



## County Planning Committee

**Date** Tuesday 3 September 2019  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 30 July 2019 (Pages 3 - 18)
5. Applications to be determined
  - a) DM/19/01413/OUT - Land to the south of 2 Beamish View, Hill Top, East Stanley (Pages 19 - 46)  
Outline planning application for the erection of up to 260 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.
  - b) DM/18/02982/OUT - Land to the south of Cockhouse Lane, Ushaw Moor, DH7 7PN (Pages 47 - 74)  
Outline planning application for the erection of up to 210 dwellings including public open space, landscaping and SuDS. All matters reserved except for means of access.
  - c) DM/19/01838/FPA - Bowburn Junior School, Surtees Avenue, Bowburn, Durham, DH6 5DZ (Pages 75 - 106)  
New primary school on site of existing Bowburn Junior School with new access road and landscaping and demolition of existing school building.
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  
23 August 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

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 30 July 2019 at 1.00 pm**

**Present:**

**Councillor J Robinson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bell, J Clare, K Corrigan, J Higgins, E Huntington, I Jewell, A Laing, G Richardson, A Shield, J Shuttleworth, A Simpson, M Wilkes and S Wilson

Councillor Robinson advised that the meeting was starting slightly late because legal advice regarding declarations of interest had needed to be obtained for both applications on the agenda.

**1 Apologies for Absence**

Apologies for absence were received from Councillors Hawley, Kay and Tinsley.

**2 Substitute Members**

Councillor Higgins as substitute Member for Tinsley and Councillor Huntington as substitute Member for Councillor Kay.

**3 Declarations of Interest**

Dave Wafer, Strategic Highways Manager informed the Committee that he was a Director of Forest Park, the applicants for the first agenda item and he would not give any advice to the Committee on this item.

Councillor Clare, under significant protest, declared an interest on the Forest Park application having received advice that his membership of the Friends of Darlington and Stockton Railway might appear to an impartial observer as compromising his impartiality, something which he absolutely disputed, but he would withdraw from the meeting. He noted however that he would be allowed to speak on the application as a local Member.

Councillor Robinson informed Councillor Clare that the County Solicitor had advised that he could not speak as a local Member and he would need to withdraw from the meeting.

Neil Carter, Planning and Development Solicitor confirmed that the advice received from the Head of Legal was that because Councillor Clare was declaring an interest on the item he could not speak as Ward Member, the interest precluded participation as Ward Member as well as a Member of the Committee.

Councillor Clare requested that the minutes indicate that he was absolutely furious with this decision. This was a major issue for Newton Aycliffe and he was elected to represent his residents on matters such as this and that was why he was a Member of the Committee. To be deprived of a voice was outrageous. Councillor Clare asked that this also be included in the minutes.

Councillors Clare and Atkinson withdrew from the meeting. Councillor Atkinson agreed with all matters raised by Councillor Clare.

#### **4 Minutes**

The Minutes of the meeting held on 2 July 2019 were confirmed as a correct record and signed by the Chairman.

#### **5 Applications to be determined**

##### **a DM/19/00283/OUT - Land to the north of Newton Park Services, Newton Park, Coatham Mundeville, DL1 3NL**

Prior to consideration of the item Councillor Laing asked whether Councillor Atkinson had declared an interest in the item before he withdrew from the meeting. The Planning and Development Solicitor replied that Councillor Atkinson had reiterated the points raised by Councillor Clare and it was therefore understood he was declaring the same interest.

The Committee considered a report of the Principal Planning Officer regarding an outline planning application (all matters reserved) for an Industrial and Trade Park (Class BI(c)/B2/B8) with ancillary open 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 on land to the north of Newton Park Services, Newton Park, Coatham Mundeville (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site,

site photographs and site layout. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

Mr N Hammond of The Friends of Stockton and Darlington Railway (S&DR) addressed the Committee to object to the application. The Friends of S&DR was a registered charity whose objectives were the conservation and celebration of the Stockton and Darlington Railway of 1825, which was the birthplace of the modern railway and a heritage asset of national and international significance. The Heritage of the of the Railway had huge potential for inspiring education, volunteering and community pride along with significant economic regeneration and growth of the tourism industry and would be the focus of international attention in the lead up to the bicentenary in 2025. The comments of the Friends were summarised in paragraph 84 of the Committee report and while being supportive of the economic benefits of application, the Friends would raise the following in support of their objection.

There was inadequate provision for the Railway walking and cycling heritage trail which was intended to run from Witton Park to Stockton as near as possible to the 1825 line. The Friends had engaged with the design of the scheme some 18 months ago and it was disappointing that little consideration had been given to the Friends concerns in the proposed design to ensure that the heritage trail ran adjacent to the historic track on a landscaped route which visitors and tourist would value rather than being sent through an industrial park. The Friend believed that paragraph 56 of the Committee report should be updated to allow some weight to be attached to the policies of the emerging local plan which identified the values that the S&DR heritage could bring. The County Durham Plan had been approved by the Council, submitted to the Secretary of State, an Inspector appointed and a timetable for the examination in public had been announced. The policies relevant to this application had been well received during consultation and were likely to be included in the adopted Plan. Some weight should therefore be given to them in conformity with paragraphs 48 and 192 of the NPPF.

Whichever policies were applied, the Friends agreed that development should be designed to avoid adverse impact on the non-designated S&DR heritage asset. This could be achieved by providing a 15 metre wide suitably landscaped corridor with tree belt between the development and the railway. The corridor could be designed to carry a 3 metre path for the heritage trail, and the path would not adversely affect the viability of the developable area and would not sterilise the intended rail freight interchange. It would be some years before the developers through site path could be provided and there was no guarantee it would be provided in time for the 2025 celebrations. The Friends therefore suggested that a temporary path be created in the landscape corridor, to remain until such time that firm proposals were put forward for the rail served use for Unit 6, whichever form that may take. Only then would it be known where or how the rail link was to

be provided and what the implications would be for the path to cross it. If there were insurmountable problems the path could be redirected to the through site option required by proposed Condition 5. If the lineside route could be delivered the work to create the through site route would not be abortive as this would be required in any event.

Consultants WSP had been appointed by the Rail Heritage Board on which the County Council had representation along with Darlington and Stockton Councils and the Tees Valley Combined Authority to design the heritage trail. As of last Friday the project team had confirmed that the lineside route was their current preferred option. With some little thought and design work the County and region could benefit from both this development and the S&DR heritage trail along its preferred lineside route. This was not an either/or decision. The Friends requested that final sentence of proposed Condition 5 be amended to read 'a specific route through or alongside the site for the Stockton and Darlington Railway heritage trail' and that the reason for this Condition be to comply with policies in the emerging County Durham Plan as well as existing national and local policies.

The Friends offered their assistance and expertise in the development of the required landscape masterplan and strategy and trusted they would have an opportunity to be involved.

On behalf of the Friends of the S&DR Mr Hammond thanked the Committee for the opportunity to speak.

Jon Robinson of Barberry and Andy Palmer, Head of Transformation, Durham County Council addressed the Committee in support of the application.

Mr Palmer explained that he was attending the meeting as Chair of Forest Park Ltd. The application was a 48 hectare development on the southern border of Newton Aycliffe Industrial Estate and would effectively extend the business park to the south to become one of the largest business parks in the region. The development would offer complimentary employment land adjacent to Hitachi trains and also would benefit from the engineering companies on Aycliffe Industrial Estate.

The development would significantly contribute to the employment land requirement of County Durham. The main site would compromise industrial and trade park uses with ancillary office space and the smaller front plot could be used for trade counter type activity as well as a hotel. The enabling infrastructure works of gas, drainage, power were already on the site by using a grant from the North East LEP and the grant conditions cemented the planning uses for the site. The strategic context of the application was that it fully supported the North East LEPs vision of more and better jobs, the

County Durham Economic Partnership's aim of improving the employment rate and the County Council's aim of creating an altogether wealthier Durham.

The development would see significant job creation of high-quality jobs with a high gross value added into the local economy. The development would create 96 direct and 75 indirect jobs within the construction period and over 3,100 higher quality jobs once the site was fully operational. The site would also generate significant business rates which would contribute to public services in the County.

The proposed development would retain the existing ecological corridor and watercourse through the site and would introduce additional species and biodiversity on the site. The site was sustainably located with additional bus services proposed to create sustainable travel planning. There had been significant pre-application engagement with the local business community and the site had been well received.

The proposed development contributed to delivering sustainable economic and social benefits for the area and was environmentally sound and was therefore in line with both national and local policy objectives. Mr J Robinson of Richardson Barberry addressed the Committee. Mr Robinson thanked the planning officer for supporting the application and recommending it for approval.

Working alongside the County Council, Forest Park Ltd and the Local Enterprise Partnership the vision was to provide a business park that provided a wide range of high quality accommodation which attracted inward investment to County Durham from regional, national and international businesses. This would stimulate economic growth, create over 3,100 high quality jobs for the region, allow businesses to flourish, retain local talent, and build opportunities for future generations.

Richardson Barberry were committed to delivering one of the region's premier business parks that would extend the offering at Aycliffe Business Park and when combined would be the largest business park in the north-east.

If the application was approved there would be further discussions with several key occupiers on the basis there was a prominent motorway connected site, fully serviced with planning consent.

The Principal Planning Officer replied to the points raised. The paragraph in the Committee report which referenced the County Durham Plan was considered up to date and the Council was currently not attributing any weight to the County Durham Plan.

With reference to the impact of the development on the setting of the railway line, which was a non-designated heritage asset, the Principal Planning Officer informed the Committee that Design and Conservation had raised no objections to the impacts of the development on its setting as a heritage asset. With reference to the actual route for the enjoyment of the non-designated heritage asset and the suggested modification of Condition 5 relating to this, it was highlighted that the application was an outline application and there were still quite a lot of unknowns regarding the layout and potentially at the reserved matters stage as different units came forward then there could be quite a lot of change and there would be ways and means of devising a route through the site for the purposes of the S&DR railway line. At this stage, because unit 6 had a particular potential future use a precautionary approach had been adopted that, if under this planning application there was a specific designation of an easement of a 15 metre corridor along the route there were concerns that this would potentially sterilise that potential future use from coming forward, There was a condition that a route would be found which could, in some scenarios, address more of the requirements of the Friends of the S&DR than currently. There was no need to amend the wording of the condition in the manner requested as the current wording could cater for all eventualities in relation to the route.

Councillor Jewell thanked all those who had contributed to the debate. This was a clear and positive application with many positive aspects and many benefits to the area. While there were some small issues these had been mitigated by the suggested planning conditions. While Councillor Jewell **moved** that the application be approved he hoped that in the future the suggestions made by the Friends of S&DR could be taken on board.

Councillor Laing agreed with Councillor Jewell had no hesitation in **seconding** approval of the application. The application would enhance the site into an industrial trade park and attract over 3,00 jobs.

Councillor Shield considered the report to be well presented and gave credit to those who had been involved in establishing this opportunity which he wished there were more of in his area of County Durham.

Councillor Shield expressed caution and referenced paragraph 69 of the report. There was the potential for Great Crested Newts and the trapping and translocation, not relocation, had to be undertaken at specific times, not when they were hibernating.

Cllr Shuttleworth stated that while the 3,000 jobs were welcome he requested clarification. The two local Members had not been allowed to speak on the application yet nearly all of the directors of Forest Park Ltd were local government officers.

The Planning and Development Solicitor replied that it was a matter of the rules contained in the Members Code of Conduct because Members were at Committee to make decisions, the officers were not.

Councillor Shuttleworth sought clarification on what interest the County Council had in the company because a lot of council officers were involved with it. The Planning and Development Solicitor replied that although he did not know the answer to this, the applicant could be asked for clarification. However, he was not sure how this was of direct relevance to the decision which the Committee had to make and requested that the applicant clarify this.

Councillor Robinson reminded the Committee that at the beginning of the meeting both officers and Members had declared an interest. Councillor Shuttleworth believed that the local Members, even if not allowed to vote, were entitled to speak on behalf of their constituents. Councillor Robinson replied that he had asked this very point but had been advised by the County Solicitor that the Members could not speak.

Mr Palmer informed the Committee that Forest Park Ltd was established with the land owner, the Forest family, as a delivery vehicle to ensure that the site was delivered. Once the site was delivered the partnership would be dissolved. A development agreement was being signed with Richardson Barberry today. The Council's interest was as a delivery vehicle to ensure the site could be developed out.

Councillor Wilkes agreed with the points raised by Councillor Shuttleworth. He was concerned that officers had been allowed to speak but there was nothing in the report from the local Members to express their view. Councillor Wilkes was concerned about the impact of the development on the environment and asked that the map showing the proposed layout be shown. This showed an extremely dense site being built in open countryside with a stream currently running through the site with mature trees on either side. The density of the proposed development was excessive. The site would employ hundreds of people and Councillor Wilkes did not consider that there was sufficient open space. The development would take away good agricultural land and replace this with a high density of buildings. The policies of the Great Aycliffe Neighbourhood Plan mentioned replanting to encourage biodiversity at policy E4 and with this kind of density this could not be done. Policy CH1 of the Neighbourhood Plan and policy E15 of the Sedgefield Borough Local Plan required that the existing hedgerows on site and woodlands should be retained. Policy E1 of the Sedgefield Plan mentioned landscape protection and enhancement, the density of these proposals made that impossible.

NPPF 15 stated that the planning system should contribute to the enhancement of the natural environment and Councillor Wilkes asked how this development could do that.

The development would remove fields and open land, removing trees, divert and remove a waterway, impact on wild bird sites and impact on a heritage site. Councillor Wilkes could not see how this development could be contributing to the enhancement of the natural environment. Policy D1 of the Sedgefield Borough Plan required proper landscaping and a decent relationship to the open space. Proper landscaping was not possible on this development due to the density of it.

The report referred to £1/2 bn of benefit to County Durham, but the mitigation proposed was £170,000 worth. If the application was from a private developer with no interest at all from the County Council Councillor Wilkes would find it impossible to believe that the only mitigation would be £170,000 worth.

Councillor Wilkes considered that the Committee should only have been asked to be minded to approve the application because of the level of influence of the Council in Forest Park Ltd.

The Principal Planning Officer considered that many of the points raised by Councillor Wilkes drew a different conclusion on the same matters. It was accepted that there was a degree of landscape harm and that best and most versatile agricultural land was being lost. It was added that whilst the site was beyond the built up boundary of the settlement the site was bordered by an employment site, motorway and services so the surrounding area was a developed one rather than one of a particularly rural nature. In regards to the queries raised on the mitigation monies to be obtained by a s106 contribution it was advised that contributions could only be obtained from a development that met the CIL tests.

The Planning and Development Solicitor advised the Committee that there was nothing to preclude the Council from determining an application in which it has some interest. This was not a situation where the application needed to be referred to the Secretary of State.

Councillor Richardson informed the Committee that he had attended the site visit. He shared Councillor Wilkes concerns and also would have liked to have heard the views of the local Members.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure:

- £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 conditions contained in the report.

Councillors Atkinson and Clare re-joined the meeting.

**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**

Councillor Corrigan informed the Committee that she was a Council appointment to the Durham City Access for All Group which was mentioned at paragraph 81 of the report but had not attended any meetings which had discussed this application.

The Planning and Development Solicitor informed Councillor Corrigan that this would be noted for the Minutes but that there was no need to leave the meeting.

The Committee considered a report of the Principal Planning Officer regarding an application for infrastructure works including the provision of a new footpath route, highways works including new signalised crossing works at Hollingside Lane/South Road and Howlands Lane/South Road junctions and the creation of a car park of up to 215 spaces at Upper Mountjoy on land south of The New Inn junction along South Road to Mount Oswald and Hollingside Lane to Upper Mountjoy (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site layout, existing photograph of the pedestrian route and proposed images. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

The Principal Planning Officer informed the Committee that since the publication of the report three letters had been received from the Durham Access for All Group, the Durham Bicycle User Group and the City of Durham Trust. While there were several points of overall support the following key points were raised:

- That a Condition should be added to ensure that the proposal meets the Equalities Act as informed by an independent accessibility audit;

- A chicane barrier on the proposed cycle route through Little High Wood must be carefully designed so to ensure that it did not prevent access for all users;
- Some detailed cycling and footpath improvement proposals were raised – a section of path in the vicinity of the Hub at the bottom of Hollingside Lane is unnecessarily narrowed and it reiterated the need for dropped kerbs throughout the development
- Objection was maintained to the proposed 215 space car park and that element of the proposal should be refused;
- The scheme should be accompanied by an updated University Travel Plan.

In response, the Principal Planning Officer proposed that the County Council add, in the event of approval, two Conditions:

- One to resolve the final detail of the chicane feature to ensure it did permit as many users as possible through it, and
- There was a specific landscape feature within the Hub design which seemed unnecessarily to narrow one of the footpaths and a Condition was proposed to ensure the final landscaping did not narrow this route unnecessarily.

Councillor J Ashby of the City of Durham Parish Council addressed the Committee.

The City of Durham Parish Council considered that the University's application for a new "super route" for pedestrians and cyclists was most welcome in principle and represented a major investment to tackle longstanding problems. It was further welcome that the new alternative routes, whilst in University land, would be available for the general public to use.

In considering and welcoming this footpath and cycling scheme in principle, the Parish Planning Committee drew attention to particular concerns with the original application, and requested that the application as submitted should be referred back to the University to address these concerns.

The revisions as set out in the DPP letter to DCC dated 4 July 2019 and accompanying documents met most of the concerns expressed by the Parish Council. Cyclists and pedestrians would generally have separate paths, wheelchair users would have a step-free route, and adverse impact on trees had been significantly reduced. The positive response of the University to those concerns was to be applauded.

Having said that, the Parish Council continued to believe that the Masterplan had very significant economic, social and environmental impacts on the city and beyond, and should be subject to a comprehensive assessment in its

totality instead of being advanced piecemeal through individual applications and assessments. The Parish Council had advised the University of this view.

There remained an important point of concern with the revised super route application. The application still included provision of a 215 space car park. This involved far greater vehicular use of Hollingside Lane and would significantly worsen conditions for pedestrians and cyclists on this at present relatively quiet lane. The Parish Council considered that the 215 space car park element of the current application should not be approved and instead should be part of an updated comprehensive sustainable travel plan that addressed ways of influencing modal shift away from car usage. The County Council's own Durham City Sustainable Transport Delivery Plan recognised that, *"of great relevance to demand management through car parking policy, is the extensive parking that is available free of charge at major employment sites across the city. This represents an opportunity to control both the quantity and price of parking available to people working in Durham City, with the consequent potential to influence peak hour travel in particular."*

The Parish Council considered that the University, as a major employer in the city, should play its part in significantly reducing car usage through such measures as pricing, sharp reductions in the overall quantity of staff parking space, and a ban on students, other than on disability grounds, bringing cars to Durham city.

The Parish Council therefore considered that the car park component should await a comprehensive Travel Plan that demonstrated a significant shift away from car usage and much reduced need for car parking capacity.

Mr Lowe of the City of Durham Trust addressed the Committee. The Trust welcomed the application to improve pedestrian and cycle routes within the University's estate because this would help to accommodate its planned significant increase in student numbers. It was essential to ease the pressure on existing public pavements that were already heavily congested in this area and elsewhere in the City. The Trust also welcomed the revisions to the application that now provided for a route suitable for cycling and motorised wheelchairs via a footpath just inside Little High Wood. This would also provide segregation between cyclists and pedestrians for that part of the route.

The written submission of the Trust made some detailed suggestions about further improvements to access segregation that would be desirable on particular parts of the route which the Trust hoped the University and County Council would address during the implementation of the scheme. Mr Lowe welcomed the proposed additional Conditions suggested by the Principal Planning Officer during his presentation.

The objection of the Trust to the application focussed on the proposal to provide car park spaces at Upper Mountjoy. For such a significant car park proposal it was unacceptable that the application was not accompanied by a current travel plan and proposals for demand management. The latest available version of the University's travel plan only ran up until 2020. Without an up to date travel plan it was not possible to make a proper assessment of the need for the car park and access road. The Durham City Sustainable Transport Delivery Plan noted that the principal opportunity to reduce the amount of car parking provided by employers was likely to be as part of new developments where opportunities to better manage car as part of a wider travel plan could be investigated. This needed to be done in conjunction with the County Council and in conjunction with an assessment of the possible impact on neighbouring on-street parking.

In conclusion, while generally welcoming the new cycle and footpath provision the Trust requested that the car parking and access road elements of the application should be deferred pending further information from the University about its future travel plan and car parking demand management.

Mr Loudon, Director of Estates, Durham University addressed the Committee.

Durham University was seeking to improve the existing infrastructure provisions along South Road and Hollingside Lane in response to concerns raised by public consultations on its masterplan which had identified existing pressures on pedestrian and road user provision on around Durham sites. The project had been driven through safety concerns, not just for the University community but also the wider Durham community.

Significant consultations had taken place with members of the public, the local planning authority and various statutory and Durham County Council consultees. A consultation event had been held in the Pallatine Centre which members of the public were invited to attend and comment on the plans.

The proposals would result in an investment by the University of £8m in Durham City and into the University's academic estate which already made a significant contribution to the economic success locally, regionally and the UK economy. The scheme would improve the safety of all pedestrians and cyclist users and would ease congestion which was recognised to be an existing problem on South Road by improving the efficiency of movement and the permeability by pedestrians and cyclists in the north, south and east-west direction in the Elvet Hill/South Road area.

