11 representing development in the countryside. However, these policies are considered out of date.

181. The development will have a significant impact on the landscape character of the site and this part of Newton Aycliffe, contrary to policies E1 and E15 of the SBLP and policies CH1 and E4 of the GANP. The NPPF is a material planning consideration capable of outweighing conflict with the development plan.
182. The most important policies for determining the application are considered out of date. A significant proportion of these policies are considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole

Benefits

183. The development would assist in maintaining employment land supply meeting an identified need as evidenced in the County Durham Employment Land Review 2018, the most up to date evidence in relation to employment land within the County. This is considered a substantial benefit.
184. The development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of 96 direct FTE construction jobs, as well as an estimated 3,312 FRE jobs generated by potential future operators of the site. A Gross Value-Added boost of £495 million to the County economy is forecast over the next 20 years. This is considered a substantial benefit.
185. The development would provide a temporary bus service from the site which would also link existing developments to the railway station and town centre, increasing sustainable transport options.
186. Based upon the ecological works proposed and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity. This is considered a limited benefit.
187. The provision of SUDS would reduce runoff rates on the developed portion of the site to greenfield run off rates taking into account climate change resulting in a betterment than the current situation. This is considered a limited benefit.

Adverse Impacts

188. The proposed development would result in a significant impact on the landscape character of the site and this part of Newton Aycliffe, and would result in the loss of landscape features, including some mature trees of amenity value.
189. Even taking into account proposed off site contributions to improve pedestrian and cycle links to Heighton Station and the provision of a temporary bus route residual impact would remain in this respect of accessibility of the site.
190. The development would result in the loss of 7.8ha of Best and Most Versatile Agricultural Land (3a), however this loss is not considered significant.

191. On balance, in this instance it is considered that the above adverse impacts would not significantly and demonstrably outweigh the benefits associated with the development. In this instance after applying the planning balance test is considered the NPPF is sufficient to outweigh the development's conflict with local plan policies.
192. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.
193. Paragraphs 54 and 56 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contributions towards provision of a temporary bus service, and off site ecological mitigation are considered necessary for the development to be considered acceptable and therefore meet the relevant tests and accord with related SBLP Policy D8 which also advises in relation to planning obligations. The Targeted Recruitment Training scheme obligation is considered a voluntary contribution.
194. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of:

- £173,668 towards off site biodiversity mitigation works.
- £100,000 towards providing a temporary bus service from the site.
- The provision of a Targeted Recruitment and training Scheme on a voluntary basis.

and subject to the following conditions;

1. Time

Applications for approval of reserved matters shall be made to the local planning authority before the expiration of fifteen years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Reserved Matters

Approval of the remaining details of appearance, landscaping, layout, scale and access details (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the commencement of each phase of development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works).

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Use Quantum

The gross internal floor space of the following elements of the development uses shall not exceed:-

B1(c), B2 and B8 uses 163,450sqm

Public House 622 sqm

A1/A3/A5 uses 850sqm

Petrol filling station 750sqm

The hotel shall have a maximum of 60 beds.

Reason: In order to define the permission, in the interests of highway safety and to safeguard the vitality and viability of Newton Aycliffe town centre accordance with policies D3, S1 and L20 of the Sedgfield Borough Local Plan and parts 7 and 9 of the NPPF.

4. Phasing

Prior to the submission of the first reserved matters application a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase pursuant to Condition 2 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this condition. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase or part thereof as defined on the phasing plan approved pursuant to this condition. The phasing of the development shall be carried out in accordance with the approved phasing plan.

Reason: To define the permission and enable a phased approach to development.

5. Masterplan

Application for approval of the reserved matters of the first phase of the development shall be submitted in general accordance with the Landscape Masterplan, Drg no. D191.L.001 Rev D. Thereafter each reserved matters application for a phase pursuant to Condition 2 above shall be accompanied by an updated landscape masterplan which shall make provision for:-

- A landscape strategy for the development
- The rerouting of bridleway no.10 (Great Aycliffe) and footpath no.8 (Great Aycliffe) through the site, and
- A specific route through the site for the Stockton and Darlington Railway Heritage Trail.

Reason: To mitigate the impact of the development on the character and appearance of the surrounding countryside, in order to ensure a net biodiversity gain is achieved and to deliver appropriate pedestrian and cycle links in accordance with policies E1, E11, E15, T1, T3 and D1 of the Sedgfield Bourgh Local Plan and parts 9, 12 and 15 of the NPPF.

6. Archaeology (Building Recording)

No demolition shall commence until an appropriate programme of building recording/analysis in accordance with a written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority. Development shall thereafter take place in accordance with the written scheme of investigation.

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

7. Archaeology (Investigations)

No development shall commence (other demolition in accordance with condition 6) until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall include timing/phasing of investigation work and reporting of analysis. Development shall thereafter take place in accordance with the approved details.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework.

8. Land Cont.

No development (excluding demolition, archaeological investigation or services diversions) of the relevant phase shall commence until a Phase 2 site investigation for land contamination, for that phase, has been carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification. Development shall thereafter take place in accordance with the approved details.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

9. Contaminated Land (Phase 4)

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

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

10. Noise

All subsequent reserved matters shall be accompanied by a detailed noise impact assessment for that phase. The assessment shall be compliant with the methodology stated in BS 4142: 2014 and shall demonstrate the potential impact of noise from proposed commercial operations within that phase on existing and proposed noise receptors. Should the assessment demonstrate that the rating level of proposed commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first occupation of the relevant development of that phase and thereafter be retained for the life time of the development.

Reason: In the interests of the amenity of surrounding land uses in accordance with policy D1 of the Sedgfield Bourgh Local Plan and parts 12 and 15 of the NPPF

11. **CMP**

No development of the relevant phase (excluding archaeological investigation and services diversions) shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with policy D1 of the Sedgfield Borough Local Plan and Part 15 of the National Planning Policy Framework.

12. **Working Hours**

In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with policy D1 of the Sedgefield Bourgh Local Plan and Part 15 of the National Planning Policy Framework.

13. SUDS

Reserved matters application for a relevant phase shall be accompanied by full details of foul and surface water drainage works for that phase, to be approved in writing by the Local Planning Authority. The surface water drainage works shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface and foul water are adequately disposed of in accordance parts 14 and 15 of the National Planning Policy Framework.

14. Ecology

The development hereby approved shall take place in accordance with the Great Crested Newt Outline Mitigation Strategy dated 12th April 2019 and the Recommendations for mitigation in the chapter 5.0 of the Breeding bird Surveys 2017.

Reason: In the interests of preserving protected species in accordance with Policy E11 and T1 of the Sedgefield Bourgh Local Plan and Part 15 of the National Planning Policy Framework

15. Footpath Improvements

Prior to the occupation of the first element of the development hereby approved, a scheme of improvement works to improve access to the site for pedestrians and cyclists along Bridleway No.10 and No. 11 (Great Aycliffe) shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall be completed in accordance with the approved details and timings thereafter.

Reason: To promote walking and cycling to the site, in accordance with policies D1, D3 and T1 of the Sedgefield Bourgh Local Plan and Part 9 of the National Planning Policy Framework

16. Travel plan

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

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

17. Art

Prior to the occupation of the first element of the development hereby approved, a scheme for the introduction of artistic elements/features into the development shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timings.

Reason: In the interests of the provision of art in development having regard to Policy D9 of the Sedgefield Bourgh Local Plan.

18. Lighting

Details of any external lighting for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority prior to the development of the relevant phase being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare and in order to mitigate the development impacts on ecological interests of the site in accordance with policies E18 and D1 of the Sedgefield Bourgh Local Plan and Part 15 of the National Planning Policy Framework.

19. Soils

No development for the relevant phase (excluding demolition, archaeological investigation, services diversions and any land remediation works) shall commence until a soil handling strategy for that phase has been submitted to and approved by the Local Planning Authority. The strategy shall be developed in accordance with the DEFRA Construction Code of Practice for the Sustainable use of soils on construction sites. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area and to protect the soil resource of the site in accordance with policies E1 and D1 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework

20. Highways England

No more than 80,000 square metres of floor space shall be occupied, until a report setting out how traffic queues on the northbound A167 will be managed to ensure they do not extend within 90 metres of junction 59 of the A1(M), has been submitted to and approved in writing by the Local Plan Authority, in consultation with Highways England. The development shall thereafter be carried out in accordance with the approved report, including the timeframes for the undertaking of any required mitigation works.

Reason: To ensure that the A1(M) Motorway continues to operate adequately, in accordance with policies D3 and D4 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework.

21. Groundwater Protection

No underground storage tanks shall be installed, unless in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:-

- the full structural details of the tanks,
- details of excavation,
- tank surround
- associated pipework and
- details of a monitoring system.

The development shall thereafter be fully implemented and subsequently maintained

in accordance with approved details.

Reason: To ensure that any underground storage tanks do not harm the water environment in accordance with paragraph 170 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve 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 (2019)

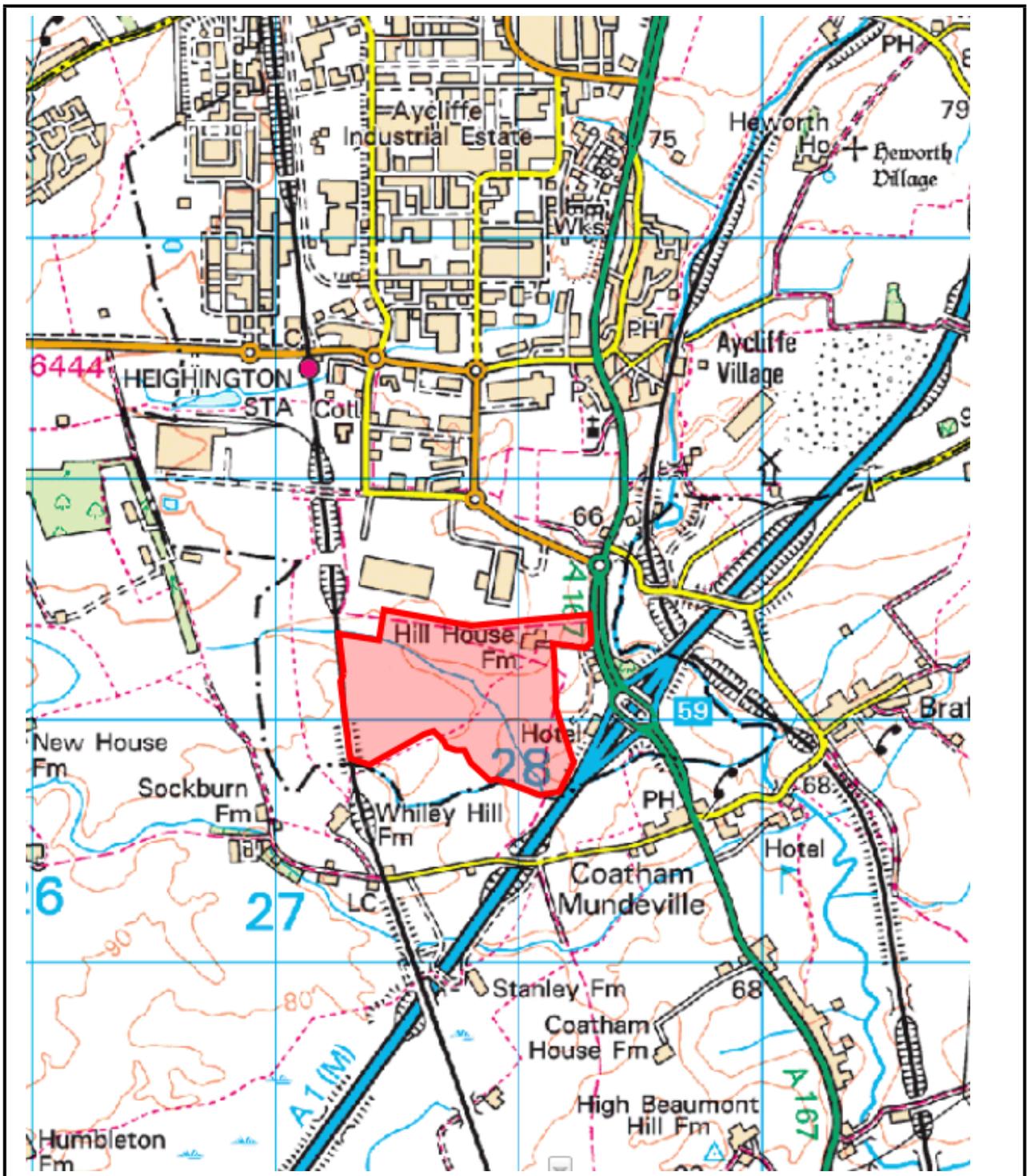
National Planning Practice Guidance Notes

Sedgefield Borough Local Plan

The County Durham Plan (Submission Version)

County Durham Employment Land Review 2018

Statutory, internal and public consultation responses



Planning Services

DM/19/00283/OUT

Land To The North Of Newton Park
Services, Newton Park, Coatham
Mundeville, DL1 3NL

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
Durham County Council Licence No 100022202 2005

Comments

Date July 2019

Scale Not to scale

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/01084/FPA
FULL APPLICATION DESCRIPTION:	Infrastructure works including provision of new footpath route, highways works including new signalised crossing works at the Hollingside Lane/South Road and Howlands/South Road junctions, and the creation of a car park of up to 215 spaces at Upper Mountjoy
NAME OF APPLICANT:	Durham University
ADDRESS:	Land South Of The New Inn Junction Along South Road To Mount Oswald And Hollingside Lane To Upper Mountjoy
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Henry Jones, Principal Planning Officer, 03000 263960 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of irregular shaped parcel of land of approximately 1.7ha in area. The site comprises of land principally owned by Durham University with the northern sections of the site being located within the concentration of University teaching facilities off Stockton Road whilst farther south the site takes in land at the "Hill Colleges", Lower Mountjoy, Upper Mountjoy and Mount Oswald areas. Smaller sections of the site also comprise of DCC adopted highway and land adjacent owned by DCC.
2. The northern extremity of the application site is located just outside of the Durham (City Centre) Conservation Area, the boundary of which is approximately 10m farther north. The more southern sections of the application site are farther from the Conservation Area (CA). Durham Castle and Cathedral World Heritage site (WHS) commences around 330m north of the application boundary. No listed buildings are within the application site with the closest being the Grade II listed Charley's Cross at the corner of Church Street Head approximately 30m to the north.
3. The application site includes a section of Little High Wood and borders Great High Wood in the Lower Mountjoy and Upper Mountjoy areas and both are Local Wildlife Sites (LWS) and each also contain Ancient Woodland. Sections of the Durham City Green Belt and Durham Area of High Landscape Value (AHLV) are within the bounds of the application site at Little High Wood and in the southern most sections of the site

in the vicinity of the South Road/Howlands Junction. In this same area, the site also takes in land which forms part of the boundary of Durham Botanical Gardens which is a designated Park and Garden of local interest. Public Footpath Nos 37 and 38 (Durham City) cross a section of the site in the Little High Wood area.

The Proposal and Background

4. Documentation in support of the planning application explains that the purpose of the proposal is principally to provide new and improved pedestrian and cycle routes to provide alternative, safer and more welcoming means of travel between college accommodation and teaching facilities. Currently the key route for students travelling between the Hill Colleges and teaching accommodation is the South Road footpath which varies between around 1m and 2.5m in width and during peak times is very busy with pedestrians seen to step off the footpath into the carriageway. The aim of the development proposal is therefore to provide improvements and capacity increases and relieve the pressure on South Road. The application would entail a total linear length of approximately 1.4km of footpath/cyclepath improvements.
5. A summary of the key suite of development works is below.
 - Widened areas of footpath/cyclepath west of the Bill Bryson Library
 - A lining scheme to direct users adjacent to the Ogden Centre
 - South of the Ogden Centre a new widened pedestrian footpath and new surfaced path of an existing route through Little High Woods
 - Widening of a footpath towards Grey College and new footpath/cyclepath west of Grey College
 - Removal of raised mound and associated retaining walls at South Road/Hollingside Lane Junction and replacement with new landscaped plaza area where various footpath/cyclepath sections meet with new signaling of the junction and provision of two pedestrian crossings of South Road
 - New footpath alongside Hollingside Lane together with new raised table and zebra crossing points and speed cushion
 - New vehicular access from Hollingside Lane to serve a new 215 space car park located to the south of existing car park at Upper Mountjoy/Durham University Science Park
 - New footpath, lining and zebra crossings in the vicinity of the Department of Biological Sciences
 - New footpath and lining scheme through Elvet Hill Road car park and amendments to parking layout
 - Widening of South Road footpath with associated demolition of wall and rebuilding at back of footpath
 - New cyclepath from Hollingside Lane west of Collingwood College
 - Widened section of footpath and amends to provide pedestrian/cycle crossing at the traffic lights just south of the South Road/Howlands Junction together with footpath/cyclepath link to Mount Oswald
6. The areas of new and improved footpath/cyclepath would comprise of various forms of construction and width, with wider provision where pedestrians and cyclists share the route and narrowing sections where they are separated. The areas of footpath/cyclepath improvements would be served by a number of new and relocated lighting columns. Generally, the areas of new footpath/cyclepath will follow the natural topography of the land and the application states that the proposed routes would have an average gradient of around 6% albeit with some sections of around 10% for lengths of no more than 10m. It is also proposed to serve the development with a series of wayfinding signage features. Indicative details of this are included in the application,

albeit the final detailed scheme would require separate advertisement consent, which is not being sought at this stage.