The proposed development would bring significant benefits by bringing about implementation of improvements to alleviate identified and recognised health

and safety issues related to movement in the South Road area and as a result would address the existing and future capacity constraints of the existing network. The scheme represented the implementation of a key component of the Durham University Masterplan 2017-2027 and was consistent with the University's academic plans. Investment in infrastructure around the University's Mountjoy estate would support the delivery of improved and desired future schemes in line with the Masterplan including two new colleges a new teaching building coming on stream in September 2019 and the new thematic computer science building which was under construction.

With reference to tree loss the University had spent considerable time and expense to ensure that no dig construction techniques were used to minimalise the impacts on existing trees with appropriate and considered mitigational planting. Mr Loudon assured Members that the University had listened to consultations and had changed the design to take into account comments from the local community. The scheme fell within the definition of sustainable development.

The University had discussed the proposed car park at length, which was seen as being important to the delivery of this project.

J McGargill, Highway Development Manager informed the Committee the Council had been advised that the proposed car park would replace existing car parking within the City. Placing a car park which was at the periphery of the City was preferable to having car parking space which was in the centre of the City.

Councillor Wilkes was pleased that the application had finally been submitted. He had raised concerns repeatedly about the expansion of the University without pedestrian and cycle safety being addressed. Councillor Wilkes thanked Council officers and University staff for their work in bringing the application forward.

Councillor Wilkes had concerns about the junctions and crossing signalisation which it was suggested was dependent upon some surveys. Councillor Wilkes sought assurance from highways that what was proposed would happen. Councillor Wilkes concurred with the Parish Council and the City of Durham Trust that an updated travel plan was needed as part of this application and Councillor Wilkes asked if this could be conditioned if the Committee supported this.

A huge number of trees were being removed as part of the application and Councillor Wilkes asked whether the proposed tree planting could take place in the autumn/winter of 2019.

Councillor Jewell informed the Committee that he had considered the application in detail. If car parking was not provided, cars would still come in to the City which would result in a worse situation. This scheme was an improvement on what was there prior. This was a positive scheme and Councillor Jewell **moved** approval of the application.

The Principal Planning Officer referred to the request for a travel plan and informed the Committee that there had been no objections in principle from the highway authority to the proposed car park and no objections had been received from the Sustainable Travel team and that was why there had been no request for an updated travel plan to accompany the application. If the Committee was not satisfied then the applicant could be asked how feasible it would be to resolve an updated travel plan under a Condition. Referring to tree loss there was a Condition to ensure that there was a compensation scheme for the tree loss. The University was keen to progress the scheme if permission was granted and therefore there was a requirement to agree what the landscaping compensation would be early in the application process.

Ged Lawson, Principal Landscape Officer informed the Committee that there was a Condition which required a scheme to be submitted for mitigation prior to the development. As part of that the Council would look to identify which elements could take place as soon as possible in advance sites which were well clear of the actual construction works and which would need to wait until the construction works took place. Discussions would take place with the University to progress as much as possible and then phase the work as the site progresses.

The Highway Development Manager, referred to the signalised junctions and informed the Committee that a Condition had been requested regarding the junctions because modelling work had been carried out to ascertain how the junctions would operate and the modelling exercise submitted by the applicant failed to prove that the junctions could be delivered in the way that was suggested. The signalised junctions performed the tasks of controlling traffic running through them and providing crossing facilities for the cycle/pedestrian routes. There were no doubts that crossing facilities could be provided for cyclists and pedestrians the concerns were could the signals be introduced to control the flow of traffic. However, the flow of traffic at Hollingside Lane was so low that a traffic signalled junction may not be necessary.

Councillor Richardson informed the Committee that the application proposed a long and winding footpath/cycleway and asked whether there were any areas where users may feel concern for their safety, particularly on dark evenings. The Principal Planning Officer replied that a lighting scheme was proposed and the police had raised no issues during the consultation on the

application. Additionally, this was an alternative route to the existing footpath on South Road with its adopted lighting columns which could be used.

Councillor Laing **seconded** approval of the application.

Councillor Wilkes sought clarification in terms of the updated travel plan. The intimation from the Principal Planning Officer was that if the Committee was minded to support the proposal then it could ask for this to be Conditioned. Councillor Jewell, the mover of the report, informed the Committee that he agreed for this to be included.

The applicant informed the Committee that the University already had a sustainable travel plan which was due to be revised next year.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained in the report and those Conditions proposed by the Principal Planning Officer and the submission of an up to date travel plan.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/19/01413/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning application for the erection of up to 260 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.</b>
<b>NAME OF APPLICANT:</b>	<b>Gladman</b>
<b>ADDRESS:</b>	<b>Land To The South Of 2 Beamish View, Hill Top, East Stanley</b>
<b>ELECTORAL DIVISION:</b>	<b>Stanley</b>
<b>CASE OFFICER:</b>	<b>Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of an irregular shaped parcel of land on the eastern edge of Stanley, extending to approximately 12.59 hectares (ha) in area and consists of agricultural fields. There are level changes across the site, with the land falling approximately 27m in a south easterly direction. The site is bound to the north by both the A693 and the C128. There is an existing field access off the C128. Open countryside lies predominantly to the north of the A693 with a field and allotment gardens to the north of the C128. To the west (including NW and SW) lies existing residential development with Stanley town centre beyond. No Place is situated to the north east positioned between the A693 and C128. Agricultural fields are located to the south and east with open countryside beyond.
2. A Public Bridleway (Bridleway No. 36 Stanley) passes close to the site's southernmost point and leads on to No Place to the north. Trees and hedgerows are restricted to the site's northern and western boundaries.
3. Hellhole Wood Local Wildlife Site (LWS) lies approximately 400m to the north of the site. South Stanley Woods, a Local Nature Reserve (LNR) and LWS lies approximately 830m to the south. Beamish Burn Conservation Area lies approximately 1.13km to the north of the site and contains a number of Grade II\* and II listed buildings. There are a number of Grade II listed buildings in the surrounding area including several buildings within Beamish to the north east (approximately 885m), Home Farm to the north (approximately 1.04km) and St Paul's Church to the west (approximately 1.5km). The

application site contains no watercourses, with the site lying entirely within Flood Zone 1.

## The Proposal

4. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 260 dwellings and the provision of open space, landscaping and sustainable drainage system (SuDS). Access into the site would be taken from the C128 via a new priority junction and ghost island facility. The scheme also includes proposals for new bus stop infrastructure and connections, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian access point connection from the site onto an existing path which runs alongside the A693 and a pedestrian refuge island crossing facility on the C128. A section of hedgerow along the C128 would require removal to accommodate the highway works.
5. The application is accompanied by a development framework plan and illustrative masterplan. This identifies that of a total site area of 12.59ha, the proposed residential development area would extend to 6.85ha and could accommodate up to 260 dwellings. The remainder of the site is identified as being for open space including landscape planting, SuDs features and swales. The areas proposed for landscaping predominately lie to the east and south east of the site with built development proposed further to the west and existing development within Stanley.
6. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site in excess of 4ha.

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## PLANNING HISTORY

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7. There is no relevant planning history for this site.

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## PLANNING POLICY

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### NATIONAL POLICY

8. 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.
9. 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.
10. *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.

11. *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.
12. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. *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.
20. *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>

21. 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; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; 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:**

Derwentside District Local Plan (1997) (DDLDP)

22. *Policy GDP1 – General Development Principles*. Outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
23. *Policy EN1 – Development in the Countryside*. Development will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
24. *Policy EN2 – Preventing Urban Sprawl*. Except where specific provision has been made in the Plan development outside existing built-up areas will not be permitted if it results in: the merging of neighbouring settlements, ribbon development, or encroachment into the surrounding countryside.
25. *Policy EN11 – Trees and Development*. States that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.

26. *Policy EN12 – Development within the Great North Forest.* States that development within the Great North Forest will only be permitted if the proposals incorporate substantial amounts of woodland planting.
27. *Policy EN19 - Protection of Sites and Settings of Ancient Monuments and Archaeological Features.* Seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
28. *Policy EN22 – Protection of Sites of Nature Conservation Importance.* Sets out that development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.
29. *Policy EN25 – Development Affected by Pollution.* States that residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.
30. *Policy EN26 - Control of Development Causing Pollution –* Permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
31. *Policy HO5 - Housing Development on Small Sites.* Lists settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
32. *Policy HO22 – Recreational Public Open Space within Housing Layouts.* States planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development.
33. *Policy AG1 - Protection Of Better Quality Agricultural Land.* Development of Grade 2 of 3a agricultural quality will only be permitted provided there is no irreversible loss of agricultural land or no other sites of lower grade land exists where the development could reasonably be sited.
34. *Policy RE4 - Protection of Public Footpaths.* Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
35. *Policy TR2 – Development and Highway Safety.* Relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
36. *Policy TR3 – Cycling.* Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

#### **EMERGING PLAN:**

The County Durham Plan

37. 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. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 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.

#### Stanley Neighbourhood Plan

38. Stanley Town Council applied for the designation of the Stanley Neighbourhood Plan Area on the 16th October 2015 and following consultation was approved as a Neighbourhood Area on the 6th April 2016. Since this date there has been no further progression on the Neighbourhood Plan. No weight can therefore be afforded to the Neighbourhood Plan in the decision-making process at this time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

39. *Stanley Town Council* – Object to the proposal on the grounds that; it will increase the burden on an already congested highway; further exacerbate safety issues for pedestrians trying to cross the busy A693; result in a substantial incursion into the countryside; will not be in keeping with the existing pattern of development; cause significant adverse harm to the character of the local landscape; result in the coalescence of No Place with Stanley; and will increase car usage as sustainable transports options are not a viable or attractive alternative. They note that there has been a significant amount of local opposition to the scheme.
40. *Highway Authority* – The submitted Transport Assessment (TA) is not accepted at this time therefore they would not support the development. One of the surveys used to inform the assessment was subject to background interruptions and junction modelling remains unresolved. Notwithstanding objections regarding the submitted TA, following amendments to the site layout plan a suitable means of access can be achieved. A condition would be required to secure full engineering details of the ghost island right turn lane arrangement with road widening, pedestrian refuge facility and bus stop infrastructure and timescales for implementation.
41. *Drainage and Coastal Protection* – Further information has been submitted to indicate that SuDs are to be included in the form of detention basins, permeable paving, filter strips and swales. Whilst this is generally acceptable for the purpose of an outline application the swales identified would not be in compliance with the Council's requirements. Notwithstanding this a conditional approach can be applied to secure a detailed surface water management scheme.
42. *Coal Authority* – Advise that there is a history of past coal mining activity which poses a risk to the development site, therefore in order to verify the ground, intrusive ground investigation works are required in order to determine the exact situation in respect of coal mining legacy issues within the site. A conditional approach is recommended.

## INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – Advise that DDLP Policies EN1 and EN2, alongside housing policy HO5, indicate that the scheme should be resisted. While officers consider that a five-year housing land supply can be demonstrated, it is nevertheless considered that the housing policy framework in the LP is out of date, as it was based upon allocations and a housing strategy period which has now expired. A conservative approach informs that Paragraph 11 of the NPPF comes into play. This directs the decision-maker to consider whether there are policies in the Framework which provide a clear reason for refusal. Footnote 6 identifies specific policies of restriction (in principle) in the Framework.
44. Should this test be passed, the second criteria under 11d requires a planning balance assessment to weigh up any ‘adverse impacts’ and ‘benefits’. Compliance or otherwise with ‘Saved’ local plan policies may be included within the planning balance assessment. The Local Plan clearly aims to avoid development in locations outside of the built-up settlement area in accordance with Policies EN1 and EN2 in particular. While it is for the decision taker to determine the level of weight that should be afforded to these policies, in accordance with their status, they remain relevant to the consideration of this scheme (as highlighted). Consultation with relevant specialist teams will identify whether there are any additional concerns to consider under the second limb of the NPPF Paragraph 11 test in addition to those highlighted in this report.
45. In relation to potential benefits, these may include economic gains linked to the delivery of new dwellings, both during their construction and in terms of new residents supporting local services (albeit this is likely to be limited given the isolated nature or the site). If the scheme provides affordable and specialist dwellings, these could also be added into the benefit column.
46. *Archaeology* – Limited field investigation has been undertaken in the location of the site and as such it is not possible to properly characterise the archaeological resource in the large areas of the development site undisturbed by former mining activity. Field-based evaluation is the only way to adequately assess the archaeological impact of this development and ought to be carried out as per para. 189 of the NPPF. This should start with a geophysical survey with the results submitted in support of the outline application. The results of the survey can then inform any subsequent trial trenching and mitigation.
47. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed development may result in the coalescence of settlements. It is also questionable whether the site can accommodate the number of units applied for given the site context, steeply sloping site topography and proposed housing density.
48. *Ecology* – Raise no objection subject to securing a financial contribution and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity. Therefore, a contribution of £11,137 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council’s Local Biodiversity Compensation Strategy document. Conditions relating to the adherence to the recommendations outlined within the ecology report, a detailed landscaping scheme and maintenance regime to be agreed.
49. *Employability Section* – Request that targeted recruitment and training clauses are secured via a S106 agreement or planning condition.

50. *Environment, Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. With regards to the operational phase of the development the modelled levels of air quality are below the national air quality objectives. Whilst the outcome of the assessment does not indicate mitigation measures are required the provision of electric charging points would be recommended. The screening of the impacts of the construction phase on air quality has not been completed at this stage. The outcome of this assessment would be used to determine applicable dust control/mitigation measures to be incorporated within a Dust Action Management Plan for the site.
51. *Environment, Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment has been carried out to appropriate methodologies. Mitigation measures will be required to be adopted in relation to adjacent road noise. No objections are therefore raised subject to a conditional approach requiring the submission of a scheme of noise mitigation, construction methodology and restricting working hours on site.
52. *Environment, Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
53. *Housing Delivery* – Advise the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is an average demand for bungalow accommodation in comparison to the neighbouring area. This site is in an area which has an average demand for affordable rented properties in comparison to neighbouring areas. A third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. It is advised that affordable housing should be dispersed throughout the development to avoid a concentration in one area of the development. This should be in small clusters of housing rather than single units pepper potted through the development. Information will need to be provided on the open market value of all affordable properties for the price to be discounted to an affordable level. Further discussion with the team would be welcomed.
54. *Landscape* – Advise that there are no landscape designations on or around the site. The site at Stanley Hill Top is part of, and sits just below the apex of, the Pennine Spur. The site is open arable farmland that slopes away to the east and south at a gradient of 1:20. Distant panoramic views may be obtained from all points on the site with primary receptors in the southern and south eastern quadrants. Whilst the illustrative masterplan shows substantial greenspace allocations in the east and southeast on lower ground, the loss of the majority of the small area of agricultural land between the settlements would represent a significant reduction in the rural character of the area and of No Place. The LVIA justification for development in this exposed location are not supported, considered robust or valid for development of this scale given the extent and significance of visual exposure from the southern and eastern receptors. The development of up to 260 dwellings would have a significant adverse landscape and visual effect.
55. *Landscape (Arboriculture)* Concur with the landscape officer's comments that the development of this site will have significant landscape effects. Note existing hedgerow will be required to be removed to facilitate access to the site. Remaining hedgerows should be retained, not located within garden curtilages adequately protected. An Arboricultural Impact Assessment, Tree Protection Plan and full landscaping plan conditions are required.

56. *Access and Rights of Way* – There are no registered public rights of way within the red line site boundary although Bridleway (BW) 36 (Stanley) passes past the site's south eastern boundary. A walking route is evident along the site's southern boundary linking Dene View and BW 36. The development will place additional pressure on the network therefore a financial contribution is sought to offset this.
57. *School Places and Admissions Manager* – Advise that a development of 260 houses could produce an additional 78 primary pupils and 32 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development, there are sufficient primary and secondary school places to accommodate pupils from this development.
58. *Sustainable Travel* – The submitted travel plan now meets the required standards. A contribution is sought towards costed improvements to Bridleway 36 (Stanley).

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

59. *Durham Dales, Easington and Sedgfield Clinical Commissioning Group* – Advise a financial contribution of £125,580 would be sought to mitigate the impacts of the development. The contribution sought would improve access to healthcare provision in Stanley and therefore make the proposed housing expansion supportable from a health infrastructure perspective.
60. *Health and Safety Executive* - Does not advise against granting of planning permission on safety grounds.
61. *Northern Gas Network* – The High Pressure Gas pipeline crosses through the site. Although originally objecting to the proposal this has now been withdrawn. Earlier responses outline the required easement strip widths, limitations to ground level changes and pipeline protection.
62. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.
63. *Police Architectural Liaison Officer* – Raise concern with a further estate of this size entering and exiting onto the A693, a busy road especially at peak times, would be dangerous. They also note the ill feeling towards this development from local residents and the MP.

#### **PUBLIC RESPONSES:**

64. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents.
65. 26 letters of objection from twenty-two neighbouring properties and 1 neutral representation have been received in relation to the development, as summarised below;

#### **Objection**

- Impact on the character and appearance of the area through development of a highly prominent greenfield site which separates Stanley and No Place resulting in the coalescence of settlements and encroachment into attractive countryside. The proposal is not in keeping with the existing pattern of development.
- Highway safety concerns the impact of additional traffic on the capacity of the surrounding highway network in an accident hotspot area including fatal collisions,

queuing onto this junction is already a problem which further development will exacerbate and the A693 will be even busier for pedestrians to cross. Increased traffic (including bus services) will travel through No Place to avoid queues. This is considered to be dangerous as No Place is a small hamlet therefore not suitable for large volumes of traffic, there is only a single path down into it and children use this as a walking route to school.

- Concerns over the locational sustainability as local amenities, services and sustainable transport options are not within easy or convenient walking distances. This will increase car dependency exacerbating concerns relating to highway safety and whether there is sufficient capacity to within the network to accommodate these journeys
- Whether there is sufficient capacity/funding at the local schools and doctor's surgeries to accommodate the development
- Impact on amenity through increased noise and disturbance especially during the construction phase, overbearing impact, overlooking/loss of privacy, increased air pollution, loss of light, outlook and attractive views
- Ecological impact and loss of biodiversity
- Impact on drainage and flooding
- Question the need for additional housing in this area and that brownfield sites should be prioritized
- The site has not been identified as a suitable site for development in the County Durham Plan
- Consider the benefits of proposal have been overstated
- Query the adequacy of the supporting information which relies on assumptions
- Loss of an amenity area/a place where people walk
- Property devaluation
- Fear of crime

#### Neutral

- A private correspondence between a local constituent and Kevan Jones MP (North Durham) requesting he supports their objection to the development.
66. A 40 signature petition has also been received objecting to the development on the grounds that; the development would result in a substantial incursion into the countryside; will not be in keeping with the existing pattern of development; cause significant harm to the character of the local landscape; will result in the coalescence of No Place with Stanley; will increase car usage due to the walking routes to the town centre and distances to bus stops from the extremes of the site; and it will adversely affect local highways and lead to further congestion and traffic safety issues.
67. *Kevan Jones MP (North Durham)* – Concerned the proposed development would link up the settlements of Stanley and No Place contrary to both the NPPF and Derwentside District Local Plan. This is not a site which has been identified as being suitable for development in the County Durham Plan and as a result of the above objects to the development.
68. *Campaign to Protect Rural England* – Request the application is refused permission. The application is contrary to policies EN1 and EN2 of the Derwentside District Local Plan. Policy EN2 specifically refers to preventing the merger or coalescence of settlements. The site is not allocated within the County Durham Plan and is not required as a 5 year housing supply can be demonstrated. There are potential road safety issues.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

## APPLICANTS STATEMENT:

69. None submitted.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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70. 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, highway safety and access, landscape and visual appraisal, layout and design, residential amenity/pollution, ecology, heritage, infrastructure and open space provision, affordable and accessible/adapted housing.

### The Principle of the Development

71. 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 Derwentside District Local (DDLDP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.

72. The DDLDP was adopted in 1997 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. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

73. DDLDP Policy EN1 sets out that development within the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character setting out that proposals should be sensitively related to the existing settlement pattern. DDLDP Policy EN2 sets out that except where specific provision has been made in the DDLDP, development outside existing built up areas will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. However, it is considered that the definition of the countryside is based on the development needs of the time and is, therefore, time limited. By reason of the out of date evidence base which informs, policies EN1 and EN2 they are considered out of date. The development would conflict with policies EN1 and EN2 of the DDLDP representing an encroachment of development into the countryside and beyond the existing built up area.

74. In addition to the above policies, Policy GD1 of the DDLDP sets overarching principles that all development should comply with, including locational characteristics to ensure that development relates well to existing settlement patterns and is located to reduce

the need for additional car journeys. Policy GD1 is considered consistent with the NPPF in this respect and up to date, as it is not based on time-limited information.