7. The main footpath/cyclepath works are proposed as part of a first phase. The 215 space carpark proposed at Upper Mountjoy is proposed as part of a second phase and the application explains that the provision of the new car park is linked to the closure of other University car parks as part of an overall rationalization.
8. The various works would entail relatively substantial tree losses and landscape interventions, and this is discussed in greater detail elsewhere in the report. Amendments have been made to the scheme during the course of the application in order to reduce potential losses and in some instances special tree friendly construction methods are proposed so that tree loss/impact is reduced.
9. This planning application is being reported to County Planning Committee as it comprises a major development proposal involving more than 10,000m² of new development.

PLANNING HISTORY

10. The application site covers a substantial portion of land, predominantly owned by Durham University. Although the application site crosses land on which past planning history does exist, none of this is considered of relevance to the planning application.
11. However, a number of approved major redevelopment proposals are located in the vicinity of the application site which the infrastructure improvements proposed under this application would, in part, be proposed to serve. These key developments are listed below, and each are in varying degrees of implementation on site.
12. DM/17/01682/FPA - Construction of a new teaching and learning centre with associated landscaping and access - Durham University Lower Mountjoy Teaching and Learning Centre South Road Durham DH1 3LS.
13. DM/18/01650/FPA - Erection of Mathematical Sciences and Computer Science building with associated works and access - Land to The South of Durham University Mountjoy Research Centre Stockton Road Durham DH1 3UP.
14. DM/17/03433/RM - Reserved matters application for the approval of appearance, landscaping, layout and scale for the erection of two 500 bed colleges with associated student facilities and university hub building, pursuant to outline planning permission CMA/4/83 (as amended by DM/15/03555/VOC).

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
16. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or

made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

17. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
18. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
19. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
20. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
21. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
22. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
23. *NPPF Part 12 – Achieving well-designed places.* 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.
24. *Part 13 - 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 their 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.

25. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
26. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
27. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

28. 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; conserving and enhancing the historic environment; determining a planning application; design; health and wellbeing; land stability; light pollution; natural environment; neighbourhood planning; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; 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 (2004) (CDLP)

29. *Policy E1 – Durham City Green Belt*. Outlines the presumption against inappropriate development in the Green Belt in order to preserve its intrinsic openness.
30. *Policy E5 – Open Spaces Within Durham City*. Sets out that open spaces within the settlement boundary of Durham City which form part of its character and setting, including the Oswald-Elvet Hill parkland will be protected by restricting development to the height of the surrounding trees and is of a low density and sets aside most of the site for landscaping/open space.

31. *Policy E6 – Durham City Centre Conservation Area.* Seeks to preserve the special character, appearance and setting of the conservation area by setting out design criteria that developments should adhere to and not permitting the demolition of historic properties.
32. *Policy E10 - Areas of Landscape Value.* Is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
33. *Policy E14 – Existing Trees and Hedgerows –* would not permit development that would result in the loss of ancient woodland, and to retain other areas of woodland or important groups of trees and hedgerows wherever possible.
34. *Policy E15 - New Tree and Hedgerows.* States that the council will encourage tree and hedgerow planting.
35. *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.
36. *Policy E18 – Site of Nature Conservation Importance.* The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternative sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
37. *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.
38. *Policy E21 – The Historic Environment.* This requires consideration of buildings, open spaces and the setting of these features of our historic past that are not protected by other legislation to be taken into consideration.
39. *Policy E22 – Conservation Areas.* This policy seeks to preserve or enhance the character or appearance of conservation areas, by not permitting harmful development and protecting features which positively contribute to the conservation area.
40. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
41. *Policy E24 – Ancient Monuments and Archaeological Remains.* This policy sets out that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ. Development likely to damage these monuments will not be permitted. Archaeological remains of regional and local importance, which may be adversely affected by development proposals, will be protected by seeking preservation in situ or requiring investigation and evaluation where preservation in situ is not necessary.

42. *Policy E26 – Historic Parks and Gardens.* Advises that planning permission affecting parks and gardens of historic interest will only be granted if it does not detract from their special character or appearance.
43. *Policy EMP2 – Durham Science Park.* States that the development of Durham Science Park will continue and be occupied only for research and development, laboratories and high tech uses as set out in the class B1 use class.
44. *Policy T1 – Transport – General.* States that developments that would generate traffic which would be detrimental to highway safety or amenity of adjoining occupiers will be resisted.
45. *Policy T2 – Road Proposals.* States that support will be given for new road proposals and road improvements schemes that facilitate inward investment, remove traffic through residential areas, improve road safety standards, and have the minimum adverse effect upon the local environment.
46. *Policy T4 – Assessing the Route and Design of New Road Proposals.* New roads should avoid severance of communities, harmful impact upon residential amenity, natural and built environments, safely provide for alternative modes of transport, and prevent flooding.
47. *Policy T8 – Traffic Management.* Support should be given to traffic management measures which seek to improve highway safety, amenity and ease congestion.
48. *Policy T10 – 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.
49. *Policy T19 – Cycle Routes.* Encourages the provision of facilities for parking cycles in the city centre and other locations which are secure, protected from the weather and clearly signed.
50. *Policy T21 – Walkers Needs.* States that existing footpaths and public rights of way should be protected.
51. *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.
52. *Policy C3 – Education: 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.
53. *Policy Q1 – General Principles Designing for People.* Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
54. *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.
55. *Policy Q3 – External Parking Areas.* Requires that car parks should be landscaped, adequately surfaced, demarcated, lit and signed. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

56. *Policy Q4 - Pedestrian Areas.* Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
57. *Policy Q5 – Landscaping – General.* Requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
58. *Policy U5 – Pollution Prevention.* States that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property or that would unnecessarily constrain the development of neighbouring land.
59. *Policy U8a – Disposal of Foul and Surface Water.* Requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. 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.
60. *Policy U10 - Development in Flood Risk Areas.* States that proposals for new development shall not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas are unavailable; that no unacceptable risk would result; that no unacceptable risk would result elsewhere; or that appropriate mitigation measures can be secured.
61. *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.

RELEVANT EMERGING POLICY:

The County Durham Plan

62. Paragraph 48 of the NPPF states 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. Following consultation at ‘Issues & Options’, ‘Preferred Options’ and ‘Pre Submission Draft’ stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Durham City Neighbourhood Plan

63. The Durham City Neighbourhood Plan is at an early stage of preparation and has not yet reached a stage where weight can be afforded to it.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

64. *City of Durham Parish Council* – Have revised their comments during the course of the determination of the application and following amendments being made to the proposal. The revised comments consider that the amendments have addressed many concerns originally expressed with the application, however, three main areas of concern still remain. Firstly, it is considered that Durham University Masterplan proposals have very significant economic, social and environmental impacts and should be subject to a comprehensive assessment in its totality rather than being advanced via piecemeal individual applications and assessments. Secondly, it is considered that the proposed 215 space car park would involve greater use of Hollingside Lane and significantly worsen conditions for pedestrians and cyclists and the University should be utilising measures to reduce staff parking space and preventing students bringing cars to the City. Thirdly, it is considered that the applicant submits that the emerging County Durham Plan can be afforded limited weight, which is at odds with the Council's own view that it should be afforded no weight at this time.
65. *Highway Authority* – Raise no objections subject to condition. Originally submitted comments did raise concerns on a number of areas including in relation to the failure to incorporate a step free route south of the Ogden Centre and in relation to the impacts upon South Road traffic due to the signalling and crossing proposals at the Hollingside Lane/South Road and Howlands/South Road junctions. Objections are not raised to the principle of these junction works which are proposed, however, modelling demonstrations have not been submitted which prove the junction design will work acceptably though it is considered resolvable with some further detailed work and analysis. As a result, conditions are recommended that these signalised and crossing elements and the car park cannot come into fruition until the design is fully resolved.
66. *Coal Authority* – Raise no objections subject to the imposition of a condition to ensure that documentation is submitted to demonstrate that a section of the footpath route is proven to be outside of the zone of influence of a nearby mine entry, or should it be within the zone of influence that mitigation measures are deployed.
67. *Environment Agency* – No objections or detailed comments on the application.

INTERNAL CONSULTEE RESPONSES:

68. *Landscape and Arboriculture* – Raise no objections in overall conclusion, but detailed advice is provided in relation to the impacts of the development and it is highlighted that the development would result in a relatively substantial number of trees being lost. A summary of the key impacts upon trees in the various sections of the development site is provided. It is highlighted that the scheme has been revised to reduce the effects on trees, and particularly on those prominent in views from public vantage points along South Road, albeit there remains the significant localised effect of the loss of a mature grouping at the Hollingside Lane/South Road junction.
69. It is highlighted that within the various landscape/arboricultural submissions there remains a degree of ambiguity in the precise impacts upon some trees and the precise number of losses as some further detailed work is needed to understand the precise incursions into root protection areas and if particular construction methods are needed/appropriate. This would need to be supported by site investigations during construction and monitoring. It is highlighted that whilst such ambiguity is not entirely

satisfactory in a scheme so complex in regards to trees, mechanisms to monitor and replace trees should they fail would be preferable to take a very precautionary approach of recommending to fell if there is any doubt on impact.

70. In the event of an approval conditions would be needed to agree final tree works, precise construction methods in certain areas, monitoring regimes and replacement planting/landscaping.
71. *Design and Conservation* – Advise that the key heritage considerations are the impacts upon the setting of Durham (City Centre) Conservation Area and the remaining sections of wall which formed an entrance to Oswald House (now demolished). It is stated that there remains some lack of clarity on final tree loss but that the degree of tree loss would have some less than substantial harm on the green and leafy approach to and thereby setting of the CA. The remnants of the entrance to Oswald House is a non-designated heritage asset which contributes positively to the approach to the CA and its loss must also be considered in the planning balance.
72. *Archaeology* – Raise no objections. An archaeological evaluation within a Written Scheme of Investigation (WSI) is agreed and a condition would therefore be required to ensure its undertaking and subsequent reporting thereafter.
73. *Ecology* – Raise no objections subject to conditioning of mitigation and enhancement measures within the submitted ecological submissions.
74. *Environmental Health and Consumer Protection (Air Quality)* – Raise no objections. In regards to the operational phase of the development the greatest impacts on changes to levels of traffic related air quality pollutants (Nitrogen Dioxide-NO₂ and Particulate Matter-PM₁₀ and PM_{2.5}) can be expected closer to the location of the proposed development (the car park and infrastructure) and for these to decrease further from the source. Although the levels of NO₂ at locations on Church Street are close to or exceeding the annual mean objective the change in air quality as a result of the development based on the outcome of the modelling results, would be no worse than an increase of 0.1 µg/m³ which would be negligible. It is also understood that the proposed car park is linked to a car park rationalisation programme by the applicant which ultimately could result in an overall reduction in car park spaces.
75. In regards to the construction phase of the development a screening exercise will be necessary to be undertaken in relation to the change in HDV movements that will arise and their routing, the outcome of which and the further detailed assessment, if required, to determine the impacts on air quality should be carried out prior to the commencement of the construction phase. It is advised that Dust Action Management Plan should be approved prior to the commencement of the development.
76. *Access and Rights of Way* – Raise no objections. Public Footpath no. 37 Durham City would be affected by the proposals by reason of a surface upgrade. This is acceptable, however, the route cannot be a dedicated cycle route and pedestrians must still be permitted to utilise the route. At the point at which the improved route leaves footpath 37 there must be barriers to prevent public access. A temporary closure of the affected footpath is likely necessary and advice is provided for the applicant in this regard.
77. *Sustainable Transport* – Raise no objections. The principle of the development is supported and the proposals support the wider objectives of the Durham University Sustainable Travel Plan. The assessment of the traffic modelling accompanying the application will inform impacts on bus routes through the affected signalised junctions.

NON-STATUTORY RESPONSES:

78. *Durham Constabulary Architectural Liaison Officer* – No objections or comments.

PUBLIC RESPONSES:

79. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents and occupiers. A total of 4 letters of representation have been received with 3 letters of objection from the groups identified below. The other representation supports the principle of the development but explains that it should go further than at present so as to include;

- A link to Mill Hill Lane and the cycle route from the A167
- The steps at the Lower Mountjoy end should be removed
- Specific access for electric scooters should be incorporated

80. *Trust Pathways* – Welcome the proposals in principle but raise objection to elements of the detail in the scheme. The key concerns with the proposals include the inclusion of steps along the route which would require cyclists to dismount and the potential to utilise the path through Little High Wood as an alternative would need exploration. Either route may infringe on the Equality Act and or the Disability Discrimination Act 1995. It is advised that pedestrian and cycle routes should be separated. Specific design advice is referred to, advising on the need to avoid sharp turns, that areas of lined demarcation proposed under the application are inadequate and should be replaced with a continuation of a foot/cycle path and cycle phases should be incorporated at the junctions involving traffic lights. It is also stated that whilst it may be beyond the scope of the application, proper integration with the rest of the cycle networks should be considered such as a safe cycle route on Church Street, New Elvet and links to Mill Hill Lane and the Great North Cycle Way on the A167.

81. *Durham City Access for All* – Raise Objections. It is stated that the application does not reference the visually, hearing or mobility impaired. Sections of the route have gradients of 10% which is considered unacceptable for the mobility impaired. The section of the route with steps is unacceptable and the alternative route through Little High Wood should be upgraded. Specific advice on the design of the widened set of steps within the proposal is provided. The need for tactile paving, zebra crossings and dropped kerbs is highlighted. Cycle and pedestrian routes should be separated to avoid accidents. It is queried as to whether footpath lighting is being designed for the visually impaired and the safety of vulnerable persons. Way finding proposals must include provision for the visually impaired. Areas proposed for lining demarcation only should be replaced with raised footpaths giving priority to the pedestrian in the interest of safety. It is stated that Durham City Access for All have not been approached by the applicant as part of consultation purposes. The proposals are not considered to meet the Equalities Act.

82. *City of Durham Trust* – Raise objections. The proposed car park would significantly increase traffic on a relatively quiet lane, worsening the environment for pedestrians and cyclists as well as Grey College. The car park is considered to run counter to the Durham City Sustainable Transport Delivery Plan and should be omitted. Alternatively, it is suggested that the University be required to introduce charges for employee parking permits, and then require opening of new car parks and closure of existing to be managed such that total car spaces available across the Estate should not increase at any stage. A traffic free route adjacent to South Road is welcomed. However, areas of concern are raised with the detail of the proposal. The steps on the route requiring cyclists to dismount and not available for use by wheelchair users is not considered high quality – diversion through Little High Wood is advised.

Segregation of the pedestrian and cycle routes is required. The proposals are unclear as to whether dropped kerbs are proposed and where a pedestrian/cyclist route is crossed by an access route for cars, then the crossing should be made obvious by a ramp for vehicles; hatched paintwork is insufficient.

APPLICANTS STATEMENT:

83. Durham University is seeking to improve the existing infrastructure provisions along South Road and Hollingside Lane in response to concerns raised during public consultations on the University Estate Masterplan, which have identified existing pressures on pedestrian and road user movement around Durham University sites. It is recognised that much of the existing pedestrian network in Durham City around the University estate has not changed over the years and consists of many narrow footways. These constraints create pedestrian 'hot spots' and result in pedestrian congestion and associated safety issues. These existing issues combined with the relocation of academic departments and Colleges from Queen's Campus Estate in Stockton-on-Tees to Durham City, and coupled with the planned growth in student numbers and new buildings in Durham as part of the University Strategy 2017-2027, means that infrastructure safety issues are an important component to address within the very near future.
84. The safety of students, visitors and the general public is a top priority for Durham University. The proposals seek to improve the existing infrastructure along South Road, which will incorporate the addition of a new pedestrian footpath and cycle route within the University estate to the east of South Road between the Mount Oswald site and the New Inn Junction, which will reduce the number of pedestrians on South Road and provide a safe off road cycle route from the new student accommodation at Mount Oswald to Lower Mountjoy academic estate. The new paths will therefore provide an alternative safe well-lit route, separated from vehicular traffic, increase the capacity for pedestrians and cyclists, and ease the existing pedestrian congestion along South Road with improved pedestrian road crossings. This overall improvement to the pedestrian link between the Howlands Park and Ride, the University estate and into the city centre, will encourage walking and cycling with benefits to public health, and reduce traffic congestion with positive environmental impact.
85. The University also seeks to incorporate the addition of a new footpath along Hollingside Lane to the east of South Road, so that students, visitors and the general public will benefit from improved pedestrian linkages between South Road, Upper Mountjoy and the Botanic Gardens. This will be facilitated by the development of a new 'hub' at the junction of Hollingside Lane and South Road, which will provide a focal gateway entry to the University Estate and encourage pedestrians and cyclists to use Hollingside Lane to access Upper and Lower Mountjoy instead of via South Road, thus reducing pedestrian congestion. The infrastructure improvements to Hollingside Lane will also incorporate traffic calming measures and new defined crossing points across the existing Hollingside Lane at Grey College.
86. The proposals also include some new staff parking at Upper Mountjoy and an access road connection onto Hollingside Lane. This car parking will only partially compensate for existing car parking spaces that will be lost throughout the University estate during the implementation of new buildings during the University Strategy period.
87. Overall, the proposed infrastructure improvements will contribute to all three dimensions of Sustainable Development, representing a direct investment of £8 million into Durham City which will provide much-needed improvements to pedestrian comfort with the enhanced capacity of the infrastructure network contributing to the health and safety of staff, students and members of the public, which will provide a greater choice

for routes around the University and a more pleasant environment. Environmentally, the improvements encourage the use of sustainable travel modes, predominantly walking and cycling, and incorporate no-dig construction techniques to minimise the impact on existing trees with appropriate and carefully considered mitigation planting.

88. The University has developed the proposals in cooperation with both statutory and public consultees throughout the course of the planning application, and in response to feedback, have made significant amendments to the proposed scheme, including greater cyclist accessibility in the Hollingside Lane/Little High Wood area, and a reduced impact upon trees along South Road, which have all been subject to appropriate ecological survey work with appropriate mitigation and enhancement measures recommended by officers, in order to ensure that impacts are within acceptable levels and result in biodiversity net gains.
89. The scheme falls within the definition of sustainable development, on which the NPPF encourages planning authorities to take a positive approach and should therefore be granted.