75. Saved DDLP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
76. The site is designated under the DDLP as forming part of the Great North Forest to which policy EN12 relates. This policy and implications of the development in its regard, is discussed within the Landscape and Visual Appraisal section of this report.
77. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
  - c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
78. As set out above it is considered that there are saved policies within the DDLP which provide a framework to assess the principle of the development, to which the development would conflict with. For the purposes of Paragraph 11(d), Policies EN1 and EN2 are considered policies most important for determining the application. However, these policies are considered to be out of date and, therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF, as above. However, although out of date, these policies are consistent with the NPPF and weight can still be afforded to them, this is discussed in more detail later in this report.
79. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

#### Housing Land Supply

80. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
81. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' County Durham Plan (CDP) was subject to consultation in January

2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

82. In a written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the NPPF. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied Paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
83. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
84. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

#### Locational Sustainability of the Site

85. DDLP Policy GDP1 amongst its advice states that the form of development should be appropriate to the sites location and located to conserve energy. The justification to the policy states that development should be carefully located to reduce the need for additional car journeys and should be easily accessible and capable of being served by public transport. DDLP Policy TR2 requires that development proposals would have satisfactory access to the public transport network. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments and Policy RE4 seeks the protection of public footpaths. These policies are considered consistent with the NPPF, which also seeks to promote accessibility by a range of methods, and accordingly, they can be given full weight in considering the application. Specifically, 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 in 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 and facilitate access to high quality public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment.
86. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within

the settlements of County Durham. The site lies on the edge of East Stanley which forms part of the Stanley Cluster comprising of eight named areas. Although historically settlements in their own right, they all effectively function as part of Stanley. The Stanley Cluster is ranked 7th within the County based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth. The site also lies within close proximity of No Place, a small, village located to the east, which has a settlement score of 5.9 on account of the limited facilities and services it possesses.

87. However, although the Stanley Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. 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.
88. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
89. In this respect, it is noted that there are some facilities located within East Stanley and No Place such as a convenience store, primary school, public house and some open space typologies that would be accessible within approximately 400m of the site boundary. However, the majority of services and amenities needed to sustain a development of this size are located within the centre of Stanley, including larger supermarkets, health facilities and employment sites. In general, the site boundary would be within a walking distance of approximately 1700m to the services within the centre of Stanley (edge of the town centre boundary), however, there is a significant topographical change from the site to the centre of Stanley. Walking routes would most likely be along the A693 as the submitted development framework plan shows no pedestrian connections through to Dene View. It is considered likely that given the nature of the routes, it would discourage future residents from accessing the town centre by foot.
90. In terms of access by bus, there are existing stops on the A693 and the C128 served by frequent services to destinations including Stanley, Consett, Sunderland and Chester-le-Street. Significant parts of the site would however lie outside the recommended 400m walking distance to these existing bus stops. The site access arrangement plan (drg. no. 2427-F01 Rev. E) identifies two new bus stops would be created on the C128 to the east of the new junction. Notwithstanding this additional provision it is recognised that there are elements of the site that would be marginal in terms of access to bus stops due to walking distances of more than 500m. The site is considered reasonably accessible by cycle, however, this relies on utilising the adopted highway with no existing dedicated cycle routes or lanes serving the development and topographical changes are again a consideration.
91. The application site forms a larger part of a smaller parcel of land which has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/ST/11a) has an unsuitable (amber) classification, partly on account that the site is poorly located in terms of its access to facilities.

92. Policy RE4 of the DDLP sets out that development which would directly affect a Public Right of Way or other recognised recreational path will only be permitted if an acceptable and equivalent alternative route is provided. In this regard there are no registered public rights of way within the red line site boundary although Bridleway 36 (Stanley) passes past the site's south eastern boundary. A walking route is evident along the site's southern boundary linking Dene View and BW 36 and it is expected that this is retained as part of any development proposals. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Given the proximity of BW 36 to the site and the level of development proposed it is anticipated that there would be a considerable increase in footfall arising as a result. Both the Council's Public Rights of Way Officer and Sustainable Transport team have requested a contribution to mitigate this impact and secure improvements towards the local public rights of way network. A detailed cost package has outlined a contribution of £170,000 would be required. The contribution sought would accord with the advice of the NPPF and could be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
93. Taken in the round, it is recognised that the site is located on a frequent bus route and would be within the maximum distances to some services and amenities. It is also noted that some connection mitigation measures/improvements are proposed under the application discussed in more detail in the Highway Safety and Access section. However, the nature of walking routes to the centre of Stanley and distances to bus stops from the extremes of the site are still such that it is unlikely that the development would promote accessibility by a range of methods contrary to policies GDP1 and TR2 of the DDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.

#### Highway Safety and Access

94. DDLP Policy TR2 sets out that planning permission for development will only be granted where the scheme incorporates a clearly defined and safe vehicle access and exit, satisfactory access onto the public transport network and satisfactory access onto the adopted highway. The supporting text of policy TR2 also sets out that a proposal will not be granted unless adequate traffic flows can be maintained. Policy TR2 is considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
95. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Assessment (TA), which assesses the impacts of the development, concluding that there would be no impact on the capacity of the wider highway network. The application is also accompanied by a Travel Plan (TP).
96. Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues. A new access would be taken from the C128

via a new priority junction and ghost island facility with provision for a secondary, emergency access. The scheme also includes proposals for new bus stop infrastructure and connections, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian access point connection from the site onto an existing path which runs alongside the A693 and a pedestrian refuge island crossing facility on the C128. Following amendments to site layout plan, the Highways Authority agree a suitable means of access can be achieved. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application. A condition would be required in the event of approval to secure full engineering details of the ghost island right turn lane arrangement with road widening, pedestrian refuge facility and bus stop infrastructure and timescales for implementation. Following amendment, the submitted TP has also been agreed with the Council's Sustainable Travel team. Adherence to this can be conditioned.

97. In relation to the impact on the wider highway network, the Highway Authority advise that the assumptions and subsequent conclusions of the submitted Transport Assessment are not sound. One of the surveys used to inform the assessment was subject to background interruptions. Correct and accurate base data surveys must be submitted before any modelling output could be considered. There is also disagreement between the Council's Highways Development Manager and the Applicant's Transport Consultant regarding junction modelling. It is not considered such concerns can be addressed through condition as the TA has demonstrated that the surrounding junction may be unstable therefore major mitigation could be required.
98. Overall, it is considered that the proposed development could be served by an appropriate means of vehicular access in accordance with Policy TR2 of the DDLP. However, the Local Planning Authority considers that insufficient assessment has been undertaken to evaluate whether the development would have a severe impact on the traffic flows, operation and highway safety of the surrounding road network contrary to policy TR2 of the Derwentside District Local Plan and failing to comply with Paragraph 108 and 109 of the National Planning Policy Framework. This adverse impact needs to be weighed in the planning balance.

#### Landscape and Visual Appraisal

99. As set out above DDLP Policy EN1 seeks to prevent encroachment of development into the open countryside, except where it benefits the rural economy or helps to maintain or enhance landscape character, setting out that proposals should be sensitively related to the existing settlement pattern. DDLP Policy EN2 sets out that development outside the existing built up area will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. Whilst Policies EN1 and EN2 are considered out of date for the reasons outlined earlier in this report, they can still both be attributed significant weight in the decision-making process due to their content having significant resonance with the content of the NPPF and therefore consistent on this basis. Policy GDP1 also sets out that general development principles including, that development proposals should be well related to the existing environment and take account of the presence of natural features, requiring the protection of the existing landscape. This policy is considered consistent with the NPPF. Paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. The key policy considerations therefore are whether the site reads as an appropriate natural extension to the settlement or appears as an incursion into the open countryside and whether it represents good design. The application site forms a larger part of a smaller parcel of

land which has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/ST/11a) has an unsuitable (amber) classification partly on account that the site is poorly located in terms of its relationship to settlements and degree of containment. Development would represent a significant encroachment into the surrounding countryside. Adverse residual landscape impacts would be observable, especially on the northern-most portion of the site.

100. The application site is identified within the adopted Durham County Council Landscape Strategy as a Conservation Priority Area, where the landscape spatial strategy is to Conserve and Enhance. The site at Stanley Hill Top is part of, and sits just below the apex of, the Pennine Spur that divides the Beamish and Stanley Burn Valleys to the east of the town. The site is open arable farmland (two fields, one entire and one partial) that slopes away to the east and south at a gradient of 1:20. The fields are bound by predominantly hawthorn hedges, the exception being the southeast boundary.
101. The site does not lie within a nationally designated landscape though is located on land designated under DDLP Policy E12 as forming part of the Great North Forest and this is discussed further below.
102. The application is accompanied by a Landscape Appraisal which provides a broad overview of the surrounding site context, the potential landscape and visual effects which may arise as a result of the development and possible mitigation measures to address the potential effects.
103. The application site is a green field location. Its western boundary borders Stanley however other than that is largely surrounded by agricultural fields with No Place located further to the east. There is a level change evident across the site with the land falling away to the south and east which results in the eastern edge of Stanley being prominent within the local landscape. It also gives the impression that this existing boundary forms a natural limit to the built development of the town and that land to the east is located within the open countryside. The site and surrounding land form part of an attractive setting to the town and provides a buffer between Stanley and No Place so they are legible as two separate settlements.
104. Development in this location would have a substantial and transformative impact on the immediate local landscape. It would extend eastwards over the ridge and given its elevated position distant panoramic views may be obtained from all points on the site with primary receptors in the southern and south eastern quadrants. Development of the site would not form a natural extension to the existing pattern of development but represent a significant and prominent incursion into the countryside Whilst landscape mitigation in the form of relatively substantial green space allocations in the east and south east, these would take time to fully mature and would sit on lower ground therefore would never fully screen or mitigate the impact. In the interim the effect on the landscape would remain substantial.
105. Access is a matter for consideration and as previously outlined within the report a comprehensive package of works is proposed. A new access would be taken from the C128 via a new priority junction which essentially involves widening the carriageway from two to three lanes, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian refuge island, new bus stop infrastructure, street lighting and new signing and lining. This would also result in the removal of the large portion of the northern hedgerow. It is considered that these works would have a highly transformative and urbanising effect on the immediate area. A landscape buffer, approximately 105m wide, is proposed between the development edge and No Place. There is currently 370m between the settlements therefore the loss of the majority of the small area of agricultural land between settlements would

represent a significant reduction in the distinctive rural character of the area and of No Place. The aforementioned highway improvements works would contribute further to the eradication of any effective separation and thereby distinction between the settlements. Furthermore, the landscape mitigation buffer would be planned and would sit in a suburban rather than rural setting therefore transforming the current character of the area. The development would result in the coalescence of Stanley within No Place, it would be absorbed within the Stanley Cluster and would cease to be regarded as a settlement within its own right.

106. The Council's Arboriculture Officer shares the concerns raised by the landscape officer. that the development of this site will have significant landscape effects. If the development was to proceed they recommend that remaining hedgerows should be retained, not located within garden curtilages and adequately protected. An Arboricultural Impact Assessment, Tree Protection Plan and full landscaping plan conditions are recommended. They also note further consideration is required with regards to the proposed street trees to ensure their longevity.
107. The Great North Forest to which DDLP Policy EN12 relates was a community forest project to which a Forest Plan was devised, published in 1994. It has a number of guiding principles all generally relating to the positive environmental, business and leisure related benefits that the development of forest environments bring. The Policy advises that in relation to development that proposals should respect the objectives of the Great North Forest and should incorporate substantial woodland planting. Policy EN12 is no longer considered up to date with the objectives of the Forest Plan no longer understood being taken forward by its stakeholders. Notwithstanding this, given that approximately half the application site is proposed to be reserved for open space and landscaped areas, the scheme would contain significant amounts of woodland planting and thereby be in general conformity with the policy.
108. Overall, having regard to the advice of the Council's Landscape Officer, the development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would lead to the coalescence of Stanley and No Place, which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1, EN2 and GDP1 of the DDLP in this respect, and Paragraphs 170 and 127 of the NPPF. This represents a significant adverse impact that needs to be taken into account in the planning balance.

#### Layout and Design

109. DDLP Policy GDP1 (A) sets out that development proposals should achieve a high standard of design which is in keeping with the character and appearance for the area and take into account of the sites natural and built features. Parts 12 and 15 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 its consistency with the NPPF, significant weight should be afforded to DDLP Policy GDP1 (A) in this respect.
110. The detail of the layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage but a development framework plan and illustrative masterplan have been submitted in addition to a Design and Access Statement. This suggests that the development would be developed which would seek to be outward-looking, creating well-defined streets and spaces. This would, in general, allow for natural surveillance of public open space and children's play facilities. Should the development progress the positive characteristics of the local area

in terms of character and architectural detailing should be considered as part of any detailed layout.

111. Up to 260 dwellings are proposed within a proposed built development area of 6.85ha which equates to housing density of 37.5 dwellings per hectare. Considering the topographical changes across the site, concerns are raised as to whether the quantum of development proposed can be accommodated whilst still achieving a layout and design of high quality. However, further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
112. Overall, subject to the further and more detailed consideration, which a future reserved matters application would provide for, the development could achieve a standard of design that would meet the aims of Policy GD1 (A) and paragraphs 127 and 170 of the NPPF in this regard.

#### Residential Amenity/Pollution

113. DDLP Policy GDP1 requires development to protect the amenities of neighbouring occupiers and land users. DDLP Policy EN25 require that residential development will not be permitted on sites affected by unacceptable levels of pollution of adjoining land uses. DDLP Policy EN26 requires that developments protect the environment in terms of likely levels of air, noise, soil or water pollution. These policies are considered consistent with Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
114. Based on the illustrative masterplan, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between existing and proposed dwellings. With regards to internal arrangements the application seeks outline consent for up to 260 houses within a proposed built development area of 6.85ha which equates to housing density of 37.5 dwellings per hectare. Considering the topographical changes across the site, concerns are raised as to whether the quantum of development proposed can be accommodated whilst still achieving acceptable levels of amenity. Any layout which responds to the existing site levels is likely to require greater separation distances which appears at odds with the higher density development proposals outlined. However, further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
115. Environmental Health and Consumer Protection (Pollution) Officers have reviewed the submitted noise impact assessment which considers the existing noise climate and impact on the development. It demonstrates that mitigation measures are necessary to achieve appropriate noise levels within northern areas of the site. Given this is an outline application the noise assessment is based on principles only therefore a condition is required to secure a scheme on noise mitigation measures based on the findings of the assessment. Environmental Health and Consumer Protection (Pollution) Officers offer no objection to the scheme subject to the imposition this condition. It is recognised that the development would increase traffic and movement in the surrounding area however it is not considered that this would give rise to significantly increased noise levels as a result.
116. 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. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.

117. In relation to land contamination, the applicant has submitted a Phase 1 Preliminary Site Investigation Report. Environment, Health and Consumer Protection (Contaminated Land) Officers advise that whilst the report requires some minor changes this will not alter the outcome. Ground gas monitoring is the initial phase and further monitoring may be required. They recommend a conditional approach to further land contamination investigations in accordance with Part 15 of the NPPF.
118. The site is not in close proximity of any Air Quality Management Areas however, an Air Quality Assessment has been submitted given the scale of the development. This assesses the impact of the development which has been considered by the Environmental Health and Consumer Protection (Air Quality) Officer. The assessment considers the operational and construction phases of the development. With regards to the former, the effect on air quality at the proposed residential dwellings would not be significant as the model indicates levels of all traffic related air quality pollutants are well below the long and short-term air quality objectives. Whilst the outcome of the assessment does not indicate mitigation measures are required, Environment, Health and Consumer Protection advise that the provision of electric charging points would be a means to encourage the uptake of low or zero emission vehicles. The screening of the impacts of the construction phase on air quality has not been completed at this stage. The outcome of this assessment would be used to determine applicable dust control/mitigation measures to be incorporated within a Dust Action Management Plan for the site and also if further air quality assessment in relation to HDV movements was necessary. Conditions can be imposed in the event of the approval in relation to final air quality control measures for the construction phase. The Environmental Health and Consumer Protection (Air Quality) Officer raises no overall objections to the development as a result.
119. Overall, the scheme would comply with DDLP Policies GDP1, EN25 and EN26 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions and the further control permitted via the reserved matters stage.

## Ecology

120. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and seeks to ensure that there is no harmful impact on the ecology of the (former) District. This advice is considered consistent with the NPPF. Policy EN22 applies to a number of Sites of Nature Conservation Importance across the former Derwentside District and advises that development should only be permitted where it would not lead to the loss of, or significant harm to, said sites. The advice contained within Policy EN22 is considered consistent with that within the NPPF. However, it is noted that the justification to the policy considers potential further ecological site designations which have now occurred, and in that sense, the policy is not fully up to date and therefore weight afforded to the policy should be reduced. The Site is located approximately 400m to the south of Hellhole Wood Local Wildlife Site (LWS). South Stanley Woods, a Local Nature Reserve (LNR) and LWS lies approximately 830m to the south.
121. An ecological impact assessment has been submitted in support of the planning application which contains the necessary data to assess the direct and indirect impacts of the development and potential impacts on protected species. In the areas of open space shown to the east of the built development biodiversity enhancements can be delivered through the creation of semi-natural habitats. On-site improvement works in

addition to a management plan for the habitats to be created on site including an appropriate monitoring programme could be secured through condition.

122. Ecology have raised no objections to the impacts of the development upon any designated ecology sites or protected species. No interference with any European Protected Species (EPS) is anticipated and based upon survey work undertaken and therefore there is no requirement to assess the likelihood of an EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
123. However, there are still some residual net losses to habitats and hedgerows that cannot be mitigated for offsite. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £11,137, to be used towards offsite biodiversity enhancements in accordance with the framework identified in Durham County Council's Durham Biodiversity Compensation Strategy document, which would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF. This contribution would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
124. Subject to condition and a financial contribution being secured the Council's Ecologist raises no objections to the application. The development is, therefore, considered to comply with DDLP Policies GDP1 (D) and EN22, and Part 15 of the NPPF in this respect.

#### Flooding and drainage

125. Policy GDP1 (I) of the DDLP sets out that developments should make adequate provision for surface water and protect areas liable to flood from development. This element of the policy is considered broadly consistent with national advice within the NPPF and NPPG with regard to flood risk and management of surface water and can be afforded significant weight in the decision-making process. It is, however, recognised that national guidance promotes a sequential criteria-based approach to site selection which is not specifically referenced within Policy GDP1.
126. The application is accompanied by a Flood Risk Assessment which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Further information has been provided during the course of the application indicating that SuDS are to be included in the form of detention basins, permeable paving, filter strips and swales. Drainage and Coastal Protection Officers advise that whilst this is generally acceptable for the purpose of an outline application the swales identified would not be in compliance with the Council's adopted SuDS Adoption Guide. Notwithstanding this a conditional approach can be applied to secure a detailed surface water management scheme. Northumbrian Water raise no objection in this regard subject to the imposition of a condition.
127. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water raise no objection to this approach or in relation to the capacity of existing sewerage infrastructure.
128. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 Part 14 of the NPPF.

## Heritage and Archaeology

129. DDLP Policy GDP1 (C) sets out that development proposals should protect existing historic features. This policy is considered broadly consistent with the NPPF in this respect, which seeks to protect heritage assets in proportion to their significance allowing in certain instances harm to be outweighed in the planning balance and against public benefits. Policy GDP1 (C) is, therefore, to be afforded significant weight in this respect.
130. Beamish Burn Conservation Area lies approximately 1.13km to the north of the site and contains a number of Grade II\* and II listed buildings. There are a number of Grade II listed buildings in the surrounding area including several buildings within Beamish to the north east (approximately 885m), Home Farm to the north (approximately 1.04km) and St Paul's Church to the west (approximately 1.5km). An Archaeology and Heritage Desk-Based Assessment has been submitted in support of the application which identifies heritage assets which may be affected by the proposed development. Ultimately it was concluded that no further assessment was required due to a lack of proximity, intervisibility (due to intervening topography, landscaping and existing built development) and no functional historic relationship to the site.
131. Officers agree with this assessment with Design and Conservation raising no objections to the proposal on heritage grounds. It is concluded that the proposal would not adversely impact on the setting of the Conservation Area nor listed buildings within the vicinity of the site. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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.
132. The submitted Archaeological Desk Based Assessment considers the site to be of low archaeological significance given the former history of the site. Large areas of the proposed development area are however unaffected by the mining activity associated with East Stanley Colliery. Archaeology confirm that limited field investigation has been done in this area and as such it is not possible to fully characterise the archaeological resource in the areas undisturbed by mining. Field-based evaluation is the only way to adequately assess the archaeological impact and this should start with a geophysical survey, the results of which can then inform any subsequent trial trenching and mitigation. There is no evidence within the submitted desk-based assessment that there is a significant archaeological resource which is likely to be disturbed. As such the Council's Archaeologist is satisfied that fieldwork could be submitted in support of any future reserved matters application which would allow for mitigation to be conditioned if required. This requirement could be secured by condition. On this basis they raised no objection to the scheme which would be considered to comply with DDLP Policy EN19 and Paragraph 189 of the NPPF which set out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. This policy is considered to be partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.

## Infrastructure and Open Space Provision

133. DDLP Policy HO22 sets out that planning permission for new housing developments will be granted if the proposals include sufficient public open space and play areas in appropriate locations in accordance with specific targets or the developer agrees to

make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy H022 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.

134. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 260 houses this equates to 0.5148 ha of allotment space, 0.8008ha parks and recreation typologies, 0.05148ha of child and youth play space and 0.858ha of amenity/natural green space. The OSNA sets out that these typologies should normally be provided on site and provides a bench-marked cost of £904,412 with the addition of maintenance.
135. The masterplan sets out that provision would be made for areas of public open space, trees belts and hedgerows, equipped play areas with proposed recreation routes through the site. Although the total provision would exceed the minimum targets sets out in the OSNA the masterplan would not make provision for all typologies. It is considered, however, that this matter could be dealt with by condition or through a S106 legal agreement to make adequate provision in the undeveloped areas of the site.
136. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 260 houses could produce an additional 78 primary pupils and 32 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development, there are sufficient primary and secondary school places to accommodate pupils from this development.
137. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that based on the additional population likely to be generated by the development there is a requirement for 41.86 sqm of additional clinical space to be provided. Based on a standard approach to costing the impact of additional housing growth a financial contribution of £125,580 would be sought to mitigate the impacts of the development. The contribution sought would improve access to healthcare provision in Stanley and therefore make the proposed housing expansion supportable from a health infrastructure perspective. This contribution could be secured through via Section 106 Agreement.

#### Affordable and Accessible/Adapted Housing

138. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The Council's Strategic Housing Market Assessment (SHMA) is the evidence base used to inform the need for affordable housing. The site falls within a low viability area, this means that 10% of the properties within the scheme would need to be affordable, this equates to 26 units if the site delivered 260 units. Paragraph 64 NPPF directs that 10% of the scheme is provided in the form of affordable home ownership. In this case instance there would be no requirement to provide any affordable rented housing. The applicant has indicated that

this level of provision would be delivered to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

139. The SHMA also outlines a requirement to provide 10% of the private and intermediate properties for older people through either the provision of bungalows or suitably adapted dwellings. However, this requirement is not currently reflected in planning policy as per paragraph 61 NPPF. Ultimately the final mix of house type for the development would be resolved at the reserved matters stage.

#### Other Issues

140. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, large portions of the application site lie within the Coal Authority's Coalfield Area of high risk. A coal mining risk assessment, considering unstable land, has been submitted in support of the application setting out that intrusive ground investigation works are required. Whilst the exact form and extent of intrusive site investigations will need to be agreed in conjunction with the Coal Authority they will likely include determining the presence or otherwise of shallow workings, the exact location of four mine entries including establishing their condition, the exact ground conditions and nature of backfill associated with former open cast mining and the location of surface mining high walls in order to determine the exact situation in respect of coal mining legacy issues. The findings will inform an appropriate scheme of remediation which could include drilling, grouting and stabilisation works including the potential for providing adequate separation between mine entries and built development. The Coal Authority raise no objections to this strategy further to reviewing and securing the detailed site investigations and proposed mitigation by condition prior to the commencement of development.
141. 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 17.6ha of agricultural land. A site-specific investigation into the land classification accompanies the application, setting out that the land is classed a subgrade 3b and, therefore, would not be classed as best and most versatile. The loss of this agricultural land is not, therefore, considered significant. DDLP Policy AG1, though relating to the protection of agricultural land, only relates to Grades 2 and 3a and is not, therefore, strictly applicable to the application.
142. The Council's Employability Officer requests that targeted recruitment and training clauses are included within a S106 planning obligation or via condition in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement.
143. A High Pressure Gas Pipeline crosses through the site. Northern Gas Network do not object to the development however have provided advice outlining the required easement strip widths, limitations to ground level changes and pipeline protection. Similarly the Health and Safety Executive do not advise against development of the site. The detailed layout determined under the reserved matters stage can factor in the requirements of the Northern Gas Network.
144. The proposal has generated some public interest, with a number of letters of objection having been received. Objections and concerns raised have been taken account and the areas/topics of concern principally addressed within the relevant sections of this

report. With regards to the remaining concerns, property devaluation and the loss of private views are not material planning considerations. Concern is raised in regards to issues of fear of crime. Crime and fear of crime can amount to material planning considerations. However, Officers consider that there are no issues particular to this development which are so significant as to warrant objection on such grounds. The Police Architectural Liaison Officer has raised some concerns with regards to the potential traffic and highway safety impacts of the development and such matters are discussed in more detail elsewhere in this report. Concerns are raised about the loss of the site as amenity/recreational land. As the site is agricultural land it is not considered that it serves a formal recreational function as such. However, Access and Rights of Way do note within their comments that a walking route is evident along the site's southern boundary linking Dene View and BW 36 and advise that this should be retained, a matter which could be addressed at the reserved matters stage.

## Planning Obligations

145. Paragraph 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. The proposed contributions towards improvements to public rights of ways, biodiversity off-setting and improved access to health care provision, are considered to be in accordance with these tests, as is the securing of affordable housing.

## Planning Balance

146. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as policies most important to determining the application within the DDLP are out of date. Furthermore, there are no NPPF policies that protect areas or assets of particular importance which provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

## *Benefits*

147. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years of deliverable housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced particularly taking into account the outline nature of the application and uncertainties over deliverability. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
148. Typical of any residential housing development, 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 construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and longer-term expenditure benefits to the area.
149. The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

150. Potentially there would be a residual amount of publicly accessible open space over and above the minimum targets of the 2018 OSNA, to mitigate the impact of the development, subject to delivering the required typologies on site.
151. Based upon the ecological works proposed in addition to the financial contribution to be secured through a planning obligation under S106 of the Town and Country Planning Act 1990, it is considered that the development would lead to net gain in terms of biodiversity.

### *Adverse Impacts*

152. The proposed development would represent a substantial encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect the existing natural and landscape features resulting in significant adverse harm to the character of the local landscape. It would also result in the merging and coalescence of the settlements of Stanley and No Place.
153. The submitted Transport Assessment is not accepted at this time given one of the surveys used to inform the assessment was subject to background interruptions and junction modelling remains unresolved. It therefore cannot be determined whether the development would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
154. The nature of walking routes to the centre of Stanley and local amenities and services coupled with the distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods

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## **CONCLUSION**

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155. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF.
156. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would lead to the coalescence of Stanley and No Place, which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF.
157. The application has not demonstrated that the development would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe contrary to DDLP Policy TR2 and having regards to paragraphs 108 and 109 of the NPPF.
158. Furthermore, the location of the development would not promote accessibility via a genuine choice of transport modes contrary to policies GDP1 and TR2 of the Derwentside District Local Plan and Part 9 of the National Planning Policy Framework.
159. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
160. Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development.

161. 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.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would result in significant adverse harm to the character of the local landscape. Furthermore, the development would lead to the coalescence of the neighbouring settlements of Stanley and No Place. The development would therefore conflict with Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to policies GDP1 and TR2 of the Derwentside District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
3. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate whether the development would have a severe impact on the traffic flows, the operation and highway safety of the surrounding road network contrary to policy TR2 of the Derwentside District Local Plan and failing to comply with Paragraphs 108 and 109 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner

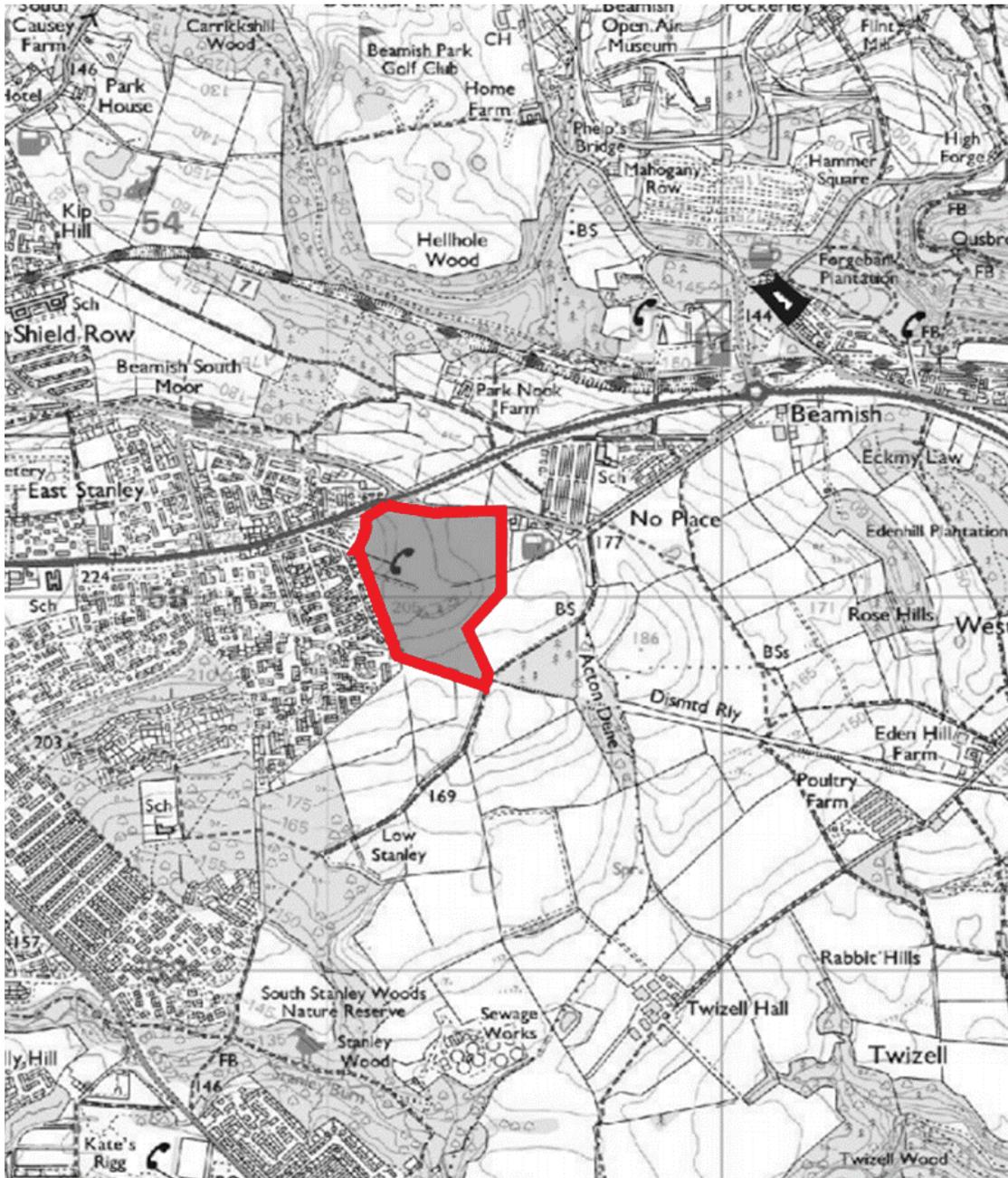
with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



**Planning Services**

DM/19/01413/OUT

Outline planning application for the erection of up to 260 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.

Land To The South Of 2 Beamish View, Hill Top, East Stanley

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**Comments**

**Date** 3<sup>rd</sup> September 2019

**Scale** Not to Scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/02982/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning application for the erection of up to 210 dwellings including public open space, landscaping and SuDS. All matters reserved except for means of access.
<b>NAME OF APPLICANT:</b>	Gladman Developments Ltd
<b>ADDRESS:</b>	Land To The South Of Cockhouse Lane, Ushaw Moor, DH7 7PN
<b>ELECTORAL DIVISION:</b>	Brandon And Byshottles
<b>CASE OFFICER:</b>	Graham Blakey, Senior Planning Officer, 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregularly shaped parcel of land located to the western edge of Ushaw Moor. The site extends to approximately 8.59 hectares (ha) in area and comprises two agricultural fields separated by a mature hedgeline. There is a level change across the site, with the land falling approximately 30m in a south easterly direction. The site is bound by the highway, Cockhouse Lane (B6302) to the north, beyond which lies residential dwellings. Agricultural fields are located to the west, to the east the site is bounded by allotment gardens and residential dwellings lining Station Road. An existing field access to the north east is taken off an unadopted highway to the rear of Station road and a field gate off Cockhouse Lane provides vehicular access to the site.
2. The Site is located immediately to the north of the Deerness Valley Local Wildlife Site (LWS) which forms the southern boundary of the application site and which contains the Deerness Valley Railway Path, a recreational route running from Durham to Esh Winning and beyond. The LWS is dominated by mature woodland to the steepening valley slopes down to the River Deerness.

#### The Proposal

3. This planning application seeks outline planning permission for the erection of up to 210 dwellings including the provision of public open space, landscaping and SuDS and a new vehicular access onto Cockhouse Lane. All other matters remained

reserved. An illustrative development 'Framework Plan' has been submitted which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off a main distributor road. It is indicated that a network of Sustainable Drainage features would be provided to the south of the site along with areas of formal play. It is indicated that the existing hedgerow which runs through the site would be retained whilst areas of structural planting would be planted to the western and eastern site boundary.

4. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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5. There is no relevant planning history to the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. 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.
7. 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.
8. *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.
9. *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.
10. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of

groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. 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; flood risk; land stability; light pollution; natural environment; 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:**

### City of Durham Local Plan (2004) (CDLP)

20. *Policy E7 - Development in the Countryside* - advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
21. *Policy E10 – Areas of Landscape Value* – States that development which would have an unacceptable adverse impact upon areas of high landscape value will be resisted and requiring that development respects the landscape it is situated within.
22. *Policy E14 - Trees and Hedgerows* - sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
23. *Policy E15 - Provision of New Trees and Hedgerows* - states that the Council will encourage tree and hedgerow planting.
24. *Policy E16 - Protection and Promotion of Nature Conservation* - 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.
25. *Policy E18 – Site of Nature Conservation Importance* – The Council will seek to safeguard sites of nature conservation importance unless the benefits from the development outweigh the nature conservation interests of the site, there are no alternatives sites and measures are undertaken to minimise adverse effect associated with the scheme and reasonable effort is made by appropriate habitat creation or enhancement to compensate for damage.
26. *Policy E23 - Listed Buildings* - states that the Council will seek to safeguard listed buildings and their setting.

27. *Policy E24 - Ancient Monuments and Archaeological Remains* - states that the Council will preserve scheduled ancient monuments and other nationally significant archaeological remains and their setting in situ.
28. *Policy H5 – New Housing in the Countryside* - In the countryside new housing development will be permitted only when it is; required by persons employed in agriculture or forestry where there is a functional need and the enterprise is financially viable, the size is commensurate with the established functional need; adequate provision cannot be made within the settlement/existing buildings and it respects the character of its landscape setting.
29. *Policy H12 – Affordable Housing* – states that on sites of 25 or more dwellings or 1ha or more in size a fair and reasonable proportion of affordable housing will be provided.
30. *Policy H12A – Type and Size of Housing* – States that the type and size of dwellings will be monitored and where appropriate negotiation will take place with developers to provide the right housing types and sizes to ensure balance.
31. *Policy H13 - Residential Areas – Impact upon Character and Amenity*) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
32. *Policy T1 - Traffic – General* - states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
33. *Policy T10 - Parking – General Provision* - states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
34. *Policy T20 – Cycle Facilities* - Sets out a requirement to encourage the provision of facilities for parking cycles in the city centre and at other appropriate locations.
35. *Policy T21 – Walkers Needs* – States that existing footpaths and public rights of way should be protected.
36. *Policy R2 – Recreational and Amenity Space in New Residential Developments* – States that provision for open space for outdoor recreation is evenly distributed to meet the needs of the population, and is suitably maintained.
37. *Policy R11 - Public Rights of Way and Other Paths* - states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless, a suitable alternative route is provided.
38. *Policy Q1 - General Principles – Designing for People* - states that the layout and design of all new development should take into account the requirements of users. It will be expected to incorporate the following as appropriate personal safety and crime prevention, the access needs of people with disabilities, the elderly and those with children.
39. *Policy Q2 - General Principles – Designing for Accessibility* - states that the layout and design of all new development should take into account the requirements of users. It will be expected to embody the principle of sustainability and to incorporate the following as appropriate.

40. *Policy Q4 – Pedestrian Areas* - Requires that pedestrian area should be laid out and designed with good quality materials in a manner which reflect the street scene.
41. *Policy Q5 - Landscaping General Provision* - sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
42. *Policy Q6 – Landscaping - Structural Landscaping* – new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
43. *Policy Q8 - Layout and Design – Residential Development* - sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
44. *Policy Q15 – Art in Design* – Encourages the provision of artistic elements within new development.
45. *Policy U5 – Pollution Prevention – General* – new development should not lead to an adverse impact upon the quality of the local environment and the amenity of nearby land and property.
46. *Policy U7 – Pollution Prevention – Development Sensitive to Pollution* - Developments which are sensitive to pollution will not be permitted on land which is subject to unacceptable levels of contamination, pollution, noise or vibration.
47. *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.
48. *Policy U10 – Natural Flood Plains* – Developments should not be permitted in flood risk areas or where they increase the risk of flooding elsewhere without mitigation.
49. *Policy U11 - Development on Contaminated Land* - sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
50. *Policy U13 - Development on Unstable Land* – This policy states that development will only be permitted if it is proved 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

51. 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. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 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.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

52. *Highways Authority* – Traffic generation from the development and its impact on the A690 and A167 between Ushaw Moor and Durham City will lead to increased queuing and delay to these key links with limited impacts upon local junctions. These junctions to the A690 and A167 are considered to already be saturated and therefore require mitigation. Traffic growth through these junctions would have exponential effects which mean small increases in volume can result in a substantial increase in queuing and delay. This will inevitably result in temporal changes in traffic flow, increasing the length of the peak traffic beyond the typical hour. Road users will furthermore seek alternative routes, increasing the geographical spread of traffic and rat running. Public transport operators will see increased costs as a result of unreliable and increased journey times.
53. A transport assessment has been produced by the applicant's consultant in which it sets out trip rates, distribution and impacts. The assessment confirms that the local junctions around the application site would have capacity within Ushaw Moor, but that the junctions at the A690 and A167 are saturated. Trip levels for traffic towards the A167 east of the site are considered to be underrepresented within the assessment, therefore under representing the impact upon those saturated junctions.
54. Provision of the Western Relief Road is considered by the assessment to provide the mitigation to increase capacity in the junctions considered saturated, this is agreed by the Highways Authority and serves to demonstrate that impacts from this development would be significant.
55. The assessment concludes that whist impacts upon the A690 and A167 will not be severe. The Highway Authority disagree with this conclusion and consider that the exponential effect of increased queuing and delay to the A690 and A167 junctions would result in a severe cumulative impact upon highway safety and should this application should be refused.
56. The proposals include details of access, which is proposed to be taken from the B6302 (Cockhouse Lane) to the north boundary of the application site. The applicant outlines that observed vehicle speeds are 34mph (85<sup>th</sup> percentile), however the Highway Authority have undertaken their own survey which found vehicle speeds to be 43mph (85<sup>th</sup> percentile). The proposed standard T-junction arrangements with 43 metres visibility would be unsuitable for the observed vehicle speeds on a road with high levels of HGV traffic, whereby a protected right-hand turn arrangement with pedestrian refuge islands would be required on highway safety grounds.

57. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application. The greenfield run-off rate for the site should be 4.6 litres per second.
58. *The Coal Authority* – Raise no objection subject to the imposition of a condition requiring confirmatory site investigation works of past coal mining activity to the site.

#### **INTERNAL CONSULTEE RESPONSES:**

59. *Spatial Policy* – Advise that CDLP Policies E7, alongside housing policy H5, indicate that the scheme should be resisted. While officers consider that a five-year housing land supply can be demonstrated, it is nevertheless considered that the housing policy framework in the Local Plan is out of date, as it was based upon allocations and a housing strategy period which has now expired. A conservative approach informs that Paragraph 11 of the NPPF comes into play. This directs the decision-maker to consider whether there are policies in the Framework which provide a clear reason for refusal. Footnote 6 identifies specific policies of restriction (in principle) in the Framework.
60. Should this test be passed, the second criteria under 11d requires a planning balance assessment to weigh up any ‘adverse impacts’ and ‘benefits’. Compliance or otherwise with ‘Saved’ local plan policies may be included within the planning balance assessment. The Local Plan clearly aims to avoid development in locations outside of the built up settlement area in accordance with Policies E7 and H5 in particular. While it is for the decision taker to determine the level of weight that should be afforded to these policies, in accordance with their status, they remain relevant to the consideration of this scheme (as highlighted). Consultation with relevant specialist teams will identify whether there are any additional concerns to consider under the second limb of the NPPF Paragraph 11 test in addition to those highlighted in this report.
61. In relation to potential benefits, these may include economic gains linked to the delivery of new dwellings, both during their construction and in terms of new residents supporting local services. If the scheme provides affordable and specialist dwellings, these could also be added into the benefit column.
62. *Landscape* – An amended indicative layout now includes a more generous structure planting and open space allocation to western and northern boundaries respectively, which together with green linear corridors that better appreciate the gradients of the site however retaining walls are still expected to be common and necessary.
63. The Landscape Visual Assessment included with the submission concludes that the site and wider area are of a ‘medium quality, sensitivity and value’. Cockhouse Lane is characterised by built development on its northern side only in the transition from settlement to countryside, with the gradient to the south offering a visual connection to the Deerness Valley from public and private viewpoints. Therefore, a development of this scale and visibility would be transformative in the immediate surrounds and to the settlement of Ushaw Moor.
64. Consequently, the proposals would have some significant adverse landscape and visual effects raising conflict with landscape related saved policies within the CDLP.
65. *Landscape (Arboricultural)* – Landscape Visual Assessment submitted with the application acknowledges that the site has several areas of mature hedgerow and tree

planting across the site. Any future detailed scheme should acknowledge these areas and be supported by appropriate survey work and reports.