The above 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/>

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

91. CDLP Policy C3 relates to Durham University developments and the policy provides support to such development provided that it is within the overall principle of environmental sustainability. The principle of the development proposed draws support from this policy which is considered consistent with the content of the NPPF and can be attributed its full weight.
92. Whilst the majority of the application site and works are not located within the Durham City Green Belt, two elements are within it. On land within and adjacent to Little High Wood the application proposes within the Green Belt to widen an existing pedestrian footpath from 1.4m to 4m with replacement lighting columns and provision of new surfaced footpath/cyclepath through Little High Woods with three new lighting bollards along its route.
93. Farther south, on South Road an existing footpath in the highway is proposed to be widened with associated partial demolition and rebuild of a wall, together with the provision of a new 2.5m wide cycle path, erection of 1.8m high chain link fence, repositioning of birdsmouth fence and provision of nine 3m high lighting columns.
94. Policy E1 of the CDLP sets out that within the Green Belt, development will be considered inappropriate unless it accords with a number of cited purposes. One such

purpose is for the development of essential facilities for uses of land that preserve the openness of the Green Belt. CDLP E1 is partially consistent with the NPPF as it is more restrictive than the guidance within the NPPF which introduces a wider scope of development that can be considered appropriate in the Green Belt.

95. Part 13 of the NPPF is dedicated to the Green Belt, and Paragraph 145 sets out circumstances where development in the Green Belt would not constitute inappropriate development, and includes the following:
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
96. The section of wall proposed for demolition on South Road would be replaced with one of the same appearance but relocated. The majority of the development works within the Green Belt would constitute an engineering operation – the provision and footpath/cyclepaths and associated works such as the lighting bollards. On this basis, the development proposed within the Green Belt would not amount to inappropriate development in the Green Belt.
97. As a result, the principle of those elements of the development within the Green Belt is considered acceptable, compliant with CDLP Policy E1 and Part 13 of the NPPF.
98. A section of the application site is located on land designated under CDLP Policy EMP2 as Durham Science Park. It is on this land at Upper Mountjoy that the 215 space car park is proposed with associated vehicular access and footpath/cyclepath routes around.
99. CDLP Policy EMP2 only permits the development of B1 use research and development, laboratories and high tech uses. Durham Science Park gained planning permission in 1993 and began as a joint venture between Durham University and the private sector. The aspiration of Policy EMP2 was that the science park would develop further in accordance with the United Kingdom Science Park Association (UKSPA) guidance and management. Durham Science Park is not now identified by the UKSPA as a member science park and a large part of the allocation is now occupied by University buildings with construction currently ongoing for the erection of a mathematical and computer science building. An up to date Employment Land Review recommends that undeveloped areas of Durham Science Park are deallocated as it is unlikely to meet the needs of B1 use research and development operators due to the ownership and aspirations of the site. Sufficient other land to meet this need is considered to exist. As this proposal seeks to develop a car park on the allocated land, albeit one which may well be utilised by users of the adjacent buildings, it is considered in some conflict with the policy. However, given the recommendation of the ELR and how the site has evolved since its first development and allocated under the CDLP it is considered that Policy EMP2 is out date and the weight to be attributed to it in the decision making process reduced as a result.
100. CDLP Policies T2, T4 and T8 each relate to new road, road improvement and traffic management proposals which elements of the proposal would comprise of. The principle of the development is considered to draw support from these policies, specific criteria advised upon within those policies relating to matters such as residential amenity and highway safety are covered elsewhere in this report. Each of these policies are considered to be consistent with the content of the NPPF and can be attributed their full weight.

101. In conclusion, policies within the CDLP most important for determining the application are considered out of date. This includes policies referenced above but also further policies discussed elsewhere in this report. As a result, assessment of the application is required against Paragraph 11d of the NPPF which advises that planning permission should be granted unless;
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
102. This assessment can only be considered following an examination of all of the issues within the planning balance.

Visual, Landscape and Heritage Impact

103. Sections of the application site is designated under Policy E5 of the CDLP and forms part of the wider Mount Oswald-Elvet Hill Parkland Landscape Area. Policy E5 advises that development on this designated land should only be permitted where; it would not exceed the height of surrounding trees and is sympathetic to its landscape setting and; is of low density and sets aside most of the site for landscaping/open space. CDLP Policy E5 is considered consistent with the NPPF and can be attributed its full weight.
104. In addition, sections of the Durham Area of High Landscape Value (AHLV) are within the bounds of the application site at Little High Wood and in the southern most sections of the site in the vicinity of the South Road/Howlands Junction.
105. Much of the development proposed under the application in itself is considered to have very limited visual impact. The provision of areas of new surfaced routes for cyclists and pedestrians, the demolition and erection of sections of wall and fencing and provision of lighting columns are in themselves modest development interventions. Furthermore, some elements of the proposals in their own right could be undertaken without the benefit of planning permission and this includes some works within the highway, lining works on existing surfaces and some erection of enclosures proposed.
106. The most significant impacts of the development in visual, landscape and heritage terms relate to the impacts upon trees and landscape features in general, the more significant development proposals of the car park, associated access and lighting at Upper Mountjoy and the landscaped plaza area at the South Road/Hollingside Lane Junction and then in turn any potential impacts upon designated and non-designated heritage assets.
107. The implications of the development upon trees and other landscape features has evolved during the course of the determination of the application with amendments to the proposals made. Landscape highlight that the amendments have reduced tree losses in the most prominent views from public vantage points along South Road but overall tree losses are relatively substantial.
108. Not all these losses would be mature trees or those of particular value and the most significant impacts upon trees and landscape features are considered to be:
 - Loss of one mature tree (Silver Maple) west of the Bill Bryson Library. The remaining trees in this group will be monitored and replaced should they show signs of decline.

- Removal of the raised mound at South Road/Hollingside Lane Junction with associated loss of 10 trees.
- Potential effects on 7 mature Beech trees along the edge of the woodland between Ogden Centre and Grey College. Trees in this group will be monitored and replaced should they show signs of decline.
- Loss of 4 attractive trees including Copper Beech and Weeping Willow close to where Grey College meets Hollingside Lane.
- South of Hollingside Lane and west of Collingwood College the loss of a number of trees including a grouping of mature sycamores and limes in excess of 20m in height.
- Loss of a grouping of sycamore, ash and rowan, sections of hedgerow to provide a footpath on Hollingside Lane and form vehicular access to proposed Upper Mountjoy car park

109. The above is a summary of what are considered the most significant landscape interventions in the round having regards to the degree of loss, maturity and quality of the trees/features involved and degree of public visibility.
110. In order to reduce impact upon trees and landscape features in other areas and where practicable to do, the application includes details of non-standard tree friendly construction methods are proposed.
111. Landscape have highlighted that there is a degree of uncertainty over the precise numbers of trees that would be lost. However, they have advised that in a complex scheme such as this, we do need a mechanism for retaining trees that would otherwise be lost, monitoring their response to the works, and replacing with appropriate trees if they fail. This would be preferred to the alternative which would be to take a precautionary approach and fell trees when in doubt. It is therefore considered that this approach is acceptable in the particular circumstances and complexity of the works proposed, and in the event of an approval conditions will be needed to agree final tree works, precise construction methods in certain areas, monitoring regimes and replacement planting/landscaping.
112. Landscape, therefore, do not object to the development, though it is clear that the development would result in relatively substantial tree losses. The quality of those features being lost varies significantly but would include individual trees and groupings of merit which do contribute positively to the character of the area and landscape setting more widely. CDLP Policy E14 seeks to retain important groups of trees and hedgerows wherever possible and seeks that those lost are replaced. Policy E15 also seeks to encourage new planting. The NPPF does recognise the intrinsic value of trees and these policies are considered consistent with its content. Replacement planting can be secured by planning condition to ensure compliance with Policies E14 and E15.
113. Given the degree tree and hedge loss resulting from the development there is considered to be some conflict with CDLP Policy E5 which seeks in part to protect the landscape setting of Mount Oswald-Elvet Hill Parkland.
114. Sections of the application site are located within a much larger AHLV and whilst trees losses would occur within the AHLV, it is considered that the effects would be localised and would not be of a scale that would have an unacceptable adverse impact upon the landscape quality or appearance of the AHLV. The proposal would not, therefore, conflict with CDLP Policy E10 (consistent with the NPPF) in this regard.
115. The harm caused by the degree of tree loss must be factored into an overall planning balance.