66. *Ecology* – Submitted ecological assessment confirms that there will be a loss of habitat to the application site, whereby the applicant proposes a mixture of on-site and off-site mitigation. This would be taken in the form of a suitably designed landscaping and SuDs scheme and through the form of a contribution of £26,000 for off-site mitigation.
67. *Environmental Health and Consumer Protection (Air Quality)* – Development like this would give rise to emissions of particulate matter, against which there are short and long term air quality objectives and requirements to reduce exposure of these by the public. Management of dust at the construction phase is required by condition. At the operational phase, the development would not affect any Air Quality Management Area (AQMA), therefore the test for a development of this nature would be to assess whether levels of pollutants generated would result in the air quality objective being exceeded.
68. A quantitative assessment of the impact of the proposed development has been undertaken to the surrounding area of the site and the nearby congested Neville's Cross junction, and has been undertaken in accordance with the Technical Guidance (TG16) Local Air Quality Management that covers the modelling of congestion and the queuing of traffic. Based upon the traffic movement data used to model the air quality impacts at the junction and roads leading up to the junction, the impacts are considered to be negligible in respect to the annual mean air quality objective.
69. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
70. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment has been carried out to appropriate methodologies, including outlining a package of potential mitigation measures for the new housing. Subject to a condition requiring details of the final mitigation measures linked to the final design of the proposed housing, no objections would be raised in respect to the operational phase of the development. A further condition requiring the submission of a construction and dust management plan should also be considered to ensure that impacts from the construction phase of the development are appropriately controlled.
71. *Access and Rights of Way* – While there are no recorded Public Rights of Way abutting or through the site, there is a series of informal pathways through woodland to the south (Deerness Valley LWS) and via an informal field access and track to the west of the application site. Provision of recreational routes to the Deerness Valley Railway Path to the south should be provided together with access to Station Road to the south east of the application site to promote walking and cycling activities. Financial contributions towards route improvements are requested.
72. *Parks and Countryside* – Increased numbers of households in proximity to the Deerness Valley Railway path will be significant and lead to an increased footfall through the railway path and associated habitat of the local wildlife site. Mitigation and improvements should be sought to ensure continued future enjoyment of the path and wildlife site.
73. *School Places and Admissions Manager* – Advise that a development of 210 houses could produce an additional 63 primary pupils and 25 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school

places to accommodate the development however a contribution of £926,289 would be required to provide the additional primary school spaces, to mitigate the impact of the development.

74. *Leisure Services* – A development of this scale will trigger a new play area as Ushaw Moor, already being a large community, have their existing play areas at their maximum capacity.
75. *Employability Section* – Request that targeted recruitment and training clauses are secured via a S106 agreement or planning condition.
76. *Sustainable Travel* – Most of the site is within 400 metres of a bus stop, with the exception of the lower, southern part of the site. Pedestrian links to Station Road would improve this significantly.
77. *Travel Plan Advisors* – Raises no objections, subject to the adherence of the Travel Plan dated January 2019
78. *Archaeology* – Potential for remains dating from the Roman through to medieval periods is thought to be low, however survey work supported where necessary by field investigations should be undertaken prior to reserved matters submission.
79. *Design and Conservation* – The site it is not well related to the existing built form and its development would have a significant adverse visual impact and it would be a disproportionately large addition to the settlement. Due to the topography, existing vegetation and plan form of the existing settlement, there is limited intervisibility between the site and designated heritage assets within 1km and therefore there will be no impact on the setting of designated or non-designated heritage assets.
80. *Affordable Housing* – Advises that there should be a minimum of 10% affordable homes be provided on site, in a 80:20 ratio of affordable rent to intermediate tenure.

#### **NON-STATUTORY RESPONSES:**

81. *Northumbrian Water* – Raises no objections. Development should be carried out in accordance with the submitted flood risk assessment and foul drainage analysis.
82. *NHS* – Local NHS services, including GP Surgeries, would be unable to assimilate the increased numbers patients the proposed development would likely generate, and as such a contribution towards improving facilities of £144,900 would be required by the development.
83. *Police Architectural Liaison Officer* – Advises that the crime risk assessment for this proposed development is moderate, with nuisance from off road vehicles being of particular concern. Road safety on the surrounding roads, in particular towards the A167 and its tributaries west, is a concern with records showing accidents to be mainly damage only. There is a general lack of youth provision in the village and surrounding area, in particular in respect to older children and teenagers.

#### **PUBLIC RESPONSES:**

84. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. In total thirteen representations from local residents were received objecting to the proposals highlighting concerns around the impact upon the local landscape and countryside, views of the Deerness Valley, a lack of need for new properties in Ushaw Moor, impacts upon air quality, volume of

traffic on the B6302, vehicular access from Cockhouse Lane, vehicle parking to the B6302 for residents, quality of roads and play areas in the village, insufficient support for doctors surgeries, capacity of local schools, flooding to lower Station Road private properties, and loss of agricultural land.

85. *CPRE* – Consider that the application is contrary to a number of policies of the CDLP. The development encroaches into the countryside beyond the established settlement lines of Ushaw Moor, not respecting the character of the countryside in this location. An Area of High Landscape borders the site to the south of the application site, that given the valley topography of the immediate site would see an impact upon the Area of High Landscape Value also.

**APPLICANTS STATEMENT:**

86. The 8.59 ha site lies adjacent to the existing residential development on the edge of Ushaw Moor, in the parish of Brandon and Byshottles. The settlement lies approximately 5.2km to the west of Durham, 20km south of Newcastle upon Tyne and 23km south west of Sunderland.
87. The following is relevant in terms of the site's suitability and sustainability for development:
- The site is well contained within the landscape and important trees and other landscape features are retained;
  - The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact;
  - The site comprises land in agricultural and equine use, but its usefulness for agricultural purposes is limited and its loss would not be significant in NPPF2 terms;
  - The site has low ecological value on the basis of the evidence submitted with the application (Ecological Impact Appraisal prepared by CSA). The loss of habitat would therefore not be significant and mitigation and net biodiversity gains can be readily achieved;
  - The application site falls within the EA Flood Risk Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability, or <0.1% chance of flooding);
  - There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any listed buildings.
88. In summary the application site presents an opportunity for the sustainable growth of Ushaw Moor:
- The land to which the development proposals relate is not of high environmental value.
  - The site is suitable for residential development in terms of its general location and characteristics.
  - There are opportunities through development to improve the environmental conditions of the area.
89. The following areas are considered key benefits arising in respect to the application: market housing, affordable housing, short term and long term economic benefits,

protecting and enhancing vitality and viability of local businesses, provide public open space and recreation, and bio-diversity benefits. This would be assessed against adverse impacts associated with the development of a greenfield site introducing urbanising effects, however the submitted supporting information confirms that the scheme can be delivered without unacceptable wider landscape and visual impacts. The scheme can therefore would not give rise to significant and demonstrable harm from the proposed scheme.

90. The NPPF policies on the delivery of sustainable housing development carry significant weight, and the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).
91. There are no technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and Development Plan do not indicate that development should be restricted.
92. In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'. Accordingly, it is clear there are significant material considerations which outweigh the statutory presumption in favour of the Durham Development Plan and the planning application should be approved.

*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/>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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93. 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, housing land supply, locational sustainability of the site, highway safety and access, landscape and visual impact, residential amenity and pollution, flooding and drainage, ecology, planning obligations and other issues.

### Principle of Development

94. 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 City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
95. The CDLP was adopted in 2004, 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. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this

Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

96. CDLP Policy E7 (Development Outside of Settlement Boundaries) identifies the countryside as a finite resource setting out that many elements of the countryside such as landscape character, nature conservation and high-quality agricultural land are highly valued and worthy of their own protection. For this reason development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside settlement boundaries in the countryside may be considered acceptable, this includes development for change of uses, small infill housing or agricultural or compatible employment uses as permitted by Local Plan Policies. However, none of these exceptional circumstances apply to this proposal. Furthermore, none of the exceptional circumstances in which housing within the countryside is permissible under CDLP Policy H5 apply to the proposal. With the proposal seeking a large residential development outside of a settlement boundary, the proposal conflicts with Policies E7 and H5.
97. The NPPF does not prevent a local planning authority from defining settlement boundaries, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Although policy E7 is considered consistent with the NPPF, given the age of the evidence which informed, based on the development needs of the time, the policy is considered out of date. Whilst this does not mean that the policy should be disregarded or be given no weight, the weight that can be afforded to it is reduced. Similarly, policy H5 is considered out of date albeit, again weight can be attributed to the policy given its content is partially consistent with the NPPF.
98. 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
99. As set out above, it is considered that the saved policies within the CDLP, which provide a framework to assess the principle of the development of this site, are out of date. Therefore, it is considered that the policies which are most important for determining the application 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.

## Housing Land Supply

100. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
101. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' County Durham Plan (CDP) was subject to consultation in January 2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
102. In a written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the NPPF. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied Paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
103. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
104. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

## Locational Sustainability of the Site

105. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focusing significant development 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 and facilitate access to high quality public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment.

106. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The village of Ushaw Moor contains a number of services, and within the study was found to be ranked 37th in the County for access to services and facilities, on par with other settlements of similar size.
107. However, Ushaw Moor is relatively close to the City of Durham which contains a significant source of services, facilities and amenities. Access to those facilities therefore is key and consideration is required to be given as to the ability of future occupiers to access these services and amenities. 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.
108. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
109. In this respect, it is noted that the central area of facilities within Ushaw Moor (to the Flass Inn staggered cross roads) contains a reasonable selection of convenience stores, pub, post office, church, primary school and community facilities. Wider services are spread along the B6302 east along Broom Lane. It can be accessed on foot via Cockhouse Lane which is a well-lit route from the application site entrance to the cross roads and along Broom Lane. This would be accessible by foot, cycle and bus with services from Cockhouse Lane bus stops. These stops see regular bus service to the centre of Durham (hourly) across 7 days a week. A similar service to Durham is also available from Station Road to the east of the application.
110. Fundamentally however, the bus stops to Cockhouse Lane are located at the top of a sloping application site which sees a drop of around 30 metres (100 feet) from Road to woodland near to Station Road. With no current access available to Station Road, this would put the southern part of the application site at a significant deterrent to accessing public transport. Access could be possible from the south east corner of the application site to Station Road through the creation of a new formalised link, however this would involve traversing part of the Deerness Valley Local Wildlife Site. The applicant is open to providing a link from the site and a contribution towards funding construction of the link should it be considered appropriate. In principle, it would open up the southern part of the proposed development to easier and therefore more appealing access to public transport, and so should be considered subject to any ecological and arboricultural impacts. This in principle view is supported by the Council's Sustainable Transport Team.
111. It is recognised that the site is located within reach of regular bus services to the City of Durham, however work to secure full access is needed. Topographic challenges cannot be played down and would act as a deterrent to any future occupier should no access to Station Road be found. Overall however, the location of the application site close to the village core of services and facilities, offering it some sustainable credentials that would see the proposal, subject to facilitating a pedestrian link at the south east corner of the site, considered to comply with the requirements of CDLP Policies Q1, Q2 and Q8 (consistent with the NPPF) and Paragraphs 103 and 110 of the NPPF. This should be considered in the wider context of the planning balance.

## Highway safety and access

112. CDLP contains various policies, in the form of T1, H13, Q1, Q2 and Q8 which seek to ensure that development does not prejudice highway safety, reduce congestion and protect amenity. These principles are aligned with advice at paragraphs 108 and 109 of the NPPF which amongst its advice requires that safe and suitable access should be achieved, and development should only be prevented or refused on highways grounds where unacceptable impacts on highway safety would occur or the residual cumulative impacts on the road network would be severe.
113. Paragraph 111 of the NPPF requires applications which propose significant amounts of traffic movements to be supported by a Transport Assessment (TA) enabling the projected impacts upon the surrounding highway network to be analysed. Concerns have been raised by local residents in respect to highway safety impacts and queuing traffic locally at more widely from the site.
114. It is proposed that the main vehicular access to the site would be taken from Cockhouse Lane to the northern boundary in the form of a standard priority T-junction with pedestrian access. In reviewing the proposals, the Highway Authority have requested that the proposed junction design feature a protected right turn arrangement; however, following discussions with applicant and their transport consultants a revised speed reduction scheme to the originally proposed T-junction has been tabled by the applicant instead. The package of measures proposed by the applicant include carriageway markings, narrowing and pedestrian refuge islands. These would stretch from South View to the east along to Valley View Farm in the west at the current 30mph speed limit extent.
115. The Highway Authority consider that there is a fundamental issue in classification of the road by the Applicant's Transport Consultants, in that the measured road speeds differ between 34mph at 85% of traffic observed by the Consultants versus the Highway Authority's 43mph observed speeds. The package of measures submitted by the Applicant are based upon the lower 34mph observed speeds and the assumption therefore that the road is 'residential' in nature. The Highway Authority disagree with this assumption as their higher observed vehicle speeds are representative of a 'local distributor road' as outlined in the Council's Residential Design Guide, which would require the provision of a protected right-hand turn arrangement for the proposed junction in accordance with relevant highway guidance (Design Manual for Roads and Bridges).
116. Therefore, it is considered that the proposed access arrangement is unsuitable for the observed vehicle speeds of 43mph (85<sup>th</sup> percentile) along Cockhouse Lane and would be contrary to the requirements of Policy T1 of the CDLP and Paragraph 108 (b) of the NPPF. This adverse impact needs to be weighed in the planning balance.
117. In relation to the impact on the wider highway network, the Highway Authority advise that the assumptions and subsequent conclusions of the submitted Transport Assessment are not sound. It is widely accepted that the A167 at Neville's Cross and north towards the Toll House Road junction are both junctions which are operating at saturation, leading to queuing traffic in all directions from them at peak times (inc. A690 Neville's Cross Bank). Increases in traffic through these junctions would therefore have exponential effects, in that small increases in traffic volume can result in substantial increases in queuing and delays. Subsequently, the peak time in this area would change, increasing the length of peak traffic beyond the typical 'rush hour' as

well as road users seeking alternative routes, increasing geographical spread of traffic and 'rat running'. Furthermore public transport operators would see increased costs as a result of unreliable and increased journey times.

118. Provision of the proposed Western Relief Road is acknowledged within the applicant's report as providing mitigation to increase capacity in the junctions of the A167, which is agreed by the Highway Authority to show that the impacts from this development would be significant.
119. The Highway Authority consider that the Transport Assessment underrepresents the level of traffic which would head east from the application site towards the A167 and therefore the impacts upon the wider traffic network and saturated junctions. The assessment concludes that the whilst there are impacts upon the A690 and A167, these would not be considered severe. The Highway Authority disagree with the conclusions of the assessment and considered that the exponential effect of increased queuing and delay to the A690 and A167 junctions would result in a severe cumulative impact upon highway safety.
120. With regards to parking provision within the development this matter would be considered in detail at the reserved matters stage. CDLP Policy T10 relates to parking though is considered inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. As a result the Policy is attributed very limited weight in the decision making process.
121. Overall, it is considered that the development would have a severe impact on traffic flows and queuing to the A690 and A167 east of the application site, which would lead to an adverse impact on highway safety. This adverse impact would be severe contrary to Paragraphs 108 and 109 of the NPPF and Policies T1 and Q2 of the CDLP. This adverse impact needs to be weighed in the planning balance.

#### Landscape and Visual Impact

122. CDLP Policies Q4, Q5, and Q8 together require good quality, well landscaped developments appropriate in scale, form, density and materiality to their location. Policy E14 requires proposals that affect trees and hedgerows should retain of woodland or important groups of trees and hedgerows wherever possible and replace these where they are lost. Policy E15 encourages tree and hedgerow planting including on major sites and the urban fringe. Policy Q6 specifically refers to new development located to outer edges of settlements and a requirement to incorporate peripheral structural landscaping within the site in order to moderate adverse landscape visual impacts. Policy E7 refers to development in the countryside and the conflict with landscape character. Policy E10 relates partly to locally designated Areas of High Landscape Value (which the site is not within the bounds of) but also more generally requires that development respects the character of its landscape setting. These policies are each considered to be consistent with the NPPF. Paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting.
123. The application site is identified within the adopted Durham County Council Landscape Strategy as a Conservation Priority Area, where the landscape spatial strategy is to Conserve and Enhance. The application was also supported by a Landscape Visual Impact Assessment (LVIA) which includes an analysis of the effects of the proposed homes upon the countryside to this area of Ushaw Moor. Within the report, the study concludes that the application site and the wider area are of "*medium quality, sensitivity and value*".

124. Along Cockhouse Lane, the dominant characteristic is the visual connection between the settlement and the countryside, whereby views along the Deerness Valley are plentiful from both public and private viewpoints. It is the view of the Landscape Officer that the effect of erecting up to 210 dwellings upon the landscape character of the immediate locality would be transformative and would be harmful in the local context. This highlights the impact of introducing new development into the application site and what it would have upon the countryside.
125. The site is particularly exposed from Cockhouse Lane to the northern boundary, and the Landscape Officer is concerned that the loss of 86 metres of hedgerow parallel to the road would be required to facilitate the development. The new landscape treatment for this area should be designed to be relevant to the transitional nature of the site between village and countryside, offering visual porosity. Revisions to the proposed site masterplan have increased the area of greenspace and structure planting to the Cockhouse Lane boundary, improving the appearance of the site from the main road and offering some of the visual connection to the countryside referred to above.
126. The southern boundary features the Deerness Valley Local Wildlife Site (LWS), which is the wooded lowest slopes of the River Deerness Valley surrounding the river. The eastern boundary features built development along Station Road, however the western boundary is open with an agricultural field boundary with sporadic hedging in part. The Landscape Officer noted the openness of the western boundary and the revised site masterplan has proposed structure planting to the western boundary in response. These are concessions seeded by the Landscape Officer, however the visual impact of introducing development into the countryside is what these structure planting areas are looking to mitigate and so conflict with CLDP Policies would remain evident.
127. In conclusion, having regards to the advice of the Council's Landscape Officer, the development would represent an encroachment into the surrounding countryside with harmful landscape impacts resulting in conflict with Policies E7, E10, Q5 and Q6 of the CDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing an adverse impact that will be weighed accordingly in the planning balance.

#### Residential Amenity / Pollution

128. CDLP Policy H13 requires new development to protect the amenities of neighbouring occupiers and land users in the vicinity of the development site. CDLP Policy U5 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. Policy Q8 requires that adequate privacy and amenity is provided for each dwelling proposed within the development. These policies show consistency with Paragraphs 170 and 180 of the NPPF which includes the advice that existing and future users of development should have a high standard of amenity provided and new or existing development should be prevented from contributing towards or being adversely affected by unacceptable levels of air and noise pollution amongst other issues. Therefore, these CDLP Policies are considered consistent with the requirements of the NPPF in this regard. Concerns have been raised in respect to air pollution by local residents.
129. Air quality is a fundamental issue which is increasingly causing residents close to new developments concerns. The NPPF under Paragraph 180 provides protection against new developments causing impacts of pollution upon health and living conditions whilst Paragraph 181 advises more specifically in regards to air quality including that

opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management. The application is supported by an Air Quality Assessment which covers the immediate vicinity of the site, along the B6302 east and from the A690 Stonebridge Inn up to and around the Neville's Cross junction (A690/A167). None of these areas reside within an Air Quality Management Area (AQMA).

130. The assessment has been reviewed by the Council's Senior Air Quality officer who has confirmed that the methodology and scope of the report is appropriate. The assessment outlines that the proposed development would have negligible impacts upon the annual mean air quality objective across sensitive receptors, in particular those around the Neville's Cross junction.
131. Generally, the submitted site masterplan does set out that separation distances in excess of 21m between habitable room windows to existing dwellings surrounding can clearly be achieved, given the presence of public highways and back lanes to separate the site from existing dwellings. This would prevent any loss of amenity / overlooking in the first instance, but would be subject to further scrutiny of this matter and the overall internal site layout at the reserved matters stage. Furthermore, the indicative layout highlights that there is sufficient space to accommodate the proposed development, however full details of this would again be for examination at reserved matters.
132. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It is concluded that the northern site boundary to be the area of highest noise generation, this being the road, and that mitigation would be required to homes in this area. The report proposes a standardised scheme of a mixture of acoustic ventilation and uprated glazing. Environmental Health and Consumer Protection (Pollution) Officers agree with the conclusions of the noise impact assessment and, subject to the imposition of a condition to secure a detailed scheme of mitigation prior to construction, offer no objections to the scheme in this respect.
133. It is noted that allotments are located in close proximity to the site and as a result there is some potential for some impacts upon the amenities of the future occupiers of the development but such impacts are not considered likely to be significant. It is also noted that existing properties are located adjacent to the allotments.
134. 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. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
135. 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. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers 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 Policy U11 of the CDLP (consistent with the NPPF) and Part 15 of the NPPF.
136. In order to limit the potential disturbance for existing residents during construction, the Environmental Health and Consumer Protection Team recommend that a construction management plan be in place for all parts of the development to deal with construction

related impacts. The Environmental Health and Consumer Protection (Air Quality) Team advise in regard to the construction phase of the development that a dust action management plan be secured also. Both teams have considered that a conditional approach to providing a construction management plan prior to construction would be appropriate in this case.

137. Overall, the pollution impacts of the scheme would be considered to not adversely impact upon the nearest neighbouring properties nor those further afield and that the proposals would therefore be compliant with Policies H13, Q8, U5 and U11 of the CDLP and key Paragraphs 128, 170, 180 and 181 of the NPPF.

### Flooding and Drainage

138. Policy U8a of the CDLP sets out that new development provides satisfactory arrangements for disposing of foul and surface water discharges. This element of the policy is considered consistent with national advice within the NPPF and NPPG with regard to flood risk and management of surface water and can be afforded significant weight in the decision-making process. Similarly Policy U10 relates to development and flood risk, seeking to ensure unacceptable flood risk issues to not result from development, again consistent with the content of the NPPF.
139. 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. Following amendments, the FRA also sets out that SuDs would be utilised with surface water attenuation included before being discharged at greenfield run-off rate in to the River Deerness.
140. In reviewing the submitted FRA and Drainage Strategy, Drainage and Coastal Protection Officers advise that the Council's adopted SuDS Adoption Guide, sets out that development proposals should include a preliminary layout plan identifying surface water drainage runs and locations of swales, basis, filter strips and drains. Whilst a detailed flood risk assessment has been submitted, which indicates the adoption of SuDs, the level of submitted detail does not comply with the Council's adopted policy for outline planning applications.
141. In considering these matters, and recognising the outline nature of the application, a final site layout could be developed to ensure that necessary SuDS features were incorporated into the layout of the homes, recognising that a final detailed design may impact on the quantum of development achievable.
142. In relation to foul water, it is proposed to connect to the existing sewerage network south of the application site, with Northumbrian Water raising no objection to this approach or in relation to the capacity of existing sewerage infrastructure.
143. Overall, flexibility afforded by the outline planning application would allow for future adherence to the Council's adopted SuDS guidelines and would result in a suitable scheme for surface water drainage that would discharge at the necessary rate into the River Deerness. Subsequently, subject to securing conditions to ensure greenfield run-off rate for surface water drainage and a foul water drainage scheme, it is considered that the application is compliant with Policies U8a and U10 of the CDLP and relevant paragraphs within Part 14 of the NPPF in this respect.

### Ecology

144. Paragraph 170 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Policy E16 of the

CDLP supports protecting and enhancing nature conservation assets, designated or otherwise, and so is consistent with the NPPF as a result. The application site borders the Deerness Valley Local Wildlife Site (LWS) on its southern side, therefore affecting a likely close relationship between future residents and the protected area. Indeed, the Council's Ecology Officer has noted that direct and indirect impacts upon the LWS have been mitigated to a degree by the positioning of SuDs and landscaping along the southern area of the application site. CDLP Policy E18 relates to sites of nature conservation importance and seeks to minimise the impacts of development upon such sites and this policy is consistent with the NPPF.

145. A desire to improve connectivity for the southern part of the site with the Deerness Valley Walk and Station Road, could see a direct route through the LWS being provided. The Council's Ecology Officer has raised concerns over a direct link between the application site and the Deerness Valley Walk due to the impacts upon the LWS. However, a lesser scale impact would occur from a shorter link from the site on to Station Road which would allow access to both public transport and the Valley Walk beyond. The Ecology Officer has noted that this should be securely fenced to ensure against undesirable access in to the wider LWS. The LWS is in the ownership of the Council, therefore there is scope for an access route in principle, however further work would be required to ensure this could be achieved suitably from an ecological perspective. Therefore, a condition requiring detailed survey work and preferred route for access to Station Road should be attached to any permissions.
146. Impacts upon other species have been noted by the applicant in their submitted ecological impact assessment, particularly with regard to badgers and bats. Ecology have confirmed that while a badger survey is required prior to commencement of works, this would be sufficient to inform any layout requirements at the reserved matters stage. This can be ensured via condition. No impacts upon European Protected Species (EPS) which would necessitate a EPS licence from Natural England to be obtained relate.
147. The Ecology Officer considers, following submission of additional information, that the proposed scheme does not fully meet the requirements of the NPPF to provide net gains for biodiversity (Paragraph 170 (d)). The site masterplan does include provision for substantial amount of greenspace including SuDs, however this would still result in an overall net loss in biodiversity across the 9ha site. As a result, the Ecology Officer considers that should this not be met on site then a financial contribution to the Council should be made to allow the off-setting of the biodiversity loss to be undertaken nearby in the Council owned and maintained Deerness Valley LWS. On this basis, it would be considered that the development site would not result in an overall net loss in biodiversity and as such would adhere to Paragraph 170(d) of the NPPF subject to securing off-site contribution via planning obligation.
148. Subject to ensuring that impacts upon the LWS from any footpath connection being controlled by condition, and that the biodiversity lost to development would be mitigated off-site, the proposed development would be considered to comply with Policies E16 and E18 of the CDLP and Part 15 of the NPPF.

## Planning Obligations

149. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided and supports CDLP policy H12 albeit the evidence based which supported this policy is now outdated. Similarly policy H12a advises on the type of house types within a development. The council's Strategic Housing Market Assessment is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable

homes per annum and also provides evidence to inform the tenure split for affordable housing. Affordable Housing have provided advice that in terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).

150. The site falls within a low viability area, this means that 10% of properties on the scheme would need to be affordable, this equates to 21 units if the site delivered 210 dwellings. Notwithstanding the advice contained within the SHMA, Paragraph 64 of the NPPF directs that 10% of the scheme is provided in the form of affordable home ownership. In this instance given the affordable housing requirement is 10% then there would be no requirement to provide any affordable rented housing. The affordable housing provision would be secured via a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
151. The applicant has indicated that the 10% level of provision would be delivered.
152. CDLP Policy R2 seeks to ensure adequate recreational and amenity space in new residential developments. This Policy is considered partially NPPF compliant, as whilst the objectives of the policy remain in conformity, the standards have since been updated through the Open Space Needs Assessment (OSNA) 2018. Therefore, whilst the general thrust of Policy R2 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
153. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 210 houses this equates to 0.42 ha of allotment space, 0.65ha parks and recreation typologies, 0.021ha of child and youth play space and 0.69ha of amenity/natural green space. The OSNA sets out that these typologies should normally be provided on site and provides a bench-marked cost of £765,072 with the addition of maintenance.
154. The framework masterplan sets out that provision would be made for areas of public open space, including green corridor down through the site, equipped play areas with proposed recreation routes around the site and adjacent to the SuDs areas. Although the total provision would exceed the minimum targets sets out in the OSNA the masterplan would not make provision for all typologies. It is considered, however, that this matter could be dealt with by condition or through a S106 legal agreement to make adequate provision in the undeveloped areas of the site.
155. Parks and Countryside Team, who manage the Deerness Valley Railway Path (DVRP) have cited increased footfall upon the DVRP as leading to increased wear upon the DVRP and the surrounding LWS woodland, and as a result mitigation measures should be sought to ensure continued use and enjoyment of the DVRP and LWS. Mitigation is requested by the Parks and Countryside Team to manage the impacts of the development upon the DVRP and LWS in the form of a £100,000 financial contribution to allow the service to deliver this mitigation in the areas where it is needed. Access and Rights of Way similarly request that a financial contribution be made towards improvements of public rights of way. Officers consider that the cited contribution towards the DVRP would be appropriate.
156. The School Places and Admissions Manager advises that a development of 210 houses could produce an additional 63 primary pupils and 26 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely

implementation timeframe of the development there are sufficient secondary school places to accommodate the development. However, a contribution of £926,289 would be required to provide the additional 63 primary school spaces, to mitigate the impact of the development.

157. The NHS have commented upon the application to inform that the local primary care services are under pressure and that this new development would increase patient numbers. A financial contribution of £144,900 is requested to help provide additional consulting space for anticipated increase in patient numbers.
158. The Council's Employability Officer requests that targeted recruitment and training clauses are included within a S106 planning obligation or via condition in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement.

#### Other Issues

159. The Coal Authority have raised no objections having regards to coal mining legacy issues subject to condition requiring investigatory works. The proposals are considered compliant with CDLP Policy U13 in this regard (consistent with the NPPF).
160. The Deerness Valley Railway Path (DVRP) lies to the south of the application site across the River Deerness and the LWS woodland that lines the river banks in this location. The PROW Team have confirmed that informal pathways through the woodland to the river and the DVRP are present and would like to see improvements to these paths, however this would need to be set against the ecological impacts upon the LWS.
161. The Council's Archaeological Team have confirmed that the previously undeveloped nature of the site has through an initial desk top survey highlighted the potential for remains dating from the Roman through to medieval periods is thought to be low, however further survey work supported where necessary by field investigations should be undertaken and this can be resolved via the reserved matters/under condition.
162. CDLP Policy Q15 encourages the provision of artistic elements within the design and layout of proposed development. The indicative layout supporting the outline application would allow for potential for elements to be incorporated in to the detailed design for determination at the reserved matters stage.
163. Due to the topography, existing vegetation and plan form of Ushaw Moor, there is limited intervisibility between the site and designated heritage assets within 1km (a range of aforementioned listed buildings) and non-designated heritage assets and therefore there will be no impact on the setting of said designated or non-designated heritage assets with no conflict with key CDLP Policy E23 in this regard (partially consistent with the NPPF) and advice within Part 16 of the NPPF. In turn there is no conflict with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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.
164. Public comments reference the loss of agricultural land. The incursion of the development into the countryside is discussed elsewhere in this report in general terms. The application site does not constitute best and most versatile agricultural land which the NPPF advises the benefits of should be taken into account.

## Planning Balance

165. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as policies most important to determining the application within the CDLP are out of date. Furthermore, there are no NPPF policies that protect areas or assets of particular importance which provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

### *Benefits*

166. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years of deliverable housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced particularly taking into account the outline nature of the application and uncertainties over deliverability. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
167. Typical of any residential housing development, 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 construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and longer-term expenditure benefits to the area.
168. The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

### *Adverse Impacts*

169. The proposed development would contribute to further queuing and delay upon the saturated highway junctions around the A167 and A690 east of the application site with an unacceptable impact upon highway safety.
170. The proposed vehicular access on to Cockhouse Lane is considered to not meet the design requirements for the observed vehicle speeds of the road and so would be considered to have an adverse impact upon highway safety.
171. The proposed development would represent an encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect the existing natural and landscape features resulting in adverse harm to the character of the local landscape.

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## **CONCLUSION**

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172. As a consequence of policies within the CDLP most important to the determination of the application being out of date consideration needs to be given to the balance set out in paragraph 11(d) of the NPPF.
173. Paragraph 109 of the NPPF does not permit development where residual cumulative impacts upon the road network would be severe. The Highway Authority consider this to be the case in respect to the A690/A167 Neville's Cross Junction and Neville's

Cross Bank and with the applicant unable to satisfactorily demonstrate that the development would not have a severe impact upon the highway network, this represents a significant impact contrary to Policy T1 of the CDLP and Paragraph 109 of the NPPF.

174. Furthermore, the proposed vehicular access from Cockhouse Lane is considered by the Highway Authority to be unsafe, contrary to Policy T1 of the CDLP and Paragraph 108 (b) of the NPPF.
175. The development also would represent an encroachment into the surrounding countryside, having regard to the advice of the Council's Landscape Officer, resulting in conflict with Policies Q5, Q6, E10 and E7 of the CDLP in this respect, and Paragraphs 170 and 127 of the NPPF.
176. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
177. Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development.
178. 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.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons

1. The Local Planning Authority considers that the proposed development would result in levels of traffic that would contribute towards already saturated junctions on the A167 and A690 at peak times and would thereby lead to severe impacts upon the transport network in the form of exacerbated delays contrary to Policy T1 of the City of Durham Local Plan and Paragraphs 108 and 109 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed vehicular access arrangement to the B6302 (Cockhouse Lane) would be insufficient to ensure highway safety is maintained, contrary to the requirements of Policies T1 and T2 of the City of Durham Local Plan and Paragraph 108 of the National Planning Policy Framework.
3. The Local Planning Authority considers that the development would represent an encroachment into the surrounding countryside resulting in harmful landscape impacts in conflict with Policies E7, E10, Q5 and Q6 of the City of Durham Local Plan and Paragraphs 170 and 127 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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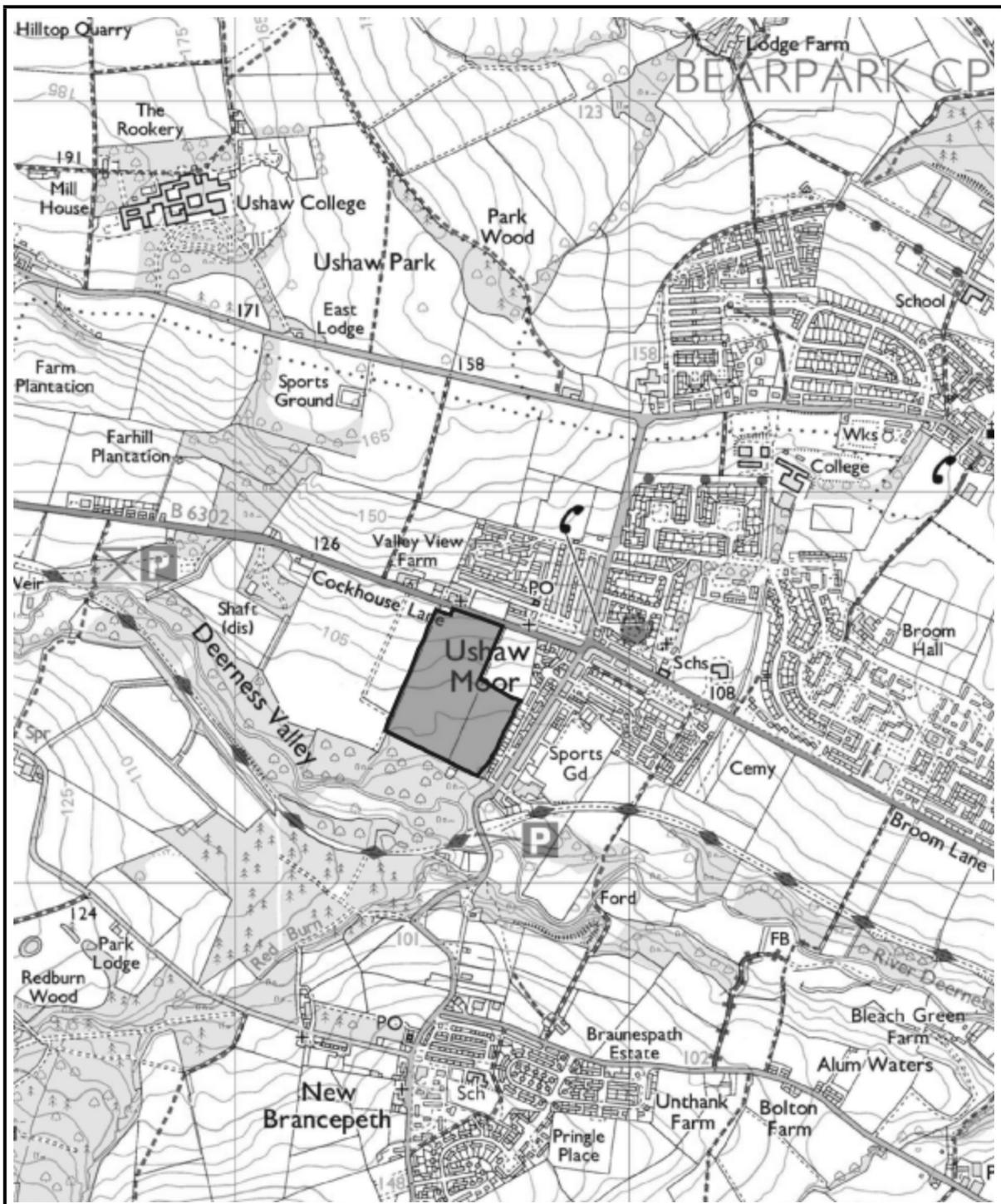
The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. This is evidenced by advising the applicant of objections to the proposal and encouraging discussions with the Highways Authority. However, the issue of concern could not be overcome and a positive outcome could not be achieved. (*Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- DCC SuDs Adoption Guidelines (2016)
- DCC Highways Residential Design Guide (2014)
- Statutory, internal and public consultation responses



**Planning Services**

DM/18/02982/OUT

Outline planning application for the erection of up to 210 dwellings including public open space, landscaping and SuDS. All matters reserved except for means of access.

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**Comments**

**Date** 3 Sept 2019

**Scale** Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/19/01838/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	New primary school on site of existing Bowburn Junior School with new access road and landscaping and demolition of existing school building
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>ADDRESS:</b>	Bowburn Junior School, Surtees Avenue, Bowburn
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Chris Shields Senior Planning Officer Tel. 03000 261 394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### SITE

1. The application site is located at the north east end of Bowburn, a village to the south of Durham. It is approximately 7km from Durham city centre and currently occupied by Bowburn Junior School, which accommodates up to 224 pupils from ages 7 to 11. It is situated in a predominately residential area with housing to the north, east and west of the site, with Bowburn Park to the south boundary of the site and the A1 beyond.
2. The 2.8ha site is rectangular and approximately 87m wide by 240m long with the long axis of the site running east to west. The site has an area of hard landscaped play area surrounding the existing school building on the south side of the site. To the east of this is a large expanse of relatively flat greenspace that has been marked out for football. The football pitch is at a level of approximately four metres above the existing school. The site is enclosed with perimeter fencing and boundary planting, so long distance views are limited,

however, there are immediate views available from the surrounding park areas, footpaths and neighbouring properties.

3. The site is within a mixture of High and Low Risk Coalfield Development areas with the high risk band underlying the proposed location for the new school building. There are no landscape or ecological designations within, or the immediate vicinity of the site. Within 2km of the site there are three Local Wildlife Sites (LWS) including Coxhoe Ponds 850m to the south, Quarrington Hill and Coxhoe Bank 1500m to the south east and TurSDale West Ponds 2km to the south west. Cassop Hill Vale Site of Special Scientific Interest (SSSI) is located approximately 1m to the east.
4. The Bowburn Conservation Area is located approximately 400m to the west of the site. There is one listed building within 2km of the application site and that is the Grade II listed Old Railway Station approximately 1500m to the north at Shincliffe.
5. The nearest residential properties to the site are located immediately to the site boundary on Montaigne Drive, Carlin Close, Oakfield Crescent, Charlton Court, Lawson Road and Surtees Avenue. There is public parkland to the south of the site. There are no public rights of way within or in the vicinity of the site.

#### PROPOSAL:

6. Planning permission is sought for a new primary school on the site of the existing junior school that would amalgamate the existing junior school and infant school, which currently operate from separate sites. A new access road, landscaping and the demolition of the existing school building are also included as part of the development. The new building would comprise of a 540 place primary school (for pupils aged 4 to 11) and 70 place nursery. The overriding objective of the proposal being to improve the quality of educational accommodation for the pupils of the Bowburn area, to address the shortfall in pupil places, and to support the modern methods of learning envisaged by Durham County Council as set out in the 'Every Child Matters' agenda.
7. The proposed new school footprint is 1,733sqm and would provide a total of 2,932sqm gross internal area over two storeys. The building would have an 'L' shaped layout with the western wing dedicated to teaching space with classrooms on both the ground and first floors; nursery and infants on the ground floor and juniors on the first floor. The double height hall would be located on the northern wing and this would be connected to the teaching space by the eastern wing comprising of the main entrance, administrative spaces, staff facilities, kitchen, library, plant room, stairs and lift.
8. The school would be predominantly constructed from brick to provide a robust and low maintenance structure. Details would be provided through curtain walling, fenestration and a translucent cladding system on the upper portions of the hall to allow maximum solar gain.

9. The proposed external landscaping scheme would maximise the provision of open space and retain some existing sports facilities whilst providing new spaces, with retained and additional planting.
10. Car parking has been located on the eastern side of the site and would be accessed via the proposed new access road. The design of the car park takes into account the provision of disabled parking bays within 50m of the main entrance, a designated area for parents drop off and service access for delivery vehicles. The car park would have accessible parking bays in close proximity to the main pupil entrance with a total capacity of 145 parking spaces including 5 disabled parking bays. This includes the external/parental parking (63 bays) and the school site parking (82 bays) in total including 5 disabled bays.
11. 'Secure by Design' principles would provide controlled and secure access to external facilities through a two-tier fencing system. The primary secure line comprises the existing perimeter boundary fencing (including new as required). The secondary secure line is provided to secure the external play areas within the immediate vicinity of the building ensuring all visitor and late comers are directed towards the main entrance.
12. Each building entrance would be served by a level access and all major routes through the site would be level and provided with adequate lighting and there would be stopping points with furniture on the longer routes.
13. Pedestrian access to the site would be provided in three locations, the first would utilise the existing entrance located on Surtees Avenue to the north east corner of the site and a second pedestrian access is taken from the existing path running south from Surtees avenue into a new path that borders the south boundary of the site. The third pedestrian access would be taken from the new access road. All pedestrian paths would lead directly to key areas of the site taking students and parents to the various Key stage groups and Nursery entrance. Two locations have been identified for cycle and scooter parking, one to the south east corner of the building near the Nursery entrance and another near the existing gates and fence that currently divides the school site from the pitches.
14. Nursery and Reception entrances would be reached by a new path running parallel to the existing tree line on the south of the site. Each of the external spaces for Nursery and Reception would use landform and tree planting to create enclosure and improve microclimate. The Applicant has confirmed that the design of the school grounds will be compliant with part M of the Building Regulations to ensure that access for all is provided.
15. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

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## **PLANNING HISTORY**

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16. The existing Bowburn Junior school is a combination of single and double storey Clasp Construction built in the early 1970's. Changes to the school have been relatively minor since its initial construction.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

17. 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.
18. 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.
19. *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.
20. *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.
21. *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.
22. *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.