116. No objections are raised by officers to the other development and design interventions proposed including most notably the works to provide the Upper Mountoy car park and the proposed landscaped plaza at the South Road/Hollingside junction.
117. In regards to matters of heritage, the key considerations are considered to be:
- Removal of the raised mound and associated retaining walls at South Road/Hollingside Lane Junction which formed part of the Oswald House entrance and replacement with new landscaped plaza. This area of walling is considered a non-designated heritage asset
 - Impacts upon the non-designated heritage asset of Durham Botanical Gardens
 - Impacts upon the setting of Durham (City Centre) Conservation Area (CA) (designated heritage asset) having regards to the tree and landscape feature loss and impacts upon the green and leafy approaches to the CA
118. Design and Conservation advise that the loss of the remaining section of wall at the former Oswald House entrance would result in the loss of a non-designated heritage asset albeit with Oswald House itself having previously been demolished its significance is considered to have been reduced.
119. The non-designated heritage asset includes a raised mound with mature trees upon it which would be one of the tree loss groupings to occur. Design and Conservation have advised that as the non-designated heritage asset to be lost to the development (inclusive of the mature trees) makes a positive contribution to the CA and in turn that its loss, coupled to some extent by the tree losses in other areas in the vicinity of South Road, would result in some minor harm to the setting of the CA due to the partial erosion of the green and leafy approach into the City. In NPPF terms, this degree of harm to the CA would be less than substantial.
120. The western extremity of the Durham Botanical Gardens stretches to border South Road just north of the Howlands junction and within this area the development would involve the relocation and replacement of a section of stone wall sought for demolition, provision of a cycle path, lighting bollards and some tree loss. The area within the gardens which these works would occur are not the main publicly accessible sections of the gardens. In overall terms, the impacts of the development are considered to not undermine the qualities of the locally designated gardens and the proposals are, therefore, considered to comply with CDLP Policy E26 (partially consistent with the NPPF).
121. Archaeology have raised no objections to the implications of the development in archaeological terms, although a condition would be necessary in the event of an approval to ensure that the agreed archaeological evaluation is implemented and thereafter the necessary reporting undertaken. The proposals are, therefore, considered to comply with CDLP Policy E24 (partially consistent with the NPPF).
122. In assessing the heritage implications of the development, regard must be had not only to the relevant Development Plan Policies and content within the NPPF, but also to the statutory duty imposed on the Local Planning Authority at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, when considering whether to grant planning permission for a development that affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.

123. The development is considered to result in no impacts upon any listed buildings with no conflict with relevant CDLP Policy E23 (partially consistent with the NPPF) as a result.
124. With some minor harm identified to the setting of the CA there is conflict with CDLP Policies E6 and E22 which require that development proposals do not detract from the setting of a conservation area.
125. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
126. In this instance, some less than substantial harm to a designated heritage asset has been identified and, therefore, paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
127. Policies E6 and E22 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, these policies are not fully consistent with the NPPF and this reduces their weight in the decision making process.
128. In respect to the affected non-designated heritage asset, CDLP Policy E21 is relevant and this policy seeks to minimise adverse impacts on features of historic interest. As a result of the loss of the non-designated heritage asset there would be some conflict with this policy. Policy E21 is considered consistent with the advice within the NPPF, which at paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
129. Reverting back to the NPPF paragraph 11(d) planning balance, the guidance at paragraph 196 of the NPPF represents a policy which protects assets of particular importance. Therefore, it is necessary to establish whether the public benefits of the proposal outweigh the less than substantial harm to the designated heritage asset. If these public benefits are not established then this suggests that there is clear reason to refuse the development on these heritage grounds. This planning balance exercise is undertaken later in the report.

Highway Safety and Access

130. The most significant vehicular implications of the development comprise of the formation of the 215 space car park at Upper Mountjoy and associated access off Hollingside Lane, signalling of the junction at Hollingside Lane/South Road and associated crossings and amendment to the South Road/Howlands junction to introduce a signalised pedestrian crossing. Key considerations include the acceptability of the access off Hollingside Side in highway safety terms and the functionality of the signalised junction amends in regards to impacts upon traffic queues on South Road including impacts on bus movements, a matter also referenced by Sustainable Transport.
131. The application is supported by a Transport Assessment and during the course of the determination of the application additional junction modelling information has been supplied in response to comments from the Highway Authority.

132. The Highway Authority have raised no objections to the principle of the provision of the 215 space car park nor to the design or location of the associated access point at Hollingside Lane. In relation to the signalling and highway crossing proposals at the Hollingside Lane/South Road and Howlands/South Road junctions objections are not raised to the principle to these junction works. It is acknowledged that the amendments are being proposed in order to seek to give priority to pedestrians and cyclists as far as practicable and this, in principle, is welcomed. However, the modelling demonstrations have not been submitted which prove the current junction design would work acceptably, though this is considered resolvable. As a result, conditions are recommended that the relevant signalised junction and crossing elements and the car park cannot come into fruition until the design is fully resolved.
133. In relation to the footpath/cyclepath works themselves, some concerns were raised in regards to the absence of any step free option north of the Ogden Centre but these matters have been resolved due to the provision of the surfaced route through Little High Wood.
134. No objections are raised from the Highway Authority to any other element of the proposal.
135. Access and Rights of Way have raised no objections to the proposed surfacing of Public Footpath no. 37.
136. Representations received on the planning application include reference to concerns about the suitability of the proposals for all users and that the design of the proposals by reason of gradients of paths, inclusion and design of stepped elements, the type of lighting, wayfinding, paving, junction and lining design may be unsuitable for some users together with areas of shared footpath/cycle routes. The representations, therefore, question whether the proposals accord with the Equality Act 2010 and/or the Disability Discrimination Act 1995.
137. The Council acknowledges that in exercising its functions it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. The Equality Act 2010 replaced the Disability Discrimination Act. The most relevant protected characteristics to be considered in this instance are considered to be related to age, disability, pregnancy/maternity and potentially, in relation to appropriate lighting levels, sex (gender), race, religion, sexual orientation and transgender. More generally, local and national planning advice also seeks to ensure that developments are accessible with the CDLP advising that the access needs of users should be taken into account under policies Q1, Q2, Q4 and T21 which are considered consistent with the NPPF. Discussions have been held with the Council's Equality and Diversity Team to discuss the application proposals in the context of the Council's Equality Act duties.
138. It should be noted that amendments/further clarity on the proposals have been made during the course of the determination of the application and key elements to this include:
- South of the Ogden Centre, the omission of the proposal to widen an existing set of steps with an alternative step free surfaced route to be provided through Little High Wood
 - Increased instances of separation between cycle and pedestrian paths (though some shared areas are still proposed with additional justification provided as to why)

- Confirmation of the use of tactile paving and dropped kerbs at all crossings in accordance with Department for Transport's Guidance
 - Confirmation that controlled crossing points will be provided with audible indication of safe crossing times for visually impaired users
 - Handrails have been considered for use on some routes but discounted, in part because where cyclists use routes there is increased risk of handle bars clashing causing a safety issue
 - Lighting columns/bollards installed to meet relevant BS standards
139. Since these amendments have been made, the Parish Council have confirmed that their concerns in this regard have been addressed. No further comments have been received from those other parties who originally made comments in regards to access/usability for all users.
140. The route does involve a relatively significant change in levels, with land in this part of Durham gradually rising from the northern sections near Stockton Road to the south at Upper Mountjoy and Mount Oswald and any new footpath provision will have this topography to encounter. Furthermore, it should be considered that the purpose of the route is to provide additional and alternative pedestrian and cycle facilities for users. Existing routes in the locality of the application site already exist for users. Principally this is in the form of the main South Road footpaths on a north/south axis which involves a gradual slope and contains areas of controlled crossings, dropped kerbs and tactile paving to aid all users. The purpose of this application is so as to increase capacity for the movement of users and should result in positive impacts on existing routes by reducing pressure on them and in turn making them safer for all than they currently are.
141. Overall officers raise no objections to the application on the grounds of the accessibility and usability of the development proposals having regards to the Council's duties under the Equality Act, which Officers consider have been met having regards to relevant CDLP Local Plan Policies Q1, Q2, Q4 and T21
142. More widely and having regards to all matters regarding highway safety and accessibility issues no objections are raised to the development, subject to the necessary conditions being imposed, with the proposals considered to comply with CDLP Policies T1, T2, T4, T8, T19, R11, Q1, Q2 and Q4 all of which are considered consistent with the content of the NPPF and can be afforded their full weight. CDLP Policy T10 seeks to minimise the level of provision within new development including setting maximum parking guidelines for residential development. However, this is considered contrary to the more up to date advice within NPPF Part 9, which advocates a more flexible approach and advises against maximum parking standards unless there are compelling reasons for doing so. As a result, very little weight is attributed to Policy T10.

Ecology

143. The application is accompanied by an Ecological Impact Assessment, Preliminary Ecological Appraisal and bat survey reports.
144. The application site includes a section of Little High Wood and borders Great High Wood in the Lower Mountjoy and Upper Mountjoy areas and both are Local Wildlife Sites (LWS).
145. Ecology have raised no objections to the application considering that the submitted ecological reports are sufficient to inform this application and that no further survey work is required. It is advised that no bat roosts were recorded however measures to

minimise light spill from the new streetlighting columns are recommended within the submissions. The submitted report and its recommendations therein should therefore be conditioned in the event of an approval. Ecology conclude that there is no requirement for biodiversity compensation from this scheme.