23. *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.
24. *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.
25. *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.
26. *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.
27. *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.
28. *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>

29. 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 mineral development and their working and restoration and the principal environmental issues of minerals working that should be addressed by mineral planning authorities. These include air quality, conserving and enhancing the historic environment, flood risk, light pollution, natural environment, noise, transport and use of planning conditions.

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

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

The City of Durham Local Plan (May 2004) (CDLP)

30. *Policy C8 – Provision of New Community Facilities.* Sets out criteria for new community facilities including proximity to settlements, amenity impacts, access for disabled and availability of sustainable transport options.
31. *Policy H13 – The Character of Residential Areas.* States that planning permission will not be granted for new development which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
32. *Policy E14 – Existing Trees and Hedgerows.* Sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
33. *Policy E15 – New Trees and Hedgerows.* States that the Council will encourage tree and hedgerow planting in major development sites.
34. *Policy E16 – Nature Conservation – The Natural Environment.* This policy is aimed at protecting and enhancing nature conservation assets. 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.
35. *Policy E17 – Sites of Special Scientific Interest.* States that development that is likely to adversely affect a designated or notified site of special scientific interest or national nature reserve either directly or indirectly will only be permitted if it can be demonstrated that the proposal is of over-riding national importance, cannot be located elsewhere and remedial measures are taken to minimise the adverse effects associated with the scheme and commensurate efforts are

made to compensate for any unavoidable damage by appropriate habitat creation.

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 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.
38. *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.
39. *Policy E23 – Listed Buildings.* This policy seeks to safeguard Listed Buildings and their settings from unsympathetic development.
40. *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.
41. *Policy T1 – Transport – General.* This policy states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
42. *Policy T5 – Public Transport.* Encourages improvements to assist public transport including by ensuring that new developments can be conveniently serviced by public transport.
43. *Policy T10 – Parking – General Provision.* States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
44. *Policy T20 – Cycling – Provision of Cycle Parking.* Sets out a requirement to encourage the provision of facilities for parking cycles in the City Centre and at other appropriate locations.
45. *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.

46. *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.
47. *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.
48. *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.
49. *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.
50. *Policy Q6 – Landscaping – Structural Landscaping.* Requires all new development located on the outer edge of settlements or exposed sites will be required to include peripheral structural landscaping within the site in order to minimise any adverse visual impact of the proposal.
51. *Policy Q15 – Art in Design.* This policy states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
52. *Policy U5 – Pollution Prevention – General.* Planning permission for development that may generate pollution will not be granted if it results in; an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land.
53. *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.
54. *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.

55. *Policy U11 - Development on Contaminated Land.* Sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated will be assessed. Before development takes place it is important that the nature and extent of contamination should be fully understood.
56. *Policy U12 – Development Near Contaminated Land.* Seeks to ensure that development proposed near land which is contaminated are adequately protected.
57. *Policy U13 – Development on Unstable Land.* Advises that development on unstable land will only be permitted where there is no risk resulting from that instability or where the instability can be remediated.
58. *Policy U14 - Energy Conservation – General.* States that the energy efficient materials and construction techniques will be encouraged.
59. *Policy R1 – Provision of Open Space.* Seeks to ensure that the provision of open space for outdoor recreation within the district is evenly distributed and is maintained at a level which meets the needs of its population. A minimum overall standard of 2.4 ha of outdoor sports and play space per 1,000 population will be sought.
60. *Policy R3 – Protection of open Space used for Recreation.* States that development which would result in the loss of an area of open space currently used for recreation and leisure pursuits will not be permitted unless it is for new or improved facilities related to the use of the existing area for outdoor recreation, or it involves a small part of a larger recreational area which by doing so will bring about the enhancement of the remainder, or an alternative area of at least equivalent community benefit/value will be provided locally, or its loss will not prejudice the overall standard of open space for outdoor recreation within the immediate area as set out in policy R1.

## **EMERGING POLICY:**

### The County Durham Plan (CDP)

61. 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. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 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.

## Cassop Cum Quarrington Neighbourhood Plan

62. Cassop Cum Quarrington has a Neighbourhood Planning Area approved. However, the emerging Neighbourhood Plan itself has not reached a stage at which weight can be attributed.

*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> (City of Durham Local Plan)

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

63. *Cassop-cum-Quarrington* Parish Council – supports the application, acknowledging the work that has been put into delivering the project.
64. *Highways Authority* – has raised no objections to the proposals. Officers did raise concerns in respect of an overprovision of visitor parking spaces and limited cycle space provision but state that in this case an overprovision of parking is better than none and reduce the potential for parking pressure on neighbouring residential streets. Concerns are also raised in how the car parking would be used by parents and the safety implications of this. It is also noted through the Transport Assessment that junctions on the A177 in Bowburn are likely to be under stress during peak periods due to other committed developments, which will likely result in parents taking longer routes to the school in order to avoid queues.
65. *The Coal Authority* – has raised no objections to the proposals noting the findings of the submitted geotechnical report which shows that coal mining legacy issues are not significant within the application site. No further mitigation is required.
66. *Drainage & Coastal Protection* – has raised no objections to the proposals. Officers note that the use of a downstream defender would address any issues in relation to water quality and silt or particulates.
67. *Northumbrian Water* – has raised no objections to the proposal but notes that there is some uncertainty regarding the connection point for the disposal of foul water. It is therefore advised that a condition be imposed requiring a detailed scheme for the disposal of foul and surface water be submitted and approved prior to the commencement of development.
68. *Sport England* – has objected to the proposal due to the loss of 1.8ha of existing playing field and advises that the application should be withdrawn to allow the matters to be resolved.

#### **INTERNAL CONSULTEE RESPONSES:**

69. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposals on the basis that hours of use would not extend into the evenings or weekends, and that there would be no external lighting.
70. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Officers have requested that additional details relating to the stack height of the proposed boiler plant be obtained by planning condition.
71. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections subject to conditions restricting the playing fields being brought into use until further site investigation and remediation has been carried out following the demolition of the existing school building.
72. *Sustainable Travel* – has raised no objections to the proposal but notes that the overprovision of visitor parking is contrary to policies from the County Durham Local Transport Plan. Officers request that a condition be imposed requiring a school travel plan to be submitted using the Modeshift STARS system.
73. *Ecology* – has raised no objections to the proposals subject to the payment of funds to provide offsite compensatory works.
74. *Landscape* – has raised on objections to the proposals. Officers made some suggestions to amend the provision of hard and soft landscaping within the site and, where possible, these amendments have been implemented. A suggestion to increase hard play provision has been rejected due to impacts on site drainage.
75. *Design and Conservation* – has raised no objections to the proposals. Suggestions were initially made in respect of minor alterations to break up expanses of brickwork around the hall and ground floor areas. However, the applicant has explained that the brick walls are necessary for activities within the hall and are also intended to be used for exterior signage. Officers are satisfied with the design following this explanation.
76. *Archaeology* – has raised no objections to the proposals.

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

77. *Northumbrian Water* – has raised no objections to the proposal but notes that there is some uncertainty regarding the connection point for the disposal of foul water. It is therefore advised that a condition be imposed requiring a detailed scheme for the disposal of foul and surface water be submitted and approved prior to the commencement of development.

## **PUBLIC RESPONSES:**

78. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. A total of 4 representations were received from neighbouring residents including three objections, one offering comments.
79. Concerns from objectors relate to the potential for community use that could relate in noise and light pollution into the evening. Impact to, or loss of trees and hedgerows is raised as a concern as is outdoor activities such as balls being kicked over fences etc. A resident living in close proximity to the proposed staff car park has also raised privacy concerns from vehicles arriving and leaving the site.

## **APPLICANTS STATEMENT:**

80. Officers within the Education Service believe that children and their families will benefit from continuity of education provision from age 3-11 in a single school, rather than two separate schools. The proposal to amalgamate Bowburn Infant and Nursery School and Bowburn Junior School into a single primary school is in accordance with the council's strategy of moving towards a model of all through primary schools instead of separate Nursery, Infant and Junior Schools.
81. The proposal will result in a larger, more sustainable school in a new build that can deliver primary education for the community of Bowburn for the long term. A new build school on the existing site of the Junior School is also the most effective solution for Bowburn to address the poor condition of Bowburn Junior School and to address the pressure on school places as a result of the significant growth via housing developments.
82. Officers believe that proceeding with the proposal will enhance education provision in Bowburn. Amalgamating Bowburn Infant and Nursery School and Bowburn Junior School into one Primary School in an enlarged new build will provide a more viable educational establishment for the long term to respond to the growth in Bowburn.
83. In the view of the council, amalgamating Infant and Junior Schools is in the best interests of children and their families. Primary Schools have more opportunity, through daily contact, for those working within the school to work together in the best interests of the pupils. They benefit from the consistency that working under the leadership of one Headteacher and one Governing Body brings. A single Primary School can reduce the potential for disruption, which some children experience, when they transfer from Infant to Junior School.
84. The new build will provide a facility equipped to deliver a first class 21<sup>st</sup> century curriculum and build on the standards achieved by the former Bowburn Infant & Nursery and Bowburn Junior Schools. The new build will be sustainable for the long term and has been designed in consultation with the schools and community so that it meets the requirements identified for the area.

*The above represents a summary of the comments received on these applications. The full written text is available for inspection on the application files which can be viewed at:*

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDJXBRGDMNK00>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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85. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received. It is considered that the main planning issues in this instance relate to the principle of the development, highways and access, biodiversity, landscape, design, cultural heritage, residential amenity, flood risk and drainage, contaminated land, coal mining risk and recreational space.

### Principle of the development

86. 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 City of Durham Local Plan (CDLP) remains a statutory component of the development plan and is the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
87. The CDLP was adopted in 2004 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.
88. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.

- 89. Whilst there are no policies in the CDLP relating specifically to new school development, Policy C8 sets out criteria for new community facilities including that they should be located within a settlement boundary. Given the age of the evidence which informed the CDLP settlement boundaries, based on the development needs of the time, the policy is considered out of date. Whilst this does not mean that the policy should be disregarded or be given no weight, the weight that can be afforded to it is reduced. Policy C8 is a policy most important for determining the application and given it is out of date the provisions of Paragraph 11d are engaged.
- 90. Paragraph 94 of the NPPF advises it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. The proposed development would provide a new school facility with adequate places in the heart of the community.
- 91. Notwithstanding the engagement of Paragraph 11d of the NPPF, the principle of the development is considered to accord with CDLP Policy C8 which amongst its advice requires development to be within a settlement boundary and located close to residential areas. Policy C8 also provides guidance on a range of other material planning issues, matters which are discussed as necessary in other sections of this report.

#### Highways and Access

- 92. CDLP Policy T1 seeks to restrict development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property whilst Policy Q2 requires a satisfactory means of access. These policies are consistent with the NPPF in that it's purpose is to maintain highway safety. The NPPF adds at Paragraph 109, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 93. CDLP Policy T10 aims to limit vehicle parking to promote sustainable transport choices and reduce land take of development. This policy is inconsistent with the content of the NPPF as the NPPF is considered to permit a more flexible approach to parking standards and furthermore the parking standards which have informed Policy T10 are out of date. The County Durham Parking and Accessibility Standards 2019 sets out a recommended parking provision for primary schools out of town centres at 1 space per member of teaching staff and 1 visitor space per 50 pupils. Policy T20 encourages the provision of facilities for parking cycles at appropriate locations with the recommended spaces set out in the County Durham Parking and Accessibility Standards 2019 at 1 space per 20 pupils and 1 space per 5 members of staff. CDLP Policy T5

sets out an overarching aim to encourage improvements to assist the use of public transport. CDLP Policies T5, and T20 are considered to be consistent with the NPPF and can be afforded weight in the determination of the application.

94. The proposed development would see the existing school access being moved from Surtees Avenue with a new junction being created to the south west of the site on to the C12A road. The proposed car park would have accessible parking bays in close proximity to the main pupil entrance with a total capacity of 145 parking spaces including 5 disabled parking bays. This includes the external/parental parking 63 bays and the school site parking 82 in total including 5 disabled bays.
95. A Transport Assessment (TA) has been submitted in support of the application which addresses development impacts and mitigation. The TA identifies 191 two-way vehicular movements during the peak hours associated with staff and parent travel and also advises that the application site would provide excellent opportunity for staff and students to access the site by walking.
96. Following initial highway comments, an addendum to the TA was submitted with additional committed developments included and with reviewed modelling this indicates significant stress at junctions on the A177 in Bowburn. The TA advises that this issue would occur regardless of the proposed development and there is no reasonable mitigation to avoid this.
97. It is demonstrated within the TA that 82 parking spaces, including those for Staff and visitors, would be required to meet current standards. The proposal to provide 145 spaces is therefore in excess of that set out in the County Durham Parking and Accessibility Standards 2019. Similarly, it is demonstrated 30 cycle parking spaces would be required but only 12 cycle spaces are proposed. This is below parking standards and it is recommended that a condition be imposed requiring additional spaces to be provided.
98. Highways officers have considered the proposal and raised some concerns in respect of the parent car park on the proposed access road due to the overprovision of spaces and potential conflicts between vehicles and pedestrians. Congestion is predicted to occur, particularly at the start of the school day. Notwithstanding this, the layout of the parent car park and access to the school from a ghost island priority junction on Grange Park Crescent is considered to be acceptable.
99. Officers have also noted the findings of the TA in respect of wider traffic issues and the impact of other committed developments on junctions within Bowburn. It is envisaged that during peak periods this would result in parents wishing to use the drop off facilities avoiding the Crow Trees Lane junction and finding an alternative route. As with all school travel, parent drop off and pick up is a constant issue and whilst the proposed overprovision of visitor parking would be contrary to policy, on balance this is likely to be preferable to not providing parking in this case.

100. In conclusion Highways officers raise no objections to the proposals and although there would be some highway impacts it would be unlikely to be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property in accordance with CDLP Policies T1 and Q2 and Paragraphs 108 and 109 of the NPPF. Provision has been made for sustainable transport with cycle parking and footpath links. The proposal would therefore also accord with CDLP Policies T5 and T20 and Paragraph 108 of the NPPF.

## Biodiversity

101. Within 2km of the site there are three Local Wildlife Sites (LWS) including Coxhoe Ponds 850m to the south, Quarrington Hill and Coxhoe Bank 1500m to the south east and Turisdale West Ponds 2km to the south west. Cassop Hill Vale Site of Special Scientific Interest (SSSI) is located approximately 1m to the east. CDLP Policy E17 relates to the SSSI and E18 the LWSs with both policies seeking to protect the nature conservation value of these designated sites, consistent with content within Part 15 of the NPPF.
102. CDLP Policy E16 seeks to protect and enhance nature conservation assets and requires development outside of specifically protected sites to carry out surveys to assess wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Any harm to these assets should be avoided or mitigated. Paragraph 175 of the NPPF states that when determining planning applications, Local Planning Authorities should apply the principle that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. CDLP Policy E16 makes provision for compensation, in accordance with Paragraph 175 of the NPPF and can therefore be afforded weight in the determination of the application.
103. A Preliminary Ecological Assessment (PEA) has been submitted with the application. The purpose of the assessment is to identify priority and protected species and habitats that may be present on the site. No priority or protected species were found on the site, however, the development would result in the loss of broadleaved woodland, scrub and hedgerows and advises that in order to compensate for this loss a financial contribution should be paid for offsite ecological works.
104. In order to mitigate the loss of the habitat it has been agreed that a sum of £12,962 will be provided for offsite biodiversity projects. In accordance with Paragraph 175 of the NPPF, compensation is the least sequentially preferable option, however, in order to maximise the space for provision of the new school and facilities without the further loss of playing fields it is unlikely that onsite mitigation could adequately offset the loss of biodiversity.
105. Ecology officers have accepted compensation as an appropriate form of mitigation in this case and no other objections have been raised regarding impacts upon the statutory or non-statutory designated ecology sites or

protected species in accordance with CDLP Policies E16, E17 and E18. The compensatory financial contribution would be ring fenced and utilised for an off-site biodiversity project.

## Landscape

106. The application site is a rectangular shape with boundaries formed by hedgerows and some trees that have, in places, become overgrown. Other than the boundary there is very limited planting within the site beyond the grass playing field. The site is not located within any landscape designations.
107. CDLP Policy Q5 requires new development to incorporate a high level of landscaping in its overall design and layout. With the application site being located on the edge of Bowburn Policy Q6 is also applicable which requires new development to incorporate peripheral structure planting to minimise any adverse impact. Policies E14 and E15 seek to retain trees where possible and also encourage new tree and hedgerow planting on major development sites. CDLP Policies Q5, Q6, E14 and E15 are considered to be consistent with the NPPF and can be afforded weight in the determination of this application.
108. Paragraph 127 of the NPPF states that developments should function well whilst also being visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
109. The proposed development sets out detailed landscape proposals for the site with new planting and maintenance of existing boundary and structure planting. Landscape officers have provided comments during the determination of the application and amendments have been made to improve the design. A request for additional hard playspace has not been possible due to impacts on drainage. No objections are raised from the Landscape team and it is therefore considered that the proposal would accord with CDLP Policies Q5, Q6, E14 and E15 and Part 8 of the NPPF.

## Design

110. The application site is an existing school with a mix of single and two storey design. The design of the existing buildings is of CLASP (Consortium of Local Authorities Special Programme ?) standard with an inner steel framework clad with prefabricated panels. The school and hard play areas are located at the south western side of the site with the playing field to the north east.
111. CDLP Policies Q1 and Q2 set out design criteria to ensure that new development is suitable and accessible for all users. Policies Q3 and Q4 set standards for parking and public spaces design. Policy U14 encourages the layout of development be energy efficient together with the use of energy efficient materials and construction techniques. CDLP Policies Q1, Q2, Q3, Q4 and U14 are considered to be consistent with the NPPF and can be afforded weight in the determination of the application.

112. Paragraph 127 of the NPPF states that developments should function well whilst also being visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
113. The proposed new school building has a simple 'L' shaped design spread over 2 stories with a double height hall. This design maximises teaching space in the building whilst making efficient use of land. Clustering the user spaces into a 2 storey design optimises energy efficiency. The building would be primarily be constructed from brick for long term durability, ease of maintenance and to respect the setting of the school. Level accesses would provide to most doors and a lift would support stair access to the first floor. Teaching areas are clearly delineated from staff and office space and the site is laid out to ensure security for users.
114. Design and Conservation officers requested minor changes to the scheme but it was unfortunately not possible to deliver these due to user requirements of the school and prohibitive costs. However, no objections are made by officers and it is considered that the proposal would accord with CDLP Policies Q1, Q2, Q3, Q4 and U14 and Part 8 of the NPPF.
115. CDLP Policy Q15 seeks to encourage the provision of artistic elements in the design and layout of proposed developments or a financial contribution in lieu. The NPPF, which supportive of good design, is silent on public art. No public art is proposed as part of the development and it is not considered necessary to make the development acceptable. The design of the building provides external wall spaces where the school may wish to install their own artwork in the future.

#### Cultural Heritage

116. In assessing an application, regard must be had to the statutory duties imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 imposes a statutory duty 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.
117. CDLP Policies E21, E22 and E23 seek to restrict development that would have a harmful impact upon Conservation Areas, Listed Buildings and other non-designated heritage assets. Policy E24 advises that 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. CDLP Policies E21, E22, E23 and E24 are considered only partially consistent with the NPPF but can be afforded weight in the determination of this application.

118. The application site is not within any designated areas although the Bowburn Conservation Area is located approximately 400m to the west. There is one listed building within 2km of the application site and that is the Grade II listed Old Railway Station approximately 1500m to the north at Shincliffe. Due to the distances between the application site and heritage assets it is considered that there would be no harm to their significance. Design and Conservation officers have raised no objections in relation to impact to heritage assets and it is therefore considered that the proposal would accord with CDLP Policies E21, E22 and E23 with no conflict with advice within Part 16 of the NPPF.
119. An archaeological evaluation report was submitted in support of the application. Trial trenching of the application site showed there to be furrows of medieval or post-medieval ploughing cutting into the subsoil but no significant archaeological resource was found and no mitigation is proposed. The Archaeology team have considered the application and submitted report and raised no objections. The development would not result in the loss of any significant archaeological value and it is therefore considered that the proposal would accord with CDLP Policy E24 and relevant advice within Part 16 of the NPPF.

#### Residential Amenity

120. CDLP Policy U5 seeks to resist development that may cause an unacceptable adverse impact upon the quality of the local environment; the amenity of nearby and adjoining land and property or; will unnecessarily constrain the development of neighbouring land. CDLP Policy H13 seeks to restrict development that would have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them. Similarly, CDLP Policy C8 sets out that new community facilities should not adversely affect amenity. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF requires new development to be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment by mitigating and reducing adverse impacts from noise, protecting tranquil areas and limiting light pollution. Paragraph 181 advises more specifically in regards to air quality including that opportunities to improve air quality or mitigate impacts should be identified. CDLP Policy U5 is considered to be consistent with the NPPF and can be afforded weight in the determination of this application. Policy H13 is considered to be consistent with the NPPF and can be afforded weight in the determination of this application.
121. The nearest residential properties to the site are located immediately to the site boundary on Montaigne Drive, Carlin Close, Oakfield Crescent, Charlton Court, Lawson Road and Surtees Avenue. The proposed school building would be constructed more than 50m away from any residential property, significantly limiting any potential loss of privacy or impacts due to loss of light or outlook. There is public parkland to the south of the site. There are no public rights of way within or in the vicinity of the site.

122. The issues raised by local residents do not relate to the principle of the school in the proposed location or the design of the building. Concerns have, however, been raised in respect of the potential for community use carrying on into the evening with associated noise and light pollution, impact to, or loss of trees and hedgerows and effects of outdoor activities such as balls being kicked over fences etc. A resident living in close proximity to the proposed staff car park has also raised privacy concerns from vehicles arriving and leaving the site early in the morning and late at night.
123. Through the determination of the application it has been agreed with the applicant that community use of the outdoor sports facilities would not occur after 6pm Monday to Friday and not at all on weekends. A planning condition would secure this. There would be no floodlighting of the site and so use of outdoor facilities would be seasonally constrained to summer months when there is sufficient daylight available. It has also been identified that it was mistakenly shown in the application that school would be open from 4:15am, which is incorrect. The limitation to the school opening hours should alleviate the concern raised by the neighbouring resident in respect of privacy from early morning and late evening use of the staff car park.
124. There would be some impact to trees and hedgerows through the development of the site but this would involve minimal loss of trees that have not already been removed. The majority of works would be to trim back overgrown hedges, which would allow the installation of new fences. Neighbouring residents have suggested placing new fences on the inside of the existing hedgerows and trees, however, this is not deemed necessary and would reduce the land available for sports and outdoor play provision. Whilst there is always a risk that balls will leave the site through play and sports the pitches have been orientated to minimise this risk.
125. The application has been assessed by Environmental Health and Consumer Protection officers and no objections are raised subject to the limitation on community use hours. Air Quality officers have considered the potential impact of emissions from the proposed plant and equipment to be installed and raised no objections. No other issues in respect of residential amenity have been raised and it is therefore considered that the proposal would accord with CDLP Policies H13, C8 and U5 and Parts 12 and 15 of the NPPF.

#### Flood Risk and Drainage

126. CDLP Policy U8a requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Part 14 of the NPPF seeks to ensure that new development does not increase flooding elsewhere and incorporates sustainable drainage systems. Policy U10 relates to development and flood risk, seeking to ensure unacceptable flood risk issues do not result from development. These policies are consistent with the content of the NPPF.
127. A flood risk assessment (FRA) and drainage strategy have been submitted in support of the application which advises that the site is located with flood zone

1, which is land least prone to flooding. The drainage strategy sets out the baseline situation for the existing site and proposes Sustainable Drainage Systems (SuDS) techniques in the form of a detention basin and permeable parking bay construction. The detention basin would be fenced to ensure the safety of site users.

128. Northumbrian Water has considered the proposal and noted that there is some uncertainty regarding the discharge point for foul water and therefore a condition has been recommended to confirm this detail. The Councils Drainage Team have raised no objections to the proposals and it is therefore considered that the development would accord with CDLP Policies U8a and U10 and Part 14 of the NPPF.

#### Contaminated Land

129. CDLP Policies U11 and U12 set out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated, or close to a contaminated site, will be assessed. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict and contaminated land, where appropriate. CDLP Policies U11 and U12 are considered to be consistent with the NPPF and can be afforded weight in the determination of this application.
130. A Ground Investigation Strategy and Ground Investigation and Geotechnical Design Report have been submitted in support of the application. It is identified that no remedial work is required in relation to the construction of the new school. Contaminated Land officers have considered the submitted information and agree with this but also note that further ground investigation and potential remedial work will be required following the demolition of the existing school building. Planning conditions would secure this work.
131. Subject to the conditions noted above being imposed it is considered that the proposed development would not accord with CDLP Policies U11 and U12, and Part 15 of the NPPF.

#### Coal Mining Risk

132. CDLP Policy U13 advises that development on unstable land will only be permitted where there is no risk resulting from that instability or where the instability can be remediated. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict and contaminated land, where appropriate. CDLP Policy U13 is considered to be consistent with the NPPF.
133. The site is within a mixture of High and Low Risk Coalfield Development areas with the high risk band underlying the proposed location for the new school building. A Ground Investigation and Geotechnical Design Report has been submitted in support of the application which is supported by intrusive ground

investigations in the form of rotary boreholes. The submitted information shows that there are no coal seams within 30m depth beneath the proposed school building.

134. The Coal Authority have considered the application and submitted information and consider that the risk of coal mining legacy within the application site is not significant and raise no objections. No further mitigation works are recommended and it is therefore considered that the proposal accords with CDLP Policy U13 and Part 15 of the NPPF.

#### Recreational Space

135. CDLP Policies R1 and R3 seek to provide and protect recreational open space to the minimum level of 2.4ha per 1000 population. Policy R3 states the loss of open space may only be permitted where the development is for new or improved facilities relating to the existing recreational use or it's loss will not prejudice the overall standard of open space for outdoor recreation within the immediate area in accordance with Policy R1. Policies R1 and R3 are only partially consistent with the NPPF as they set open space provision levels that are no longer up to date.
136. Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
137. The proposed development would involve the construction of new primary school on the playing fields of the existing Bowburn Junior School. This would result in the loss of the existing playing field, which would be largely mitigated when the existing school is demolished and new hard and soft play spaces can be created. As the new school would be larger than the existing there would be a net loss of play space on the site. However, the existing playing field suffers from poor drainage and is not fully utilised due to this. The new play spaces would provide a significant upgrade in the range and quality of facilities. As the existing school playing fields are not available for community use their loss is not restricted by CDLP Policies R1 or R3.
138. In addition to the redevelopment of the existing school site, a new access road would be created across the adjacent recreation ground which would have the effect of reducing the available playing field space, although both the 11-a side and 9-a side pitches would be retained. Parking for parent drop off would be available for users of these pitches outside of school hours.
139. Sport England has assessed the proposals and calculated that there would be a loss of 1.8ha of playing fields as a result of the development consisting of 1.3ha from within the existing school site and 0.5ha from the adjacent recreation

ground. A concession is made that within the proposed plans for the school there would be two new football pitches but as neither amount to a floor area of 0.2ha or more they cannot be considered as playing pitches.

140. The objection from Sport England was anticipated from a pre-application stage as it was known that there would be a quantitative deficit of playing field provision arising from the new school development. However, the proposals aimed to mitigate this loss through higher quality play spaces that are more varied and better suited to modern education and the target age groups. The existing football pitches on the adjacent recreation land would be retained with only the unused space to the east of the pitches used for the proposed access road and car park. Whilst it is correct that 0.5ha of open space would be lost to this development it would not result in a significant degradation in the standard of space for outdoor recreation as the playing pitches are still available. The availability of parking out of school hours for users of the playing pitches is additional benefit of the proposal and it is therefore considered that the development would not conflict with CDLP Policies R1 or R3. It is also considered that the overall provision of playing fields and play space is an improvement over the existing facilities in accordance with Part 8 of the NPPF.
141. The Town and Country Planning (Consultation) (England) Direction 2009 advises that in situations where Sport England have objected to a development it must be referred to the Secretary of State for consideration. It is therefore advised that Members can only be minded to approve this application.

#### Planning Balance

142. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as policies most important to the determination of the application are out of date. There are no NPPF policies that protect areas or assets of particular importance which provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

#### *Benefits*

143. The proposal would deliver a larger, more sustainable school in a new build that can provide primary education for the community of Bowburn for the long term, addressing the pressure on school places including as a result of the growth via housing developments. The NPPF advises that great weight should be given to creating, expanding or altering schools to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
144. The development would be sustainable for the long term and has been designed in consultation with the schools and community so that it meets the requirements identified for the area.

145. Shared use parking for the new school would provide improved access to existing sports facilities adjacent to the proposed site.
146. Overall, based upon the ecological works proposed in addition to the financial contribution to be secured it is considered that the development would lead to net gain in terms of biodiversity.

#### *Adverse Impacts*

147. The development fails to fully achieve sustainable transport objectives.
148. There would be a net loss of 1.8ha of playing fields from the existing school site and adjacent recreational land and Sport England have objected as a result.

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## **CONCLUSION**

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149. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
150. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making this means:
  - c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
151. As the result of the local plan context the part 11 (d) applies in this case. There are no specific policies to which limb d(i) above relates which are applicable to the determination of this application and therefore the balance of adverse and beneficial impacts at limb ii applies.
152. The development fails to fully achieve sustainable transport objectives and there would be a loss of 1.8ha of playing field. These adverse impacts do not significantly and demonstrably outweigh the benefits of the development, most significantly providing a new primary school for the community. Therefore, with

the presumption in favour of sustainable development being engaged, officers recommend that planning permission should be granted.

153. The proposal has generated limited public interest with three letters of objection having been received. This objection and the concerns raised have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

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## **RECOMMENDATION**

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That the Committee is **MINDED TO APPROVE** the application subject to the referral of the application to the Secretary of State; and, in the event of the application not being called in, the Head of Planning be authorised to determine the application, and, subject to the completion of an internal transfer of funds to the Council's ecology section to secure the following:

- £12,962 is required to be used towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy.

and subject to the following conditions:

### **Commencement**

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 Documents**

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

Drawing No. 0002 Rev.P5 'Phasing Plan'  
Drawing No. 0003 Rev.P3 'Proposed Site Plan'  
Drawing No. 3001 Rev.P17 'Ground Floor GA Plan'  
Drawing No. 3002 Rev.P17 'Level 01 GA Plan'  
Drawing No. 3003 Rev.P6 'Roof GA Plan'  
Drawing No. 3004 Rev.P8 'Gross Internal Floor Area Plan'  
Drawing No. 3601 Rev.P13 'GA Elevations'  
Drawing No. 3701 Rev.P5 'Detailed Elevations'  
Drawing No. 3801 Rev.P10 'GA Sections'  
Drawing No. 9902 Rev.P1 'Reception Entrance View'  
Drawing No. 9904 Rev.P1 'Nursery Classroom View'  
Drawing No. 9905 Rev.P1 'Main Entrance Daytime View'  
Drawing No. 9907 Rev.P1 'Rear Approach View'

Drawing No. BSXX(63)4002 'External Lighting Planning Layout'  
 Drawing No. CLXX(90)1001 'Hardstanding Finishes'  
 Drawing No. SI-00-DR-L-0010 Rev.P06 'Site Sections'  
 Drawing No. SI-00-DR-L-0015 Rev.P08 'Playing Field Areas'  
 Drawing No. SI-00-DR-L-0020 Rev.P08 'Fencing Strategy'  
 Drawing No. SI-00-DR-L-0030 Rev.P07 'Circulation Plan'  
 Drawing No. SI-00-DR-L-0100 Rev.P18 'General Arrangement Overview'  
 Drawing No. SI-00-DR-L-0101 Rev.P02 'General Arrangement Hardworks Sheet 1/3'  
 Drawing No. SI-00-DR-L-0102 Rev.P02 'General Arrangement Hardworks Sheet 2/3'  
 Drawing No. SI-00-DR-L-0103 Rev.P02 'General Arrangement Hardworks Sheet 3/3'  
 Drawing No. SI-00-DR-L-0200 Rev.P02 'Indicative Levels and Contours Overview'  
 Drawing No. SI-00-DR-L-0201 Rev.P02 'Indicative Levels and Contours Sheet 1/3'  
 Drawing No. SI-00-DR-L-0202 Rev.P02 'Indicative Levels and Contours Sheet 2/3'  
 Drawing No. SI-00-DR-L-0203 Rev.P02 'Indicative Levels and Contours Sheet 3/3'  
 Drawing No. SI-00-DR-L-0300 Rev.P02 'General Arrangement Softworks Overview'  
 Drawing No. SI-00-DR-L-0301 Rev.P02 'General Arrangement Softworks Sheet 1/3'  
 Drawing No. SI-00-DR-L-0302 Rev.P01 'General Arrangement Softworks Sheet 2/3'  
 Drawing No. SI-00-DR-L-0303 Rev.P01 'General Arrangement Softworks Sheet 3/3'  
 Drawing No. SI-XX-DR-L-0500 Rev.P01 'Typical Hardworks Details Sheet 1'  
 Drawing No. SI-XX-DR-L-0501 Rev.P01 'Typical Hardworks Details Sheet 2'  
 Drawing No. SI-XX-DR-L-0502 Rev.P01 'Typical Hardworks Details Sheet 3'  
 Drawing No. SI-XX-DR-L-0510 'Typical Softworks Details Sheet 1'  
 Drawing No. 1372999-DCC-HE-05-01 Rev.0/A 'Proposed Drainage Layout'  
 Drawing: Bowburn Primary School Architectural Material Sample Board  
 Arboricultural Report Rev.B Dated 3 January 2019  
 Archaeological Evaluation Report 4793 Dated June 2018  
 Drainage Strategy Ref. 1016756-C-RPT-002 Dated 7 June 2019  
 Environmental Noise Report Ref. 1016756-RPT-AS-001 Dated 20 April 2018  
 Factual Report on Site Investigation for Land at Bowburn Primary School  
 Flood Risk Assessment Ref. 1016756-C-RPT-001 Dated 7 June 2019  
 Ground Investigation and Geotechnical Design Report Dated 14 November 2018  
 Preliminary Ecological Assessment Dated December 2018

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies C8, E14, E15, E16, T10, T20, Q1, Q2, Q3, Q4, Q5, Q6, U5, U8a and U14 of the City of Durham Local Plan and the NPPF.*

### **Contaminated Land (Phases 2 and 3)**

3. The proposed playing fields in the location of the existing school are not to be developed and brought into use until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a further Phase 2 site investigation as detailed in the Jacobs report and shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with City of Durham Local Plan Policies U11 and U12 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

### **Contaminated Land (Phase 4)**

4. Remediation works shall be carried out in accordance with the approved remediation strategy. The playing fields in the location of the existing school shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with City of Durham Local Plan Policies U11 and U12 and Part 15 of the National Planning Policy Framework.*

### **Sustainable Travel**

5. Prior to the opening of the new school, a School Travel Plan must be submitted to and agreed in writing by the Local Planning Authority. Modeshift STARS must be used to carry out this process and a minimum of Bronze Level Accreditation must be achieved within 1 year of the building work being complete. This must be implemented in accordance with the agreed.

*Reason: In the interest of sustainable transport and highway safety in accordance with City of Durham Local Plan Policies T1, T10 and T20 and Part 9 of the NPPF.*

6. A scheme for the provision of additional cycle parking spaces shall be submitted to the Local Planning Authority for approval in writing and subsequently implemented prior to the development being brought into use.

*Reason: In the interest of sustainable transport and highway safety in accordance with City of Durham Local Plan Policies T1, T10 and T20 and Part 9 of the NPPF.*

### **Drainage**

7. Prior to the commencement of development a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with City of Durham Local Plan Policy U8a and Part 14 NPPF. Required to be pre-commencement to understand utility requirements.

### **Air Quality**

8. Prior to the installation of the boiler plant a detailed stack height calculation and supporting plan shall be submitted to the Local Planning Authority for approval in writing.

*Reason: In the interests of residential amenity in accordance with City of Durham Local Plan Policy U5 and Part 15 of the NPPF.*

### **Ecology Mitigation**

9. The development shall take place in strict accordance with the recommendations detailed in Section F of the submitted Preliminary Ecological Assessment Dated December 2018.

*Reason: In the interests of biodiversity protection and enhancement in accordance with City of Durham Local Plan Policy E16 and Part 15 of the NPPF.*

### **Construction Management**

10. No development including demolition works shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Full specification and details of all non-road mobile machinery (NRMM) so as to inform their potential air pollution emissions
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles (inclusive of wheel washing);
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);

- Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Site Waste Management – inclusive of a waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works
- Detail of measures for liaison with the local community and procedures to deal with any complaints received
- Details/commitment to ensure that the annual average daily demolition/construction vehicular trips will not exceed 25 HDV movements per day over the demolition/construction period in its entirety

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

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

*Reason: In the interests of preserving residential amenity during the construction phases of the development having regards to CDLP Policies U5 and T1 and Part 15 of the NPPF.*

## **Community Use**

11. The outdoor sports facilities shall not be used outside of the hours of 0800 to 1800 Monday to Friday and not at all on weekends.

*Reason: In the interests of residential amenity in accordance with CDLP Policies U5, C8 and H13 and Part 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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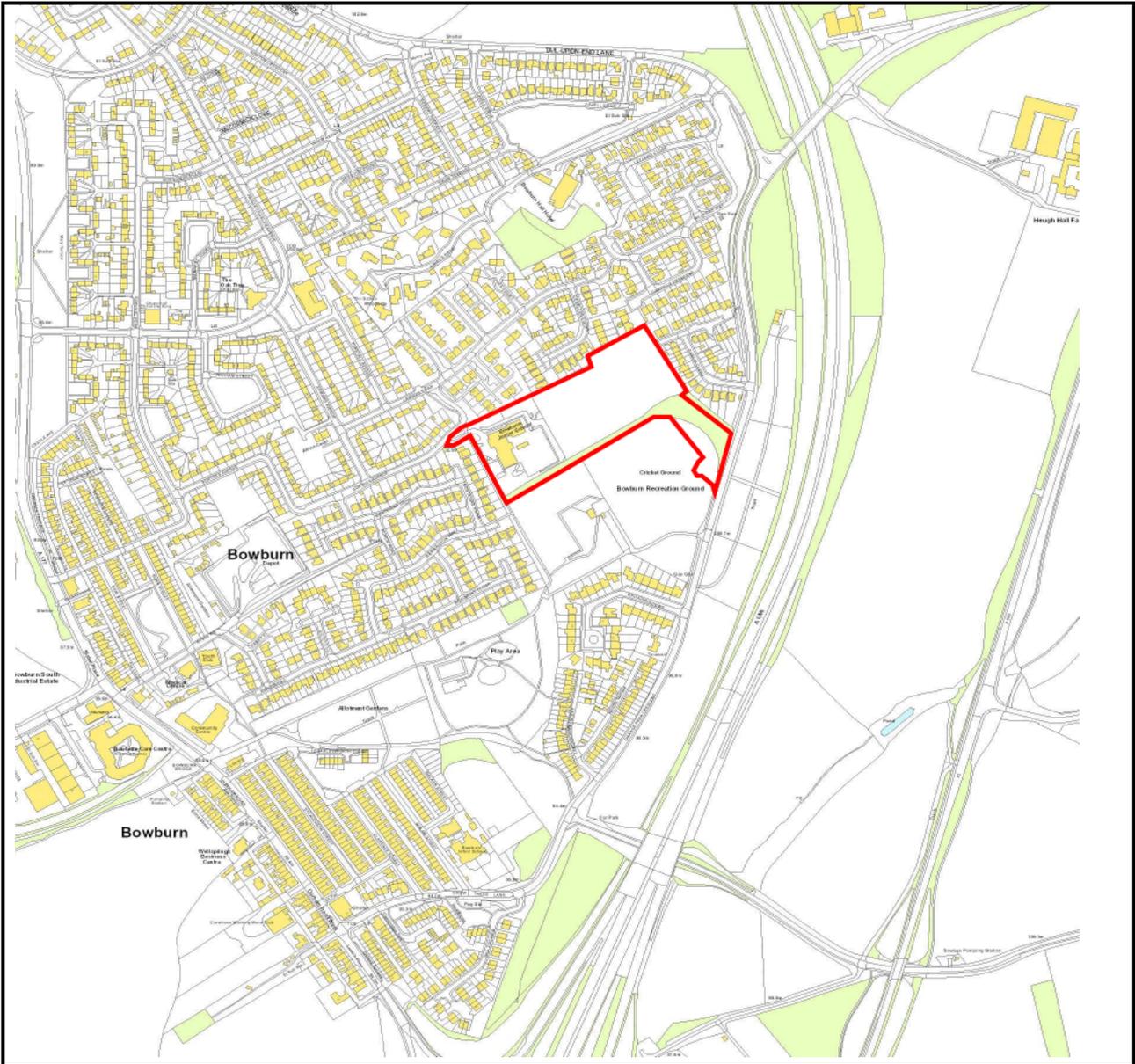
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of 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) of the

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## **BACKGROUND PAPERS**

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



**Planning Services**

DM/19/01838/FPA

New primary school on site of existing Bowburn Junior School with new access road and landscaping and demolition of existing school building at Bowburn Junior School

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**Comments**

**Date**  
3 September 2019

**Scale**  
Not to scale

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