146. The development is considered compliant with CDLP Policies E16, E18 and E19 (consistent with the NPPF) and Part 15 of the NPPF.

Residential Amenity and Pollution

147. The application is accompanied by an Air Quality Assessment (AQA). Environmental Health and Consumer Protection have considered the air quality implications of the development and raise no objections. In regards to the operational phase of the development the greatest impacts on changes to levels of traffic related air quality pollutants (Nitrogen Dioxide-NO₂ and Particulate Matter-PM₁₀ and PM_{2.5}) can be expected closer to the location of the proposed development (the car park and infrastructure) and for these to decrease further from the source. Although the levels of NO₂ at locations on Church Street are close to or exceeding the annual mean objective the change in air quality as a result of the development based on the outcome of the modelling results, will be no worse than an increase of 0.1 µg/m³ which would be negligible. The application also explains that the proposed car park is linked to a car park rationalisation programme by the applicant which ultimately could result in an overall reduction in car park spaces. However, no weight can be attributed to the potential for this at this stage as there is no certainty or control that this would occur.
148. In regards to the construction phase of the development, Environment Health and Consumer Protection advise a screening exercise will be necessary to be undertaken in relation to the change in HDV movements that will arise and their routing, the outcome of which and the further detailed assessment, if required, to determine the impacts on air quality should be carried out prior to the commencement of the construction phase. A condition could be imposed to control this in the event of an approval. It is advised that Dust Action Management Plan should be approved prior to the commencement of the development. Impacts on air quality are considered acceptable having regards to CDLP Policy U5 (consistent with the NPPF) and Part 15 of the NPPF.
149. The development would result in the provision of new pedestrian and cycle routes that would be closer to occupied property, with a key example being where the route would run adjacent to the student accommodation at Grey College. In such instances, there would be an increase in passing footfall with associated noise, and this could potentially occur at unsociable hours, which ultimately cannot be controlled. It is, therefore, considered that a change in circumstances for such occupiers would occur and a degree of detrimental impact may result. However, it is considered that this would not be to such a degree to object to the routing in principle or that it would conflict with key CDLP Policy U5 (consistent with the NPPF), but is a further factor to consider in the planning balance.

Other Issues

150. The application is accompanied by a Flood Risk Assessment (FRA). The application site is located within the Flood Risk Zone 1 and, therefore, the land least prone to fluvial flooding. The proposed surface water drainage strategy for the development is proposed to incorporate the permeable surfacing, directing run-off of waters to either permeable surfaces/infiltration trenches or direction via an existing pond at Upper Mountjoy. The final and precise details can be ensured via condition. The Environment Agency have been consulted on the application and raised no objections

to the development. Officers conclude that no objections should be raised having regards to CDLP Policies U8A (consistent with the NPPF) and U10 (partially consistent with the NPPF) and Part 14 of the NPPF.

151. The Coal Authority have advised that a section of the cyclepath/footpath is located within relatively close proximity of a historic mine entry and on the basis of the information submitted so far it cannot be ruled out that proposal would not be within its zone of influence. The Coal Authority have stated that this matter can be resolved via a condition which would either demonstrate that the development is outside of any zone of influence or should this not be the case that mitigation measures can make the development safe and land stable. As a result, no objections are raised having regards to CDLP Policy U13 (consistent with the NPPF).
152. Representations have submitted that the Durham University Masterplan proposals have very significant economic, social and environmental impacts and should be subject to a comprehensive assessment in its totality rather than being advanced via individual applications. However, it is considered that the proposal can be submitted as a standalone planning application and considered on its own merits.

CONCLUSION

153. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
154. The NPPF advises that weight to local plan/development plan policies adopted prior to the publication of the NPPF (in its revised form) should be attributed according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Equally, however, where evidence which has informed the content of the policy is out of date this can also be a reason to conclude the policy is out of date.
155. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development and this is detailed at paragraph 11.
156. In this instance policies within the CDLP most important for determining the application are out-of-date. As a result paragraph 11(d) of the NPPF applies which states; where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
157. In respects to limb i, NPPF policies which protect assets of particular importance apply in this case in terms of policies relevant to designated heritage assets.
158. It has been identified that the development causes some less than substantial harm to the setting of Durham (City Centre) Conservation Area. As a result, Paragraph 196 of

the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

159. Great weight should be given to the asset's conservation and the more important the asset the greater the weight should be and harm must be given considerable importance and weight by the decision-maker. However, in this instance the degree of harm to the CA is considered relatively minor – it is an indirect impact upon setting rather than a direct impact within the CA itself and would occur due to the loss of landscape features which make a positive contribution to the arrival into the CA.
160. The public benefit emerging from the development would principally relate to the provision of new footpath and cycle routes in order to resolve a recognised existing capacity issue and thereby safety issue on existing routes. The development would help in not only resolving current capacity and safety issues but it would also aid in the long term as future developments (both consented or potentially in the pipeline) emerge. These benefits are considered to outweigh the identified less than substantial harm to the designated heritage asset having regards to Paragraph 196 of the NPPF.
161. In terms of limb ii of Paragraph 11(d), there is the requirement to consider whether any adverse impacts overall would significantly and demonstrably outweigh the benefits.
162. Linked to the harm to the CA there would entail the loss of trees and landscape features and loss of a non-designated heritage asset. To an extent, some existing occupiers may have their levels of amenity reduced by some noise and disturbance from passing pedestrians/cyclists. However, and when taken in the round, such degrees of harm are not so significant that they would demonstrably outweigh the benefits of delivering the development proposal when assessed against the NPPF taken as a whole.
163. 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.

RECOMMENDATION

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

Time Limit

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.

Approved Plans

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

Proposed General Arrangement South Road 261000-ARP-Z1-HW-DR-CX-1000 received 4 July 2019

Route Layout South Road Sheet 1 of 15 261000-ARP-Z1-HW-DR-CX-1001 received 4 July 2019

Route Layout South Road Sheet 2 of 15 261000-ARP-Z1-HW-DR-CX-1002 received 4 July 2019
Route Layout South Road Sheet 3 of 15 261000-ARP-Z1-HW-DR-CX-1003 received 4 July 2019
Route Layout South Road Sheet 4 of 15 261000-ARP-Z1-HW-DR-CX-1004 received 4 July 2019
Route Layout South Road Sheet 5 of 15 261000-ARP-Z1-HW-DR-CX-1005 received 4 July 2019
Route Layout South Road Sheet 6 of 15 261000-ARP-Z1-HW-DR-CX-1006 received 4 July 2019
Route Layout South Road Sheet 7 of 15 261000-ARP-Z1-HW-DR-CX-1007 received 4 July 2019
Route Layout South Road Sheet 8 of 15 261000-ARP-Z1-HW-DR-CX-1008 received 4 July 2019
Route Layout South Road Sheet 9 of 15 261000-ARP-Z1-HW-DR-CX-1009 received 4 July 2019
Route Layout South Road Sheet 10 of 15 261000-ARP-Z1-HW-DR-CX-1010 received 4 July 2019
Route Layout South Road Sheet 11 of 15 261000-ARP-Z1-HW-DR-CX-1011 received 4 July 2019
Route Layout South Road Sheet 12 of 15 261000-ARP-Z1-HW-DR-CX-1012 received 4 July 2019
Route Layout South Road Sheet 13 of 15 261000-ARP-Z1-HW-DR-CX-1013 received 4 July 2019
Route Layout South Road Sheet 14 of 15 261000-ARP-Z1-HW-DR-CX-1014 received 4 July 2019
Route Layout South Road Sheet 15 of 15 261000-ARP-Z1-HW-DR-CX-1015 received 4 July 2019
Existing General Arrangement South Road 261000-ARP-Z1-HW-DR-CX-1100 received 4 July 2019
Proposed General Arrangement Path Construction Types 261000-ARP-Z1-HW-DR-CX-2000 received 4 July 2019
Typical Construction Details South Road Sheet 1 of 4 261000-ARP-Z1-HW-DR-CX-7001 received 4 July 2019
Typical Construction Details South Road Sheet 2 of 4 261000-ARP-Z1-HW-DR-CX-7002 received 4 July 2019
Typical Construction Details South Road Sheet 3 of 4 261000-ARP-Z1-HW-DR-CX-7003 received 4 July 2019
Typical Construction Details South Road Sheet 4 of 4 261000-ARP-Z1-HW-DR-CX-7004 received 4 July 2019

Written Scheme of Investigation DS19.395 by Archaeological Services Durham University received 16 July 2019
Bat Survey Report dated 5 June 2019
Durham University Infrastructure Improvements Geotechnical Report dated 27 February 2019
Durham University Infrastructure Improvements Phase 1 Geoenvironmental Desk Study Report dated 26 March 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regards to CDLP Policies E1, E5, E6, E10, E14, E15, E16, E18, E21,

Construction Management Plan

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

Reason: To protect the residential amenity of existing residents from the development in accordance with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

Tree Works/Protection

4. Notwithstanding any details approved under condition 2, no development nor any works to trees or hedges shall take place until an updated arboricultural impact assessment (AIA) and arboricultural method statement (AMS) for the development has been submitted to and approved in writing by the Local Planning Authority.

The AIA and AMS submissions must include the following;

- Tree Protection Plan(s) and schedule of tree works with full details of tree loss, tree retention and tree protection measures
- Full details of the construction detail/method of the footpath/cyclepath and highway provision inclusive of any associated drainage features
- Details of tree and hedge monitoring regimes including duration
- Proposed arboricultural supervision during construction works
- Any further mitigation measures aimed at reducing harm to trees/hedges
- Details of compensatory planting proposals

Thereafter the agreed tree protection measures must remain in situ until the cessation of the development works and the development and measures contained within the AIA and AMS submissions must be completed and complied with in accordance with the agreed details.

Reason: In the interests of the visual amenity of the area and to comply with policies E5, E6, E14, E15, E22 and Q5 of the City of Durham Local Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre-commencement as works that may affect trees cannot be undertaken until precise works and protection measures in their regard have been agreed.

Surface Water Drainage

5. No development shall commence until a final detailed scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The scheme must include detailed engineering drawings of drainage features. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface water is adequately disposed of in accordance with policy U8A of the City of Durham Local Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

Coal Mining Legacy

6. None of the development works which are located to the south of the South Road/Hollingside Lane Junction shall take place until;
 - i) Further detail/reporting has been submitted which demonstrates that the development is outside of the zone of influence of mine entry 427540-001 and that said further detail/reporting has been approved in writing by the Local Planning Authority in consultation with the Coal Authority; or
 - ii) Should the further detail/reporting pursuant to i) above fail to demonstrate that the development is outside of the zone of influence of any mine entry then a further report submission must be made that must demonstrate what mitigation measures are to be deployed so as to safeguard the stability of the land within the influence of the mine entry. This further detail/reporting must have been approved in writing by the Local Planning Authority in consultation with the Coal Authority before any the development south of the South Road/Hollingside Lane junction commences and the development must be completed in accordance with the approved details thereafter.

Reason: In the interests of safeguarding the development from the risks of coal mining legacy issues having regards to City of Durham Local Plan and Part 15 of the NPPF.

Landscaping

7. Within a period of no later than 3 months from the decision date of this planning permission a detailed landscaping scheme shall be submitted to the Local Planning Authority. The landscape scheme shall include the following.
 - Details of soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with policies E5, E6, E14, E15, E22 and Q5 of the City of Durham Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Replacement Wall

8. Prior to the demolition of the 27m section of wall on South Road, full details of the appearance and materials of the replacement wall and a timetable for its construction shall be submitted to and approved in writing by the Local Planning Authority. The wall should be rebuilt with the materials salvaged from the demolished section unless it is demonstrated impractical to do so, for instance by reason of the condition of the materials. Thereafter the scheme shall be implemented in accordance with the agreed details and timetable.

Reason: In the interests of the visual amenity of the area having regards to City of Durham Local Plan Policies E5, E6, E22 and Q5 and Parts 12 and 16 of the NPPF.

Hollingside Lane/South Road Junction Works

9. Notwithstanding any details approved under condition 2 the signalized junction works at Hollingside Lane/South Road involving the provision of the additional crossing of South Road and crossing of Hollingside Lane, referred to as "Phase 2" in the submitted Design and Access Statement Rev B dated 3 July, shall not be undertaken nor the 215 space car park brought into use, until full details of those Phase 2 highway junction works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must include details of any signalization and crossing and be supported by modelling submissions to demonstrate their impact upon the highway

network. Thereafter the Hollingside Lane and South Road junction works must be completed in accordance with the approved details.

Reason: In the interests of highway safety having regards to policies T1, T2, T4 and T8 of the City of Durham Local Plan and Part 9 of the NPPF.

Howlands/South Road Junction Works

10. Notwithstanding any details approved under condition 2 the amendments to the traffic lights to provide pedestrian/cycle crossing provision south of the Howlands/South Road Junction together with the footpath/cyclepath proposed from this point to Mount Oswald, west of South Road, shall not be undertaken until full details of those highway crossing works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must be supported by modelling submissions to demonstrate their impact upon the highway network. Thereafter the highway crossing works and footpath/cyclepath to Mount Oswald must be completed in accordance with the approved details.

Reason: In the interests of highway safety having regards to policies T1, T2, T4 and T8 of the City of Durham Local Plan and Part 9 of the NPPF.

Archaeological Mitigation

11. The development hereby approved shall be carried out in complete accordance with the programme of archaeological works set out in the Written Scheme of Investigation DS19.395 by Archaeological Services Durham University received 16 July 2019.

Reason: To safeguard any archaeological interest in the site, and to comply with Policy E24 of the City of Durham Local Plan and Part 16 of the National Planning Policy Framework.

Archaeological Reporting

12. Within a period of 3 months following completion of the development a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy/WSI shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

Construction Working Hours

13. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

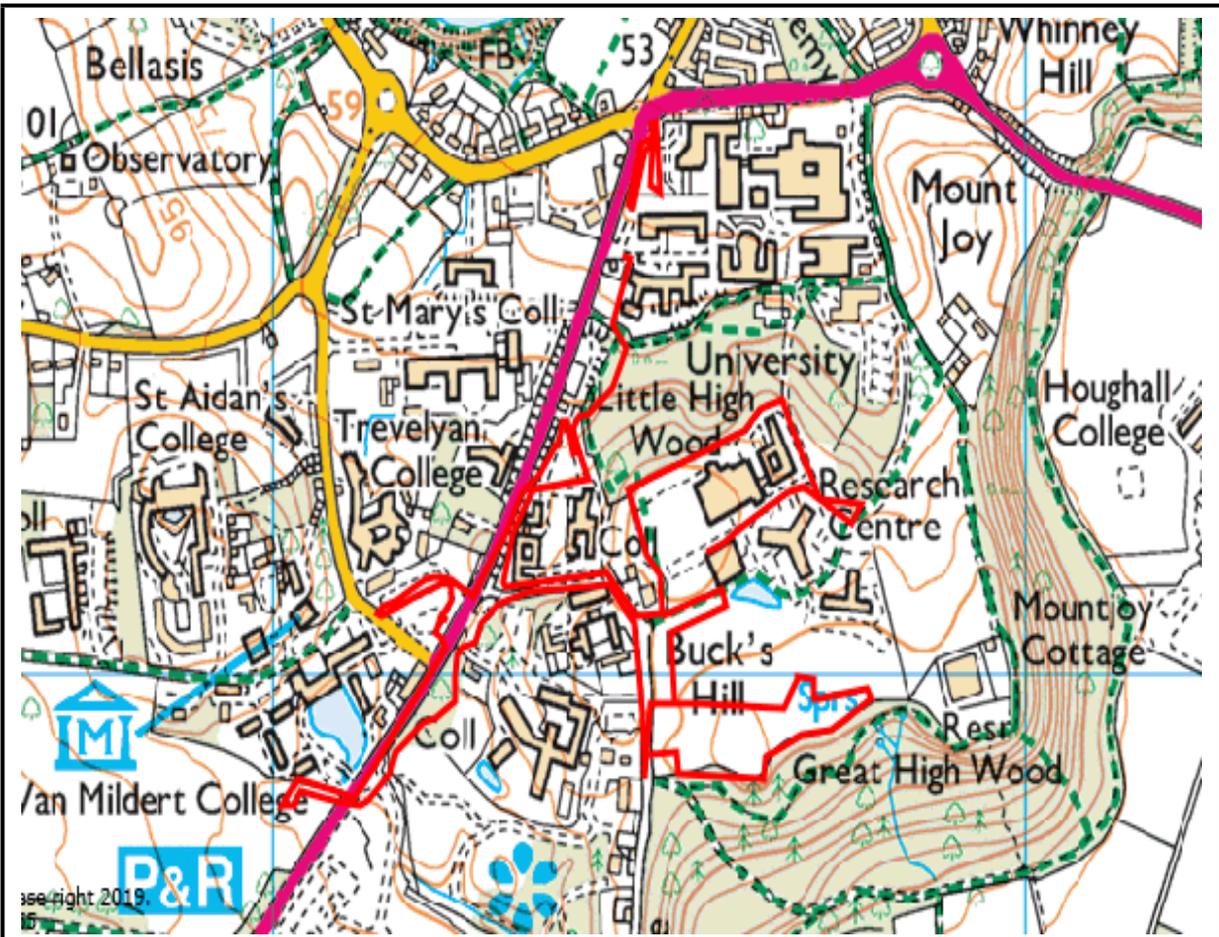
Reason: To protect the residential amenity of existing residents in accordance with policy U5 of the City of Durham Local Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation 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 (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>DM/19/01084/FPA</p> <p>Infrastructure works including provision of new footpath route, highways works including new signalled crossing at the Hollingside Lane and South Road junction, and the creation of a car park of up to 215 spaces at Upper Mountjoy</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005</p>	<p>Comments</p>	
	<p>Date 30 July 2019</p>	<p>Scale Not to scale</p>